

GRAND COUNTY PLANNING COMMISSION  
MEETING MINUTES

Wednesday, March 11<sup>th</sup>, 2020

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

MEMBERS ABSENT: Bob Gnuse Henry Broadhurst

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

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The meeting was called to order by Chairperson Marcus Davis at 6:30 PM. Roll call was taken.

Minutes from February 12<sup>th</sup>, 2020 were presented. Motion to approve was made by Ingrid Karlstrom, with 1 correction, seconded by Kim Shepton. All in favor "aye", none opposed, motion carried.

Robert Davis, Community Development Director, introduced Jacob Cote, new Planner I.

Chairperson Marcus Davis gave a reminder to Public Attendees to come to the mic and identify themselves when making public comments. There were 9 member of the Public in attendance.

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**Lots 25 & 30, Block 1, Lake Forest 1<sup>st</sup> Addition – Amended Final Plat  
– Steve & Beverly Johnson**

Presented by: Alexander Taft, Planner, LEED Green Associate

**CERTIFICATE OF RECOMMENDATION**

Planning Commission, March 11, 2020; Board of County Commissioners TBD, 2020

**PROJECT NAME :** Amended Final Plat, Lots 25, and 30, Block 1, Lake Forest 1<sup>st</sup> Addition  
Subdivision

**APPLICANT :** Steve and Beverly Johnson, Owner

**LOCATION :** 136 County Road 6480 and 115 County Road 645

**ZONING:** Residential District (R)

**APPLICABLE**

**REGULATIONS :** Grand County Zoning Regulations, Subdivision Regulations

**ATTACHMENTS :** Amended Final Plat, Letter of Application, Vicinity Map, Title Commitment

**STAFF PLANNER :** Alexander Taft, LEED Green Associate

**REQUEST :** Approval of an Amended Final Plat to vacate lot lines to create one lot increasing buildable area and to decrease potential encroachment.

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**I. DISCUSSION**

**a. History:**

1<sup>st</sup> Addition Lake Forest Subdivision was originally platted in September 1953 at Reception No. 76469. The subdivision was the second division of land owned by W. W. Lininger, which consist of 6 blocks comprised of 153 lots. These lots within Lake Forest Subdivision and Lake Forest 1<sup>st</sup> Addition are served by Lake Forest Mutual Water Company for public water and Three Lakes Water and Sanitation for public sewer. Other Amended Final Plat applications have been processed through the County for this subdivision.

**b. Proposal:**

Steve and Beverly Johnson, the “Applicant,” are currently the owners of Lots 25, & 30, Block 1, 1<sup>st</sup> Addition Lake Forest Subdivision via Warranty Deeds recorded at Reception No. 2015009347 and 2019010994. The applicant also owns Lot 24 which was included in the transfer recorded at Reception 2019010994. The Applicant is proposing an Amended Final Plat that would vacate a lot line to create one lot with increased building area but leave one for a future owner to build on.

Currently, Lot 30 has an existing single family residence and Lots 24 and 25 are vacant. Each of the two lots are .23 acres or 10,018 sq.ft. each comprising a total lot size of .46 acres or 20,036 ft<sup>2</sup>. Public sewer is provided to Lot 25 by Three Lakes Water & Sanitation District. Public water is provided to the subject Lots by Lake Forest Mutual Water Company. Two taps are being maintained for the three parcels, if approved Lot 24 will be sold and the additional Tap will transfer. The subject lots are surrounded by single family residential development. Lots in the immediate vicinity of the subject parcels range in size from .23 acres to .56 acres in size and the majority are developed.

**II. STAFF COMMENTS AND ANALYSIS**

Staff supports this proposal in consideration that three other Amended Final Plats have been approved in the Lake Forest Subdivision. Staff also supports the increase in lot size in consideration that it matches pre-existing lot sizes of lots ranging from .23 acres to .56 acres.

**III. COMPLIANCE WITH APPLICABLE REGULATIONS**

## **A. 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 (1) is relevant to this proposal.

### **Plan Element 2 - Land Use - The Pattern of Development**

As stated in Plan Element 2 in the Grand County Master Plan. The subject property is located in the Grand Lake Urban Growth Area which is an area intended to maintain density or be annexed into nearby towns. The property has access to sewer and public water, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. This subdivision is in excess of 3 miles outside the Town of Grand Lake which makes it seem less feasible to be annexed unless the Town was extremely aggressive about plans in the next 5-10 years. Staff finds therefore the proposed lot combination is consistent with the overall direction and intent of the Master Plan.

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

Grand County has used the criteria in CRS 43-2-303, regarding vacation of roadways to review vacation of utility easements:

43-2-303 (1) All right, title, or interest of a county, of an incorporated town or city or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

(1)(b) The board of county commissioners of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.

(2) No roadway of part thereof shall be vacated so as to leave any land adjoining said roadway without an established public road connecting said land with another established public road.

(3) In the event of vacation under subsection 1 of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water or similar pipelines and appurtenances for ditches or canals and appurtenances and for electric, telephone, and similar lines and appurtenances.

The vacation of the interior lot line easements will not eliminate access for adjacent property owners. The intention of this vacation is to better connect the lots to optimize the buildable area. Staff believes these were established for overhead power and telecommunications which are located within the road for ease of access in most cases.

## **C. ZONING REGULATIONS**

The parcels involved in this proposal lie within the Residential District, existing inside the Grand County Growth Area #2. The site is surrounded by vacant land or larger lot residential uses and the subdivision is surrounded by the town boundary.

- (a) The amended lot will be for the purpose of providing for a larger lot.
- (b) This zone requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. The final plat shall show these setbacks.
- (c) Minimum area of lot, served by public water & sewer existing inside Urban Growth Area 2, 7,000 ft<sup>2</sup> (.16 acres). This lot as proposed comply.

Lot #	Lot area
Lot 25	.23 ac (10,018 ft <sup>2</sup> )
Lot 30	.23 ac (10,018 ft <sup>2</sup> )
<b>Total</b>	<b>.46 ac (20,036 ft<sup>2</sup>)</b>

These lots are within an overlay district in the county referred to as the Three Lakes Design Review Area. **A note shall be added to the Plat that reads as following :**

**THREE LAKES DESIGN REVIEW AREA**

The subject properties are located within the Three Lakes Design Review Area. All requirements for this overlay district apply to all structures constructed on these parcels.

**D. 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 30A, Block 1, First Addition to the Lake Forest Subdivision**

**Being a replat of Lots 25 & 30, Block 1, First Addition to the Lake Forest**

**Subdivision, Reception No. 76469**

**Section 26 Township 3 North, Range 76 West of the 6th P.M.**

**Ownership recorded at the Reception Number 2015009347 and 2019010994**

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

**Amended Lot 30A, Block 1, First Addition to the Lake Forest Subdivision**

**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. This requirement has been met. Primary control points, angles, bearings, and similar have been shown on the plat.

**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.

**Easements, residential lot lines and accurate dimensions shall be shown on the Plat, including those boundaries of adjacent properties.**

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

**This Amended Final Plat complies**

**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.

**This Amended Final Plat complies**

**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 shall be shown on the Plat. "Point A" shall be located within reference to section lines of township and range with connection to property corners.**

**Section 4.3 (2) (j)** Current title commitment for all lots subject in this application. The Title Company of the Rockies shows ownership to Steven Johnson and Beverly Johnson dated December 31, 2019 for Lots 24 and 25. **A title commitment shall be provided for Lot 30 as well to verify existing encumbrances to be included on the Plat .**

**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 **Steve and Beverly Johnson** the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Amended Lots 30A, Block 1, First Addition to the Lake Forest Subdivision Being a replat of Lots 25 & 30, Block 1, First Addition to the Lake Forest Subdivision, Reception No. 76469** , That he has caused said real property to be laid out and surveyed as: **Amended Lot 30A Block 1, First Addition to the Lake Forest Subdivision** and does 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 does

hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF **Steve and Beverly Johnson** has caused his name to be hereunto subscribed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Section 4.3 (2) (i)** 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, shall be amended to read as follows (revisions in bold):

**SURVEYOR'S CERTIFICATE**

I, **Warren D. Ward**, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Lot 30A Block 1, First Addition to the Lake Forest Subdivision** 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

**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.

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Chairman

Board of County Commissioners

Grand County, Colorado

**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, 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.

**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 is not applicable, there are no covenants being enforced within the subdivision.

**Section 4.3 (2) (q)** A vicinity map. This has been provided and shall remain on the Final Plat.

**Section 4.3 (2) (r-t)** The Applicant shall comply with current Storm water and erosion control guideline as set forth by the County. The subdivider is not required to provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. These provision is not applicable since this is not a new division of land.

