

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, August 12th, 2020

MEMBERS PRESENT: Sally Blea Will MacDonald
 Ingrid Karlstrom Kim Shepton
 Tara Fournet Bob Gnuse
 Marcus Davis Deborah Fitch
 Henry Broadhurst

MEMBERS ABSENT:

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

The meeting was called to order by Chairperson Marcus Davis at 6:38 PM. Roll call was taken.

Minutes from July 8th, 2020 were presented. Motion to approve by Ingrid Karlstrom with staff reviewing note from Ingrid. Seconded by Bob Gnuse. All in favor, “aye”. None opposed, July minutes approved.

A huge moment of thanks to Sally Blea with the understanding this is our last meeting with Sally this evening. Thank you for all your years of service and the mentorship that you have given people, the care and commitment that you have for this community and county.

There were 3 members of the Public in attendance by WebEx for the August 12th meeting.

Tracts 18-20 Perry Miller Tract – Amended Final Plat – Matthew Dall

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

Planning Commission , August 12, 2020 ; Board of County Commissioners TBD

PROJECT NAME : Amended Final Plat, Lots 18, 19, & 20, Block 3, Perry L. Miller Tract
APPLICANT : Matthew J., Taryl S., and Stephanie J. Dall, Owners
LOCATION : 161 GCR 4612
ZONING : Tourist District (T)

APPLICABLE

- REGULATIONS :** Grand County Zoning Regulations, Subdivision Regulations
- ATTACHMENTS :** Amended Final Plat, Letter of Application, Vicinity & Detail Maps, Title Commitment, Dall Variance Resolution
- STAFF PLANNER :** Jacob Cote
- REQUEST :** Approval of an Amended Final Plat to combine Lots 18, 19, and 20 to increase buildable area for the construction of a single-family residence.
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I. DISCUSSION

- a. **Proposal:** Matthew, Taryl, and Stephanie Dall, the “Applicant”, are co-owners of Lots 18, 19, and 20 in the Perry L. Miller Tract subdivision. The Perry L. Miller Tracts are located on the southwest side of Shadow Mountain Lake, close to the west side of US 34. The Applicant is proposing an Amended Final Plat that would combine the three lots, increasing the buildable area by eliminating the interior lot lines.

All three lots are currently vacant. The lots, when combined, would create a parcel approximately 0.23 acres in size. There are no public utility easements corresponding to any of the interior lot lines which this Amended Final Plat would vacate. Applicant has represented that, pending approval of this Amended Final Plat, they intend to construct a single-family residence approximately 1,200 ft.² large on the parcel. The dwelling will be connected to Three Lakes Water and Sanitation infrastructure systems.

The subject lots are surrounded by developed residential lots on all sides but the south. The neighborhood in which the Applicant’s property is located is full of small lots created before the County’s zoning regulations which created a significantly larger minimum lot size for the Tourist District. Consequently, the Applicant’s lots do not comply with minimum lot size requirements, nor would the property comply following approval of this proposed AFP.

- b. **History:**

Perry L. Miller Tracts subdivision was recorded September 29th, 1954 at Reception No. 78856. It comprises of four tracts and 61 lots. There have been two other Amended Final Plats approved in the Perry L. Miller Tracts.

There have also been three applications for variances in the Perry L Miller Tracts subdivision. The Applicant applied for a variance for the subject property in February 2020 to allow reduced front, side, and rear yard requirements. Had the variance request not been granted, the property would not have been developable. The Grand County Board of Adjustment granted the variance at the March 11, 2020 hearing. The variance approval is contingent on approval and recording of this proposed Amended Final Plat.

STAFF COMMENTS AND ANALYSIS

Staff supports this proposal to combine the three lots, eliminating the potential yard encroachments and increasing buildable area. This Amended Final Plat is a “part two” of the Applicant’s process to make this property buildable (the first part being the Yards Variance approved in March 2020). There are no utility easements on the interior lot lines which would be vacated, thereby reducing the impact of the lot line vacation on the neighboring properties.

The abnormally small lots in the area have made development difficult; zoning and subdivision regulations created since the platting of the lots has created legal non-conformities in the Perry L. Miller Tracts and surrounding subdivisions. Without approval of variances and Amended Final Plats—as we are seeing for this property—development of vacant parcels would not be possible.

II. COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. Master Plan

The subject property is located in the Grand Lake Urban Growth Area. The Urban Growth Area designation’s intent is to identify areas where higher density growth can best be accommodated. Parcels located within UGA’s are typically serviceable by public facilities, are easily connected to existing infrastructure, and have minimal impact on environmentally-sensitive areas in the County. Subdivisions located within Urban Growth Areas are typically of higher density, as well.

Applicable Elements of Master Plan:

2. Land Use - Growth and Development

2.2: The Pattern of Development

Promote an overall pattern of development that directs intensive development toward existing towns and communities.

By combining these lots to create a developable parcel, the County is encouraging infill development, an effective way to efficiently utilize existing infrastructure while preserving undisturbed lands away from the County’s developed towns and subdivisions.

Encourage development in designated Growth Areas to take advantage of existing infrastructure and public services or logically and efficiently extend or expand such amenity/infrastructure.

Approval of this Amended Final Plat would allow for development in a designated Growth Area (Grand Lake Growth Area (Urban Growth Area 2)) that is already served by infrastructure and public services.

2.3: Town and Community Pattern

Direct the majority of development toward Growth Areas with central water and/or central sewer

As mentioned above, development of the Applicant’s property would comply with this Master Plan policy.

Encourage infill development in existing developed residential communities/areas in unincorporated areas.

Development of properties such as the Applicant's is a great example of infill development in unincorporated Grand County, where existing infrastructure can be utilized without necessitating large, expensive extensions.

b. **Zoning Regulations**

The Applicant's property is in the Tourist District.

