

GRAND COUNTY PLANNING COMMISSION

September 13, 2023

MEMBERS PRESENT: Bob Gnuse
Loreta Silverio
Chris Murphy
Brad White (webex)
Lynn Adams
Ryan McNerty

MEMBERS ABSENT: Shaun Mullahey
Kim Shepton

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

The September 13, 2023 Grand County Planning Commission. The meeting was called to order by Ryan McNerty at 5:32 p.m. There were no minutes approved. August 9, 2023 will need to be reviewed again and approved on October 9 2023.

1.) Amended Final Plat, Lot 9, Winter Park Highlands Unit-3 Subdivision

This request is to relocate an undefined easement on Lot 9 in Winter Park Highlands Unit 3.

STAFF COMMENTS

✓A correctly executed Quit-Claim deed conveying the new legal descriptions from Heidi Weisskopf to Heidi Weisskopf shall be provided at the time of recording. The deed shall leave a place for reference to the Amended Final Plat recording reception number to be added.

STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat of Lot 9 Winter Park Highlands Unit-3 with the following conditions to be met or sufficiently addressed prior to recording:

1. A correctly executed 24” by 36” mylar plat at a minimum scale of 1”=100’ shall be provided.
2. A Notarized documentation from the beneficiary of the access easement shall be provided.
3. Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre shall be shown on the plat.
4. An electronic copy of the Amended Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any final plat.

5. A correctly executed Quit-Claim deed conveying the new legal descriptions from Heidi Weisskopf to Heidi Weisskopf shall be provided at the time of recording. The deed shall leave a place for reference to the Amended Final Plat recording reception number to be added.

All legal items are subject to the review and approval of the Grand County Attorney's office.

DISCUSSIONS:

Bob asked for clarification on the reason that the access was being relocated was to provide an area for them (applicant) to build on below and that is the main reason of the diversion. Hannah confirmed with a yes.

Ryan asked if the owner of Lot 10 had been notified and are they in approval of the access change? Hannah stated that the owner of Lot 10 has been notified by phone and email and planning & zoning will be getting a notarized document that states that the owner of Lot 10 approves it as well. It is also one of the conditions.

Ryan entertained a motion and Chris motioned to recommend approval of the amended final plat of lot 9 Winter Park Highlands Unit 3 with 5 conditions. Bob seconds the motion and the motion carries with all commissioners in favor.

2.) Amended Final Plat, Tracts 21, North ½ of 22, North ½ of 27 and 28; and the South ½ of 22, 23, 24, 26, and the South ½ of 27 in the Gudgel Subdivision

A request to redraw the property line such that two (2) Tracts of adjoining land are evenly divided, creating one straight property line that goes from east to west. The applicants are also requesting to join their own separate Tracts. This will result in 2 Tracts from the current seven (7) Tracts.

STAFF COMMENTS

The following Quit Claim Deeds shall be provided prior to recording:

1. ✓Tract 23A from Foss to Foss.
2. ✓Tract 21A from Foss to Schliep.
3. ✓Tract 21A from Schliep to Schliep.
4. ✓Tract 23A from Schliep to Foss.

STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat of Tracts 21, the North ½ of 22, North ½ of 27, 28; and the South ½ of 22, 23, 24, 26 and the South ½ of 27 in the Gudgel Subdivision with the following conditions to be met or sufficiently addressed prior to recording:

1. The Final Mylar shall be on a 24" x 36" sheet, at a minimum scale of 1" = 100'.
2. An electronic copy in AutoCAD.dwg format of the Final Plat shall be emailed to planning@co.grand.co.us

3. All recording fees are to be paid by the Applicants.

The following Quit Claim Deeds shall be provided prior to recording:

4. Tract 23A from Foss to Foss.
5. Tract 21A from Foss to Schliep.
6. Tract 21A from Schliep to Schliep.
7. Tract 23A from Schliep to Foss.

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:

Loretta asked if the union of each owner's tracts were nonconforming? Danielle stated that they would be conforming.

With no further discussion Ryan entertained a motion and Lynn moved to recommend approval for the Amended Final Plat, Tracts 21, North ½ of 22, North ½ of 27 and 28; and the South ½ of 22, 23, 24, 26, and the South ½ of 27 in the Gudgel Subdivision, and the motion carries with all in favor.

3.) Lots 46A and 47A, Amended Final Plat of Grand View Park

A request to redraw the property line that separates Lots 46 and 47 in order to build an attached garage on Lot 46 and comply with the 20% maximum area of the Lot coverage permitted for residences that is stated in the Grand View Park Protective Covenants.