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

**Section 4.3 (2) (w)** The 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 30A: 136 GCR 6480**

**Section 4.3 (2) (x)** Statement of taxes due showing current taxes paid. **This shall be included prior to recording 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.**

#### **IV. PLANNING COMMISSION RECOMMENDATION**

Planning Commission hearing is scheduled for March 11, 2020.

#### **V. STAFF RECOMMENDATION**

Staff requests approval of the Amended Final Plat, Amended Lot 30A, Block 1, First Addition to the Lake Forest Subdivision Being a replat of Lots 25 & 30, Block 1, 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.A note shall be added to the Plat that identifies this parcel as being located within the Three Lakes Design Review Area (Zoning).
- 2.The legal description shall be amended as recommended (4.3 (2) (b)).
- 3.Tract boundary lines, easements, residential lot lines and accurate dimensions shall be shown on the Plat, including those boundaries of adjacent properties (4.3 (2) (d)).
- 4.Location and dimensions of existing easements and reference to their recording information shall be shown on the Plat (4.3 (2) (f))
- 5.The Dedication shall be amended to read as shown in this recommendation (4.3 (2) (k)).
- 6.The Surveyor's Certificate shall be amended to read as follows (4.3 (2) (l)).
- 7.The Planning Commission Certificate shall be added to this plat (4.3 (2) (m)).
- 8.The A 14" x 18" black-line Mylar(s) with approved addresses and road numbers as required (4.3 (2) (w)).
- 9.A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (x)).
- 10.An electronic copy of the Final Plat shall be submitted (4.3 (2) (y)).
- 11.All recording fees are to be paid by the Applicant
- 12.Quit Claim Deeds to describe the amended legal description of the lots and be clearly conveyed on title.

Steve Johnson the applicant is present and available to answer questions for the Commissioners.

Commissioners asked about the garage of the already built house and if it is encroaching on the lot.

Staff replied no. The boundaries are just shifted in the photograph. There is a clarification that staff would like to make. This garage is pre-existing non-conforming or is allowed to be in this location because it is an accessory structure, connected to the principal structure and accessory structures are allowed to be in the rear yard setback. Additionally by combining the lots they are getting rid of this issue.

Commissioners asked how big is the garage? Is it bigger than 10 x 12?

Staff replied yes.

Commissioners stated that the garage is not allowed to be in the rear setbacks.



Staff replied that there is a note in definitions regarding accessory structures in rear yard setbacks. Clarification rear yard, not setback.

Commissioners replied, no permanent structures can be built within the setbacks on any lot. So the structure is a non-conforming structure, but the Amended Final Plat will alleviate the issue. A building permit would not be approved for a garage in the rear setback.

Staff replied correct.

Mr. Johnson, applicant, added the garage was built 2 years ago and the setbacks were taken into account at that time. The permits were done through the County and the garage has been inspected and approved. The setback was 5 feet and we are 8 feet back. It is a 2 car garage and is 20 x 24.

Commissioners asked if this property is zoned Residential?

Mr. Johnson stated that the property is zoned Residential.

Commissioner's states Residential zoning is a 20 foot rear yard setback requirement.

Staff stated that they know there is compliance for the structure but the combination of the lots fixes this requirement.

Commissioners asked why are there only 2 water taps for the 3 lots.

Staff replied that Mr. Johnson bought the home on Lot 30 by itself which had a tap and then Lots 24 and 25 each had a tap, so there are 3 taps.

Mr. Johnson stated he will be looking to eliminate 1 tap.

Commissioners asked if staff is vacating the utility easement and if this is stated in the recommendations.

Staff replied they will amend the recommendation to add vacating the lot line and adjacent utilities easements. There are no utilities in the easement right now and sewers are at the road. Staff had reached out to Mountain Parks but has not heard back yet.

Commissioners stated we are adding staff recommendations Condition Number 13. The motion would be combining lots 25 and 30 and vacating the utilities easements.

Motion to recommend approval by Sally Blea for Lots 25 & 30, Block 1, Lake Forest 1<sup>st</sup> Addition – Amended Final Plat with 2 changes noted by the Chair. Seconded by Ingrid Karlstrom, No Discussion. All in favor "aye", none opposed.

## **Lots 7 & 20, Block 3, Lake Forest 1<sup>st</sup> Addition – Amended Final Plat – Nicholas & Kristi Gulley**

Presented by: Jacob Cote, Planner I

# **CERTIFICATE OF RECOMMENDATION**

Planning Commission, March 11, 2020; Board of County Commissioners TBD

**PROJECT NAME :** Amended Final Plat, Lot 7 and 20, Block 3, Lake Forest Subdivision

**APPLICANT :** Nicholas and Kristi Gulley, Owner

**LOCATION :** 985 County Road 64

**ZONING :** Forestry and Open District (F/O)

**APPLICABLE**

**REGULATIONS :** Grand County Zoning Regulations, Subdivision Regulations

**ATTACHMENTS :** Amended Final Plat, Letter of Application, Vicinity Map, Title Commitment

**STAFF PLANNER :** Jacob Cote

**REQUEST :** Approval of an Amended Final Plat to vacate lot lines to create one lot, increasing buildable area and decreasing potential encroachment.

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**VI. DISCUSSION**

**a. Proposal:**

Nicholas and Kristi Gulley, the “Applicant,” are currently the owners of Lot 7 and 20, Block 3 of the Lake Forest Subdivision. The Applicant is proposing an Amended Final Plat that would vacate the common lot line between Lots 7 and 20 to create one lot with an increased building area. It is the Applicant’s goal to construct a house in the center of the existing two lots. The proposed Amended Final Plat would vacate the internal lot line and adjacent 5’ interior lot line easement between Lots 7 and 20, eliminating potential encroachments along the internal line and allowing the Applicant to build centrally on the lot.

Currently, Lots 7 and 20 are vacant. Both lots are mostly clear of tall vegetation, with the exception of two small tree clusters adjacent to the street in Lot 7. Lot 7 is 12,970 ft.<sup>2</sup> (0.30 acres) and Lot 20 is 11,345 ft.<sup>2</sup> (0.26 acres), comprising a total lot size of 24,315 ft.<sup>2</sup> (0.56 acres). Water and sewer is provided to Lot 7 by Lake Forest Mutual Water and Three Lakes Water & Sanitation District, respectively.

The subject lots are surrounded by residential development to the north, east, and west. To the south, across CR-64, are the North Shore Lodge and Beacon Landing Marina establishments on either side of residences. Lots in the immediate vicinity of the subject parcels range in size from 0.26 acres to 0.98 acres in size. The southern edge of the lot is approximately 288 feet from the Lake Granby (aka Granby Reservoir) shoreline (pending water level).

**b. History:  
Subdivision**

**Recent AFPs in Lake Forest**

Lake Forest First Addition Subdivision was originally platted in September 1953 at Reception No. 76469. It

contained one filing, consisting of six (6) blocks comprised of 153 lots. Four other Amended Final Plat applications have

been processed through the County for  
this subdivision:

## VII. STAFF COMMENTS AND ANALYSIS

Staff supports this proposal in consideration of four other Amended Final Plats which have been approved in the Lake Forest Subdivision for similar reasons. Staff also supports the increase in lot size in consideration that it matches pre-existing lot sizes of lots ranging from 0.26 acres to 0.98 acres.

## VIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

### a. Master Plan

The subject parcels are located in the Urban Growth Area 2 (Grand Lake Growth Area). The growth area provides for higher density residential areas in the county. The physical character of the area consists of low density 2-4units/acre. The lot combination to create a 0.56 acre lot reflects what is currently there. Although this plat amendment does not create or retain higher residential density in the Urban Growth Area, it contributes to the consistent spatial character of the area.

### b. Zoning Regulations

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

- (d) The amended plat will be for the purpose of providing for a larger lot.
- (e) This zone requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. The final plat shall show these setbacks.
- (f) Minimum area of lot, served by public water & sewer existing inside Urban Growth Area 2, 7,000 SF or 0.16 acres.

These lots are within an overlay district in the county referred to as the Three Lakes Design Review Area. A note shall be added to the plat that reads as following:

#### **Three Lakes Design Review Area**

The subject properties are located within the Three Lakes Design Review Area. All requirements for this overlay district apply to all structures constructed on these parcels.

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

The dedication on the 1953 Plat establishes easements of 5' at the rear of all lots, for use by the public. The vacation of the interior lot line easements will not eliminate access for adjacent property owners. The intention of this vacation is to better connect the lots to optimize the buildable area.

Grand County has used the criteria in CRS 43-2-303, regarding vacation of roadways to review vacation of utility easements:

43-2-303 (1) All right, title, or interest of a county, of an incorporated town or city or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

(1)(b) The board of county commissioners of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.