- (a) The planned use for the property is a single-family dwelling, an allowed use in the Tourist District.
- (b) The amended plat will be for the purpose of combining three presently vacant parcels through the elimination of the interior separating lot lines. The minimum area of a lot in the Tourist District is one acre. The lot created through this Amended Final Plat would not comply, but the lots—being platted prior to adoption of the one-acre minimum lot size regulation—are “pre-existing non-conforming”.
- (c) The Tourist District's minimum yard requirements are: 30' front yards, 20' side yards, and 20' rear yards. The approved Variance for the property—reducing the front yard to 10', the side yard to 5', and the rear yard to 10'—will make the lot developable.
- (d) Minimum lot width in the Tourist District is 150 feet. The created lot will be 71' at its widest point. This is a pre-existing non-conformity, and does not comply with current zoning regulations.

III. **SUBDIVISION REGULATIONS - 4.3 FINAL PLAT**

The Amended Final Plat shall contain or be accompanied by the following information:

Section 4.3 (1) (a-b) the Final Plat Mylar shall be on a 24"x36" sheet, at a minimum scale of 1"=100"

Section 4.3 (2) (a) Title, Scale, North Arrow, and Date.

The title of the Amended Final Plat shall be amended to read:

Amended Final Plat
Amended Lot 18A , Perry L. Miller Tract
Being a replat of Lots 18, 19, and 20, Perry L. Miller Tract,
Recorded at Reception No. 78856,
Part of Section 24, Township 3 North, Range 76 West of the 6th P.M.
Ownership Recorded at Reception No. 2020002221.

Section 4.3 (2) (b) The legal description shall be written as follows:

Amended Lot 18A, Perry L. Miller Tract

Section 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.

Section 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.

Plat note shall be added referencing Resolution No. _____, which grants a variance to the front, side, and rear yard requirements for the property for the purpose of increasing buildable area.

Section 4.3 (2) (e) Names and right-of-way width of each street or other rights-of-way.

This Amended Final Plat will show the name of the street adjacent to the east boundary of the property to be GCR 4612.

Section 4.3 (2) (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

This provision is not applicable; no easements exist on the property.

Section 4.3 (2) (g) Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre.

The total acreage of Amended Lot 18A shall be shown on the Final Plat as required.

Section 4.3 (2) (h) Purpose for which sites, other than residential lots, are dedicated or reserved.

This provision is not applicable; the lot shall remain vacant and intended for residential use.

Section 4.3 (2) (i) Location and description of monuments.

Location and description of monuments are noted and the Plat complies, showing "Point A" located in reference to section lines of township and range with connection to property corners.

Section 4.3 (2) (j) Current title commitment.

Title Company of the Rockies shows ownership to Tarly, Stephanie, and Matthew Dall, effective January 9, 2020.

Section 4.3 (2) (k) Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

The Dedication Statement shall be amended to read as follows (revisions in bold):

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That **Tarly Dall, Stephanie Dall, and Matthew Dall** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: **Lots 18, 19, and 20, Perry L. Miller Tracts.**

That they have caused said real property to be laid out and surveyed as: **Amended Lot 18A, Perry L. Miller Tracts** and do hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF **Tarly Dall, Stephanie Dall,** and **Matthew Dall** have caused their names to be hereunto subscribed this ____ day of _____, 20__.

Section 4.3 (2) (l) Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

The surveyor's certificate shall be amended to read as follows (revisions in bold):

SURVEYOR'S CERTIFICATE

I, **Warren Ward**, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Lot 18A, Perry L. Miller Tracts** truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this certificate)

Section 4.3 (2) (m) Certificates for approval by the Planning Commission and the Board of County Commissioners as follows:

PLANNING COMMISSION CERTIFICATE

Approved this ____ day of _____, 20__ by the Grand County Planning Commission, Grand County, Colorado.

_____ Chairman

Add more space for date and month

COMMISSIONER'S CERTIFICATE

Approved and all public dedications accepted this ___ day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted subdivision by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued.

Chairman

Board of County Commissioners

Grand County, Colorado

Shall be revised to the Commissioner 's Certificate above.

Section 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, as follows:

This condition is not applicable.

Section 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.

Section 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 of the State of Colorado.

This condition is not applicable.

Section 4.3 (2) (q) A vicinity map.

This requirement has been met.

Section 4.3 (2) (r) The subdivider shall provide: storm drainage plans and related designs; property survey and proof of ownership; and sanitary sewer plans and designs.

These requirements have either been met or are not applicable.

Section 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. Such provisions may include:

Not applicable.

Section 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 application shall comply.

Section 4.3 (2) (u-v) These requirements are not applicable. This is not a new land division; Colorado Land Use Commission does not receive applications for Amended Final Plats.

Section 4.3 (2) (w) A 14" x 18" black-line Mylar(s) with approved addresses and road numbers as required.

These shall be placed on the Final Plat Mylar. The address for the lot shall be as follows:

161 GCR 4612.

Section 4.3 (2) (x) Statement of taxes due showing current taxes paid.

These shall be provided prior to recording of the Final Plat Mylar.

Section 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 provided prior to recording the Final Plat Mylar.

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for August 12, 2020.

V. STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat, Amended Lot 18A, Perry L. Miller Tract, being a replat of Lots 18, 19, and 20, Perry L. Miller Tract, Recorded at Reception No. 78856, with the following conditions to be met prior to the recording of the Final Plat:

1. The title of the Amended Final Plat shall be amended as recommended (see Section 4.3 (2) (a) above).
2. The legal description shall be amended as recommended (see Section 4.3 (2) (b) above).
3. A plat note shall be added referencing Resolution No. ___ which grants a variance to the front, side, and rear yard requirements for the purpose of increasing buildable area (see Section 4.3 (2) (d) above).
4. The Amended Final Plat shall show the name of the street adjacent to the east boundary of the Plat to be GCR 6430 see Section 4.3 (2) (e) above).
5. The total acreage of Amended Lot 18A shall be shown on the Final Plat (see Section 4.3 (2) (g) above).

