

TOWN OF GRAND LAKE  
PLANNING COMMISSION  
Regular Meeting 7:30 P.M.  
Wednesday, June 19, 2013

## AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
  - A. June 5, 2013 (*page 2*)
- IV. CONFLICTS OF INTEREST
- V. ITEMS OF BUSINESS
  - A. Consideration to allow the expansion of a non-conforming use for Lot 16, Block 36, Town of Grand Lake; more commonly referred to as 433 Harmon Street (*page 7*)
  - B. Consideration to adopt Resolution XX-2013; a resolution recommending the approval of a grading permit for Block 27, Lots 1-4, Town of Grand Lake; more commonly referred to as 528 Grand Avenue (*page 19*)
- VI. OTHER ITEMS OF DISCUSSION
  - A. Commission Comments, Concerns or Inquiries
- VII. FOR YOUR INFORMATION
  - A. Big Meadows Fire in Rocky Mountain National Park (*page 39*)
- VIII. CITIZEN PARTICIPATION
- IX. ADJOURNMENT

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**To insure that the Planning Commission will have a quorum please contact  
Chairman Southway if you will not be able to attend.**

MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
June 5, 2013  
7:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 7:30 p.m. on June 5, 2013 at the Town Hall, 1026 Park Avenue.

ROLL CALL  
PRESENT: Chairman Hayden Southway; Vice-Chairman Robert Canon; Commissioners Judy Burke, Paul Gilbert, Elmer Lanzi, and Tom Weydert; Town Manager David Hook and Town Planner Joe Biller.

ABSENT: Chairman Southway reported that James Shockey was absent.

APPROVAL OF  
MINUTES: Commissioner Burke moved to approve the minutes of the May 1, 2013 regular meeting as written, seconded by Commissioner Weydert. All Commissioners voted aye.

CONFLICTS OF  
INTEREST: Chairman Southway asked if any members of the Commission had a conflict of interest, or the appearance of. Commissioner Canon stated he had the appearance of a conflict considering is neighboring property owner of 530 Park Avenue. Chairman Southway noted none of the other Commissioners had a conflict of interest with any items on the agenda.

ITEMS OF BUSINESS: **PUBLIC HEARING - CONSIDERATION TO ADOPT RESOLUTION NO. 06-2013, A RESOLUTION RECOMMENDING THE RELOCATION AND VACATION OF AN ALLEY EASEMENT LOCATED IN BLOCK 25 ADJACENT TO LOTS 13-15, BLOCK 25, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 530 PARK AVENUE** - Chairman Southway asked Town Planner Biller to present this matter to the Commission.

Commissioner Canon excused himself from the room.

Planner Biller stated the Town has received a Land Use Application from Julius and Kay Vargo for the purpose of vacating and relocating an existing utility easement located at 530 Park Avenue.

Municipal Code 11-2-10 Vacation Request and Procedure states:

On occasion, vacation of Town Streets or various easements may be warranted, due to peculiar circumstances or changes in the overall development patterns.

(B) Planning Commission Review

Vacations shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees.

In 1986, the Board of Trustees adopted Resolution No. 8-1986; a resolution vacating a portion of the Jefferson Street right of way and vacating the alley in Block 25, Town of Grand Lake. The vacation attached ownership of the Town right of ways to the surrounding corresponding properties. The resolution also reserved easements in both locations, a 16' easement in the alley way and a 30' easement in the Jefferson Street right of way.

Staff has notified all surrounding property owners within 200' and utility companies as required by the Municipal Code regarding the time and location of this Public Hearing.

Staff is only aware of the following utilities currently occupying the existing easement:

1. Mountain Parks Electric
2. Century Link
3. Comcast

Staff has received a variety of questions regarding the easement relocation, but has only received written comments from Mountain Parks Electric. MPE does not object to the easement relocation, but requests the Town ensure a new easement is in place prior to the vacation of the existing easement.

Staff recommends the Commission forward a favorable recommendation by adopting the resolution as presented which includes the following conditions:

1. The applicant provides the Town with a current Improvement Survey Plat (ISP) prior to the Board of Trustees review depicting the location of the new easement and the easement to be vacated.
2. The applicant is solely responsible for the removal of all utilities in the existing easement.
3. The applicant is solely responsible for the installation of all utilities in the proposed easement.
4. The Town of Grand Lake and existing occupying utilities retain full use of the existing easement until all utilities are removed and/or relocated to the new easement.

5. The applicant has one (1) year to complete all utility relocation.
  - a. Failure to install any utilities in the new easement will nullify the creation of said easement.
  - b. Failure to remove all utilities from the existing easement shall nullify the vacation of said easement.

The Commission should discuss the relocation and vacation of the utility easement.

The Commission has several options to consider including:

1. Adopt the resolution as presented, thus recommending approval of the relocation and vacation of the alley utility easement located in Block 25.
2. Adopt the resolution with additional conditions, thus recommending approval of the relocation and vacation of the alley utility easement; or
3. Recommend to deny the relocation and vacation of the alley easement.

Mr. Jay Vargo – Applicant

Mr. Vargo introduced himself and his wife Kay. He used the smartboard with his proposed site plan to explain his easement request. He continued by informing the Commission that in the future, he may try to replat his property.

He described the use of underground utilities which could be advantageous to surrounding property owners with the decreased overhead lines.

Planner Biller clarified the site plan being requested. Staff issued a hardcopy site plan before the Public Hearing which varied slightly from the site plan in the Commission packet.

Mr. Vargo confirmed this was the site plan being requested.

Chairman Southway opened the Public Hearing for public comment.

An anonymous member of the audience stated they were neighbors of the applicant, clarified where the property was located and stated they did not have any objections

Chairman Southway closed the Public Hearing.

The Commission discussed the vacation of right of ways and property ownership.

Chairman Southway asked about the proposed utilities located in the easement of Lot 9, Block 22.

Planner Biller stated the language of the easements as defined by Resolution 8-1996 which states “the Town reserves an easement for the construction, installation, placement and maintenance of utilities”.

Commission Lanzi suggested the resolution include the installation of underground utilities.

Mr. Vargo stated he already planned on installing underground utilities.

The Commission discussed all the lots owned by the Vargo’s.

Commissioner Weydert moved to adopt Resolution 06-2013; a resolution recommending the relocation and vacation of an alley easement located in Block 25 adjacent to Lots 13-16, Block 25, Town of Grand Lake; more commonly referred to as 530 Park Avenue, with the additional condition that all utilities be installed underground, seconded by Commissioner Burke. All Commissioners voted aye.

Commissioner Canon reentered the room.

**OTHER ITEMS OF DISCUSSION:**

**SHORELINE AND SURFACE WATER REGULATIONS –**

Planner Biller briefly described a building permit application that was approved for Lot 27-28, Cairns Addition to Grand Lake; more commonly referred to as 508 Cairns Avenue. The building permit included the construction of a pathway to an existing boathouse and the installation of lighting consistent with the dark sky concept.

Planner Biller indicated he was bringing this matter before the Commission to ensure that he was not overstepping staff discretion.

The Commission discussed the site plan and the shoreline regulations. The Commission indicated they did not believe staff was operating outside of their discretion.

**OTHER ITEMS OF DISCUSSION:**

**COMMISSION COMMENTS, CONCERNS OR INQUIRIES –**

The Commission briefly discussed Grand Camp and parking.

**FOR YOUR INFORMATION:**

**Update on Grand Camp Subdivision and Hey, Buddy, What will you Pay for This Parking Spot?**

CITIZEN  
PARTICIPATION:

Chairman Southway asked if there were any members of the audience that would like to bring matters before the Commission. Having no members of the audience to bring matters before the Commission, Chairman Southway asked for a motion to adjourn.

ADJOURNMENT:

Commissioner Weydert moved to adjourn, seconded by Commissioner Canon. All Commissioners voted aye, and the meeting was adjourned at 8:25 p.m.

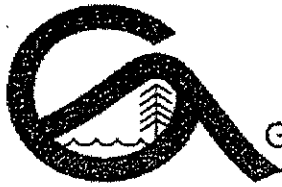
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Hayden H. Southway, Chairman

ATTEST:

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Ronda Kolinske, CMC, Town Clerk



TOWN OF  
GRAND LAKE

June 14, 2013

To: Chairman Southway and Planning Commissioners

From: Joe Biller, Town Planner

RE: Consideration to allow the expansion of a non-conforming use for Lot 16, Block 36, Town of Grand Lake; more commonly referred to as 433 Harmon Street

*Attachments:*

<i>Location Map</i>	<i>(1pg)</i>
<i>Building Permit Application</i>	<i>(4 pgs)</i>
<i>Proposed Site Plan</i>	<i>(1 pg)</i>
<i>Improvement Location Certificate (ILC) dated 1997</i>	<i>(1 pg)</i>
<i>Quit Claim Deed recorded December 21, 1960</i>	<i>(1 pg)</i>
<i>Quit Claim Deed recorded June 6, 2013</i>	<i>(1 pg)</i>

**Purpose**

The Town has received a building permit application for the new construction of a detached garage from Richard and Pat Farmer. Staff has reviewed the application and proposed access to the new garage utilizes an existing non-conforming driveway.

**Municipal Code**

Municipal Code 11-2-6 PRIVATE DRIVES, EMERGENCY ACCESS REQUIREMENTS, & CRITERIA states:

*(B) 10. MINIMUM DESIGN STANDARDS*

*In general, property shall be limited to one access point.*

- (i) Corner lots will be required to access the street with the lowest classification.*
- (ii) Variances may be granted for access onto the higher-classified street and looped driveways located mid block when a minimum 100' of separation exists between the edges of each drive and 50' from the adjoining property lines.*

Municipal Code 12-2-32 Non-Conforming Uses and Structures states:

*(A) Non-Conformance - Certain uses of land and buildings may be found to be in existence at the time of the passage of this Article which does not meet the requirements as set forth herein. It is the intent of this Article to allow the continuance of such non-conforming use.*

*(B) Expansion or Enlargement - A non-conforming building or use to be extended or enlarged shall conform with the provisions of this Article.*

*1. A non-conforming structure may be enlarged so long as the non-conformance is not expanded.*

*(a) Special Exceptions to Provisions on Expansion of Non-Conforming Uses*

*1. The Planning Commission may authorize, upon appeal in specific cases, an exception permitting an increase in either or both the land use area or the floor area on a building or buildings occupied by a non-conforming use, subject to terms and conditions fixed by the Commission. Every exception authorized hereunder shall be personal to the applicant therefore and shall not be transferable, shall run with the land only after the construction of any authorized building and only for the life of such building. No exception shall be authorized hereunder unless the Commission shall find that all the following conditions exist:*

- (i) The use is a non-conforming use as defined by this Article and is in full compliance with all requirements of this Article applicable to non-conforming uses;*

- (ii) *That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Article regarding non-conforming uses will result in unnecessary hardship;*
- (iii) *That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same zone district or other zone districts;*
- (iv) *That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;*
- (v) *That the exception will not weaken the general purposes of this Article or the regulations established herein for the specific district;*
- (vi) *That the exception will be in harmony with the spirit and purposes of this Article;*
- (vii) *That the exception will not adversely affect the public health, safety, or welfare.*

*(E) Discontinuance*

1. *Whenever a non-conforming use has been discontinued for a period of Twelve (12) Months it shall not thereafter be re-established and any further use shall be in conformance with the provisions of this Article.*
2. *Any non-conforming use in existence at the time of the effective date of this Article that has an assessed valuation of all improvements of Three Hundred Fifty Dollars (\$350) or less shall be discontinued within Two (2) Years from the effective date of non-conformance.*

*(G) Change in Non-conforming Use - A non-conforming use of a building or lot may be changed to a conforming use.*

**Background Information**

December 1960 – A quit claim deed was recorded on Dec, 21 1960 for Lot 16, Block 36 naming the grantor as William & Majorie Seckler and the grantee as Majorie Seckler with language stating in April 1950 a roadway was constructed across Lot 16, Block 36 “*as means of ingress and egress to other lots belonging to the said Frank Southway and Mona P. Southway*”.