STAFF COMMENTS

The following statements shall be provided in the notes on the Amended Final Plat for Lots 46A & 47A:

1. "This Amended Final Plat is subject to all notes contained on the original plat recorded at Receipt No. 28445 and on the Amended Final Plat recorded at Reception No. 97005037."
2. "In compliance with the Grand View Park Covenants, the maximum floor area for a residence shall not exceed over 1,655 square feet on Lot 47A."

Due to Lot 47A decreasing in size, if the owners, Mitchell D. & Margaret A. Greene ever wish to build a residence on the Lot, the residence could not exceed 1,655 square feet to comply with the 20% maximum floor area Covenant. Staff has received a written agreement from Mitchell Greene stating that he is aware of this.

STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat of Lots 46 and 47 in Grand View Park Subdivision with the following conditions to be met or sufficiently addressed prior to any hearing before the Board of County Commissioners:

1. The correct Lien Holder Certificate for Malisani shall be shown on the plat.
2. All Right-of-Ways shall show the name and width on the plat.
3. The location, dimensions and purpose of easements shall be shown on the plat.
4. Location and description of monuments shall be shown on the plat.
5. The following statements shall be provided in the notes on the Amended Final Plat for Lots 46A & 47A:
 - “This Amended Final Plat is subject to all notes contained on the original plat recorded at Receipt No. 28445 and on the Amended Final Plat recorded at Reception No. 97005037.”
 - “In compliance with the Grand View Park Covenants, the maximum floor area for a residence shall not exceed over 1,655 square feet on Lot 47A.”

The following conditions shall be met prior to recording:

6. An electronic copy in AutoCAD.dwg format of the Final Plat shall be emailed to planning@co.grand.co.us.
7. The Final Plat Mylar shall be on a 24” x 36” sheet, at a minimum scale of 1” = 100’.
8. All recording fees are to be paid by the Applicant.
9. The following Quit Claim Deeds shall be provided prior to recording:
 - Lot 46A from Greene to Malisani.
 - Lot 47A from Greene to Greene.
 - Lot 46A from Malisani to Malisani.

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:

Chris asked for clarification on what the difference made on the acreage. Kris stated that they are just moving the lot line up.

Bob wanted to know if something similar to this had been done before and Kris confirmed that it has been done. Bob also asked if there was a confirmation on amount of 1655 square feet stated. Kris also confirmed that it was based off of the .19 acreage.

With no further discussion Ryan entertained a motion and Loretta moved to recommend approval for the amended final plat of 46A and 47A and Bob seconded the motion, all in favor, motion carries.

4.) Reserve at Soda Creek - Sketch Plan

The applicant is requesting sketch plan approval of a fourteen (14) unit townhome development within seven (7) duplex buildings on 10.763 acres of land.

STAFF COMMENTS

There are two concerns regarding this project that staff has been made aware of. The first pertains to the fact that the Applicant is requesting to receive approval for a full Subdivision process on a Subdivision Exemption parcel. All Subdivision Exemption plats contain a note restricting use of each lot to one single family residence. Issue has been raised by concerned neighbors that this proposal violates the intent of the Subdivision Exemption land use process, by the County allowing a multi-family re-subdivision on a Subdivision Exemption property. Staff has received an opposing opinion from an attorney representing the owner of Parcel C, Soda Springs Subdivision Exemption. After extensive research and discussion with the County Attorney, it has been determined that this proposal is an appropriate use of the Subdivision process. Section 1.5 of the Subdivision Regulations states that the jurisdiction of the regulations applies to any **re-subdivision** or re-platting of a lot, parcel, or tract or land.

Section 1.5 of the Grand County Subdivision Regulations states:

1.5 JURISDICTION

These Regulations shall apply to any of the following activities within the unincorporated areas of Grand County, Colorado:

- (1) Any division of lands into a subdivision as defined in Section 1.6(4) of these Regulations.
- (2) Any **re-subdivision or re-platting of a lot, tract or parcel of land.**

This language allows this proposal, specifically regarding the ability to change a Subdivision Exemption plat, to be processed, reviewed, and approved, without violating any of the County's regulations. Plat notes have always been subject to change, whether through an amended final plat process or a full re-subdivision process. There have been numerous instances of Grand County amending Subdivision Exemption plats, via both the Outright Exemption and Amended Final Plat land use processes.

The second issue staff has been made aware of involves the private road being used for access to serve this proposal. As discussed above under the road and bridge standards compliance section, the Resolution of approval from 1999 reads as follows:

“WHEREAS, any future platting of Parcel “A”, Parcel “B” and/or Parcel “C” Soda Spring Subdivision exemption will require that the “Private Road” is constructed to applicable road standards based upon road classification, ADT levels and as prescribed by the Department of Engineering.”

