



BOARD OF TRUSTEES STAFF MEMORANDUM

DATE: March 24, 2025
TO: Board of Trustees
FROM: Steve Kudron, Town Manager
Angela Snyder, Contract Staff - Planning Department
SUBJECT: **LEGISLATIVE (PUBLIC HEARING)** Consideration of Ordinance 02-2025 - Annexing to the Town Certain Real Property Located in Unincorporated Grand County at 120 County Road 663, Zoning Such Property As Single Family Residential – High Density, and Authorizing The Mayor to Sign the Associated Annexation Agreement.

Overview

- **Property Owner and Applicant:** Michael P Ruger Trust & Linda Ashley Randall Trust c/o Michael Ruger and Linda Randall.
- **Location:** 120 County Road 663 (aka Summerland Park Road)
- **Size:** 4.88 acres
- **Proposed Zoning:** RSH, Single Family Residential - High Density
- **Attachments:**
 - Annexation Petition
 - Draft Annexation Plat
 - PC Resolution 05-2025
 - Ordinance

The property proposed to be annexed is adjacent to town limits, specifically the Cairns Additions.

Michael Ruger, manager of Michael P Ruger Trust, and Linda Randall, manager of Linda Ashley Randall Trust, filed the petition for annexation of the “Ruger Property” on January 24, 2025. The property was deemed eligible for annexation and the petition was accepted by the Board of Trustees on February 10, 2025.

The Planning Commission held a public hearing on March 18, 2025, to consider a recommendation on the zoning associated with the annexation. Planning Commission Resolution 05-2025, indicating their recommendation, is included with this packet.

Annexation Request

This final step in the annexation process is a public hearing and consideration of the annexation, to establish zoning, and to approve an annexation agreement. Acceptance of the petition established that the property in question is eligible to be annexed. The official annexation of property is legislative, rather than quasi-judicial. There is no list of approval criteria. However,

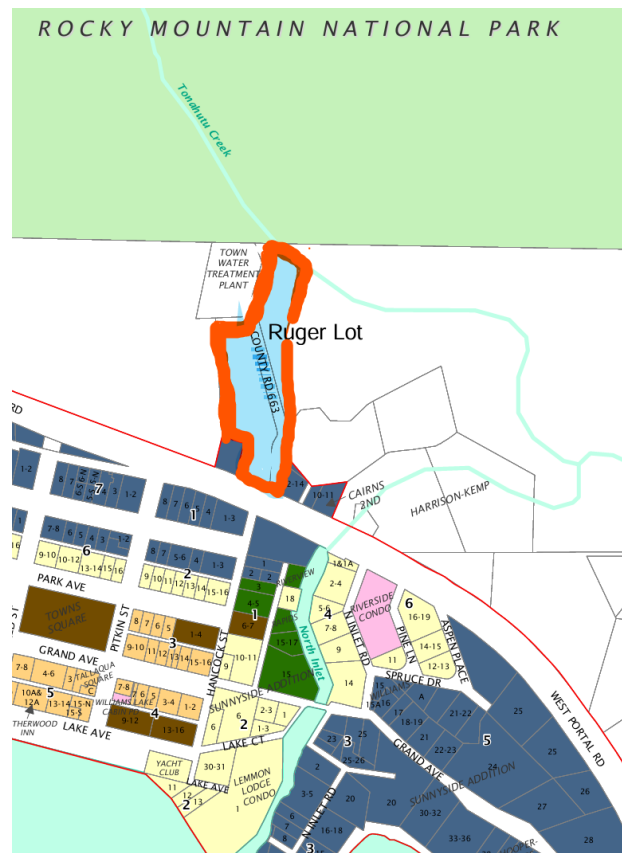


Figure 1 Location of the proposed annexation in relation to other annexations.



the Grand Lake Municipal Code does have several sections that apply to annexation.

Requirement to surrender water rights

§10.2.1 (D)

With respect to all property annexed to the city after the effective date hereof and with respect to all property served by the municipal service plan of the Town by virtue of a contract entered into after the effective date hereof, the annexation agreement or contract shall contain: (1) A description of all water rights and well rights associated with or used on said property which divert water out of the Denver, Arapahoe, Laramie-Fox Hills or Dakota aquifers, and (2) an agreement to convey to the Town immediately upon annexation or execution of the contract, at no cost to the Town, all such water rights associated with or used on said property, including but not limited to rights represented by a well permit, well registration, or judicial decree for the diversion of water out of the Denver, Arapahoe, Laramie-Fox Hills or Dakota aquifers, all well rights and all rights to other structures associated with diversion of water out of the Denver, Arapahoe, Laramie-Fox Hills or Dakota aquifers underlying said property.

The property owner is not aware of any water rights associated with the property. A quit claim of water rights has been requested as part of the annexation agreement to ensure compliance with this requirement.

Instructions for the zoning of newly annexed property

§12-2-7 (E)

Annexation of Additional Territory. Whenever any territory is added to the city limits of the Town of Grand Lake, plans for said annexation shall be presented to the Planning Commission for land use and zoning recommendations and the Board of Trustees in the Article providing for its addition to the City shall designate the district or districts in which it is included and it shall be governed by the provisions of the section governing the district to which it is attached and in the absence of the adoption of such resolution, such territory when annexed shall automatically become a part of the O—Open District.