6. Location and description of monuments shall be shown on the Plat. "Point A" shall be located in reference to section lines of township and range with connection to property corners (see Section 4.3 (2) (i) above).
7. The Dedication shall be amended to read as indicated above (see Section 4.3 (2) (k) above).
8. The Surveyor's Certificate shall be amended to read as indicated above (see Section 4.3 (2) (l) above).
9. The Planning Commission Certificate shall be amended to read as indicated above (see Section 4.3 (2)(m) above).
10. The A 14" x 18" black-line Mylar(s) with approved addresses and road numbers shall be placed on the Final Plat Mylar as required (see Section 4.3 (2) (w) above).
11. A statement of taxes showing that all taxes have been paid shall be submitted (see Section 4.3 (2) (x) above).
12. An electronic copy of the Final Plat shall be submitted (see Section 4.3 (2) (y) above).
13. All recording fees are to be paid by the Applicant.
14. Quit Claim Deeds to describe the amended legal description of the lots.
15. A variance shall be granted for minimum lot size to allow for the creation of a lot which would otherwise be non-conforming in size.

Marcus asked staff for details of the Staff Recommendation regarding Number 15.

Jacob replied number 15 is requesting the granting of a variance. It was added since there has been some debate amongst staff. Because we were creating a lot that was non-conforming in size, by completing that amended final plat, we are creating a non-conforming sized lot here and that the condition should be added, noting that the variance is being permitted. This condition was added to make sure the Commissioners thought this necessary, warranted or allowable. We thought since this is not the first time nor the last time that a non-complying lot is created because of the pre-existing non-conformities, that this would be an opportunity to establish how staff recommendations should be written in the future.

Marcus replied he thinks it is good, the point is that the subdivision regulations do not allow us to create a non-conforming lot without a variance. Subdivision regulations allow us to have a variance through that process. You are decreasing the non-conformity to the best of your ability. It is still non-conforming, so we still have to grant a variance, it is kind of why we are getting better, but if we don't grant the variance then we created an illegal lot and the subdivision regulations do not allow us to do that. I think it is good.

Alex added he would like to have more discussion on this topic. Part of the discussion that Jacob and I had earlier today was that with a variance obviously there has to be some due process, a notice that goes out and consideration to this variance and it potentially falls into a public hearing during the Board of County Commissioner hearing.

Marcus added that we talked about it several times, that the subdivision regulations allow us to grant variances through the subdivision process. The subdivision process allows for amended final plats and therefore you're fully within the bounds of what you're allowed to do by taking it through Planning Commission and Board of County Commissioners. It is just

a formality because you are decreasing a pre-existing non-conforming lot, you are decreasing the non-conformity. The zoning regulations are clear for a legal lot and a lot that is not conforming would be illegal so we can't approve this without the variance.

Alex asked if we are approving a variance consistent with section 8.1 as opposed to the zoning regulations.

Marcus replied yes. Section 8.1 of the subdivision regulations. This is a unique project because it was created before the regulation.

Alex replied correct.

Marcus stated you have two ways to complete, one is an Outright Exemption to legalize the lot, and the other one is because you are amending this lot, putting three lots together, decreasing the non-conforming and utilizing the subdivision regulations to do this. The subdivision regulations and section 8.1 will allow for a variance to accomplish this process and this legalizes it. To decrease a non-conformance is a good goal, but at the end of the day the lot is still non-conforming. There is nothing you can do to make this 2.9 acres to a full acre for Tourist Zoning.

Robert thanked Marcus for the clarification. This raises another question, why do we have minimum area of lot in the Tourist District without making qualifications for lots that are served by public water and sewer like we have in other districts? Why is the minimum of lot area there in the first place? What gives me reason to keep that there is, if we have a larger development that wants to subdivide we would have a requirement of one acre lots. Do you agree with this?

Marcus replied yes of course. You are definitely going to have your minimum lot size in the Tourist District. I discussed this a long time ago, why did Tourist not have qualifications for public sewer and water? The goal with Tourism Zoned areas, looking at our maps, they are right along your main corridors, tourism corridors. My original question was, why are we looking at a whole acre for tourism? The goal was they wanted to have enough space for a business or an establishment and the parking. There is very little Tourism Zoning in Grand County. It is the exception to the rule. In Tourism, they wanted to make sure that it was not things stacked on top of each other, they wanted to make sure there was space for business and parking. The whole point of Tourism is people in and out.

Marcus asked Matthew Dall, the applicant if he has had a chance to review the Certificate and if he had any questions or concerns.

Mr. Dall replied the only addition he would like to make is the well permit has been approved. We have met with developers in terms of putting a single family residence on the property. The property is buildable on the north side of the lot, closest to Lot 18, which is the widest lot.

Marcus asked for clarification, we should definitely look at adding a note to the certificate before it goes to the Board of County Commissioners that states there are no existing wells currently but the applicant is capable of getting one well permit.

Ingrid thought the application stated this property would be hooking up to Three Lakes Water and Sanitation, further in the application it stated something about a well.

Jacob replied the point I was trying to make was to emphasize the merit of in-fill development. It is my understanding the applicant will be using a well. The point talking

about the infrastructure was to say this really is a good project for using existing resources. Ingrid stated to clarify before presenting to the Board of County Commissioners. Mr. Dall how will your home be configured on the northern portion of the property, is there a plan yet?

Mr. Dall replied we do not plan yet. Based on our talks with a developer, it will likely be a bump out basement, exposed basement. I know county regulations are at least a four foot crawl space, we might bump that up to eight feet. One story on top, long and narrow. Looking at two bedrooms one bath or two baths. The house would run long ways so it would go north to south. The property is a pie shape so it would start on the north side and go to the south.

Marcus stated the point here was in the certificate, water will be served by well, sewer will be served by Three Lakes Water and Sanitation.

Jacob replied, he will note as such.

Sally, no comment.

Tara, no comment.

Deborah, no comment.

Bob, no comment.

Henry, no comment.

Will stated that a lot of towns in the county require new houses to connect with the water supply when there is public utilities available and I am curious why we don't have the same requirements.

Marcus stated that we do have the same requirements.

Will asked how Mr. Dall is not required to connect with the water?

Marcus replied, Three Lakes Water and Sanitation does not go that far north it is just the sanitation.

Sally added Three Lakes Water and Sanitations does not have water out of Grand Lake Town. The sanitations goes to Highlands Marina.