September 2009 – The Board of Trustees adopted Resolution 23-2009 which granted an encroachment license for certain improvements as shown on the ILC. This “secondary” access was not shown on this ILC.

September 2012 – The Board of Trustees adopted Resolution 20-2012 which revised the encroachment license to allow the painting of a retaining wall located on town property.

June 2013 – A quit claim deed was recorded on June 6, 2013 naming the grantor as Stephan & Joyce Playter and the grantee Richard & Patricia Farmer exact language used from 1960 quit claim deed.

**Staff Comments**

Staff has been in contact with the applicant’s representative, Peggy Lenahan.

Staff’s first recommendation to Ms. Lenahan was to formally submit a variance request for the secondary driveway. The applicant’s representative then produced the recorded quit claim deed stating this driveway was historically a means of access to the neighboring lots, thus considered a non-conforming use.

Staff was concerned this means of access would be prevented if a new structure was built on the property. A few days later Ms. Lenahan provided another recorded quit claim deed from the current property owner of Lot 15, Block 36 that in staff’s opinion does not specifically or clearly state the access across Lot 16, Block 36 is vacated or removed.

Staff does believe the roadway is an existing non-conforming use and that if the roadway is not required for access to the neighboring lots the existing use will change and the existing use will be expanded if a new garage is built.

Staff has a few concerns surrounding the legality of the quit claim deeds. Staff does believe a secondary driveway is not detrimental to the Harmon Street right of way. Staff has brought this matter before the Commission for the following reasons:

1. The roadway is a non-conforming use which the allows the Planning Commission review; and
2. Staff believes by formally requesting a change to a non-conforming use will maintain consistency with the Municipal Code; and
3. Staff believes the Commission has the ability to determine if discontinuance of the non-conforming use has occurred; and
4. Staff believes the Commission has the ability to require a driveway variance request if appropriate which will also be consistent with the Municipal Code by requiring a non-conforming use to become a conforming use.

#### **Staff Recommendation**

Staff recommends the Planning Commission hold a Public Hearing regarding the issue. The Municipal Code does not require surrounding property notification regarding non-conforming structures therefore it is unclear if any surrounding property owners have a vested interest in the access across Lot 16.

Staff recommends the Commission conduct one of the following:

1. Required the applicant to submit a variance request application which requires surrounding property owner notification, a Planning Commission Public Hearing and Board of Trustee approval; or
2. Required the applicant to submit a deposit and hold a Public Hearing on the basis of expanding a non-conforming use and a Public Hearing is required to meet part (iii) and part (vii) of Municipal Code 12-2-32(B).

#### **Commission Discussion**

The Commission should discuss the merits of the existing non-conforming use or if a variance request is appropriate.

#### **Commission Action**

The Commission has several options to consider including:

1. Approve the expansion of the non-conforming use, allowing staff to issue the building permit; or
2. Continue the matter until a Public Hearing can be scheduled; or
3. Deny the expansion of the non-conforming use, thus requiring a variance request if the applicant wishes to proceed.

Suggested Motion:

**I move to approve the expansion of a non-conforming use located at Lot 16, Block 36, Town of Grand Lake; more commonly referred to as 433 Harmon Street for the use of the existing secondary ingress and egress for access to a detached garage as shown on the site plan and direct staff to draft a resolution outlining this motion and authorize Chairman Southway to sign it.**

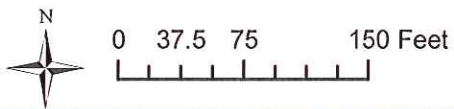
**Or**

**I move to continue the matter until a Public Hearing can be scheduled at the applicant's expense.**

**Or**

**I move to deny the expansion of a non-conforming use located at Lot 16, Block 36, Town of Grand Lake; more commonly referred to as 433 Harmon Street for the use of the existing secondary ingress and egress for access to a detached garage as shown on the site plan and direct staff to draft a resolution outlining this motion and authorize Chairman Southway to sign it.**

# 433 Harmon Street



# BUILDING PERMIT APPLICATION

PIN # 119306120006

Jurisdiction of TOWN OF GRAND LAKE

BUILDING PERMIT NUMBER: B- \_\_\_\_\_


DATE OF ISSUE \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**THE CONTRACTOR VERIFICATION FORM MUST ACCOMPANY THIS APPLICATION.**

APPLICANT MUST COMPLETE ALL NUMBERED SPACES

CONTACT NAME: Peggy Lenahan

CONTACT PHONE #: (970) 531-2429

1.	<b>PAT &amp; RICHARD FARMER</b> <small>OWNER NAME</small>	<b>PO BOX 1696</b> <small>MAILING ADDRESS</small>
	<b>GRAND LAKE</b> <small>CITY</small>	<b>CO 80447</b> <small>STATE ZIP</small>
2.	<b>LEGAL DESCRIPTION</b> <small>OR MEETS AND BOUNDS</small>	<b>16 36 TOWN OF GRAND LAKE</b> <small>LOT NUMBER BLOCK NUMBER SUBDIVISION NAME</small>
3.	<b>JOB ADDRESS: 433 HARMON</b> <small>CITY STATE ZIP PHONE</small>	
4.	<b>ARCHITECT OR DESIGNER: N/A</b> <small>CITY STATE ZIP PHONE</small>	
5.	<b>ENGINEER: N/A</b> <small>CITY STATE ZIP PHONE</small>	
6.	<b>LENDER: N/A</b> <small>CITY STATE ZIP PHONE</small>	
7.	<b>USE OF BUILDING: STORAGE</b> <small>CITY STATE ZIP PHONE</small>	
8.	<b>CLASS OF WORK:</b> <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> REMOVE	
9.	<b>DESCRIBE WORK: NEW GARAGE</b>	
10.	<p><small>NOTICE: This permit becomes null and void if work or construction is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 365 days at any time after work is commenced.</small></p> <p><small>I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.</small></p>	
	 <small>SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT</small>	<b>5/29/13</b> <small>DATE</small>