(2) No roadway of part thereof shall be vacated so as to leave any land adjoining said roadway without an established public road connecting said land with another established public road.

(3) In the event of vacation under subsection 1 of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water or similar pipelines and appurtenances for ditches or canals and appurtenances and for electric, telephone, and similar lines and appurtenances.

**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 Lot 7A, Block 3 , First Addition to the Lake Forest Subdivision**

**Being a replat of Lot 7 and 20, Block 3 , First Addition to the Lake Forest**

**Subdivision, Reception No. 76469**

**Section 26 Township 3 North, Range 76 West of the 6th P.M.**

**Ownership recorded at the Reception Number 2018009045**

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

**Amended Lot 7A, Block 3, First Addition to the Lake Forest Subdivision**

**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.

This requirement has 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.

**Tract boundary lines, easements, residential lot lines and accurate dimensions shall be shown on the Plat, including those boundaries of adjacent properties.**

**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 north boundary of the plat to be GCR 6430.**

**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.

This requirement has 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. The Title Company of the Rockies shows ownership to Nicholas and Kristi Gulley dated November 07, 2018.

This requirement has been met.

**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 **Nicholas and Kristi Gulley** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: **LOT 7 & 20, BLOCK 3, First Addition to the Lake Forest Subdivision** , That they have caused said real property to be laid out and surveyed as: **Amended Lot 7A Block 3, First Addition to the Lake Forest Subdivision** 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 **Nicholas and Kristi Gulley** has 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 7A, Block 3, First Addition to the Lake Forest Subdivision** 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.

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.

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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.

**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 is not applicable, there are no existing covenants.**

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

This requirement has been met.

**Section 4.3 (2) (r)** The applicant shall comply with current storm water and erosion control guidelines as set forth by the County. The submittal included a current Title Commitment that provides information regard to transfer to the owners. The subdivider shall provide:

**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)** The 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 7A: 985 GCR 64**



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

**This shall be included prior to recording 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](http://www.blm.gov/gcdb). The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

**This shall be included prior to recording the Final Plat Mylar.**

## **X. PLANNING COMMISSION RECOMMENDATION**

Planning Commission hearing is scheduled for March 11, 2020.

## **XI. STAFF RECOMMENDATION**

Staff requests 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.

13. The title of the Amended Final Plat shall be amended as recommended (see (a) above).
14. The legal description shall be amended as recommended (see (b) above).
15. Primary control points or descriptions shall be amended as recommended (see (c) above).
16. 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).
17. 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).
18. 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).
19. The Dedication shall be amended to read as indicated above (see (k) above).
20. The Surveyor's Certificate shall be amended to read as indicated above (see (l) above).
21. The Planning Commission Certificate shall be amended to read as indicated above (see (m) above).
22. Remove "Preliminary Plat" and correct legal description as indicated above (see (o) above).
23. A vicinity map. This has been provided and shall remain on the Final Plat (see (q) above).
24. 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).
25. A statement of taxes showing that all taxes have been paid shall be submitted (see (x) above).

26. An electronic copy of the Final Plat shall be submitted (see (y) above).

27. All recording fees are to be paid by the Applicant.

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

The applicant is not present this evening.

Staff stated they added condition number 15 this am. Permission granted by utility companies to provide service to allow for dedication of the easements. Because there are no properties being served by those easements.

Commissioners stated to add Condition Number 18, approving vacation of lots as well.

Commissioner asked when you have 2 roads and the rest of the neighbors have to adhere to a 30 foot setback for their front yard and now this is becoming one lot and you are recommending a 5 foot setback. If someone goes to build, there would still be a 20 foot rear setback. The presentation shows 5 foot setback, which is correct. Rear yard setbacks in Residential zoning is 20 feet, the plat showed 5 around the border. The plats show easements not setbacks. This property faces 2 roads which is the front yard?

Staff replied County Road 64 or could be up to property owner to decide.

Commissioners stated at time of build the property owner chooses which is the front yard.

Staff commented that in the definitions, front lot line is defined as the shortest line adjacent to a county road.

Commissioners stated this is true, is this property not square?

Staff continued that County Road 64 would be the front yard.

Motion to recommend approval by Kim Shepton for Lots 7 & 20, Block 3, Lake Forest 1<sup>st</sup> Addition – Amended Final Plat with 18 conditions discussed. Seconded by Tara Fournet, No Discussion. All in favor "aye", none opposed.

## **Lot 2, 8, & 14, Ranches at Devil's Thumb – The Ranches at Devil's Thumb, Inc.**

Presented by: Alexander Taft, Planner, LEED Green Associate

## **CERTIFICATE OF RECOMMENDATION**

**Planning Commission, March 11, 2020;** Board of County Commissioners TBD, 2020

**PROJECT NAME :** Amended Final Plat, Lots 2, 8, and 14, The Ranches at Devils Thumb  
**APPLICANT :** The Ranches at Devils Thumb, Inc. represented by Jeff Vogel AICP, Principle, Vogel & Associates  
**LOCATION :** Lot 2: 102 GCR 80316 (Alpenglow Vista), Lot 8: 106 GCR 80314 (Sky Valley Way), Lot 14: 118 GCR 80320 (Cattle Dr)  
**ZONING :** Forestry and Open District (F)

**APPLICABLE**

**REGULATIONS :** Grand County Zoning Regulations, Grand County Master Plan, Rural Land Use Process

**ATTACHMENTS :**

- A. Vicinity Map
- B. Letter of Application and Narrative
- C. Proposed plats
- D. Title Commitments
- E. Site photos (Eagleview)

**STAFF PLANNER :** Alexander Taft, LEED Green Associate

**REQUEST :** The Applicant is requesting three (3) Amended Final Plats to shift building envelopes on these lots.

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**XII. BACKGROUND**

**a. History:**

The Ranches at Devils Thumb was completed under a Rural Land Use Process (Subdivision) completed between 2017-2018. The Ranches at Devil’s Thumb, Inc. as the developer is still owner of a majority of the parcels within the subdivision. The 17 lots within the subdivision are on 341.1 acres is near Devils Thumb Ranch Resort located northeast of the Town of Fraser and situated between GCR 8 to the south and GCR 83 which leads to Devils Thumb Ranch Resort to the north and east. The subdivision, which created these 17 lot, maintains two-thirds open space and contains solely agricultural or recreational uses.

The property is not contained within an Urban or Rural Growth Boundary as defined by the 2011 Master Plan. Being located outside of these growth areas the Rural Land Use Process is one of the few methods available to property owners interested in creating multiple interest in tracts less than thirty-five (35) acres.

**b. Proposal:**

The proposal is to move building envelopes within the established disturbance zones. The Applicant has had some interest in the lots but only if the envelopes move. The envelopes which were created by this The Ranches at Devil’s Thumb Plat

**XIII. STAFF COMMENTS AND ANALYSIS**

The proposal to move building envelopes appears to not conflict with any previous approvals. There have been several discussions to eliminate building on plats as they tend to create administrative burden to adjusting a building area. Staff’s opinion is that these serve a necessary purpose consistent with the Rural Land Use Process.

**XIV. COMPLIANCE WITH GRAND COUNTY REGULATIONS**

## E. 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 two (2) is relevant to this proposal.

### Plan Element 3 - Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. All lots within The Ranches at Devils Thumb subdivision border parcels to the south within the Urban Growth Area but have no access to public water or sewer. This proposal minimizes disturbance of the rural and open land character and minimizes impacts to water table pressure this development would create.

## F. ZONING REGULATIONS

The parcels involved in this proposal lie within the Forestry and Open District, existing outside the Urban Growth Area. The site is surrounded by vacant land or larger lot residential uses and the subdivision is surrounded by the town boundary.

- (g) The owners of these lots will construct a single family dwelling, consistent with uses by right in this District.
- (h) This District requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. They are shown on the proposed plat.
- (i) The minimum lot area in the Forestry and Open District is 5 acres (217,800 ft<sup>2</sup>).

## G. RURAL LAND USE PROCESS REGULATIONS - 4.4 Final Plat/4.5 Amended Final Plat

The application shall comply with the Rural Land Use Process Regulations, Amended Final Plat - Section 4.5. Conditions are listed in **BOLD**. Below Staff notes how the proposed Plat addresses each of the following:

### a. LOT 2

**Section 4.3 (1) (a-c)** this application meets the statement of requirements of the Preliminary Plat. It with minimum scale complies as it is at a one inch (1") equals one hundred feet (100') scale on a twenty-four inch (24") by thirty-six inch (36") sheet.