The applicant requests Single Family Residential – High Density zoning. Though topographically challenging, the property is conducive to residential development, as the property has Town of Grand Lake sewer and water lines running through it. The Town of Grand Lake already maintains County Road 633, as it is the road to the water treatment plant.

While the Town is not in possession of a subdivision application, the applicant has indicated an interest in dividing the property into seven (7), roughly half-acre lots. The annexation agreement limits the number of lots allowed to nine (9). This configuration would fall into the Residential Single-Family Low Density or a higher density zoning category.

The adjacent properties are all zoned RSH. So, while a lower density zone could be justified, staff recommends that it is better to be consistent with the zoning of adjacent properties, if possible. The applicant's desired configuration of lots is allowed in the RSH zone, since there

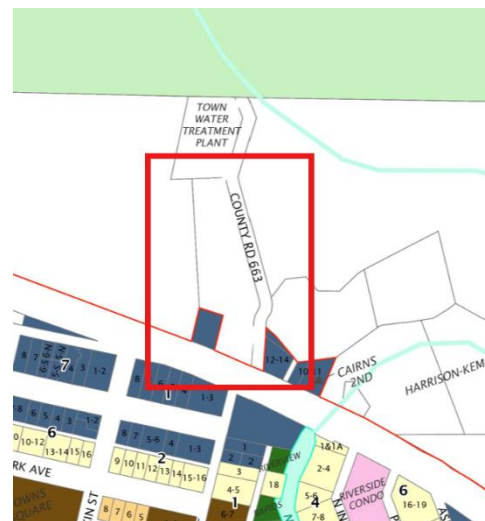


Figure 2 Grand Lake Zoning Map featuring the proposed area to be annexed. The dark blue indicates the Single Family Residential - High Density Zone District.



is no maximum lot area limitation. See the comparison below of differences between low, middle, and high-density single-family districts for reference.

Measurement	RSL	RSM	RSH
Minimum Lot Area	14,000 SF per home	8,500 SF per home	5,000 SF per home
Minimum Lot Frontage	60'	60'	50'
Minimum Floor Area	1,000 SF (500 SF for ADU)	800 SF (500 SF for ADU)	800 SF (500 SF for ADU)
Maximum Floor Area	NA (1,000 SF for ADU)	NA (800 SF for ADU)	NA (800 SF for ADU)
Front Setback	25'	25'	25'
Side Setback	15'	10'	10'
Rear Setback	15'	10'	10'
Maximum Height	32'	32'	32'

Inclusionary zoning requirements

§ 12-10-3 (C)

Applicability. Local Employee Residences shall be required as a condition of approval for all residential and mixed-use developments including planned developments (PDs), subdivisions, annexations and multi-family residential development permits.

(E) Exemptions 2. Proposed residential development of less than five (5) dwellings to be located on one (1) or more contiguous parcels of land held under the same or substantially the same ownership.

In its current state, one parcel that can support one principal dwelling and one accessory dwelling, it is exempt. Land dedicated to the Town for local employee residences will be required if the property is subdivided into five (5) or more lots.

Annexation Agreement

The annexation agreement provided in the packet is the product of collaboration between the applicant, Town staff and consultant staff, and the Grand Lake Fire District. The agreement contains the following terms specific to this application:

1. The number of residential lots be limited to no more than nine (9), though the number of lots is more likely to be physically constrained to six (6) or seven (7). The property is topographically challenging. Each dwelling site must be accessible to fire and other emergency services. The applicant also desires that the number of lots be limited to maintain a lower density on the property overall, regardless of zoning.
2. The access road is not likely to be able to be brought to Town Standards, as is normally the case with a subdivision. Town Water Department staff indicated that importance of the water main in County Road 633. The main comes directly from the water treatment plan and provides water to all of Grand Lake. It is carefully protected from freezing with a particular combination of dirt and snowpack. Replacing or moving the pipe would be fiscally detrimental, would impact all of Grand Lake water service, and may not even be physically possible. Town staff has added language to the annexation agreement to indicate that the road can be improved, but not in such a way that critical public infrastructure is at risk. Specifically, it is unlikely to be able to be paved or brought to a grade less than eight percent (8%).
- 3.



3. Stormwater improvements will be required to protect against flood damage. Post-fire flooding exposed a risk to County Road 633. The applicant is aware that drainage concerns will need to be addressed as part of the subdivision process.

Recommendation

Staff recommends annexation of the Ruger property. It is contiguous with the Town boundary with access to municipal utilities. The low-impact residential development plan of the property provides the benefit of new housing without concern of congestion or overburden on municipal resources.

Staff recommends assigning the property a zoning designation of RSH, Single Family Residential – High Density, for the reasons stated above.

Staff recommends approval of the annexation agreement as presented without amendment.

Sample Motions

Approval

I move to approve Ordinance 02-2025, Annexing to the Town certain real property located in unincorporated Grand County at 120 County Road 663, zoning such property as Single Family Residential – High Density, and authorizing the Mayor to sign the associated Annexation Agreement.

Amendment

I move to deny Ordinance 02-2025, and to create a Resolution resolving that the Town will not annex to the Town certain real property located in unincorporated Grand County at 120 County Road 663.