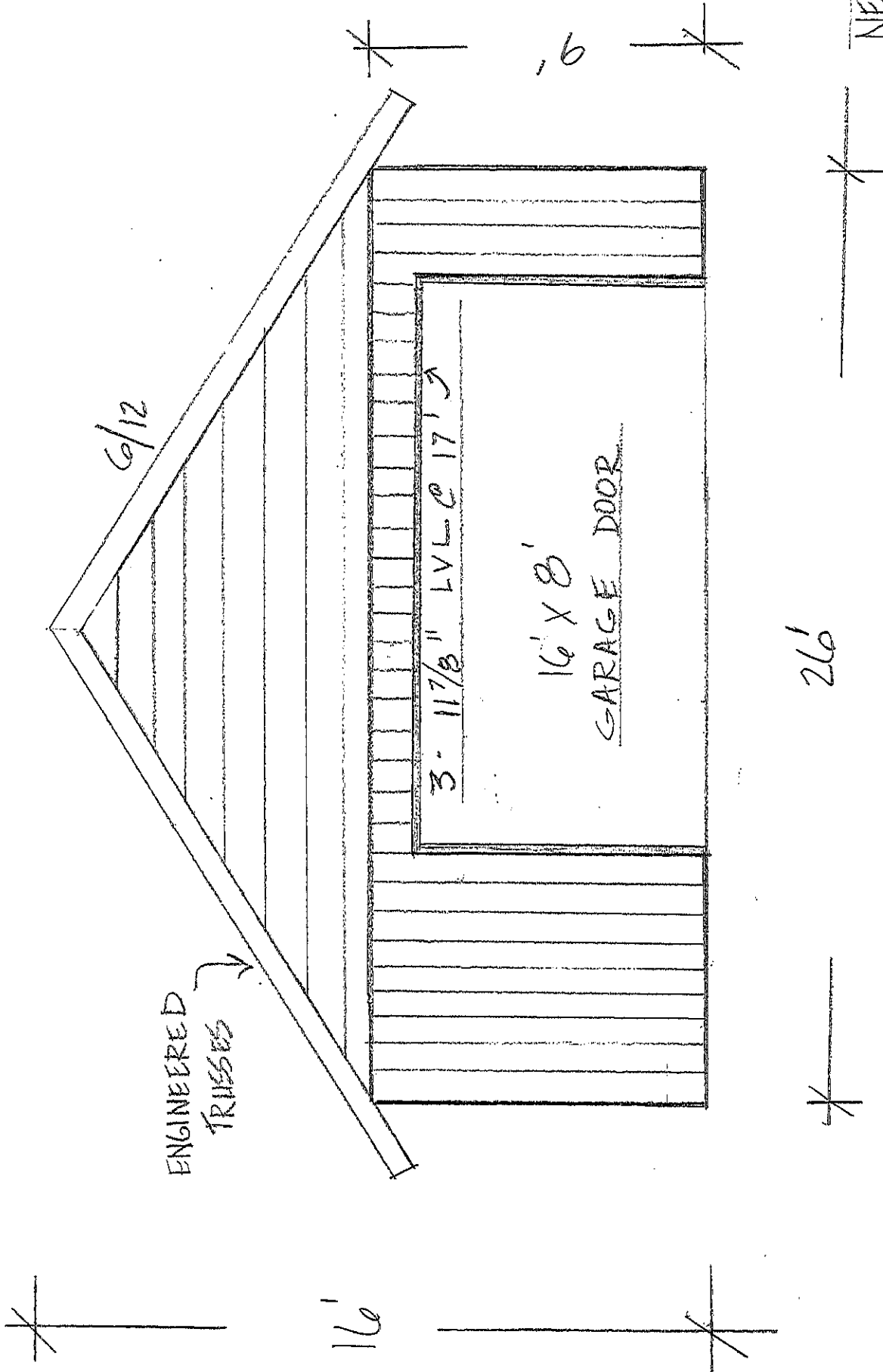
**DO NOT WRITE BELOW THIS LINE**

**DO NOT WRITE BELOW THIS LINE**

TOTAL FEE	VALUATION OF WORK	BUILDING PERMIT FEE																						
PREPAYMENT	DATE PREPAYMENT PAID	ZONING FEE																						
TOTAL BALANCE DUE	TYPE OF CONSTRUCTION	OCCUPANCY GROUP																						
ZONING APPROVAL	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">SIZE OF BUILDING TOTAL SF</td> <td colspan="2">No. of Stories</td> <td colspan="2">Max Occ Load</td> <td colspan="2">USE ZONE</td> </tr> <tr> <td>SET BACKS</td> <td>FRONT</td> <td>SIDE</td> <td>SIDE</td> <td>BACK</td> <td colspan="2">SFR-HO</td> </tr> <tr> <td></td> <td>25</td> <td>10</td> <td>10</td> <td>10</td> <td colspan="2">10</td> </tr> </table>	SIZE OF BUILDING TOTAL SF		No. of Stories		Max Occ Load		USE ZONE		SET BACKS	FRONT	SIDE	SIDE	BACK	SFR-HO			25	10	10	10	10		DIVISION
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OTHER																								
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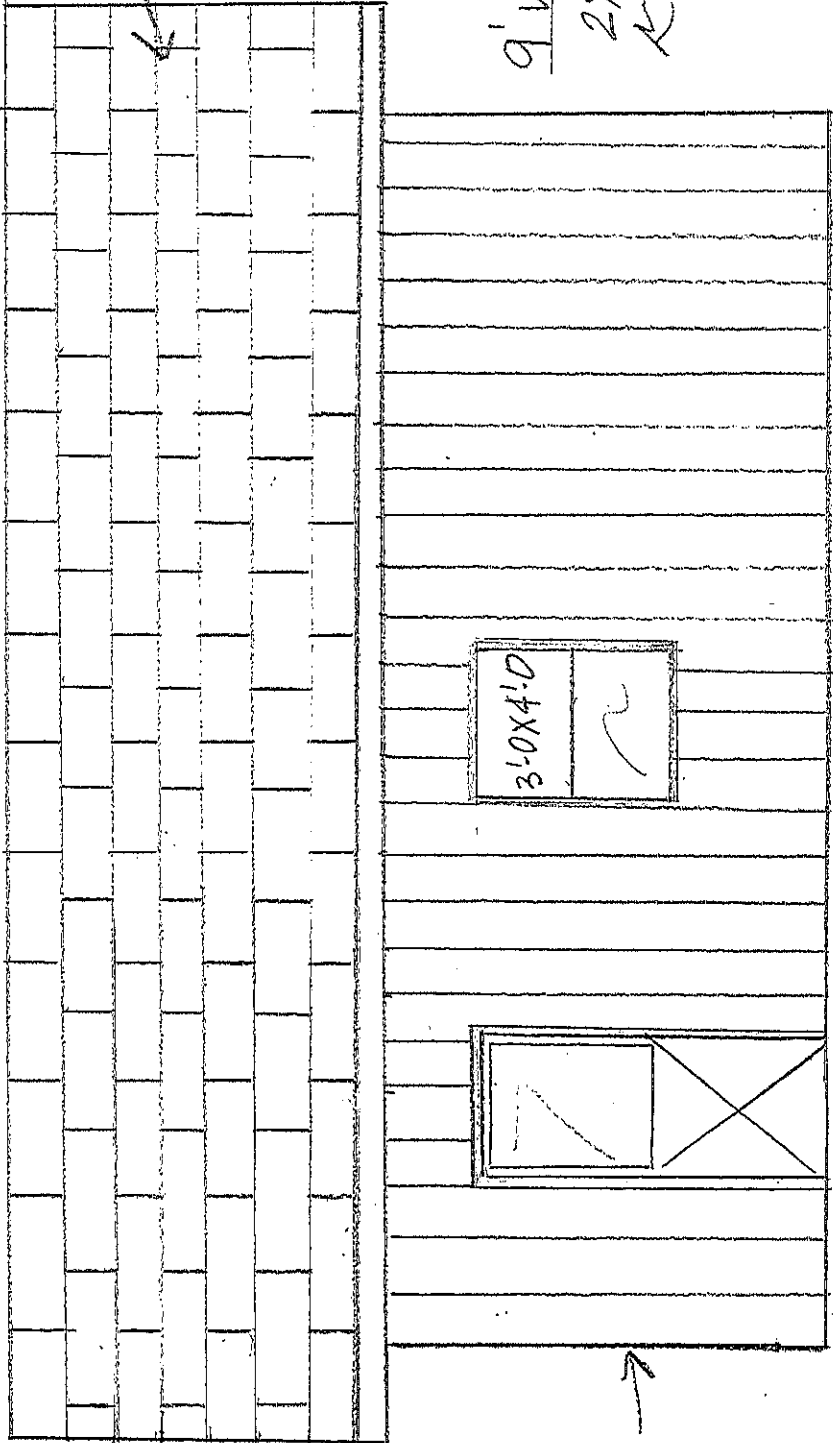
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11



NEW GARAGE  
 LOT 16 BLOCK 36  
 TOWN OF GRAND LAKE  
 CANYON CONSTRUCTION  
 5/27/13

FRONT ELEVATION



7/8" ROOF SHEATHING

W/ICE + WATER SHIELD

30 YR ASPHALT SHINGLES

BROWN

9' WALLS W/ 7/16" WALL SHEATHING

2X6 FRAMING 16" OC

PANEL SIDING

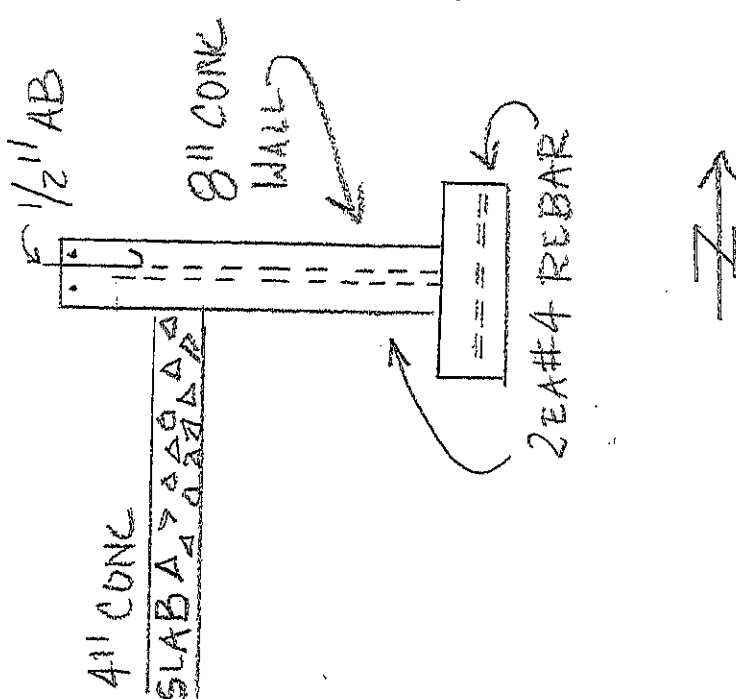
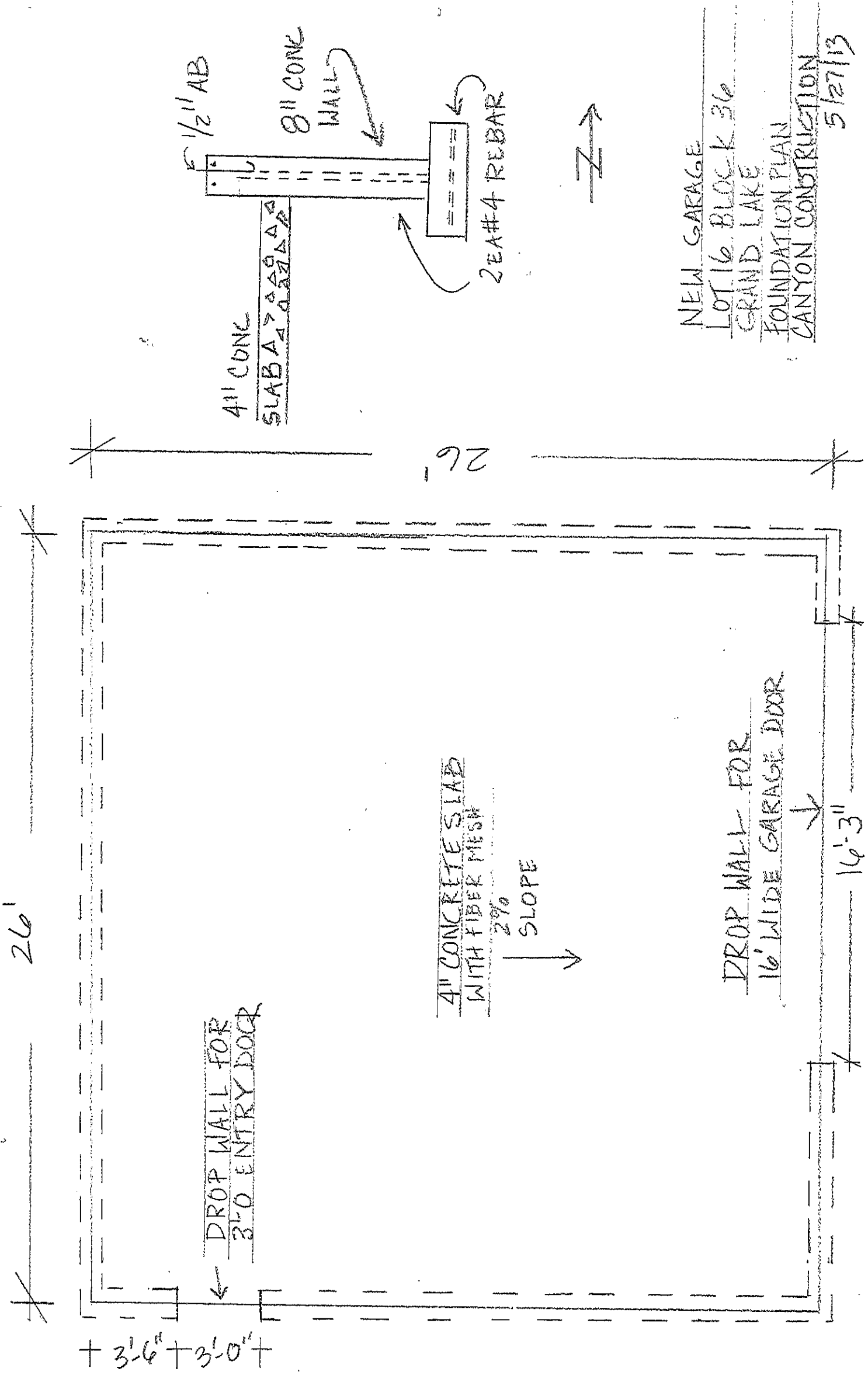
3'-0" X 4'-0"

26'