**Section 4.3 (2) (a)** Title shall read:

AMENDED LOT 2, THE RANCHES AT DEVILS THUMB

BEING A REPLAT OF LOTS 2, THE RANCHES AT DEVILS THUMB, RECORDED AT  
RECEPTION NO. 2018007768 PART OF, SECTION 9, 16, AND 17, TOWNSHIP 1 SOUTH,  
RANGE 76 WEST, 6TH P.M., GRAND COUNTY, COLORADO

OWNERSHIP RECORDED AT RECEPTION NO. 2018007768

A scale of one inch (1") equals one hundred feet (100'), north arrow and date of January 10, 2020 are all located on this proposed Plat.

**Section 4.4 (2) (b)** Legal descriptions are as follows:

**Amended Lot 2, The Ranches at Devils Thumb**

**Section 4.4 (2) (c-d) Primary control points, or description and ties to such control points shall be clearly identified on the proposed plat . Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines shall show radii, arcs and central angles with accurate dimensions .**

**Section 4.4 (2) (e-f) Name of adjacent Right-of-Way, shall read: GCR 80316 (Alpenglow Vista) and shall show widths and dimensions of Rights-of-Way . Pre-Existing recorded easements with reference to their location of recording within the Grand County Real Estate records (e.g., 25' access easement) .**

**Section 4.4 (2) (g-i) Lots subject in this application include acreage to the nearest 1/100<sup>th</sup>. All lots are intended to remain residential use. The proposed plat shall comply, Location and description of monuments shall be connected to corners of sections or similar.**

**Section 4.4 (2) (j) Current title commitment Policy Number PIB60012147.1855281 has been provided dated January 10, 2020 has been included with this submittal.**

**Section 4.4 (2) (k-m) minor corrections are needed for the Certificates are placed on the Plat. The County Attorney 's Office shall review the Dedication.**

**DEDICATION**

KNOWN ALL MEN BY THESE PRESENTS: That **The Ranches at Devils Thumb, Inc** . is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 2, The Ranches at Devils Thumb , according to the plat recorded September 27, 2018 at Reception No. 2018007768** , That he has caused said real property to be laid out and surveyed as, **Amended Lot 2, The Ranches at Devils Thumb** and does 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 does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF The Ranches at Devils Thumb, Inc. has caused his name to be hereunto subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Robert Fanch, Chairman

The Ranches at Devils Thumb, Inc.

STATE OF COLORADO )

SS

COUNTY OF GRAND )

The foregoing instrument was acknowledged before me this\_\_ day of \_\_\_\_\_, 20\_\_ by Robert Fanch, Chairman, The Ranches at Devils Thumb, Inc.

**SURVEYOR'S CERTIFICATE**

I, David C. Costner, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Lot 2, The Ranches at Devils Thumb** 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 4.4 (2) (n)** Certification by a qualified professional insuring compliance with the design standards has been provided.

**Section 4.4 (2) (o)** A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner has been provided for use by the County Clerk and Recorder.

**Section 4.4 (2) (p)** This application complies, covenants are not subject to change because of this proposed Amended Final Plat.

**Section 4.4 (2) (q-r)** vicinity map has been supplied and shall remain on the cover page. The proposed Plat complies with provisions of (r) any new construction shall follow established criteria for OWTS and stormwater drainage within each lot.

**Section 4.4 (2) (s-t)** These provisions are not applicable. A forest stewardship plan wildfire hazard mitigation plan was submitted with the Final Plat creating the subdivision. No land areas are being dedicated for other use with this Amended Final Plat. No additional studies are being submitted or required to meet engineering requirements. Colorado Land Use Commission no longer exists.

**Section 4.4 (2) (u)** Addresses shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator.

**Section 4.4 (2) (v)** Statement of taxes due showing current taxes paid shall be supplied prior to recording the Final Plat.

**Section 4.4 (2) (w)** 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.

b. Lot 8

**Section 4.3 (1) (a-c)** this application meets the statement of requirements of the Preliminary Plat. It with minimum scale complies as it is at a one inch (1") equals fifty feet (50') scale on a twenty-four inch (24") by thirty-six inch (36") sheet.

**Section 4.3 (2) (a)** Title shall read:

AMENDED FINAL PLAT

AMENDED LOT 8, THE RANCHES AT DEVILS THUMB

BEING A REPLAT OF LOT 8, THE RANCHES AT DEVILS THUMB, RECORDED AT RECEPTION NO. 2018007768 PART OF, SECTION 9, 16, AND 17, TOWNSHIP 1 SOUTH, RANGE 76 WEST, 6TH P.M., GRAND COUNTY, COLORADO

OWNERSHIP RECORDED AT RECEPTION NO. 2018007768

A scale of one inch (1") equals one hundred feet (100'), north arrow and date of January 10, 2020 are all located on this proposed Plat.

**Section 4.3 (2) (b)** Legal descriptions are as follows:

**Amended Lot 8, The Ranches At Devils Thumb**

**Section 4.3 (2) (c- d)** Primary control points, or description and ties to such control points shall be clearly identified on the proposed plat . Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines shall show radii, arcs and central angles with accurate dimensions.

**Section 4.4 (2) (e-f)** Name of adjacent Right-of-Way, shall read: GCR 8031 4 (Sky Valley Way) and shall show widths and dimensions of Rights-of-Way . Pre-Existing recorded easements with reference to their location of recording within the Grand County Real Estate records (e.g., 25' access easement) .

**Section 4.4 (2) (g-i)** Lots subject in this application include acreage to the nearest 1/100<sup>th</sup>. All lots are intended to remain residential use. The proposed plat shall comply, **Location and description of monuments shall be connected to corners of sections or similar.**

**Section 4.4 (2) (j)** Current title commitment Policy Number PIB60012147.1855281 has been provided dated January 10, 2020 has been included with this submittal.

**Section 4.4 (2) (k-m)** minor corrections are needed for the Certificates are placed on the Plat. Board of County Commissioners Certificates Certificate complies. **The County Attorney 's Office shall review the Dedication.**

**DEDICATION**

KNOWN ALL MEN BY THESE PRESENTS: That **The Ranches at Devils Thumb, Inc** . is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 8, The Ranches at Devils Thumb , according to the plat recorded September 27, 2018 at Reception No. 2018007768 ,** That he has caused said real property to be laid out and surveyed as, **Amended Lot 2, The Ranches at Devils Thumb** and does 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

does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF The Ranches at Devils Thumb, Inc. has caused his name to be hereunto subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Robert Fanch, Chairman

The Ranches at Devils Thumb, Inc.

STATE OF COLORADO )

SS

COUNTY OF GRAND )

The foregoing instrument was acknowledged before me this\_\_ day of \_\_\_\_\_, 20\_\_ by Robert Fanch, Chairman, The Ranches at Devils Thumb, Inc.

**SURVEYOR'S CERTIFICATE**

I, David C. Costner, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Lot 8, The Ranches at Devils Thumb** 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 4.4 (2) (n)** Certification by a qualified professional insuring compliance with the design standards has been provided.

**Section 4.4 (2) (o)** A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner has been provided for use by the County Clerk and Recorder.

**Section 4.4 (2) (p)** This application complies, covenants are not subject to change because of this proposed Amended Final Plat.



**Section 4.4 (2) (q-r)** vicinity map has been supplied and shall remain on the cover page. The proposed Plat complies with provisions of (r) any new construction shall follow established criteria for OWTS and stormwater drainage within each lot.

**Section 4.4 (2) (s-t)** These provisions are not applicable. A forest stewardship plan/wildfire hazard mitigation plan was submitted with the Final Plat creating the subdivision. No land areas are being dedicated for other use with this Amended Final Plat. No additional studies are being submitted or required to meet engineering requirements. Colorado Land Use Commission no longer exists.

**Section 4.4 (2) (u)** Addresses shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator.

**Section 4.4 (2) (v)** Statement of taxes due showing current taxes paid shall be supplied prior to recording the Final Plat.

**Section 4.4 (2) (w)** 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.

c. Lot 14

**Section 4.3 (1) (a-c)** this application meets the statement of requirements of the Preliminary Plat. It with minimum scale complies as it is at a one inch (1") equals fifty feet (50') scale on a twenty-four inch (24") by thirty-six inch (36") sheet.

**Section 4.3 (2) (a)** Scale, North Arrow, and date are present

**The Title shall be corrected as follows:**

AMENDED FINAL PLAT

AMENDED LOT 14, THE RANCHES AT DEVILS THUMB

BEING A REPLAT OF LOT 14, THE RANCHES AT DEVILS THUMB, RECORDED AT RECEPTION NO. 2018007768 PART OF, SECTION 9, 16, AND 17, TOWNSHIP 1 SOUTH, RANGE 76 WEST, 6TH P.M., GRAND COUNTY, COLORADO

OWNERSHIP RECORDED AT RECEPTION NO. 2018007768

A scale of one inch (1") equals one hundred feet (100'), north arrow and date of January 10, 2020 are all located on this proposed Plat.