Will stated all good.

Kim, no comment.

Marcus asked if there were any questions from anyone online. Hearing none he asked for a motion.

Motion to recommend approval by Sally Blea for Tracts 18-20 Perry Miller Tract – Amended Final Plat as noted with conditions as presented. Seconded by Ingrid Karlstrom. Not further discussion. All in favor "aye", none opposed. Motion carries.

Lots 1, 2, and 3, Val Moritz Village, Second Filing – Amended Final Plat and Easement Vacation – David & Susan Kolbush: Karen Robine

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

Planning Commission, August 12, 2020; Board of County Commissioners TBD

PROJECT NAME : Amended Final Plat, Lots 1, 2, & 3, Block 3, Val Moritz Village Subdivision

APPLICANT : David Kolbush, Co-Owner

LOCATION : 277 GCR 883, 684 & 722 GCR 882

ZONING : Residential District (R)

APPLICABLE

REGULATIONS : Grand County Zoning Regulations, Subdivision Regulations, Val Moritz Protective Covenants and Restrictions

ATTACHMENTS : Amended Final Plat, Letter of Application, Vicinity & Detail Maps, Title Commitment, Dall Variance Resolution

STAFF PLANNER : Jacob Cote

REQUEST : Approval of an Amended Final Plat to eliminate Lot 2, Block 3 of the Val Moritz Village Subdivision, dividing the parcel between Lots 1 and 3 to create two larger lots. Platted easements corresponding with lot lines creating Lot 2 will be vacated and utility easements shall be platted along the newly-created lot line separating new Lots 1A & 3A.

VI. DISCUSSION

- a. **Proposal:** David Kolbush, the “Applicant” and owner of Lot 3, along with Karen Robine, owner of Lot 1, co-own Lot 2 as LIVNXS, LLC. The Applicant is applying for an Amended Final Plat that would entirely eliminate Lot 2 by removing the side lot lines of the parcel. Lot 2 would then be divided and distributed to Lots 1 and 3—which, through the Amended Final Plat, would become Lots 1A and 3A—enlarging both lots.

Currently, Lots 1 and 3 are developed with single-family residences, while Lot 2 is vacant and covered primarily with mature trees. Lot 1 is 1.02 acres, Lot 2 is 1.01 acres, and Lot 3 is 1.0 acre. Approval of this Amended Final Plat would result in a Lot 1A of 1.7 acres and a Lot 3A of 1.34 acres. Lots 1A and 3A are both served by well water and septic systems.

The subject lots are surrounded mostly by undeveloped residential lots. To the south of Lot 1, across GCR 883, is a single-family residence, and to the north of Lot 3 is a single-family residence. Lots in the immediate vicinity of the subject parcels range in size from 0.56 acres to 2.1 acres in size. Properties on the other side of GCR 882 are within the Town of Granby town limits.

- b. **History:**

The Val Moritz Village Subdivision, Second Filing was recorded May 4th, 1971 at Reception

No.117593. It comprised of seven blocks and a total of 105 lots. Ten Amended Final Plat Resolutions have been recorded by the County for this subdivision (across both the First and Second Filings), including a single application to complete six AFP's for the subdivision in May 2019. There have also been instances of utility easement vacation in the Val Moritz Village subdivision.

VII. STAFF COMMENTS AND ANALYSIS

Staff supports this proposal in consideration of the several other Amended Final Plats which have been approved in the Val Moritz Village Subdivision. In a Certificate of Recommendation brought forth to the Grand County Board of County Commissioners in May 2019, staff member Alex Taft presented a "Batch AFP": a request to approve six different Amended Final Plats, combining 15 lots into 9 lots and reallocating affected utility easements.

This bulk AFP application was a consequence of difficulties faced by the VMV HOA as they tried (unsuccessfully) to extend municipal water and sewer services to the Second Filing. After three failed attempts to bring service infrastructure into the subdivision, the HOA decided to encourage lot combinations; the enlargement of parcels would make easier the siting of well and septic systems on the properties, allowing for easier build-out of the subdivision. This proposed Amended Final Plat is consistent with the requests of many other approved AFP's in the subdivision.

VIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. Master Plan

The subject parcels are located in the Granby Urban Growth Area. The Urban Growth Area designation's intent is to identify areas where higher density growth can best be accommodated. Parcels located within UGA's are typically serviceable by public facilities, are easily connected to existing infrastructure, and have minimal impact on environmentally-sensitive areas in the County. Subdivisions located within Urban Growth Areas are typically of higher density, as well.

Unsuccessful attempts to connect the Val Moritz Village subdivision to municipal infrastructure have left the neighborhood without municipal water or sewer services, resulting in the litany of AFP's intended to make easier the development of well and septic systems on lots. The inability to connect the subdivision's lots to municipal services and the regular enlargement of parcels to accommodate well & septic systems has created a neighborhood density and character inconsistent with the intent of the UGA designation. However, this AFP request will maintain consistency of character with the neighborhood as it has developed, even if Val Moritz Village's historic pattern of development is not what was originally expected or intend.

Applicable Elements of Master Plan:

2. Land Use - Growth and Development

2.4: Rural and Open Lands Pattern

The rural and open land character of Grand County should be a primary consideration when development and land use decisions are made; ensure that development is evaluated to assess whether it is in keeping with the County’s character or if it will be a detriment.

The elimination of a lot to reduce residential density within an Urban Growth Area is contradictory to many policies of the Grand County Master Plan; however, it does help maintain a “rural” and “open” character in Grand County—so far as it may exist within a subdivision.

b. **Zoning Regulations**

The three subject parcels in this proposal are located within the Residential District.