SIDE ELEVATION

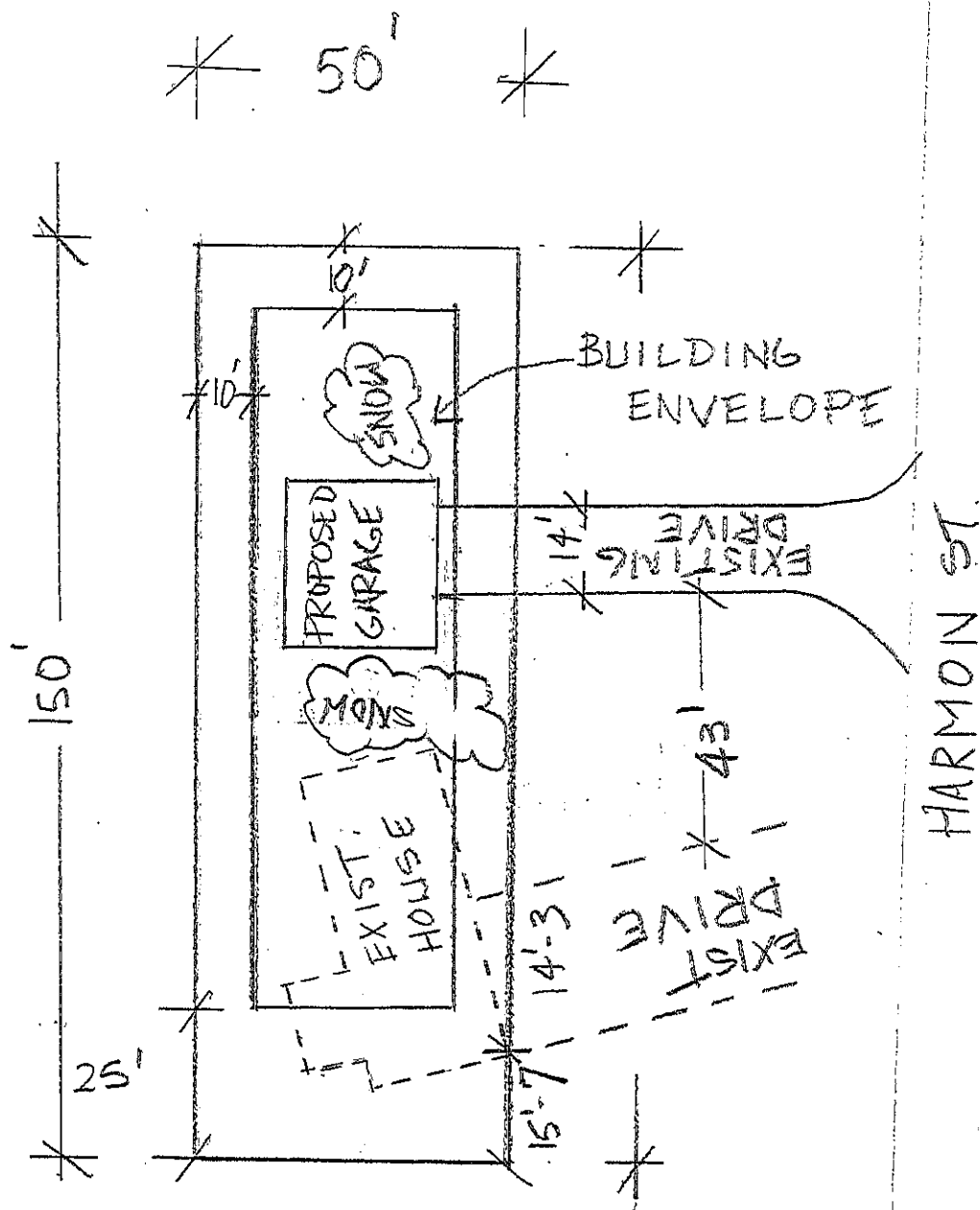
NEW GARAGE  
 LOT 16 BLOCK 36  
 TOWN OF GRAND LAKE  
 CANYON CONSTRUCTION

9/27/13



NEW GARAGE  
 LOT 16 BLOCK 36  
 GRAND LAKE  
 FOUNDATION PLAN  
 CANYON CONSTRUCTION  
 5/27/13

+ 3'-6" + 3'-0" +



PROPOSED GARAGE 26X26  
 RICHARD + PAT FARMER  
 LOT 16 BLOCK 36  
 TOWN OF GRAND LAKE  
 CANYON CONSTRUCTION 5/27/13



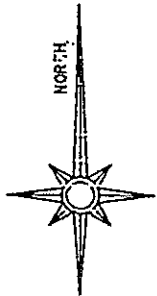


# BOTCA 627-9249 ANNON SURVEYING

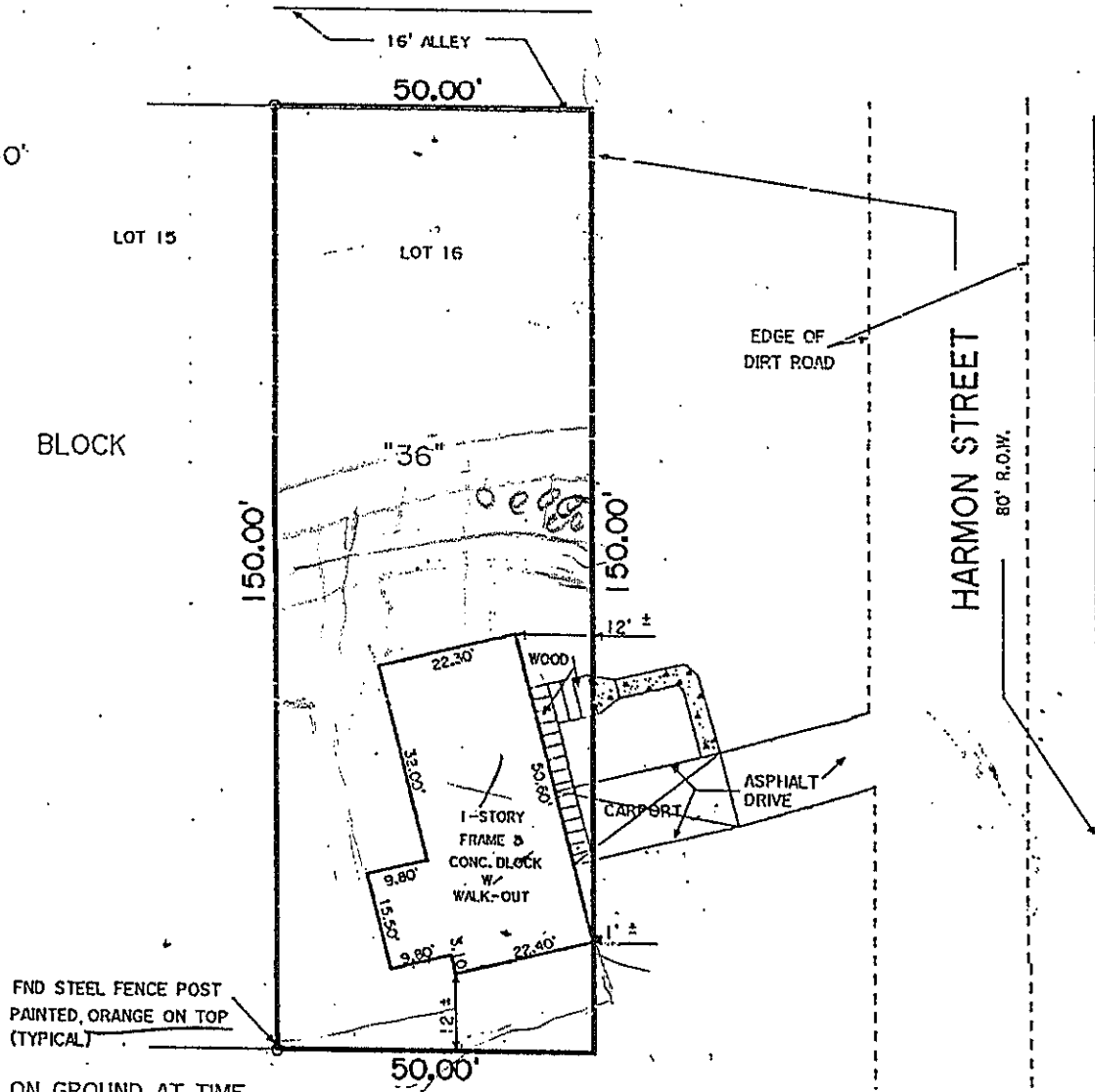
ILC'S  
BOUNDARY  
CONSTRUCTION

806 Independence Dr. Longmont, Co. 80501 (303) 772-4397 Fax (303) 530-0154  
PO BOX 1226 Grand Lake, Co. 80447 (970) 627-3244

## IMPROVEMENT LOCATION CERTIFICATE



SCALE: 1" = 30'



NOTE:  
APPROX. 4' SNOW ON GROUND AT TIME OF SURVEY

NOTES:

1. A BOUNDARY SURVEY IS RECOMMENDED.
2. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.

= Covered     = Overhang  
 MARK A., DENISE M. & JOHN R.  
 HOLCOMBE

PURCHASER: .....  
 CASE NO.: 115459 C2  
 THE TITLE COMPANY/WINTER PARK  
 ADDRESS: 433 HARMON .....  
 DATE: 3-4-97 .....  
 SCALE: 1" = 30' .....

### LEGAL DESCRIPTION

LOT 16, BLOCK 36, TOWN OF  
 GRAND LAKE, ACCORDING TO THE  
 PLAT THEREOF FILED AT  
 RECEPTION NO. 9066, COUNTY OF  
 GRAND, STATE OF COLORADO.



I hereby certify that this Improvement Location Certificate was prepared for  
 UNIVERSAL LENDING, FORT COLLINS, that it is not a land survey plat or  
 improvement survey plat, & that it is not to be relied upon for the establishment of  
 fence, building, or other future improvement lines. I further certify that the visible  
 improvements on the above described parcel on this date 3-3-97, except utility  
 connections, are entirely within the boundaries of the parcel, except as shown, that there  
 are no encroachments upon the described premises by visible improvements on any adjoining  
 premises, except as indicated, & that there is no apparent evidence or sign of any  
 easement crossing or burdening any part of said parcel except as noted. Legal  
 description/easement information provided by referenced Title Company and Case number.

ATTN. TIFFANY

JOB NO. GL97-1333

Recorded at 1-50 o'clock P.M. DEC 2 1960

Reception No. 93229 DON BUCHHEISTER Recorder

RECORDER'S STAMP

KNOW ALL MEN BY THESE PRESENTS, That we,

WILLIAM SECKLER and MARJORIE E. SECKLER of the County of Logan and State of Colorado, for the consideration of Ten Dollars and other good and valuable considerations, money in hand paid, hereby sell and quit claim to

MARJORIE E. SECKLER

of the County of Grand and State of Colorado, the following real property, situate in the County of Grand

and State of Colorado, to-wit:

Lot Sixteen (16) in Block Thirty-six (36) in the Town of Grand Lake, Grand County, Colorado, according to the official plat thereof on file in the office of the County Clerk and Recorder of Grand County, Colorado, together with all improvements thereon; and subject to the right of Frank Southway and Mona P. Southway to the roadway across the north portion of the said lot as it was constructed on the 18th of April, 1950, as a means of ingress and egress to other lots belonging to the said Frank Southway and Mona P. Southway, and also their right to at any and all times draw water for their and their tenants use from the well located on the south portion of said lot,

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with all its appurtenances.

Signed and delivered this day of December, A.D. 1960

In the presence of

William Seckler [SEAL]

Marjorie E. Seckler [SEAL]

[SEAL]

STATE OF COLORADO,

City and County of Denver } ss.

The foregoing instrument was acknowledged before me this 19th day of December 1960

WILLIAM SECKLER and MARJORIE E. SECKLER

My commission expires My Commission expires March 5, 1962

Witness my hand and official seal.

Notary Public

If by natural person or persons here insert name or names; if by person acting in representative or official capacity or as attorney-in-fact, then insert name of person as executor, attorney-in-fact or other capacity or description; if by officer of corporation, then insert name of such officer or officers, as the president or other officers of such corporation, naming it—Statutory Acknowledgment, Session 1957.

No. 895 QUIT CLAIM DEED.—Bradford-Robinson Plat Co., Mfrs. Robinson's Legal Blanks, 1824-46 Stout St., Denver, Colorado (STATUTORY)

QUITCLAIM DEED

THIS DEED, dated  
between Stephan & Joyce K. Playter  
9921 Highway 34 # 60  
of the GRAND LAKE County of GRAND and State of  
Colorado, grantor(s), and  
RICHARD W + Patricia B Farmer  
433 Harmon St.

whose legal address is  
of the GRAND LAKE County of GRAND and State of Colorado grantee(s),

WITNESS, that the grantor(s), for and in consideration of the sum of \_\_\_\_\_ DOLLARS.  
the receipt and sufficiency of which is hereby acknowledged, have remised, released, sold and QUITCLAIMED, and by these  
presents do remise, release, sell and QUITCLAIM unto the grantee(s), heirs, successors and assigns forever, all  
the right, title, interest, claim and demand which the grantor(s) have in and to the real property, together with improvements, if any,  
situate, lying and being in the GRAND LAKE County of GRAND and State of Colorado,  
described as follows:

Lot sixteen (16) in Block Thirty-six (36) in the Town of Grand Lake, Grand  
County, Colorado, according to the official plat thereof on file in the  
office of the County Clerk and Recorder of Grand County, Colorado,  
together with all improvements thereon, and subject to the right of  
Frank Southway and Mona P. Southway to the roadway across the north  
portion of the said lot as it was constructed on the 18<sup>th</sup> of April, 1950, as  
a means of ingress and egress to other lots belonging to the said Frank  
Southway and Mona P. Southway, and also their right to at any and all  
times draw water for their and their tenants use from the well located  
on the south portion of said lot.