The above statement clearly acknowledges that although the private road was not constructed to County Standards in 1999, any future re-platting would require compliance with current regulations.

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

✓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.

STAFF RECOMMENDATION

Staff recommends approval of the Reserve at Soda Creek – Sketch Plan with the following conditions to be met or adequately addressed with any Preliminary Plat submittal:

1. A current topographical map delineating all slopes in excel of 30% shall be provided with any Preliminary Plat submittal. All slopes in excess of 30% shall be clearly noted on the Preliminary Plat as non-development zones.
2. The irrigation ditch must be shown and labeled, and the following notes from the original Soda Springs Subdivision Exemption shall be placed on the plat:

✓The existing irrigation ditch as shown hereon does not appear to be of record. An exclusive easement is hereby granted to the owners, their successors and assigns to access the ditch for the express purpose of operation and maintenance of said ditch. Grantee shall be liable for any and all surface damage caused by said operation and maintenance. Grantor will reserve the right to grant easements to other utilities and persons, the right to install driveways, sidewalks, parking lots, trees, shrubs and fences on the affected property, and for such other uses which are not injurious to the easement right herein granted.

✓Wetland areas as shown hereon are approximate only. A qualified wetlands biologist must determine the wetlands area, if required. All costs associated with wetland determination shall be borne by the lot owner.

3. Soda Creek and the “wet meadow” shall be clearly delineated on the Preliminary Plat and labeled as a “non-disturbance zone” with the exception of the maintenance allowed on the irrigation ditch.
4. The plat shall be amended to show 25 foot easements for all driveways.
5. The following additional notes shall be placed on the plat:

This property is located within the Three Lakes Design Review Area and is subject to all design criteria of the overlay zoning district.

Noxious weeds shall be controlled in compliance with the Grand County Noxious Weed Management Plan on file with the Grand County Department of Natural Resources.

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.

Exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines. Use of “dark sky” fixtures is required.

A site specific soils report will be required at the time of building permit application. A radon mitigation system shall be incorporated into the design of any occupied structure constructed in this subdivision if recommended by the soils report.

6. All preliminary plat requirements within the Subdivision Regulations, and all requirements contained with Grand County Road and Bridge Standards shall be complied with.

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 a totally inclusive list, but simply pointing out some of the main issues that will need to be specifically provided.

DISCUSSION:

Ryan opened the room for discussion with the commissioners first and Brad stated that Kris answered his only question, which was that there is no real change from the last time it was presented before the Planning Commission.

Loreta stated her concerns about the roads and water were addressed and she had no further questions this round

Bob asked for clarification where parcel B & C were located. Kris pointed the parcels out on the sketch plan submitted on the certificate.

After an extensive discussion about the requirements, conditions, plat notes and regulations addressed in the sketch plan between the commissioners and the public Ryan entertained a motion and Loretta moved to Reserve at Soda Creek Sketch Plan, motion was seconded by Brad, all commissioners were in favor, motion carries.

5.) Tabernash Multi-Family – Sketch Plan

The applicant is requesting sketch plan approval of a 63 Unit Apartment project within five (5) buildings on 3.76 acres of land.

STAFF COMMENTS

MF-2 is located adjacent to Open space Tract “A”, a driveway, GCR 5221 and two (2) single family lots within Pole Creek Valley – Lot 7 and Lot 15. There is also a single family dwelling to the north, between Lot MF-2 and Lot 16, both designated on the Pole Creek Valley plat as future multi-family Lots.

During the previous submittal of a similar project on Lot MF-2, Staff received public comments pertaining to the increased density and the impact on the Pole Creek Valley Subdivision. Although MF-2 is currently platted for 20 units, this did not occur until 2006 when Coyote Creek was platted, which added density to Pole Creek Valley. At full build out of Pole Creek Valley single family lots, Coyote Creek Phase 1 and 2, and Lakeside at Pole Creek Townhomes, there is a total of 272 units in this area. There was concern that the increased density from 20 units is not in character with the neighboring properties. However, Pole Creek Valley Subdivision, created in 2000, was originally platted to develop up to four hundred (400) single-family and multi-family units and up to ten (10) commercial units in accordance with engineering, traffic design, and the creation of the Tabernash Water and Sanitation District. Given that the remaining area of Pole Creek Valley can be developed to an additional 128 units under the original studies, the added density of this development does not exceed the bounds of what this area or lot was designed for in 2000. This is further supported by the fact that during the platting of Pole Creek Valley, the developer was required to invest over \$900,000 on improvements to Highway 40 accel/decel lanes, County Roads, and collector roads alone. An 80 foot Right of Way for County Road 5221 was also dedicated with the creation of Pole Creek Valley Subdivision to accommodate future density.