- (e) The amended plat will be for the purpose of enlarging two residential lots through the elimination of one vacant lot. The minimum area of a lot in the Residential District not served by public water & sewer is 30,000 ft.², or approximately 0.69 acres. Both created lots will comply.
- (f) The Residential District’s minimum yard requirements are: 30’ front yards, 5’ side yards, and 20’ rear yards. The existing structures on Lots 1 and 3 comply with yard requirements, and the Amended Final Plat will not make them non-compliant.
- (g) Minimum lot width on subdivided land not served by public water and public sewage facilities in the Residential District is 120 feet. Both lots created by this AFP will comply.

c. **CRS 43-2-303 et al - Vacation Proceeding: Roads, Streets and Highways Compliance with C.R.S. 42-2-303**

A note on the Val Moritz Village Second Filing Plat (Rec. No. 117594) establishes utility easements “20’ wide 10’ each of lot lines on interior lot lines extending from the front lot lines to the back line”. The vacation of the side lot lines of Lot 2 will be accompanied by a vacation of the existing utility easements corresponding with the side lot lines. The new interior lot line that will be created to separate Lots 1A and 3A will be accompanied by a utility easement of identical dimensions, complying with the plat note.

Because the utility easements are privately held, the vacation of the easements shall be completed via quit claim deed from the Val Moritz Village Homeowners’ Association.

IX. **SUBDIVISION REGULATIONS - 4.3 FINAL PLAT**

The Amended Final Plat shall contain or be accompanied by the following information:

Section 4.3 (1) (a-b) the Final Plat Mylar shall be on a 24”x36” sheet, at a minimum scale of 1”=100”

Section 4.3 (2) (a) Title, Scale, North Arrow, and Date.

The title of the Amended Final Plat shall be amended to read:

Amended Final Plat

Amended Lots 1A & 3A, Block 3 , Val Moritz Village Subdivision (Second Filing)
Being a replat of Lots 1 and 3 , Block 3 , Val Moritz Village Subdivision (Second Filing)
Reception No. 117594

Part of Sections 20 & 21, Township 1 North, Range 76 West of the 6th P.M.
Ownership Recorded at Reception Nos. 2005007576, 2020005272, & 2005012686.

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

Amended Lot 1A, Block 3, Val Moritz Village Subdivision (Second Filing)

Amended Lot 3A, Block 3, Val Moritz Village Subdivision (Second Filing)

Section 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.

Section 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.

Section 4.3 (2) (e) Names and right-of-way width of each street or other rights-of-way.

This Amended Final Plat will show the name of the street adjacent to the south boundary of the plat, commonly known as Klosters Street, to be GCR 883.

Section 4.3 (2) (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

Location and dimensions of existing easements and reference to their recording information shall be shown on the Plat.

Section 4.3 (2) (g) Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre.

These requirements have been met.

Section 4.3 (2) (h) Purpose for which sites, other than residential lots, are dedicated or reserved.

This provision is not applicable; all lots shall remain residential with this proposed amendment.

Section 4.3 (2) (i) Location and description of monuments.

Location and description of monuments are noted and the Plat complies, showing "Point A" located in reference to section lines of township and range with connection to property corners.

Section 4.3 (2) (j) Current title commitment.

Title Company of the Rockies shows ownership of Lot 1 to Karen L. Robine, effective July 10, 2020.

Land Title Guarantee Company shows ownership of Lot 2 to Karen Robine and David Kolbush, effective June 23, 2020.

Title Company of the Rockies shows ownership of Lot 3 to David and Susan Kolbush, effective July 10, 2020.

Section 4.3 (2) (k) Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

The Dedication Statement shall be amended to read as follows (revisions in bold):

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That **Karen L. Robine** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 1, Block 3, Val Moritz Village Subdivision (Second Filing)** . That **Karen Robine and David Kolbush** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 2, Block 3, Val Moritz Village Subdivision (Second Filing)** . That **David and Susan Kolbush** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 3, Block 3, Val Moritz Village Subdivision (Second Filing)** .

That they have caused said real property to be laid out and surveyed as: **Amended Lot 1A, Block 3, Val Moritz Village Subdivision (Second Filing)** and **Amended Lot 3A, Block 3, Val Moritz Village Subdivision (Second Filing)** and do hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF **Karen L. Robine** and **David Kolbush** have caused their names to be hereunto subscribed this ____ day of _____, 20__.

Section 4.3 (2) (l) Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

The surveyor's certificate shall be amended to read as follows (revisions in bold):

SURVEYOR'S CERTIFICATE

I, **Warren Dale Ward**, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Lot s 1A and 3A, Block 3, Val Moritz Village (Second Filing)** truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this certificate)

Section 4.3 (2) (m) Certificates for approval by the Planning Commission and the Board of County Commissioners as follows:

PLANNING COMMISSION CERTIFICATE

Approved this ___ day of _____, 20__ by the Grand County Planning Commission, Grand County, Colorado.

_____ Chairman

Add more space for date and month

COMMISSIONER 'S CERTIFICATE

Approved and all public dedications accepted this ___ day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted subdivision by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued.

Chairman

Board of County Commissioners

Grand County, Colorado

Shall be revised to the Commissioner 's Certificate above.

Section 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, as follows:

This condition is not applicable.

Section 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.

Section 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 of the State of Colorado.

This requirement has been met.

Section 4.3 (2) (q) A vicinity map.

This requirement has been met.

Section 4.3 (2) (r) The subdivider shall provide: storm drainage plans and related designs; property survey and proof of ownership; and sanitary sewer plans and designs.

These requirements have either been met or are not applicable.

Section 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. Such provisions may include:

Not applicable.

Section 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 application shall comply.

Section 4.3 (2) (u-v) These requirements are not applicable. This is not a new land division; Colorado Land Use Commission does not receive applications for Amended Final Plats.

Section 4.3 (2) (w) A 14" x 18" black-line Mylar(s) with approved addresses and road numbers as required.

**These shall be placed on the Final Plat Mylar. Addresses for the lots shall be as follows:
Amended Lot 1A: 277 GCR 883**

Amended Lot 3A: 722 GCR 882

Section 4.3 (2) (x) Statement of taxes due showing current taxes paid.

These shall be provided prior to recording of the Final Plat Mylar.

Section 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 provided prior to recording the Final Plat Mylar.

X. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for August 12, 2020.

XI. STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat, Amended Lot 7A, Block 3, First Addition to the Lake Forest Subdivision Being a re-plat of Lots 7 & 20, Block 3, First Addition to the Lake Forest Subdivision, Reception No. 76469 with the following conditions to be met prior to the recording of the Final Plat.