As Recorded December 21, 1960 at reception No 93229

also known by street and number as: 433 HARMON ST.  
assessor's schedule or parcel number:

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise  
thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor(s), either in law or equity, to the only  
proper use, benefit and behoof of the grantee(s) heirs and assigns forever.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

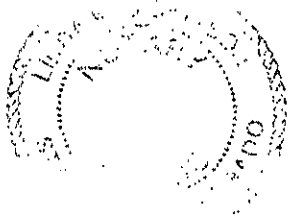
Joyce Kay Playter by  
Steph Playter as POA.  
\_\_\_\_\_

STATE OF COLORADO

County of Grand

The foregoing instrument was acknowledged before me this  
by Stephan Playter

} ss.  
6<sup>th</sup> day of June, 2013



Witness my hand and official seal.  
My commission expires: 08-24-16

Linda K. Wilkinson

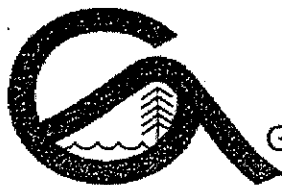
Notary Public

\*Where applicable, insert "City and".

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)


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18



TOWN OF  
GRAND LAKE

June 14, 2013

To: Chairman Southway and Planning Commissioners  
From: Joe Biller, Town Planner 

RE: Consideration to adopt Resolution XX-2013; a resolution recommending the approval of a grading permit for Block 27, Lots 1-4, Town of Grand Lake; more commonly referred to as 528 Grand Avenue including the town right of way adjacent to this property.

<i>Attachments:</i>	<i>Location Map</i>	<i>(1pg)</i>
	<i>Application</i>	<i>(3 pgs)</i>
	<i>Site Plan</i>	<i>(2 pgs)</i>
	<i>Photos</i>	<i>(3 pgs)</i>
	<i>Resolution 21-2011</i>	<i>(2 pgs)</i>
	<i>Resolution 14-2010</i>	<i>(2 pgs)</i>
	<i>PC Mins dated May 5, 2010</i>	<i>(2pgs)</i>
	<i>Draft Resolution xx-2013</i>	<i>(3pgs)</i>

**Purpose**

The Town has received an engineered grading permit application from Todd Hammerland for the excavation and removal of approximately 10,000 CY of material on Lots 1-4 including grading work adjacent to the property within the right of way of Grand Avenue.

**Municipal Code**

Municipal Code 9-2-5 Engineered Grading Permit states:

*(B) The engineered grading permit shall be issued by the Grand Lake Public Works Director or his designee within thirty (30) days of the submittal of a complete application and plan, and may have conditions placed upon it. The applicant may challenge these conditions by requesting, in writing, a public hearing before the Board of Trustees.*

Municipal Code 9-2-11 Valid Period states:

*(A) All grading permits shall be valid for six (6) months from the date the permit is issued provided that the approved application and the conditions of its approval have not changed.*

*(B) Upon demonstration by a permittee of unusual or exceptional circumstances, the Town Public Works Director or Engineer may extend the permit period for not more than one additional six (6) month period.*

**Background Information**

June 2009 – The Board of Trustees adopted Resolution 16-2009; a resolution addressing the north 30’ of Lots 1-4, Block 27 (a.k.a. the glacial moraine) in the Town of Grand Lake. The resolution endorsed the sale of the 30’ strip of land to a third party with the following condition:

*“.....the future buyer develop an engineering stabilization plan, with a timeline for execution of the plan, to be presented and approved by the Town of Grand Lake to ensure the stabilization of this parcel for the protection of the safety and welfare of persons and public property.”*

April 2010 – Town staff approved a grading permit application for Lots 1-2, Block 27, Town of Grand Lake excluding the right of way of Grand Avenue.

May 2010 - The Planning Commission recommended approval of grading in the Grand Avenue right of way adjacent to Lots 1-2, Block 27, Town of Grand Lake.

May 2010 – The Board of Trustees approved Resolution 14-2010; a resolution approving grading in the Grand Avenue right of way adjacent to Lots 1-2, Block 27, Town of Grand Lake.

October 2010 – The Board of Trustees approved Resolution 23-2010; a resolution granting an extension to a grading permit for Lots 1-2, Block 27, Town of Grand Lake.

October 2011 – The Board of Trustees approved Resolution 27-2011; a resolution granting an extension to a grading permit for Lots 1-2, Block 27, Town of Grand Lake.

November 2012 - The contractor completed all grading activities and erosion control on Lots 1-2.

May 2013 – The contractor was contacted by staff regarding the effectiveness of the erosion control. The contractor verbally agreed that the effectiveness of the erosion control measures had deteriorated.

### **Staff Comments**

Staff has interpreted by the resolutions adopted by the Board of Trustees, that Board approval is required for any grading activities affecting the glacial moraine in this area.

Staff believes the any substantial grading activities that may change or impact the existing landscape of the Town should be reviewed by the Planning Commission.

The Town Public Works Director believes there is benefit in removing the steep slope from the town right of way. First, the slope is unstable in its current condition. Secondly, if the hill side is removed more sun exposure is anticipated thereby reducing the amount of ice on the Grand Avenue right of way in the winter.

Staff is concerned that the contractor did not fulfill all of the requirements of the previous grading permit such as:

1. *“...all disturbed areas will be vegetated and/or blanketed upon completion of ground disturbance for sediment and erosion control”* as outlined in Resolution 14-2010.
2. *“...all slopes to be 1:1 max and stabilized as necessary per geotechnical engineers recommendations”* as called out on the site plan.

### **Staff Recommendation**

Staff has reviewed the grading permit application and recommends the Commission adopted the resolution as presented which includes the following conditions of approval:

- 1) The applicant provide the Town with a phased grading plan with the following:
  - a. Criteria outlined in Municipal Code 9-2-5.
  - b. A plan showing temporary and permanent erosion control (including dust control, vehicle tracking control, a revegetation plan for all disturb areas).
  - c. The grading plan is signed and sealed by a Colorado Registered Professional Engineer.
- 2) The applicant provides the Town with a construction bond of 115% of the cost of excavation (valid for two years after permit expiration).
- 3) The applicant obtains an approved town right of way permit.
- 4) The applicant maintains the drainage along the Grand Avenue right of way and Jefferson Street right of way subject to the review and approval of the Public Works Director.
- 5) All retaining walls must comply with the following:
  - a. All portions of the retaining all are completely on private property.
  - b. All retaining walls do not exceed 4' in height.
  - c. All retaining walls use native boulders found on site.

- 6) The applicant restricts site activities to the limited operations required for excavation and hauling of onsite materials.
- 7) The applicant submits written progress reports to the Board by September 9<sup>th</sup>, 2013, July 28<sup>th</sup>, 2014 and September 8<sup>th</sup>, 2014 indicating the work completed and work yet to be completed.
- 8) The grading permit and right of way permit are valid for the following periods:
  - a. Hours of operation: 7am – 7pm
  - b. From date of approval to October 15<sup>th</sup> 2013.
  - c. May 1<sup>st</sup>, 2014 to October 15<sup>th</sup>, 2014.

Work is not permitted on holiday weekends or Town approved special events. If the applicant obtains written permission and weathering permitting, work may be permitted by Town staff outside of the dates specified on a case by case basis.
- 9) Prior to permit expiration, the applicant obtains an As-Built survey with Certificate of Compliance for the approved plans from a Colorado Registered Professional Engineer.
- 10) All permits expire on October 15<sup>th</sup>, 2014.
- 11) A penalty clause of Fifty Dollars (\$50) per day for each and every day the site remains out of compliance with the work and conditions outlined in the permit.

**Commission Discussion**

The Commission should discuss the grading permit request and staff recommended conditions of approval.

**Commission Action**

The Commission has several options to consider including:

1. Adopt the resolution as presented, thus recommending approval of the grading permit; or
2. Adopt the resolution with added conditions, thus recommending approval grading permit; or
4. Recommend to deny the grading permit request.

Suggested Motion:

**I move to adopt Resolution XX-2013; a resolution recommending the approval of the grading permit for Lots 1-4, Block 27, Town of Grand Lake; more commonly referred to as 528 Grand Avenue including the town right of way adjacent to this property, as presented.**

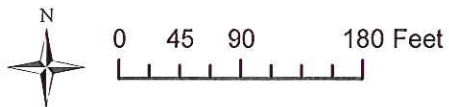
**Or**

**I move to adopt Resolution XX-2013; a resolution recommending the approval of the grading permit for Lots 1-4, Block 27, Town of Grand Lake; more commonly referred to as 528 Grand Avenue including the town right of way adjacent to this property, with the following conditions \_\_\_\_\_.**

**Or**

**I move to recommend denial of the grading permit application for Lots 1-4, Block 27, Town of Grand Lake; more commonly referred to as 528 Grand Avenue and direct staff to draft a resolution outlining this denial and authorize Chairman Southway to sign it.**

# 528 Grand Avenue



**Town of Grand Lake**  
**Grading Permit Application**

( Permit Applications requested for work to be performed on the Town Rights of Ways shall only be approved by the Town Board of Trustees, with recommendation from the Planning Commission. Please contact Town Hall staff for more information regarding these types of Grading Requests.

Street Address: 516 & 528 Grand Ave. Lot(s): 1-4 Block: 27 Addition: \_\_\_\_\_  
+ the N. 30ft. of lots 1-4

	OWNER	CONTRACTOR
PRINTED NAME	Todd Hammerlund	ATH Specialties
MAILING ADDRESS	P.O. Box 960	P.O. Box 960
CITY, STATE and ZIP	Grand Lake, CO 80447	Grand Lake, CO 80447
HOME/BUSINESS PHONE	970-627-8834	970-627-8834
CELL PHONE	970-778-0329	970-778-0329

**PLEASE INDICATE THE TYPE OF GRADING PERMIT REQUESTED**

**GENERAL:** Permit required if excavation or fill exceeds twenty (20) cubic yards but less than two thousand, five-hundred (2500) cubic yards and has a maximum vertical dimension of less than two feet (2'); OR if the excavation or fill is less than twenty (20) cubic yards and the maximum vertical dimension exceeds two feet (2').  
Required Attachments: Each General Grading Permit Application shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plan shall include the following:

- Narrative description of the proposed work and the proposed timetable for completion of the grading and re-vegetation; and
- General vicinity of the proposed site; and
- A Site Plan indicating:
  - Limiting dimensions and depth of the cut and/or fill with relationship to the property lines; and
  - Location of any building or structure within fifteen feet (15') of the proposed grading; and
  - Location, size and depth of all existing utilities and easements on the proposed site; and
  - Location of all natural features, such as watercourses, on the proposed site or within one hundred feet (100') of the "graded area"; and
  - Location and type of any erosion control measures; and
- A re-vegetation plan.

**ENGINEERED:** Permit required whenever the excavation or fill exceeds two thousand, five-hundred (2500) cubic yards; OR if the fill or excavation exceeds two feet (2') in vertical dimension.