**Section 4.4 (2) (b)** Legal descriptions are as follows:

**AMENDED LOT 14, THE RANCHES AT DEVILS THUMB**

**Section 4.4 (2) (c-f)** This proposed plat complies with Primary control points, or description and ties to such control points. It also includes Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines. **Name of adjacent Right-of-Way, shall read: GCR 80320 (Cattle Dr).**

**Section 4.4 (2) (g-i)** Lots subject in this application include acreage to the nearest 1/100<sup>th</sup>. All lots are intended to remain residential use. The proposed plat shall comply, **Location and description of monuments shall be connected to corners of sections or similar.**

**Section 4.4 (2) (j)** Current title commitment Policy Number PIB60012147.1855281 has been provided dated January 10, 2020 has been included with this submittal.

**Section 4.4 (2) (k-m)** Minor corrections are needed for the dedication are placed on the Plat. Board of County Commissioners Certificates Certificate complies. **The County Attorney’s Office shall review the Dedication.**

**DEDICATION**

KNOWN ALL MEN BY THESE PRESENTS: That **The Ranches at Devils Thumb, Inc** . is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 14, The Ranches at Devils Thumb , according to the plat recorded September 27, 2018 at Reception No. 2018007768** , That he has caused said real property to be laid out and surveyed as, **Amended Lot 14, The Ranches at Devils Thumb** and does 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 does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF The Ranches at Devils Thumb, Inc. has caused his name to be hereunto subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Robert Fanch, President

The Ranches at Devils Thumb, Inc.

STATE OF COLORADO )

ss

COUNTY OF GRAND )

The foregoing instrument was acknowledged before me this\_\_ day of \_\_\_\_\_, 20\_\_ by Robert Fanch, President, The Ranches at Devils Thumb, Inc.

My Commission Expires:

**Section 4.4 (2) (k-m)** minor corrections are needed for the Certificates are placed on the Plat. Board of County Commissioners Certificates Certificate complies. **The County Attorney 's Office shall review the Dedication.**

### **SURVEYOR'S CERTIFICATE**

I, David C. Costner, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Lot 14, The Ranches at Devils Thumb** 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 4.4 (2) (n)** Certification by a qualified professional insuring compliance with the design standards has been provided.

**Section 4.4 (2) (o)** A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner has been provided for use by the County Clerk and Recorder.

**Section 4.4 (2) (p)** This application complies, covenants are not subject to change because of this proposed Amended Final Plat.

**Section 4.4 (2) (q-r)** vicinity map has been supplied and shall remain on the cover page. The proposed Plat complies with provisions of (r) any new construction shall follow established criteria for OWTS and storm water drainage within each lot.

**Section 4.4 (2) (s-t)** These provisions are not applicable. A forest stewardship plan wildfire hazard mitigation plan was submitted with the Final Plat creating the subdivision. No land areas are being dedicated for other use with this Amended Final Plat. No additional studies are being submitted or required to meet engineering requirements. Colorado Land Use Commission no longer exists.

**Section 4.4 (2) (u)** Addresses shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator.

**Section 4.4 (2) (v)** Statement of taxes due showing current taxes paid shall be supplied prior to recording the Final Plat.

**Section 4.4 (2) (w)** 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.

## **XV. PLANNING COMMISSION RECOMMENDATION**

Planning Commission hearing is scheduled for March 11, 2020.

## **XVI. STAFF RECOMMENDATION**

Staff recommends the approval of the Amended Final Plat, Lots 2, 8, and 14 The Ranches at Devils Thumb, with the following conditions (consistent with all proposed plats) to be met prior to the recording of the Amended Final Plat.

1. Correct the Title of the plat as shown and add conveyance to owners and location of Recording (4.4 (2) (a)).
2. Primary control points, or description and ties to such control points shall be clearly identified on the proposed plat (4.4 (2) (c)).
3. Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines shall show radii, arcs and central angles with accurate dimensions (4.4 (2) (d)).
4. Name of adjacent Right-of-Way, shall read: GCR 80314 (Sky Valley Way) and shall show widths and dimensions of Rights-of-Way. (4.3 (2) (e)).
5. Pre-Existing recorded easements with reference to their location of recording within the Grand County Real Estate records (e.g., 25' access easement) (4.4 (2) (f)).
6. Location and description of monuments shall be connected to corners of sections or similar (4.3 (2) (i)).
7. Minor corrections are needed for the dedication are placed on the Plat The County Attorney's Office shall review the Dedication (4.3 (2) (k)).
8. A statement of taxes that shows all taxes have been paid shall be submitted (4.4 (2) (v)).
9. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted (4.3 (2) (w)).
10. All recording fees are to be paid by the Applicant.
11. All applicable building and sanitation permits shall be obtained through the County prior to construction.
12. Quit Claim Deeds to describe the amended legal description of the lots and be clearly conveyed on title.

Jeff Vogel, representative for Devil's Thumb Ranch, is not present.

Commissioners asked about notes stating, "eliminating administrative burdens by removing building envelopes".

Staff replied the process they go through for a building envelope seemed burdensome on the applicant, so we have talked about eliminating the building envelopes entirely. In this case, because of that connection with the 2/3 open space, we really want to keep the building envelope.

Commissioners asked if Lot Number 8 had changed from your certificate.

Staff replied no, this was the plat received with the application. The recorded subdivision plat that was included shows more separation between lots.

Commissioners asked if Lot 14 has a road running through it.

Staff answered it does. It is really not a road, per say, but a driveway that has been improved so that road is only accessed by the 2 lots 15 and 14. There are quite a few lots that are bisected by the roadway, but all that space is open.

Staff explained the history as the Ranches of Devil's Thumb was the developer of the 17 lots and they still maintain ownership of about 13/14 of those lots. Will add a comma after developer for clarification.

Motion to recommend approval by Ingrid Karlstrom for Lots 2, 8, & 14, Ranches at Devil's Thumb, Amended Final Plat, The Ranches at Devil's Thumb Inc. as presented. Seconded by Kim Shepton, No Discussion. All in favor "aye", none opposed.

## **Public Utility Special Use Permit – Public Service Company (Xcel)**

Presented by: Alexander Taft, Planner, LEED Green Associate

# **CERTIFICATE OF RECOMMENDATION**

Planning Commission March 11, 2020 ; Board of County Commissioners March 24, 2020

**PROJECT NAME :** Fraser Valley Natural Gas Extension - Public Utility Special Use Permit

**APPLICANT :** Public Service Company of Colorado d/b/a Xcel Energy -- represented by Cheryl Diedrich

**LOCATION :** ROW County Road 522 approximately 1 mile north of the Town of Fraser stretching to 4.8 miles to the junction of GCR 858 and US Highway 40.

### **APPLICABLE**

**REGULATIONS :** Zoning Regulations: Forest and Open, Business, Tourist, and Residential District Sections 4.1, 6.1, 8.1 and 9.1 and Special Use Permits Section 11.8, Grand County Master Plan

**ZONING :** Forestry and Open, Tourist, Business, and Residential Districts

### **ATTACHMENTS :**

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

**STAFF PLANNER :** Alexander Taft, LEED Green Associate

**REQUEST :** The Applicant is requesting a Special Use Permit to construct and operate natural gas extension within County Rights-of-Way and private easements between Fraser and Tabernash.

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## **XVII. BACKGROUND AND PROPOSAL**

The request is to construct and operate a natural gas line which was introduced to Staff in September 2019. A meeting with stakeholders was held and included Grand County Community Development and Road and Bridge Staff, Jeff Vogel as a representative of an adjacent land owner, and a Public Service Company of Colorado doing business as Xcel Energy (Xcel Energy) Staff and their consultants.

The Applicant proposes running a 6 inch natural gas line primarily in County Road Right-of-Way and in some locations within private easements crossing properties which have been included on page 5 of this report.

The Applicant is requesting a Special Use Permit to construct and operate a high pressure natural gas pipeline which requires special review by Grand County. The proposed facility, if approved, will serve approximately 2,000 homes within Grand County. The facility is being constructed by contractors hired by Xcel Energy and is anticipated to be complete by September of this year.

## **XVIII. STAFF ANALYSIS**

The extension of the proposed 4.8 mile natural gas line will stretch from the junction of GCR 731 (Arena Rd) and GCR 50 (Church Park Rd) to the Junction of GCR 858 and US Highway 40. The project includes one segment of new pipeline and modification of four (4) existing above ground appurtenances.