Although the Applicant has not committed to a formal attainable housing project, the fact that the proposal is for rentals of studio, 1 bedroom and 2 bedroom units provides rental housing for individuals that choose to relocate to the County. All housing units, especially long term rental units, assist in the housing availability for Grand County workers.

If there is to be signage or monumentation identifying the subdivision, there shall be a designated tract depicted on the plat in accordance with setback and sight triangle requirements contained within the zoning regulations. Signage is not allowed within open space tracts. Certificate of Recommendation Tabernash MF-Sketch Planning Commission September 13, 2023 Page | 12

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.

All preliminary plat requirements contained within the Grand County Subdivision Regulations must also be provided with any submittal. As the proposed use is for long term rental units and the property will remain in single ownership, no covenants or bylaws are required.

All adjacent property owners were notified by first class mail of this request as required, as well as all interested parties who have provided email addresses for the previous “Divide” proposal.

STAFF RECOMMENDATION

Staff would like to remind the Planning Commission that this request complies with all applicable Grand County Regulations, and meets all the requirements for Sketch Plan approval.

Staff recommends approval of the Tabernash Multi-Family Sketch Plan with the following conditions to be met or adequately addressed with any Preliminary Plat submittal:

1. A Phase II Traffic Impact Analysis will be required as this is a new subdivision that will access and impact County Road 5221.
2. Recorded confirmation that the existing covenants for Lot MF-2 have been legally terminated shall be provided with any preliminary/final plat submittal
3. A landscaping plan with comprehensive cost estimates shall be provided.
4. Engineered, detailed plans for all infrastructure associated with water and sewer facilities shall be provided with any preliminary plat submittal. This shall include the entire system layout, all easements, lift stations, storage tanks, etc. The plans shall be sent to TMWSD for their review and approval at preliminary plat.
5. All utilities are required to be placed underground, which shall be noted on the plat. The location and size of existing and proposed utility easements within or adjacent to each lot is required to be provided with any preliminary plat submittal. Mountain Parks Electric, Xcel, and TMWSD will be review agencies with any preliminary plat submittal, and their requirements shall be made a part of any approval.
6. Engineered construction documents for the drives and parking areas including cost estimates shall be provided with any Preliminary Plat submittal. The parking area roof covering near Lots 7 and 15 shall be included in the estimate. Certificate of Recommendation Tabernash MF-Sketch Planning Commission September 13, 2023 Page | 13
7. The following additional notes shall be placed on the plat:

Noxious weeds shall be controlled in compliance with the Grand County Noxious Weed Management Plan on file with the Grand County Department of Natural Resources.

All structures within this development shall be restricted to earthen tone and similar muted colors that blend into the natural surroundings and landscape.

All exterior lighting shall be designed and installed to direct the light inward and downward onto the site and away from the adjoining properties. The source of light shall not be visible above a horizontal plane and shall fall within the property line. This can be accomplished by installing lighting fixtures designed to direct the light down or by installing shields in combination with angled lighting directing the light downward.

A site specific soils report will be required at the time of building permit application. A radon mitigation system shall be incorporated into the design of any occupied structure constructed in this subdivision if recommended by the soils report.

8. All preliminary plat requirements within the Subdivision Regulations, and all requirements contained with Grand County Road and Bridge Standards shall be complied with.

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 a totally inclusive list, but simply pointing out some of the main issues that will need to be specifically provided.

DISCUSSION:

Ryan opened the floor for discussion starting with the commissioners. Chris had a question about the change in the design from apartments to townhomes. Director Kris stated that the final design layout would require a plan change before being approved. Loretta wanted to know if they could mitigate the covenants in the beginning phases. Bob asked for clarification of the covered parking and the applicant representative showed on the sketch plan where there would be scattered covered parking to break up the overall look of the complex design.

Lynn voiced a concern about short term rental and Kris said there has not been discussion on that topic in the early phases of development. Lynn also had problem with the feather density for the location of the project.

Loretta also stated that she does appreciate this revised sketch planning and concerns of the community have been taken into consideration. There is definitely a need for rental housing in the community.

Ryan also voiced a concern addressing additional parking and the representative stated that it could be addressed as well in the preliminary plat.

After more extensive discussion on the sketch plan, covenants and density between the commissioners, representatives and public Ryan entertained a motion. Chris moved to

recommend approval for the Tabernash MF-2 Sketch plan, Brad second the motion. All commissioners were in favor except for Lynn who voted “Nay”, the vote was 5 to 1 and majority motion carries.

Brad motioned to adjourn and Chris seconded the motion. Meeting adjourned at 8:59pm