Required Attachments: Each Engineered Grading Permit Application shall be accompanied by two (2) sets of plans and specifications and supporting data. The plans shall contain the following:

- Narrative description of the proposed work and the proposed timetable for completion of the grading and re-vegetation; and
- A Soils Engineering report: The soils engineering report required shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. *Recommendations included in the required soils engineering report shall be incorporated in the grading plans and specifications.*
- General vicinity of the proposed site; and
- A Site Plan indicating:

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- Property limits and accurate contours of existing ground and details of terrain and area drainage.
- Limiting dimensions, elevation or finish contours to be achieved by the grading, and proposed drainage channels and related construction; and
- Location of any building or structures on the property where the work is to be performed and the location of any buildings or structure on the land of adjacent owners that are within fifteen feet (15') of the property or that may be affected by the proposed grading operations; and
- Location, size and depth of all existing utilities and easements on the proposed site; and
- Location of all natural features, such as watercourses, on the proposed site or within one hundred feet (100') of the disturbed graded area; and
- Location and type of any erosion control measures; and
- A re-vegetation plan. 2:1 Slopes will be top soiled & hydro seeded

The Owner/Contractor acknowledge by signing below that they have received, reviewed and understand the requirements set forth in Town Code 9-1-5, attached hereto, and certify to the Town that all of the information contained in this Grading Permit Application is true and the work will be done in strict compliance with Town Code 9-1-5 and the permit requirements stipulated below. The Owner/Contractor further certify they will follow the reasonable direction of the Town's Public Works Director and/or the Director's designee. This understanding and agreement will be binding upon the Owner's respective heirs, executors, administrators and assigns. A copy of the Permit shall be available and presented upon demand on the job site at all times.

	OWNER	CONTRACTOR
SIGNATURE	<i>Terry Smith</i>	ATH Specialties - <i>Terry Smith</i>
DATE	6-13-13	6-13-13

----- TOWN USE ONLY BELOW THIS LINE -----

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Permit Fee: \_\_\_\_\_ Fee Received Date: \_\_\_\_\_  
 General Grading Permit: \$35.00     Engineered Grading Permit: \$75.00     Failure to Obtain Permit: \$250.00

Bonding Requirements:  
 NO     YES (Amount of Bond Required: \$ \_\_\_\_\_) Bond Received: \_\_\_\_\_

Application Review:  
 Required Attachments Review/Determination of Complete Application  
 Site Visit Conducted (Public Works and Planning) Date Conducted: \_\_\_\_\_

Permit Special Conditions: The following special requirements are made a part of this permit. All conditions are subject to change by the Town of Grand Lake if conditions encountered in the field are different than those conditions used in establishing these requirements:

Approval Signature: \_\_\_\_\_, Planning Department

Approval Signature: \_\_\_\_\_, Public Works Director

Permit Approval Date: \_\_\_\_\_ Permit Expiration Date: \_\_\_\_\_

# TODD E. HAMMERLUND

P.O. Box 960  
Grand Lake, CO 80447  
Phone (970) 778-0329  
Fax (970) 627-8834

June 13, 2013

Town of Grand Lake  
P.O. Box 99  
Grand Lake, CO 80447

Town of Grand Lake,

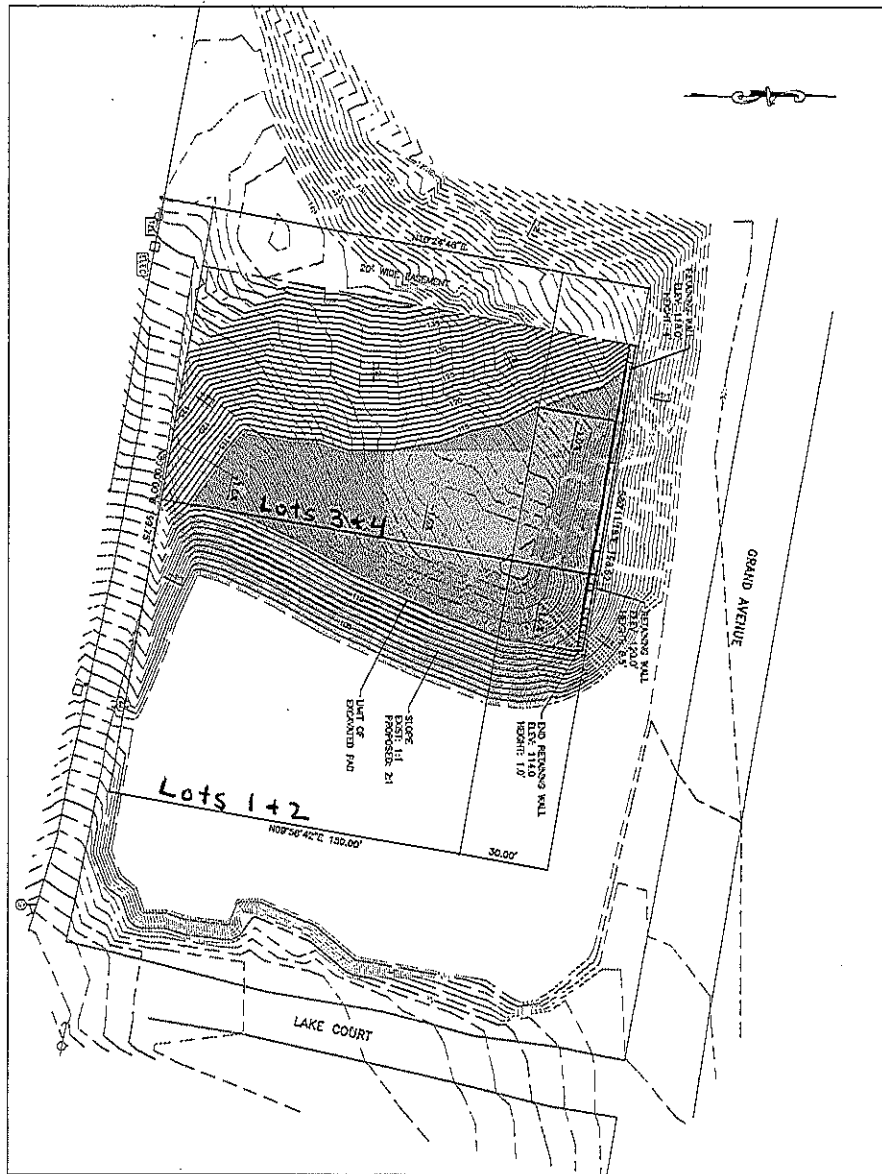
We are writing in regards to the grading permit application for Lots 1, 2, 3, & 4, Block 27 & the North 30 feet of Lots 1-4, also known as 528 Grand Ave. & 516 Grand Ave.

We would like you take into consideration the work proposed, as indicated on the attached grading plan designed by Diamondback Engineering, for stabilization of the slope on Lots 1, 2, 3, & 4 & the North 30 feet of Lots 1- 4. This would reduce the safety hazards of this property, would greatly reduce the current slope of Lot 2, which is unable to be reduced without the proposed work on Lots 3 & 4, and add to the eye appeal of the town and Lots 1, 2, 3, & 4.

All grading and re-vegetation would be completed by November 30<sup>th</sup> 2014.

If you have any additional questions we can be reached at 970-778-0329. Thank you for your consideration.

Todd and Amanda Hammerlund



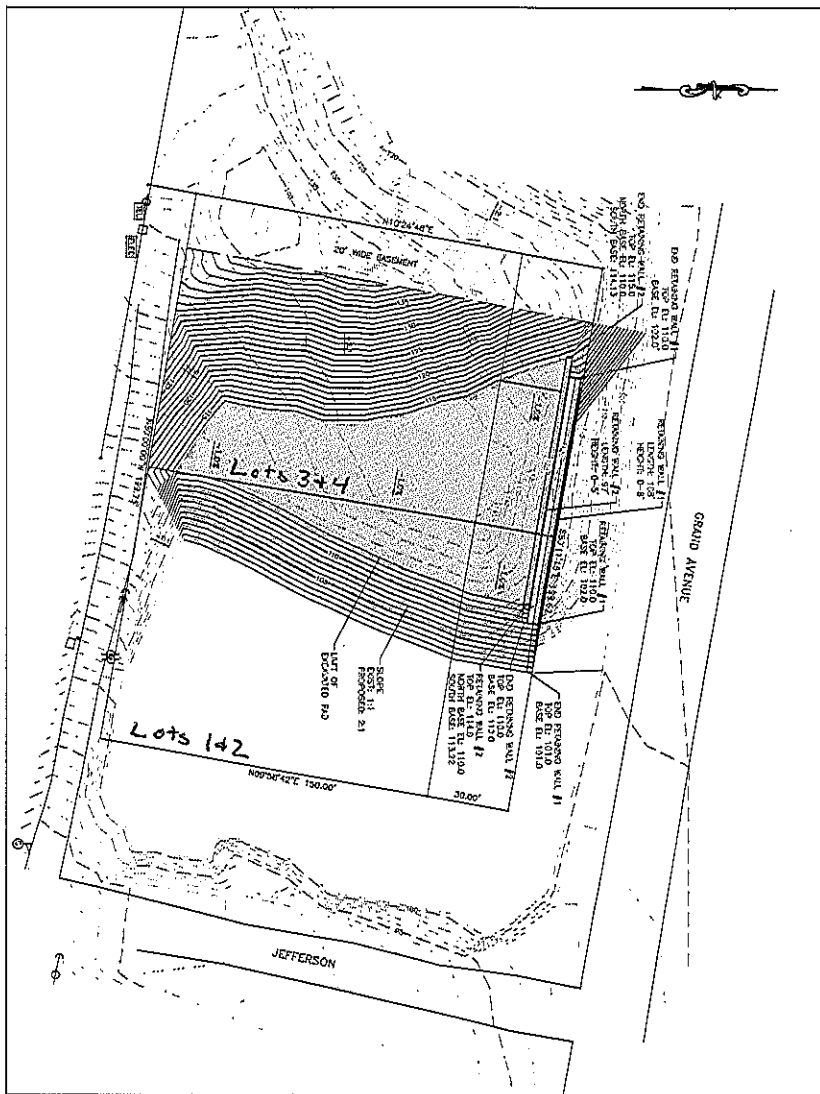
GRADING PLAN  
 SCALE: 1" = 20'

**EARTHWORK VOLUMES & AREAS**  
 PAW CUT VOLUME: 8,170 C.Y.  
 PAW FILL VOLUME: 0 C.Y.  
 PAD TOP SURFACE AREA: 8,899 S.F.  
 TOTAL DISTURBANCE AREA: 11,720 S.F.  
 NOTE: VOLUMES ARE APPROXIMATE AND UNADJUSTED FOR EXPANSION OR CONTRACTION

Sheet Number	REVISIONS			
	NO.	DESCRIPTION OF REVISIONS	DATE	BY
date	4/18/13			
job number				
design by	JIT			
drawn by	RUN			
checked by	JIT			

**GRADING PLAN**  
 TODD AND AMANDA HAMMERLUND  
 ATH SPECIALTIES  
 GRAND LAKE, COLORADO

**Diamondback**  
 Engineering & Surveying, Inc.  
 12142 West Cedar Drive, Suite C,  
 Lakewood, CO 80226-2000  
 Office: 303-969-1204  
 Fax: 303-969-1214  
 www.diamondbackeng.com