1. The title of the Amended Final Plat shall be amended as recommended (see (a) above).
2. The legal description shall be amended as recommended (see (b) above).
3. Primary control points or descriptions shall be amended as recommended (see (c) above).
4. Tract boundary lines, easements, residential lot lines and accurate dimensions shall be shown on the Plat, including those boundaries of adjacent properties (see (d) above).
5. The Amended Final Plat shall show the name of the street adjacent to the north boundary of the Plat to be GCR 6430 (see (e) above).
6. Location and description of monuments shall be shown on the Plat. "Point A" shall be located in reference to section lines of township and range with connection to property corners (see (i) above).
7. The Dedication shall be amended to read as indicated above (see (k) above).
8. The Surveyor's Certificate shall be amended to read as indicated above (see (l) above).
9. The Planning Commission Certificate shall be amended to read as indicated above (see (m) above).
10. Remove "Preliminary Plat" and correct legal description as indicated above (see (o) above).
11. A vicinity map. This has been provided and shall remain on the Final Plat (see (q) above).
12. The A 14" x 18" black-line Mylar(s) with approved addresses and road numbers shall be placed on the Final Plat Mylar as required (see (w) above).
13. A statement of taxes showing that all taxes have been paid shall be submitted (see (x) above).
14. An electronic copy of the Final Plat shall be submitted (see (y) above).
16. Documented permission shall be granted by utility companies providing service to the property allowing for the vacation of the interior lot line easements.
17. All recording fees are to be paid by the Applicant.

18. Quit Claim Deeds to describe the amended legal description of the lots.

19. Existing private utility easements correspondent to the interior lot lines proposed to be vacated shall be vacated per quit claim deed from Val Moritz Village Homeowners' Association.

Marcus asked if the applicant is on the call and if they had an opportunity to review the certificate and if they had any questions or concerns.

Karen Robine replied she had no questions or concerns.

Ingrid, no comments.

Sally, no comments.

Tara, no comment.

Deborah asked if the easements were utility easements and if they were for both homes. How do the utilities get to the homes?

Marcus helped out by re-asking the question. Deborah is asking with the vacation of the utilities lines, how are the existing homes served and are there any disruption to the services?

Jacob replied, no disruption to services.

Marcus continued with the Amended Final Plat the interior line between one "A" and three "A" will have an easement.

Jacob replied, correct.

Bob, no comments.

Henry, no comments.

Will asked the applicant, are there any difficulties with well or septic when you built these properties?

Karen replied with us not at all, but there have been some issues at other properties with wells. The drillers now are having really good luck.

Kim, no comments.

Marcus, no comments.

Marcus asked if there were any questions/comments from the public. Hearing none he asked for a motion.

Motion to recommend approval by Kim Shepton for Lots 1, 2 and 3, Val Moritz Village, Second Filing – AFP and Easement Vacation with the 15 recommendations. Seconded by Ingrid Karlstrom. Not further discussion. All in favor "aye", Will opposed. Motion carries.

Byers Peak Ranch 1041 Permit – Extension of service for >20 units.

Presented by: Alexander Taft, Planner, LEED Green Associate

Planning Commission August 12, 2020 ; Board of County Commissioners September 15, 2020

PROJECT NAME : Byers Peak Ranch - 1041 Permit for extension of a collection and distribution system

APPLICANT : Byers Peak Properties, LLC, represented by Clark Lipscomb

LOCATION : 295 acres of land in the South ½ and the Southeast ¼ of Section 19 and the NE ¼ of Section 30, Township 1 South, Range 75 West of the 6th P.M. County of Grand, State of Colorado

APPLICABLE Grand County Master Plan

REGULATIONS : Grand County 1041 Regulations

ZONING: Residential & Forestry and Open District - R&F

ATTACHMENTS :

- A. Grand County Development Application
- B. Vicinity Map
- C. Draft 1041 Permit

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : Review 1041 Permit to extend water and sewer service into the development with in the 295 acre property.

XII. BACKGROUND AND PROPOSAL.

Byers Peak Properties, LLC represented by Clark Lipscomb (“Applicant”) is the current owner of approximately 295 acres located just outside of the Town of Fraser by Warranty Deeds recorded at Reception No’s. 2007-000719 and 2009-000279, respectively, of the Grand County Records.

Byers Peak Ranch is a proposed development adjacent to the Town of Fraser in unincorporated Grand County. The Applicant is planning development of approximately twenty five (25) acres.

The Applicant is proposing a multiple phase development consisting of single/multi-family residential units, and resort lodge and hotel type units which are located adjacent to and south of the Town of Fraser.

The proposal calls for a total of 2,533 single family, multi-family and lodge units on approximately 250 acres of land. Overall, the 2,533 dwelling units results in 10.3 units/acre.

During the process of platting a portion of the property Staff identified the need for a 1041 permit application to be submitted consistent with Section 2.7 Design Standards for Drainage, Sewer and Water, paragraph two (2) which refers to the “Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest” commonly referred to as the 1041 Permit

regulations. Within the 1041 Regulations Chapter 4, Article 1, Section 4-103 “Definitions”, paragraph 3 states:

Major extension of an existing domestic water treatment system: The expansion of existing domestic water treatment plants or any extension of existing water supply systems to service an additional population equivalent of **twenty (20) single family dwelling units or the equivalent thereof in other areas** .

Staff has interpreted that these provisions listed in Chapter 4, a 1041 Permit is applicable to the development of Byers Peak Ranch.

ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one is most relevant to the development supported by this 1041 proposal. - Element 4.

Plan Element 4 - Community and Public Facilities.

Plan Element 4 focuses on the development of public facilities and infrastructure. The Byers Peak Ranch development is located adjacent to the Town of Fraser. The overall Goals of the Master Plan are written to encourage exactly this type of development focused around existing towns and infrastructure.

ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY 1041 REGULATIONS

Below is staff’s analysis of the application consistent with Chapter 4, Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest. It is Staff’s opinion that the purpose and intent of this application fits the criteria listed below:

To insure that anticipated growth and development that may occur as a result of major extensions of domestic water and sewage treatment systems can be accommodated within the financial and environmental capacity of the development area and source development area to sustain such growth and development.

- (1) To insure the planned and orderly land use development that may occur as a result of major extensions of domestic water and sewage treatment systems within the development area and source development area.
- (2) To regulate the use of land on the basis of the financial and environmental impact thereof on the community or surrounding areas within the development area and source development area

Section 4-103 Definitions, gives guidance to the authority of Grand County 1041 Regulations requiring connection of new development of greater than twenty (20) single family dwelling units to an existing system such as that inside the town of Fraser.

To insure that anticipated growth and development that may occur as a result of major extensions of domestic water and sewage treatment systems can be accommodated within the financial and

environmental capacity of the development area and source development area to sustain such growth and development.

- (3) To insure the planned and orderly land use development that may occur as a result of major extensions of domestic water and sewage treatment systems within the development area and source development area.
- (4) To regulate the use of land on the basis of the financial and environmental impact thereof on the community or surrounding areas within the development area and source development area

Section 4-103 Definitions, gives guidance to the authority of Grand County 1041 Regulations requiring connection of new development of greater than twenty (20) single family dwelling units to an existing system such as that inside the town of Fraser.

- (1) Major extension of an existing domestic water treatment system: The expansion of existing domestic water treatment plants or any extension of existing water supply systems to service an additional population equivalent of twenty (20) single family dwelling units or the equivalent thereof in other areas.
- (2) Domestic water and sewage treatment system: A wastewater treatment plant, water treatment plant, or water supply system and any system of pipes, structures, and facilities; through which wastewater is collected for treatment.

Below is an analysis by Staff of the criteria listed in Section 4-306, all italicized language is quoted directly from Chapter 4. Below Staff makes several references to an agreement between the Applicant and the Town of Fraser which was commonly referred to as the Town of Fraser Out of Town Service Agreement or OOTSA recorded at Reception 2017004241.

A permit application for a major extension of existing domestic water or sewage treatment system shall be approved if the proposed development complies with the following criteria:

- (a) Major extensions of domestic water and sewage treatment systems shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the development area and source development area to sustain such growth and development;

The Byers Peak Ranch property is approximately 295 acres located entirely within the Fraser Urban Growth Boundary and anticipated to be developed containing between 1,233 units and 2,533 units realized at build out.

- (b) The proposed development does not conflict with an approved local master plan or other applicable regional, state or federal land use or water plan;

This proposal complies with the current 2011 Grand County Master Plan and the 2012 208 Water quality plan. The Master Plan makes reference to both the importance of the 1041 Regulations and 208 Water Quality Plan as the guidance documents for maintain water resources in Grand County. By making connection to existing public water and sewer, distribution and treatment systems the proposed development is reducing further impact on local water supplies and surface waters.

- (c) The proposed development does not adversely affect either surface or sub-surface water rights of upstream or downstream users within the development area and source development area;

This proposal complies by making connection to the existing public water system it does protect existing water rights and surface waters in the development area.

- (d) Adequate water supplies as determined by the Colorado Department of Health, are available for efficient operational needs;

The existing water supply service is being provided by the OOTSA. While it doesn't explicitly explain adequate water supplies it states the grants are currently to serve 1,233 units. The agreement also acknowledges water rights owned and maintained by the Applicant consistent with Case No.14CW3097 and 14CW3098.

- (e) Existing domestic water treatment systems servicing the area must be at or near operational capacity;

The existing water supply service is being provided by the Town of Fraser OOTSA.

- (f) Existing domestic sewage treatment facilities servicing the area must be at or greater than eighty percent (80%) of operational capacity;

The existing sewer supply service is being provided by the OOTSA. The sewerage treatment plant is below its capacity of 2.7 million gallons per day (MGD). Operational capacity shall be verified before review by BOCC. It has recently been referenced around .5 MGD where 80% would be 2.16 MGD.

- (g) The scope and nature of the proposed development will not compete with existing water and sewage services or create duplicate services;

The agreement and connection the existing system is specifically to prevent competing or duplicating services in a small proximity.

- (h) Age of existing water and sewage systems, operational efficiency, state of repair or level of treatment is such that replacement is warranted;

The OOTSA provides guidance on this; it is known that sewerage lines which run north of the Development area are of an age which may warrant replacement. The Applicant shall comply.

- (i) Area and community development and population trends demonstrate clearly a need for such development;

It is apparent that development of the area is increasing that there are no other means to obviate the proposal without making connection to a public system or development of a new one. The existing system is the County's preferred option because overlap of systems in the future is likely to cause planning issues.

- (j) Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Quality Control Commission;

There is no existing facility to improve and therefore this provision is not applicable.

- (k) Appropriate easements can be obtained for any associated collector or distribution system that will serve existing and proposed needs;

Easements shall be granted to the Town of Fraser consistent with the OOTSA, specifically the utility crossing required by UPRR proof of application shall be submitted prior to the BOCC public hearing.

- (l) Such development will not encourage strip development or leapfrog development;

Being adjacent to the Town of Fraser and sharing its borders on several sides this will not encourage strip or leap frog development.

- (m) The benefits of the proposed development outweighs the losses of any natural resources or agricultural lands rendered unavailable as a result of the proposed development;

The county is in excess of 50% public and open lands, by focusing the development close to the urban core this is helping place development where it will be least impactful.

- (n) The proposed development will not decrease the quality of peripheral or downstream surface or subsurface water resources below that designated by the Colorado Water Quality Control Commission as established on January 15, 1974 and effective June 19, 1974.

This proposed development is several miles away from the Colorado River, but near to tributaries which feed into the Colorado River such as the Fraser River, Elk Creek and St. Louis Creek. As analyzed in the subdivision applications construction impacts are not expected to harm the quality and health of these streams.

- (o) The proposed development or its associated collection or distribution system will not be subject to potential natural hazards;

The existing main and trunk lines are placed outside of any flood or high water zones and the additional development is at a higher elevation than existing therefore avoiding potential natural hazards.