Xcel states in their application there is a general need for a line to serve the public because of the growth within the towns of Grand Lake, Granby, Winter Park, Fraser and their adjacent unincorporated areas. The proposed line will increase gas supply capacity, mitigate the potential for outages and supply future growth.

Xcel proposes that most of the proposed gas line alignment follows PSCo's existing three (3) inch Granby natural gas pipeline. Approximately 65% of the proposed line would be placed in state, county or local ROW including land dedicated for the planned expansion of the Fraser Valley Parkway. The pipeline would be buried at a depth of cover of four (4) feet where possible. The proposed pipeline will be buried underground and therefore would not be visible after construction and restoration.

The proposed pipeline would traverse a sparsely developed area between Tabernash and Fraser. There are roughly a few residences and accessory buildings along the route. The Fraser Valley Recreation Center is located to the east. Existing valve sets are setback

roughly .1 to .2 miles from residences for the most part.

The Applicant has outlined all the potential permits that will be required to be obtained for the construction of this transmission line including the Army Corps of Engineers, CDOT, and CDPHE. Other required permitting under Grand County authority include: road cut permits from Road and Bridge and Building Permits for structures over 120 ft<sup>2</sup>.

Private easements are proposed to be outside of County Right-of Way. These easements shall be obtained prior to the signature of a Special Use Permit and construction. Proof of recorded easements shall be supplied to the Community Development via email prior to **ANY** county permits being granted. This is listed as a condition below.

Staff notes that there are several construction proposals within the Pole Creek Valley and Coyote Creek Subdivisions and would recommend that Xcel implement a best practices approach to identify dates of construction. This will help local residents who are under the process of constructing a residence in the vicinity from having difficulty. While the County may not have specific authority to restrict construction within these areas we will work with residents and Xcel to keep open all communications to prevent delays on either side.

It is Staff's opinion that in the future the County should review these provisions for Public Utility facilities and transmissions with the intention of removing them from the Grand County Zoning Regulations and making them a part of the 1041 permitting process similar to Routt County and Clear Creek County, as example. The 1041 process is for land use projects that review the extension and placement of utilities which are commonly tied to state reviewed processes such as water and waste water, oil and gas, and large scale utility transmission lines to name a few. This will provide clearer path forward, especially for utility extension, it makes sense to complete to provide alternative sources and robust services throughout the county.

## **XIX. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN**

The site subject in this application stretches between the Grand County established Fraser and Tabernash Urban Growth Areas. The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which two (2) are relevant to this Special Use Permit proposal.

### **Plan Element 1 - Natural and Cultural Resources**

Plan Element 1 establishes guidelines on how to maintain the integrity and quality of life that Grand County residents seek. Natural and cultural resources help maintain the core of the environment within Grand County. Specifically related to this proposal is Subsection 1.6 Energy and Resource Conservation which details the support of sustainable programs related to energy. By supporting this development the County meets the implementation action of Subsection 1.6.

### **Plan Element 2 - Land Use - Growth and Development**

If approved, this service will be a benefit to the community. The increase line size and redundant flow helps to encourage use of natural gas as an alternative resource of energy. Goals within Subsection 2.2 Infrastructure are being achieved by protecting environmentally-sensitive areas by locating much of the line in an existing Right-of-Way.

## **XX. COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS**

The proposed site for this pipeline traverses several zoning districts and is a use, under special review in all consistent with section 11.8 (6). In this District, the Applicant can operate this natural gas pipelines under the Special Use Permit (“SUP”), pursuant to the provisions of Section XI as specified in sub-paragraph (6). This section lists uses allowed by special review including: **Public utility facilities, excluding business offices and repair facilities** .

### **COMPLIANCE WITH THE SECTION 11.8 (6 ) SPECIAL USES –PUBLIC UTILITY FACILITIES, EXCLUDING BUSINESS OFFICES AND REPAIR FACILITIES**

6. Public utility facilities, excluding business offices and repair facilities, subject to the following provisions:
  - (a) To avoid unnecessary administrative complexity for the providing of public utility services to individuals, construction, extension and location of public utility lines for permanent central service plants to individual users which are capable of serving no **more than seventy-five (75) dwellings shall not require a special permit. Except that electrical transmission lines designed to transmit a nominal voltage of 34,500 volts (34.5 kV) or less, natural gas pipelines that transmit gas at 75 pounds per square inch (75 PSI) or less, and communication lines that do not connect wire centers (telephone exchanges) or receiver sites shall not require a special permit. This exemption, from the provisions of this section, shall not be cumulative and to effect this provision the Grand County Planning Commission or the Board of County Commissioners of Grand County may request from all or any class of public utilities, or a utility of any class, a certification by map of such utility or utilities used and useful central service plant. All approved facilities or extensions shall become a part of a utility's central service plant.**

This proposal is meant to serve in excess of seventy-five (75) dwellings and greater than seventy-five (75) pounds per square inch (PSI). The proposal makes reference of an operating pressure of approximately one thousand (1,000) PSI. Additional information provided via email to Staff suggests that the new line will serve approximately two thousand (2,000) homes in Grand County and possibly parts of Summit and Routt Counties. The project timeline is to complete construction of the project between May and September of 2020 to avoid potential outages in Winter 2020/2021.

- (b) Public utility facilities existing in zoning districts at the time of the adoption of these Regulations, that is the twenty first (21st) day of June, 1977, shall be considered permanent facilities and a permitted nonconforming use unless and until



**abandoned. Any construction, extension or relocation not exempt pursuant to (a) above shall require a Special Use Permit and the provisions of Section 15.6 relating to enlargement of a building containing a non-conforming use shall not apply to public utility facilities.**

In reference to this provision, all new extensions of a public utility shall require a Special Use Permit and any additional required permitting through the Building Division, and Road and Bridge. This new, proposed facility or transmission falls under the provisions of this Section 11.8 (6).

- (c) Prior to issuance of a Special Use Permit pursuant to this section, the Planning Commission and Board of, County Commissioners shall consider the visual, environmental, physiographic and socioeconomic characteristics of the land to be used including evaluation of broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved sites or routes result in the least possible adverse impacts within any zoning district as well as among those zoning districts necessary for the entire facility.

In consideration of these provisions the following are being analyzed:

- Visual - the application references a parallel to existing 3-inch line which is buried at a minimum of three feet (3') underground with a preferred to be a depth of four feet (4') underground. The corridor where the line will be located is low visual land impacts since trees are minimal and vegetation is primarily native grasses, sage, and ground cover juniper species.
- Environmental - the corridor in which this line lies is located where the surface elevation is between 7,000 and 9,000 feet above sea level. Included in the application is a report of wildlife species which occur in the area, those species have low impact directly in the project area because of the human caused impacts in areas surrounding.
- Physiographic - The Applicant has supplied a National Resources Conservation Services (NRCS) report for the corridor. These soils surveys are a helpful tool in providing clear information for new development.
- Socioeconomic - The need for natural gas as an affordable heating source is a critical resources in the mountain communities of the West Slope. The amount of heating degree days far exceeds cooling, and the growth the State has seen has caused this need.

**The Applicant shall work with the County Consulting Engineer to identify locations where the line shall be buried as a deeper depth to prevent the need to move the line in the future. The Applicant shall be responsible for moving the line if there are conflicts caused by future road construction along this corridor.**

- (d) The proposed location of a public utility facility, in view of the substantial ownership of land by the United States of America and the State of Colorado within Grand County, shall maximize the use of federal and state owned land and applicant shall

demonstrate the maximum use of such lands for the proposed construction, extension and location of a public utility facility after considering all alternatives including, but not limited to, not constructing the facility, burial of normally above-ground facilities, and consolidation, realignment, relocation or unitization with other facilities. All proposed public utility facilities shall serve an obvious public need.