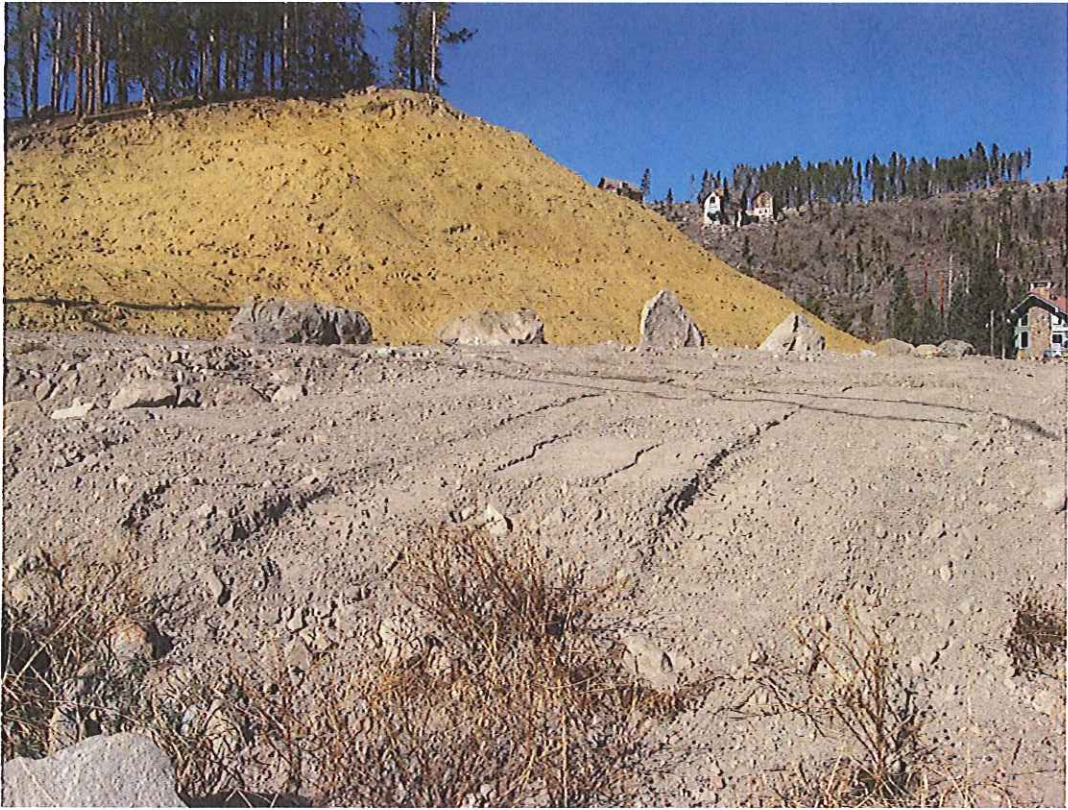
GRADING PLAN  
 Scale 1" = 20'

**EARTHWORK VOLUMES & AREAS**  
 PLANNED VOLUMES ARE AS FOLLOWS:  
 EXCAVATION VOLUME 0.00 CY  
 FILL VOLUME 15.00 CY  
 TOTAL DISTURBED AREA 19,200 S.F.  
 TOTAL DISTURBED AREA 19,200 S.F.  
 FOR EXPLANATION OF CONSTRUCTION

date	description of revisions	REVISIONS	
		no.	by
6/19/17			

**GRADING PLAN**  
 TODD AND AMANDA HAMMERLUND  
 ATH SPECIALTIES  
 GRAND LAKE, COLORADO

**Diamondback**  
 Engineering & Surveying, Inc.  
 12240 West Cedar Drive, Suite C  
 Lakewood, CO 80226-3522  
 Office: 338-285-4204  
 Fax: 338-285-4214  
 www.diamondbackeng.com



November 16, 2012



May 7, 2013

Lots 1-2, Block 27, ToGL – 528 Grand Avenue



528 Grand Avenue- ToGL, Block 27, Lot 1-2 – 9/7/12



7/5/12 – Grading permit – Block 27, Lot 1-2 – 528 Grand Avenue



**TOWN OF GRAND LAKE  
RESOLUTION NO. 27-2011**

**A RESOLUTION GRANTING AN EXTENSION TO A GRADING PERMIT FOR  
LOTS 1-2, BLOCK 27, TOWN OF GRAND LAKE**

WHEREAS, on April 13, 2010, the Town of Grand Lake received a Grading Permit application for grading and excavation work to be performed on Lots 1-2, Block 27, Town of Grand Lake; and

WHEREAS, on May 10, 2010, the Town of Grand Lake discussed with the property owner of Lots 1-2, Block 27, Town of Grand Lake the property owner's desire to excavate and grade their property; and,

WHEREAS, at that time, the Town Board approved (with the adoption of Resolution No. 14-2010) work to be performed in the Grand Avenue and Jefferson Street Right of Ways adjacent to the subject parcel in conjunction with the approved Grading Permit; and,

WHEREAS, the Town Board of Trustees indicated their desire to be the reviewing body for any Grading Permit extension requests for this parcel; and,

WHEREAS, on September 28, 2010 the Town of Grand Lake received a request for an extension of the previously-approved six-month Grading Permit and on October 11, 2010 approved Resolution No. 23-2010 which authorized a one-year extension to the Grading Permit; and

WHEREAS, on September 13, 2011 the Town of Grand Lake received a request for an extension of the Grading Permit; and

WHEREAS, on September 26 and October 10, 2011 the Town of grand Lake discussed with the property owner the extension and determined an extension would be permissible if a timeline of work completed and work to be completed was submitted to the Town.

**NOW THEREFORE BE IT RESOLVED BY THE GRAND LAKE BOARD OF TRUSTEES AS FOLLOWS:**

**PART 1.** The Board of Trustees hereby grants another one-year extension to the April 13, 2010 approved Grading Permit for Lots 1-2, Block 27, Town of Grand Lake, along with the amendments of the Permit outlined in Resolution No. 14-2010.

**PART 2.** The Grading Permit shall expire on December 1, 2011. A penalty clause included specifying a Fifty Dollar (\$50.00) per day fine for each and every day past the past December 1, 2012 that the work outlined in the Grading Permit, along with amendments of the Permit outlined in Resolution No. 14-2010 is not completed.

**PART 3.** Written progress reports, similar to that which is attached hereto, shall be submitted to the Town by July 15 and September 15, 2012 which indicate the work that has been completed and the remaining work to be completed.

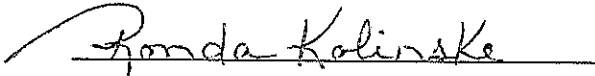
**DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 10TH DAY OF OCTOBER, 2011.**

(SEAL)

Votes Approving:	7
Votes Opposing:	0
Votes Abstaining:	0
Absent:	0

**ATTEST:**

**BOARD OF TRUSTEES OF THE  
TOWN OF GRAND LAKE, COLORADO**



Ronda Kolinske, CMC, Town Clerk



Judy M. Burke, Mayor

**TOWN OF GRAND LAKE  
RESOLUTION NO. 14-2010**

**A RESOLUTION APPROVING GRADING WORK FOR THE GRAND AVENUE RIGHT OF  
WAY ADJACENT TO LOTS 1-2, BLOCK 27, TOWN OF GRAND LAKE**

WHEREAS, in July, 2009, the Town of Grand Lake transferred the North 30' of Lots 1-2, Block 27 of the Town of Grand Lake to Todd and Amanda Hammerlund, adjacent property owners; and

WHEREAS, in efforts to reduce risks of public safety, the property owners would like to grade their property and the Grand Avenue Right of Way; and,

WHEREAS, the Town has the authority to regulate grading work performed on public and private property; and,

WHEREAS, the Town approved a grading permit application for Lots 1-2, Block 27, of the Town of Grand Lake on April 13, 2010; and

WHEREAS, the Planning Commission discussed the applicant's willingness to perform grading work on the Grand Avenue Right of Way on May 5, 2010, and forwarded a favorable recommendation of approval of the proposed Grand Avenue grading work to the Town Board of Trustees.

**NOW THEREFORE BE IT RESOLVED BY THE GRAND LAKE BOARD OF TRUSTEES AS  
FOLLOWS:**

**PART 1.** The Board of Trustees hereby approves all work depicted on Exhibit 'A', attached hereto and incorporated herein by reference with the following conditions:

- 1) That the work performed is to be verified by Town of Grand Lake staff in accordance with Exhibit 'A'; and
- 2) That all disturbed areas will be vegetated and/or blanketed upon completion of ground disturbance for sediment and erosion control; and
- 3) That ATH Specialties is to name the Town of Grand Lake as additional insured.

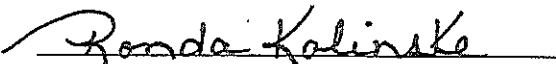
**DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF GRAND LAKE THIS 10TH DAY OF MAY, 2010.**

(SEAL)

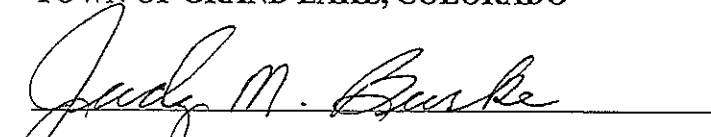
Votes Approving:	6
Votes Opposing:	0
Votes Abstaining:	0
Absent:	0

**ATTEST:**

**BOARD OF TRUSTEES OF THE  
TOWN OF GRAND LAKE, COLORADO**

  
\_\_\_\_\_

Ronda Kolinske, CMC, Town Clerk

  
\_\_\_\_\_

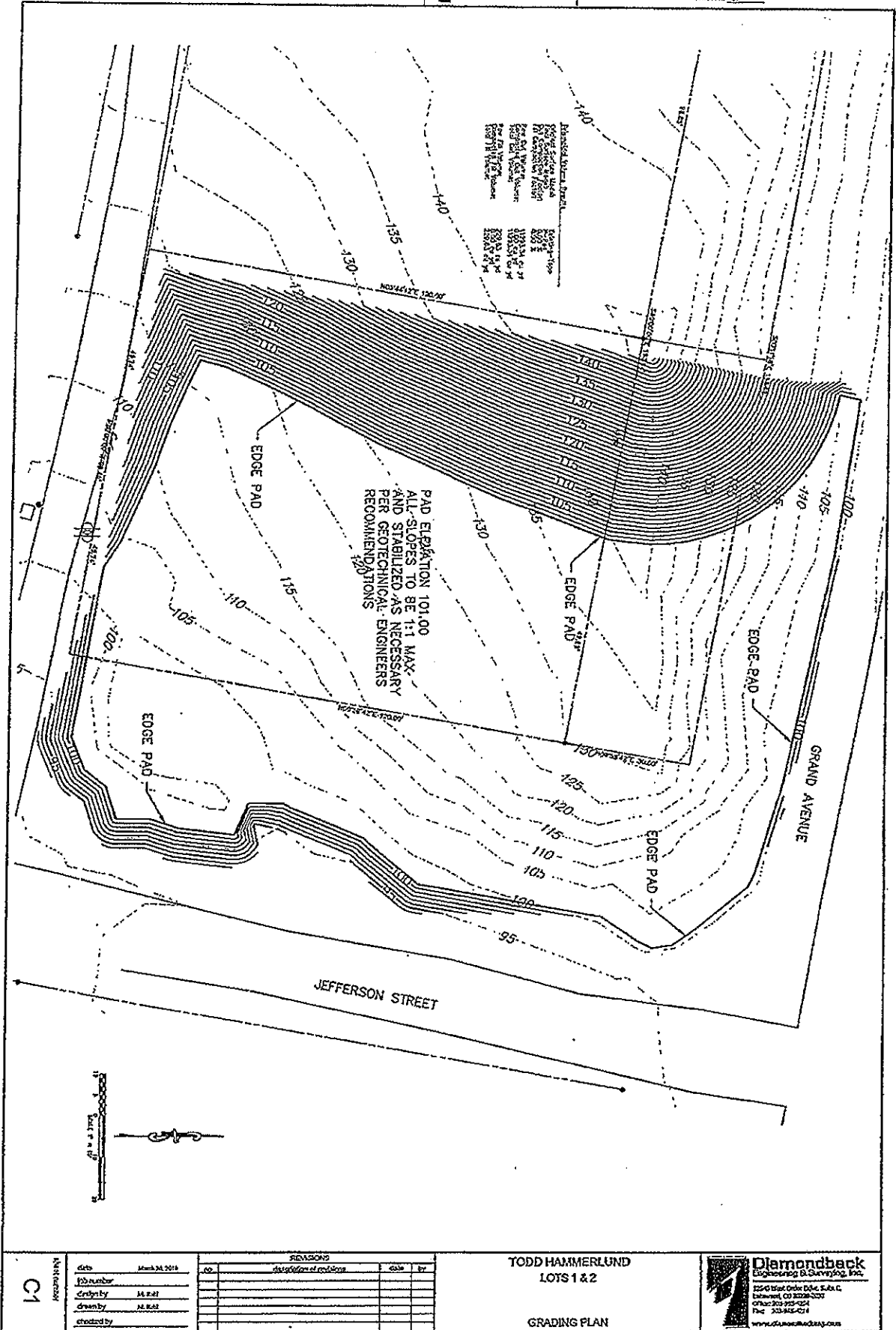
Judy M. Burke, Mayor

# EXHIBIT 'A'

CAD FILE NO.                      plot date 03/28/24 n.k.w.  
 north to                      north to X

