



Grand Lake Planning Commission

Wednesday, July 20, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

1. Call to Order: 6:32 pm

2. Roll Call

PRESENT

Chairman James Shockey
Vice Chairman Heather MacSarrow
Commissioner John Murray
Commissioner Judy Burke
Commissioner Heather Bishop
Commissioner Greg Finch

ABSENT

Commissioner Christina Bergquist

Commission did not vote to excuse Commissioner Bergquist

3. Consideration to approve Meeting Minutes: 7-6-2022 Minutes

4. Unscheduled Citizen Participation: none

5. Conflicts of Interest

Voting Nay: Chairman Shockey, Vice Chairman MacSarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch

6. Items for Discussion: none

7. Items of Business

A. Recommendation on 2016 Variance to Build a Service Road off of Lake Ave. to Walden Rd. for the Purpose of Access to Lots 9-11, Block 36, Town of Grand Lake

Director White presented the plan as stated in the packet. The applicants received a variance in 2016 to allow access to lots 9-10, on the condition of the following 6 items: no more than 15% grade, no more than 4 lots, drainage and grading easements to be recorded. In 2017 the applicants began construction, and notified the Town on the proposed construction of lot 9 structure. The applicant installed the utilities and noticed that the driveways would be too steep if entering from the south side of the lots. They halted construction of the road and approached the planning commission to discuss options to allow a driveway entrance from the Walden right of way for lots 9-11. The applicants then paused construction to focus on a concurrent project at the Gateway Inn. Previous Planner Shull has

notes that the grading and drainage easement were not received. Director White asked the Commission to decide if they would allow the applicant to continue the service road with the submission of new easements. Or if they would like to combine the driveway variance of 2022 with the variance of 2016? Commissioner Burke asked whether was a time limit. Director White stated that the building codes are the same as in 2016, and that the attorney suggested that the engineers stamp for the plans may be expired and plans should be renewed. She also mentioned that the ditch grade was at 2:1 and there are code requirements for anything over 3:1 and that erosion control should be of utmost priority. Commissioner MacSarrow stated that she would be fine with Director White to move forward with the 2016 variance with the drainage easements updated. Commissioner Burke clarified that all the new owners would need to sign the easements and that there should be verbiage that the Town would not be taking over the maintenance of the road and that the HOA would be responsible. Director White said the code states that the Town will not take over the maintenance of a road. She also mentioned that the road is only 16' wide and that it wasn't safe to service all 8 lots on the east and west of the Walden St. ROW., that the emergency vehicle requires any road over 150' to have a round about, also the homes would need to have fire suppression systems due to the distance from the road. Commissioner Murray asked if they could add a note that the Town would not be maintaining the road. Mr. Jenkins said that at the time of the 2016 variance it was agreed that if the "service" road were to continue to block 43 that the lots should become residential and not resort. The applicant agreed to maintain the service road and contested that it was the agreement with the original 2016 variance. The applicant says that the easements were signed, but since there are new owners, the new owners need to agree to the easements and have it recorded against their property. Chairman Shockey said that the easements could be discussed with staff. Chairman Shockey suggested that the Commission open the public hearing for the driveway variance and make two separate motions at the end about the two different items. Director White stated that the permit is expired, the variance is not, however staff felt that the 2016 variance didn't have it's conditions met to have the permit reissued, therefore staff is requesting input from the commission to move forward with the variance. The commissioners continued discussion about the road and it's current condition with the owner of Lot 13. They discussed whether or not a survey of the road could be done at this point in time and then after the project is complete and damage to the road would need to be repaired. It was discussed that the material of the road is softer than that of the driveway and it will wear at a faster rate. The owners of lot 13 stated that they are willing to pay to have the road maintained, but they cannot find anyone to do the repair. There was discussion about the property lines and the piles of dirt. Commissioner Murray added that the applicants should record with the County that the lots are obligated to maintain the service road. Director White stated that the drainage easement lists maintenance as part of the obligation.

Conditions were discussed: Chairman Shockey asked if they could approve a variance but that it had to be complete in 2 years or that it would have to come back to the commission to ask for an extension. He then gave a recap of items: ensuring the houses are sprinkled, ensuring the resolution that it is known to the property owners that it is a non-maintained road, the drainage easements need to be recorded, setting up a bond deadline and recommend to the Board to increase the amount. Process the variance for the service road with the aforementioned conditions. Staff recommends that the existing conditions likely have changed since the original plans were drawn up and the engineers seal is from 2016. Staff has recommended that a third party engineer review the plans due to the 2:1 grade on the side slope. The commission agrees that the plans should be brought up to date and new owners of lot 12 to agree to the plans, and a requirement that a survey of conditions be performed so that any further damage is repaired. .