- (p) The proposed development or its associated collector or distribution system or new service areas will not violate federal or state air quality standards;

This development complies as the system is underground plumbing and piping which does not have air quality impacts.

- (q) The proposed development or its associated collector or distribution system will not significantly deteriorate aquatic habitats, marshlands and wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forests and woodlands, critical wildlife habitat, big game migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare and endangered species, public outdoor recreational areas, and unique areas of geologic, historic, or archaeological importance;

The proposed system doesn't cross or impact any wetlands, aquatic habitats, marshlands or similar as listed in this provision and therefore complies.

- (r) The proposed development or its associated collector or distribution system will not significantly degrade existing natural scenic characteristics, create blight, or cause other nuisance factors such as excessive noise or obnoxious odors;

Impacts during construction will be the greatest nuisance caused by the development of this collector and distribution system therefore the application complies.

- (s) The proposed development or its associated collection or distribution system will not create an undue financial burden on existing or future residents within the development area and source development area. The cost of securing an adequate supply of water for existing and future needs of the residents shall be considered in determining whether an "undue financial burden" will result;

There is not anticipated "undue financial burden" resulting because of the proposed development, the OOTSA does require an out of town service increase of 10% which equates to approximately \$30 but that can be balanced by other cost offsets such as energy efficient building practices and smaller floor areas which would reduce the cost of other utility bills.

- (t) The development site of a proposed major extension of an existing domestic water or sewage treatment system is not subject to significant risk from earthquakes, floods, fires or other disasters which could cause a system operational breakdown;

During the subdivision review it was understood that none of these hazards exist on site, therefore this application complies.

- (u) Any proposed domestic water treatment and distribution system is capable of providing water meeting the requirements of the Colorado Department of Health;

The Town of Fraser is responsible for maintaining the treatment and distribution of its water system. The Applicant shall provide the most current CDPHE water treatment compliance documents prior to BOCC.

- (3) The permit shall be denied if the applicant fails to satisfy all the criteria outlined in 4-306(1).

Grand County Resolution 1978-5-4 designated the major extensions of existing domestic water treatment systems as an activity of state interest and established Administrative Regulations pertaining to such activities. A Public Hearing by the Board of County Commissioners, acting as the Permit Authority is scheduled for September 15, 2020, and public notice is to be published in the Middle Park Times on Thursday, August 13, 2020.

XIII. PLANNING COMMISSION

This application for a 1041 Permit is scheduled to be reviewed by the Planning Commission during the regular meeting on August 12, 2020.

XIV. RECOMMENDATION

Staff recommends the approval of the 1041 Permit for Byers Peak Ranch (the "Development") to install and operate water and sanitary sewer service connecting the Development with the distribution system currently operated by the Town of Fraser with the following conditions:

- 1) Operational capacity shall be verified before review by BOCC § 4-103 (f).
- 2) Proof of application for utility crossing required by UPRR shall be submitted prior to the BOCC public hearing § 4-103 (f).
- 3) The Applicant shall provide the most current CDPHE water compliance documents prior to BOCC § 4-103 (u).
- 4) Permit approval will expire after one year from permit approval unless construction of the project has commenced. Construction is defined as entering into a contract with Town of Fraser for the physical placement of equipment, piping, and/or earthwork that is part of the proposed installation of main lines across UPRR Right of Way.
- 5) Standard permit conditions including off-site construction impacts, noxious weeds, and blight.
- 6) Any additional conditions to be added by the Planning Commission or Board of County Commissioners.

Marcus asked the applicant, Clark Lipscomb if he has had a chance to review the certificate and if he had any questions or concerns.

Mr. Lipscomb replied that he had looked over the certificate and feels it is fine, Alex and Robert have done a nice job. Regarding staff recommendation number 3, I do not believe there is any water compliance document required for an extension and that should be removed from the staff recommendation. The railroad license we already have, they are making an amendment to it, and we had made an application some time ago. The key component here is we have an out of town service agreement with the Town of Fraser. The capacity of Fraser's systems are significantly underutilized today.

Marcus asked if there was anyone on the line for this agenda item.

Hearing none, he moved to the Commissioners.

Ingrid, no comment.

Sally, no comment.

Tara, no comment.

Deborah, no comment.

Bob, no comment.

Henry, no comment.

Will stated he notices from the documents that there will be about six or seven units connected, he understands that you don't know how many units they will have yet. He feels like all the numbers for the application should be made at once and at the higher point of twenty five hundred and decreased later. If the demand saturation is less than you hope for.

Alex replied his thought was there were not really looking at a unit count for the property, we are looking at the property as a whole. We know it will all be developed at some point. Maybe we should clarify the 295 acre development and not a specific number of units.

Will replied, that was fine.

Mr. Lipscomb added, from his perspective the 25/33 is probably the appropriate one that includes some lodging components laid out in the road in more detail for zoning that we would have to handle at the Colorado Adventure Park for the county. The sewer collection system that we are expanding has been design to its capacity. We start at the low point and we expand out. The pipes going under the railroad will not be undersized. It will be sized for the full development. The lines could get smaller the further from the railroad. Our civil engineers feel it is prudent to ensure what we put under the railroad (in the two locations) is sufficient.

Will asked if there are other developments that are discussing connecting to yours. Do you have plans for that?

Mr. Lipscomb replied that he was not aware of anybody that would be connecting to our sewer.

Kim, no comment.

Marcus added to Will's point whatever you are sizing the system for is what your 1041 should be, because you don't want to have to amend it. It matters if it gets bigger but it doesn't matter if it's smaller. Also to Will's point the septic lines and the 1041 permit all go for that extension of infrastructure. If someone were to tap into that later, an infrastructure that is currently being proposed, that does not change the 1041 in his understanding.

Motion to recommend approval by Ingrid Karlstrom for Byers Peak Ranch 1041 Permit – Extension of Service for >20 units as presented. Seconded by Will MacDonald. Not further discussion. All in favor "aye", none opposed. Motion carries.

Meeting adjourned at 7:34 pm.