Much of the proposed natural gas line is to be located in GCR 522 commonly known as Fraser Valley Parkway or Old Victory Highway to the furthest extent where possible. The provisions in 11.8(6) d above should also account for property under the ownership of local government's such as Grand County. Applicant has supplied a list of impacted owners directly adjacent to the County and CDOT Right-of-Way. Grand County has obtained ownership of Right-of-Way from property owners as listed below:

<b><u>Former Owner</u></b>	<b><u>Reception Number, Location, and Date Obtained</u></b>	<b><u>Brief Description</u></b>
Denver Board of Water Commissioners	2003009728 METES & BOUNDS Sec 1, 12, & 13, 998.342 AC (158912200233);	Potions of land north of County Road 5 and the FVMRD "Ball Fields"
Denver Board of Water Commissioners	2003009728 METES & BOUNDS 75 Sec 7, T1S 211.99 AC (158707200015)	Potions of land north of County Road 5 and the FVMRD "Ball Fields"
"Hidden River Ranch" as referenced in 2003 - 1- 5	99010835, Hidden River Ranch "Subdivision" owners, Lots C and E	That portion traversing through Hidden River Ranch through Lots C and E
<b><u>Former Owner</u></b>	<b><u>Reception Number, Location, and Date Obtained</u></b>	<b><u>Brief Description</u></b>
"Bradley Group" as referenced in 2003 - 1- 5	200300744, M & B SEC 2 T1S R76 52.5 AC (158901300068)	A portion of the Proposed Red Hawk Ranch Subdivision

The Applicant will be required to establish easements which shall be obtained or verified with Grand County from private property owners listed below:

<b><u>Owner</u></b>	<b><u>Legal Description(s) (Parcel ID)</u></b>	<b><u>Address(es)</u></b>
Denver Board of Water Commissioners	METES & BOUNDS Sec 1, 12, & 13, 998.342 AC (158912200233); METES & BOUNDS 75 Sec 7, T1S 211.99 AC (158707200015)	None assigned
Michael R. Seningen	CARRAWAY SUBDIVISION	73292 US HWY 40; 73268 US

	EXEMPTION Lot: F-1 & F-2	HWY 40;
Scott E. and Toni M. Hallgren	<b>HIDDEN RIVER RANCH (UNREC)</b> SUB Lot: E REC 98000018	073244 US HWY 40
J. Scott Bradley	M & B SEC 2 T1S R76 DESC B/267 P/184_(158902400137); M & B PART OF SEC1&2 T1S R76 (158902400011) M & B SEC 2 T1S R76 52.5 AC (158901300068); Mesa Subdivision Exemption Lots 1-3 (158901339003, 158901339002, 158901339001)	765 GCR 522; 766 GCR 514;
Gary J. and Elizabeth J. Droll	<b>HIDDEN RIVER RANCH (UNREC)</b> SUB Lot: C REC 98000018 (158901325003)	73146 US HWY 40
WPDTIC Corp represented by David C. Randall	M & B SEC 6 T1S R76W DESC AT B/167 P/76 (158903100015); "Brewer Tracts" M&B 1S Lot 6 (158902100145); METES & BOUNDS SEC 2 T1S R76W (158902100173)	Approximately 3800 GCR 85; Approximately 71601 US HWY 40; Approximately 71701 US HWY 40
Zdenek (Nick) Nedele	"Brewer Tracts" M&B 1S Lot 5 (158902200144)	71575 US HWY 40
Jan Koles	"Brewer Tracts" M&B 1S Lot 4 (158902200143)	None assigned
Susanne P. Larson	"Brewer Tracts" M&B 1S Lots 2&3 (158903100013 & 158902200142)	70195 US HWY 40
<b>Owner</b>	<b>Legal Description(s) (Parcel ID)</b>	<b>Address(es)</b>
David Jamison	"Brewer Tracts" M&B 1S Lot 1 (158903100012)	3892 GCR 85
J.K. Sequeira, Inc.	Brewer Outright Exemption Lot A & B (158903105002)	3892 GCR 85

(e) All proposed public utility lines shall be routed and constructed (by special techniques if necessary) wherever possible to: maximize use of federal and state owned lands; minimize damage to private landowners over which the line passes and adjacent to the proposed line; avoid paralleling of major transportation routes; cross any such transportation routes at as close to a right angle as possible; avoid

"tunnel" effect of clearing which would be visible from a population concentration or major transportation route; avoid clear stripping of right-of-way; avoid soils particularly subject to erosion; avoid historic and archeological sites; avoid visually unique scenic vistas and unique natural phenomenon; avoid adverse impact on wildlife and fish and their habitat; preserve as much as possible the natural landscape; minimize conflict with existing and planned uses shown on the County master plan map; maximize the natural screening potential of vegetation and topography; avoid crossing or use interference with a fishery; avoid isolated stands of spruce, fir and aspen, streams, lakes and ponds; avoid skylines visible from a population concentration or major transportation route; and, to minimize alteration of the slope or aspect of any hillside.

The Applicant did a thorough environmental analysis of this site and included in the submittal an analysis of soils from NCRS, vegetation, screening, erosion wildlife and wetlands.

One area which staff has the most concern is compliance with the intention to "minimize conflict with existing and planned uses shown on the County master plan map". County Road 522 Right-of-Way commonly known as Fraser Valley Parkway or Old Victory Highway has been in its position for nearly two decades. The proposed Fraser Valley Parkway is being seen as a parallel vehicular route to US Highway 40 and is discussed in the Master Plan. The proposed new road has been thoroughly studied by Grand County. Other than possible concerns related to the design of the proposed Fraser Valley Parkway, the project is not expected to negatively impact future development in the area.

The Applicant has indicated a plan to bury lines at least 4 feet deep to keep consistent with requirements of the transportation standards. This proposed depth could present future difficulty with constructing a road within the existing ROW boundary because of require cuts which have not yet been completely designed.

- (f) All construction of proposed extensions of public utility facilities, wherever possible, shall: reflect avoidance of the applicable impacts of (e) above; provide for re-compaction to restore the original density of disturbed ground; provide for restoration and revegetation of the original slope of hillsides and ridge cuts and future maintenance of such restoration and revegetation after construction; and by innovative construction techniques minimize the width of clearing and cuts, including installation of normally buried facilities above ground where such might be less disturbing to the sum of criteria of these sections.

Construction activities are known to cause distribution and growth of noxious weeds since freshly turned soil is preferable conditions for weeds to easily take root. All disturbed areas shall be restored to as near as possible natural conditions prior to when site was undisturbed. The Applicant shall be responsible to maintain noxious weed growth for the next year (summer 2021, if constructed in 2020) following construction.

- (g) All extensions of public utility facilities shall give due regard to topsoil, to geologic and watershed characteristics, to which end all extensions shall: consider geologic and natural hazard areas including floodplain and, if applicable, wildfire areas; reflect selection to minimize adverse impact on subsequent development of mineral

resources or mineral resource areas; approved or planned reservoir sites; and deposit of construction aggregate. Historic and archeological sites and discoveries should be treated pursuant to guidelines therefore approved by the County of Grand or other entity having statutory jurisdiction.

As mentioned above the applicant detailed other permitting required the submittal also listed other potential permits required such as: CDOT, County Road and Bridge, Army Corps of Engineers and others. Staff believes that the Applicant has done its due diligence to verify mineral resource areas and historical and archeological sites of interest. Staff would strongly recommend contacting Headwaters Land Trust which manages local conservation easement lands which this project would be in the vicinity of at least one.

- (h) The Board of County Commissioners may adopt, and may from time to time amend, administrative guidelines consistent with the above principals.

The Applicant understands that these regulations may change overtime to better protect public safety and welfare. It is Staff's opinion that in the future the County should review these provisions with the intention of removing them from the Grand County Zoning Regulations and making them a part of the 1041 permitting process as referenced in "Staff Analysis", above.

## **XXI. PLANNING COMMISSION RECOMMENDATION**

Scheduled for Planning Commission March 11, 2020.

## **XXII. STAFF RECOMMENDATION**

Staff recommends the approval of the natural gas pipeline Special Use Permit with the following conditions to be met:

- 1) Approval of all other jurisdictional permits shall be provided to Community Development prior to construction.
- 2) The Applicant shall provide confirmation of contact and recommendations from Headwaters Land Trust which manages local conservation easement lands.
- 3) The Applicant shall work with the County Consulting Engineer to identify locations where the line shall be buried as a deeper depth to prevent the need to move the line in the future.
- 4) The Applicant shall be responsible for moving the line if there are conflicts caused by future road construction along this corridor.
- 5) All private and temporary easements and permits shall be submitted to the Community Development Department prior to construction.

- 6) The Applicant shall update Community Development Staff about a construction schedule and contractor contacts to assist local residents coordinate potential project conflicts.
- 7) The Applicant shall be responsible to maintain noxious weed growth for the next year (e.g. Summer 2021, if constructed in 2020) following construction.