Motion: Table consideration until August 16th, 2022 for recommendation on the 2016 variance from the Commission to the Board of Trustees until such time that it has been reviewed by a third party and

applicant brings it up to date, with a timeline for completion, and until the attorney has had time to bring those documents up to date, crafting the resolution to cover the aforementioned conditions.

Motion made by Commissioner Burke, Seconded by Vice Chairman MacSlarrow.

Voting Yea: Chairman Shockey, Vice Chairman MacSlarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **Motion passed 6:0**

- B. Public Hearing- Recommendation to allow a variance to Roadway Specification 11-2-4 for Access to Lots 9-11, Block 36, Town of Grand Lake

Chairman Shockey stated that Item A was recessed and moved onto item B to open the public hearing. The order of operations would be such: staff presentation, applicant presentation, public comment, close public hearing, then discussion and action on the item. Director White stated that applicant approached the planning commission in 2017 to request a driveway from the west side of lot 9 to access lots 9-11. Staff was given direction to discuss the process with the applicant. The applicant chose to put off construction to work on another concurrent project and nothing had been done since then. The applicant requires a variance to allow more than 2 single residences to access one driveway, they require 3; access is greater than 4% for the first 25', the driveway does not have 25' separation; they have a broken-back curve to access the lots from the "service" road; the side ditch is over 3:1 slope; the code requires a soil study if the grade is over 3:1; driveways are not allowed to be over 10% grade after the first 25', these drives are not over 10%, but they are within the first 25'. Director White read staff comments that are listed in the packet. Public Hearing opened to allow public to speak. Pat Farmer 433 Harmon St. lot 16, bl 36, She stated that she had two concerns: drainage and dust. There were 1000 trees on the road when they first bought their house. They are now gone due to construction and beetle kill and in 2011 ground water was found in their basement. In 50 years the house had no record of ground water prior to this. They have since installed a sump pump. Over the past 3-4 years it has become better, less snow, weather changed. more trees uphill to soak up. she asked if a soil study can take into account the ground water. Hope that the PC looks into the future consequences of building at the top of the hill. As far as dust, she wanted dust control on the road.

Loek Van 215 Lake Ave. He stated that he agreed with Pat Farmer. He owns lot 13 and sold 12. He wants to be able to enter his home house safely and have a snow plow enter safely. He stated that there is a large drop off of his driveway due to the trucks going up and down the road. He asked why the Town to allow the applicant to dump the dirt and rock in front of their house. He stated it is hazardous and cars will go sideways down the hill and there are deep tire tracks in the road. He asked what will happen to the view and the wildlife.

Chairman Shockey invited the applicant to discuss the the rock will be hauled away, the piles are to be used to build the road. He said the piles were sitting on the Gateway property because they stopped work to work on the Gateway and then Covid happened, and then the Troublesome Fire occurred. the Commissioners stated that there should be a timeframe put on finishing the project. Commissioner Burke asked who would be in charge of maintenance and where does that maintenance start. Is there a subdivision improvement agreement with the applicant. There was discussion as to the amount of the bond and that the cost of the road should be the bond amount, and not just to move the piles of dirt. Director White stated that the public works director estimated the cost to move the dirt piles and smooth out the road. There was discussion on exactly where the property lines are in relation to the the piles of dirt. Two items to be voted on: 2016 variance and if there are additional conditions to be placed on them. Director White stated that there is no definition for service road in the code, and so

the "service" road was being treated as an extension of a driveway and the code for "driveway" was being used for design purposes.

Chairman Shockey stated that the resolution would need to be updated to include fire suppression requirement to any structures built on these lots; easement agreement be put on the three lots to make the owners aware that there is a shared driveway.

Motion: Commissioner Burke motioned to table the consideration of the driveways access to lots 9-11, Bl 36, ToGL until August 17th, at which time we will review the attorney's opinions of easements and adding the two conditions of sprinkler systems and easements to be recorded across the lots.

Motion made by Commissioner Burke, Seconded by Commissioner Bishop.

Voting Yea: Chairman Shockey, Vice Chairman MacSarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **Motion passed 6:0**

8. Future Agenda Items: none

9. Adjourn Meeting: 8:33pm

Motion made by Commissioner Finch, Seconded by Vice Chairman MacSarrow.

Voting Yea: Chairman Shockey, Vice Chairman MacSarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **Motion passed 6:0**