The following requirements shall be made a part of the Special Use Permit:

- 1) The permit shall be for a term of lifetime following completion of construction, permittee shall begin construction within 12 months from Board of County Commissioners approval.
- 2) The following Special Use Permit sections shall read as described in this certificate: Exterior Lighting, Site Maintenance, Uses Permitted, Area of Operation, and Miscellaneous Terms.
- 3) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
  - Control of Site
  - Noxious Weed Control
  - Site Maintenance
  - Rehabilitation of Site
  - Storage of Abandoned Equipment
  - Compliance with County, State and Federal Regulations
  - Limitation of Liability
  - Alteration of Terms and Conditions
  - Access and Right to Enter Site
  - Assignability
  - Binding Contract
  - Abandonment
  - Violation of Terms and Conditions
  - Non-Transferable
  - Termination

Xcel Energy representatives, Cheryl Diedrich, Senior Agent, Right of Way and Permits, Stephanie Phippen, Environmental and Permitting, Greg Ortcelle, Project Engineer, John Doty, Acquisition Specialists, Sheena Fennell, Project Manager, are all presented and available to answer questions from the Commissioners.

Commissioners asked on your Special Use Permit, do you have an end date of permit.

Staff relied, there would be no end date. You have instead language that states at the completion of construction, however, that Special Use Permit maintains just like our fiber optic houses. The Permit would go until the removal or restoration of the land and all adjacent structures. It runs in perpetuity.

Staff felt a lifetime permit was necessary in this case if there was additional construction work required after the fact.

Commissioners continued, like a cell phone tower you can say a lifetime of the use, but because you are taking a security deposit, the Special Use Permit does not expire and what you have as an end date, i.e., at the completion of construction is incorrect. It needs to say “until complete removal and restoration”, otherwise it is no end date. Easier to state no end date and it would be modified. You could add “modification are required for substantial change to site plan or basically new additions of the site plan”.

Staff wanted to clarify, Condition 1, our Road and Bridge Department wanted to insure that the standards are adhered to. Currently we do not have final design for this portion of the Fraser Valley Parkway right of way. The concern is, when the county starts building by Fraser Valley Parkway that we do not end up digging and hitting the gas line. We added a condition, where Excel has to work with our County Engineer to make sure the pipeline is deep enough.

Cheryl Diedrich gave a presentation for Xcel Energy outlining the need for the expanded natural gas pipeline for Grand County and surrounding communities. The benefits to Grand County, the new line will augment the existing system, increasing gas supply capacity, mitigating the potential for outages to current customers, and supplying future growth in the communities of Tabernash, Granby and Grand Lake, Colorado. The Project Overview, includes 4.8 miles of new 6-inch high pressure natural gas line and changes to 4 existing aboveground facilities. Most of the route follows an existing 3-inch line, approximately 65% of the new line will be in roads right-of-ways.

Construction will begin in May to put the new line with services to begin in September. Minimizing Impacts to Resources: the line will be buried underground with no new aboveground facilities. The project design minimizes potential impacts to visual and environmental resources, including wetlands, waterbodies, and wildlife. Construction Overview: there will be road restrictions and traffic control measures, traffic flaggers, delays to navigate through the work area, potential temporary changes to business and residential access and noise during the construction and natural gas testing. Restoration: disturbed areas will be restored to pre-construction conditions. Safety: the safety of the public around our natural gas system influences every decision we make. We take proactive approach to public safety by implementing safety measures before, during and after construction.

Commissioners asked if the entire line going to be 6 inches.

Ms. Diedrich replied yes, the entire new line will be 6 inches. To clarify, there is an existing 3 inch line and we need to run a new 6 inch line parallel to the 3 inch line. We are keeping and will be using both gas lines, the 3 inch and the 6 inch lines.

Ms. Phippen explained why we are keeping both the 3 inch and 6 inch gas lines. We chose to keep both lines in service for future growth. We are at capacity with the 3 inch line, the line is in good condition, and it has been tested so there is no reason to take it out of service.

Commissioners asked, does the 3 inch pipe have existing house connected already? And will any new houses be added to the existing 3 inch pipeline or will the new houses be moved to the 6 inch?

Ms. Phippen replied that yes it does feed the current population. The pipes will run together so it will feed the current population and new growth. They are both high pressure lines that go through regulators, which is 2 of the additional valve sets which release the pressure to feed future growth.

Ms. Diedrich added the value of having both lines running parallel to each other is, if there is an issue with one line we can use the other line to fall back on for uninterrupted service.

Ms. Phippen added that the valve set at the Granby take off is a remote control, this enables us to isolate the 3 inch line from the 6 inch line. This location will have a new valve set upgrade to accommodate the remote access.

Commissioners stated because we have specific zoning regulations that cover the 1041 Permits we utilize for more of the water and waste water world but we do have very specific regulations for the review of public utility facilities, i.e. 11.8.(6) per our regulations.

Staff asked what was being suggested was maybe we look at specific utilities as being part of the 1041 Permits process and not the Special Use Process? They are closely related.

Commissioners stated some history here, the 1041 Permit was created because of Colorado Revised Statute and we get to write our own, so what we attempted to do was fill in the blank. What are we asking for on financial security?

Staff replied there are not provisions in this section for financial provisions. So we have not asked for any financial security. To the best of my knowledge, that is through Road and Bridge.

Ms. Diedrich replied that Road and Bridge has requested a bond for 150% of the restoration.

Commissioners added that typically the County does as well for the restoration that is not covered by Road and Bridge. Before the Board of County Commissioners meeting, clarify appropriate financial security for the County. If that combines with Road and Bridge or if it is another financial security that we have to pay attention to for restoration. For abandonment issues please discuss with Ed Moyer. Please add as a condition, to review the necessity for financial security for the County. The original 3 inch gas line was put in pre 1977. The reason for 1977 number was when our zoning regulations were adopted. For a May to September build how many people are required for this type of project?

Ms. Phippen replied this project will go out to bid the end of this month and we will require 4 to 5 full crews.

Commissioner asked we have businesses on the road who have Special Use Permits. They have corridors of travel approved within them, for example on 4 Bar 4 Road which are perpendicular to the road. Will we have anything impacting travel on County Road 5? Which is an approved corridor of travel for Special Use Permits from the gravel pits in the area? We will have to coordinate with those Special Use Permits, how do we reroute so they do not go past Pole Creek and come up by the YMCA to get out, where it is not as safe.

Ms. Diedrich, replied that she is happy to coordinate with the County and their Special Use Permits, if the County can provide Xcel with copies.

Commissioners asked how many new residences will this new gas pipeline serve? They thought they read 75.

Staff replied the analysis stated it would serve up to 2000 residents. The 75 is the threshold that then triggers a Special Use Permit.

Commissioners asked how far down the 3 inch pipe is buried today.



Ms. Diedrich replied that it is buried at 3 feet, the new 6 inch pipe will be buried at 4 feet or lower. Below plow depth, from farming communities that way the ground can still be plowed. We will be working with the County for Fraser Valley Parkway, some area will need to be deeper. We are digging deeper to accommodate for erosion. We also hire third party inspectors that are on site as construction managers that are Quality Assurance Quality Control (QAQC) certified and they are our eyes and ears on the site. We will have internal construction management, safety is very important to Xcel. We also have weekly meetings for updates and concerns. We also have the authority to stop work if we see any safety issues. We also have the "Golden Shovel" which has been established throughout the industry, we have been leaders in safety, which we are co-founders of this program. We do annual surveys of the property to check for leaks, we fly them, drive them and piggy through the pipelines to look for anomalies. We check for any areas that have worn down, we can then dig them up and repair which is actually state mandated.

Jan Koles, a lot owner where lines will be installed, asked why is it important for you to take 50 feet of his property for only a 6 inch pipe?

Ms. Diedrich replied the lines are high pressure gas lines we do take a typical 50 foot right of way because of the maintenance, if we need to get to our pipes for emergencies we are able to access the property. Because they are buried 4 feet we need to have a place to store all the dirt as we are working on the site. It is not exclusive, there are other utilities that can be placed there also. There are also electrical lines above the property that we have to work around. There is a current that ges in between so we need the spacing for safety. John Doty is contacting land owners and can talk more with Mr. Koles.

Commissioners asked if you are actively negotiating with each land owner on the route.

Ms. Diedrich replied yes. We have easements with the properties that can be provided to each land owner. It is also considered a no build zone. Can have roads, farming and ranching (livestock) just no permanent structures on the easement.

Commissioners stated that the conditions are numbered 1-7 then you start renumbering at 1 again, please do not continue with new numbers, it will be hard to know which number is referred to. Reword lifetime permit to "permit shall be for the term of lifetime following the completion of construction."

Staff added we did receive emails from East Grand Fire, Middle Park Conservation both supporting the project.

**Motion to recommend approval by Sally Blea for Public Utility Special Use Permit-Public Services Company (Xcel) as presented with the additional of Number 1 of the requirement and renumbering of those requirements. Seconded by Tara Fournet, No Discussion. All in favor "aye", none opposed.**

**Motion to adjourn the meeting, Ingrid Karlstrom. No Discussion. All in favor "aye", none opposed.**

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Meeting adjourned at 7:58 pm.

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