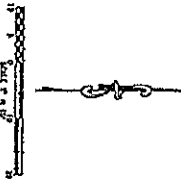


project                      X  
 job no.                       
 sheet no. 01



Approved for Construction  
 by                      Date                       
 Prepared by                      Date                       
 Checked by                      Date                       
 Drawn by                      Date                     

PAD ELEVATION 101.00  
 ALL SLOPES TO BE 1:1 MAX.  
 AND STABILIZED AS NECESSARY  
 PER GEOTECHNICAL ENGINEERS  
 RECOMMENDATIONS



North Arrow  
**C1**

REVISIONS			
NO.	DATE	DESCRIPTION OF REVISION	BY

TODD HAMMERLUND  
 LOTS 1 & 2  
 GRADING PLAN



Commissioners Lanzi and Weydert returned to the Town Hall Board Room.

ITEMS OF BUSINESS:

**CONSIDERATION OF GRADING WORK TO BE PERFORMED IN THE GRAND AVENUE RIGHT OF WAY** – Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated that on April 5, 2010, staff received a grading permit application from Mr. Todd Hammerlund for ATH Specialties to conduct grading work on Grand Avenue (adjacent to Lots 1-2, Block 27 Town of Grand Lake). Staff has approved a grading permit for the South portions of these two lots but wanted to discuss Mr. Hammerlund's desire to improve the public R-O-W with the Planning Commission and Town Board of Trustees.

Wittman reminded the Commission, the North 30' of these two parcels were owned by the Grand County Board of County Commissioners and in June of 2009, the parcels were transferred to the Town and then to the adjacent property owner. Additionally, the property owner was to also acquire the North 30' of Lots 3-4, as well. At that time, the Town Board indicated the property would not be transferred until the adjacent property owner submitted a slope stabilization plan and a timeline for the completion of that plan. In July, 2009, the applicant submitted a grading permit application (which was approved) to remove the most hazardous 'ledge' of the slope. This work has been conducted on Lots 1-2. No work had been noted to be done on the North 30' of Lots 3-4 other than hazardous tree removal.

Wittman outlined that the proposed work is to create a building pad on Lots 1-2 to be lowered to the grade of Grand Avenue. In order to achieve the grades identified, some work will have to occur on the Grand Avenue Right of Way. Public Works Director McGinn thinks it would be an added benefit to the Town to have this area at the same grade but does express the following concerns:

- 1) The proposed work does not outline work to be performed on the North 30' of Lots 3-4 (also owned by Hammerland) nor the Grand Avenue R-O-W adjacent to these parcels. There is concern disturbance to the North 30' of Lots 1-2 may affect the North 30' of Lots 3-4 and without consideration to the neighboring parcel, a hazard may inadvertently be created; and
- 2) The plan needs to address sediment and erosion control. Under the Town's current provisions for Grading and Excavation permitting, Engineered Grading Plans shall include:
  - i. A re-vegetation plan.
  - ii. Location and type of any erosion control measures.
  - iii. The proposed timetable for completion of the grading and re-vegetation.

Wittman advised the Commission that they should discuss this item with Mr. Hammerlund and formulate a recommendation to the Town Board of

Trustees for approval or denial of the proposed grading work of the Grand Avenue Right of Way in this location. Wittman further noted Mr. Todd Hammerlund was in the audience to discuss this item with the Commission.

Chairman Southway asked Mr. Hammerlund if he would like to make comment. Mr. Hammerlund indicated the Grand Avenue Right of Way was approximately ½ way up the moraine hillside and that he intends to bring the grade of Lot 1 (and part of Lot 2) to a grade approximately 1' above the grade of Grand Avenue.

Commission Canon inquired as to whether or not a re-vegetation plan required as the area adjacent to the Right of Way had never had vegetation on it prior to then. Commissioner Shockey noted the southern portion of the lots did have vegetation. Hammerlund indicated all disturbed areas would either be hydroseeded or blanketed on the slope-side from Lot 3. He also noted the proposed grade would be significantly less steep than the current grade.

Chairman Southway noted that while it was nice to stabilize his lots, he inquired as to whether or not Mr. Hammerlund was willing to work with the property owner of Lot 3 to stabilize the crest of the moraine. Town Planner Wittman noted on numerous occasions, staff has attempted to contact the property owner regarding this matter and has not received word back regarding their willingness to work with the Town or the neighboring property owner.

Chairman Gilbert inquired as to the plan's indication of geotechnical recommendations. Mr. Hammerlund indicated a geotechnical report was conducted prior to any disturbance. Commissioner Shockey inquired as to whether or not there was a willingness to have certification of the geotechnical engineer that the plan was in accordance with their recommendations. Mr. Hammerlund agreed to this provision.

After no further discussion, Commissioner Shockey moved to forward a recommendation to the Town Board of Trustees for approval of the Grading Permit work to be performed on the Grand Avenue Right of Way contingent upon certification of a geotechnical engineer that the work was done in accordance with the geotechnical recommendations. Commissioner Canon seconded the motion and the motion was passed when all Commissioners voted aye.

**ITEMS OF BUSINESS:**

**CONSIDERATION OF PERMISSION TO CONSTRUCT A FENCE GREATER THAN 8' ON CAIRNS AVENUE** – Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated that on April 1, 2010, staff received a request from Daven Haven Lodge to replace their existing fence (see photo) with a 12' fence to obstruct the view of the backyard and trailers as well as to enhance the appearance of the property. Municipal Code Section 12-7-4E-2b indicates: *"Fences over eight (8') feet in height shall be reviewed by the Planning Commission for*

**TOWN OF GRAND LAKE  
PLANNING COMMISSION  
RESOLUTION NO. XX-2013**

**A RESOLUTION RECOMMENDING THE APPROVAL OF A GRADING PERMIT  
FOR BLOCK 27, LOTS 1-4, TOWN OF GRAND LAKE; MORE COMMONLY  
REFERRED TO AS 528 GRAND AVENUE INCLUDING THE TOWN RIGHT OF WAY  
ADJACENT TO THIS PROPERTY**

**WHEREAS**, on June 22<sup>nd</sup>, 2009, the Board of Trustees adopted Resolution 16-2009; a resolution addressing the north 30' of Lots 1-4, Block 27 (a.k.a. glacial moraine) of the Town of Grand Lake which the Board endorsed the sale of the property to a third party "*with the provision that prior to the transfer of the property, the future buyer develop an engineered stabilization plan, with a timeline for execution of the plan, to be presented and approved by the Town of Grand Lake to ensure the stabilization of this parcel for the protection of the safety and welfare of persons and public property*"; and

**WHEREAS**, on April 13<sup>th</sup>, 2010, Town staff approved an engineered grading permit application for Lots 1-2, Block 27; and

**WHEREAS**, on May 5<sup>th</sup>, 2010, the Planning Commission forwarded a recommendation of approval for work performed in the Grand Avenue right of way contingent the work is certified by a geotechnical engineer upon completion; and

**WHEREAS**, on May 10<sup>th</sup>, 2010, the Board of Trustees adopted Resolution 14-2010; a resolution approving grading work for the Grand Avenue right of way adjacent to Lots 1-2, Block 27, Town of Grand Lake; and

**WHEREAS**, on October 11, 2010 and October 10, 2011, the Board of Trustees granted an extension to the grading permit; and

**WHEREAS**, on December 1<sup>st</sup>, 2012, the grading permit expired; and

**WHEREAS**, the Town received an engineered grading permit application for Lots 1-4, Block 27 and the right of way adjacent to; and

**WHEREAS**, Municipal Code 9-2-5 Engineered Grading Permit states:

*(B) The engineered grading permit shall be issued by the Grand Lake Public Works Director or his designee within thirty (30) days of the submittal of a complete application and plan, and may have conditions placed upon it. The applicant may challenge these conditions by requesting, in writing, a public hearing before the Board of Trustees.*

**WHEREAS**, Municipal Code 9-2-11 Valid Period states:

*(A) All grading permits shall be valid for six (6) months from the date the permit is issued provided that the approved application and the conditions of its approval have not changed.*

*(B) Upon demonstration by a permittee of unusual or exceptional circumstances, the Town Public Works Director or Engineer may extend the permit period for not more than one additional six (6) month period.*

**NOW THEREFORE BE IT RESOLVED BY THE GRAND LAKE PLANNING COMMISSION AS FOLLOWS:**

THAT, the Planning Commission hereby forwards a favorable recommendation of approval with the following conditions for approval:

- 1) The applicant provide the Town with a phased grading plan with the following:
  - a. Criteria outlined in Municipal Code 9-2-5.
  - b. A plan showing temporary and permanent erosion control (including dust control, vehicle tracking control, a revegetation plan for all disturb areas).
  - c. The grading plan is signed and sealed by a Colorado Registered Professional Engineer.
- 2) The applicant provides the Town with a construction bond of 115% of the cost of excavation (valid for two years after permit expiration).
- 3) The applicant obtains an approved town right of way permit.
- 4) The applicant maintains the drainage along the Grand Avenue right of way and Jefferson Street right of way subject to the review and approval of the Public Works Director.
- 5) All retaining walls must comply with the following:
  - a. All portions of the retaining all are completely on private property.
  - b. All retaining walls do not exceed 4' in height.
  - c. All retaining walls use native boulders found on site.
- 6) The applicant restricts site activities to the limited operations required for excavation and hauling of onsite materials.
- 7) The applicant submits written progress reports to the Board by September 9<sup>th</sup>, 2013, July 28<sup>th</sup>, 2014 and September 8<sup>th</sup>, 2014 indicating the work completed and work yet to be completed.
- 8) The grading permit and right of way permit are valid for the following periods:
  - a. Hours of operation: 7am – 7pm
  - b. From date of approval to October 15<sup>th</sup> 2013.
  - c. May 1<sup>st</sup>, 2014 to October 15<sup>th</sup>, 2014.Work is not permitted on holiday weekends or Town approved special events. If the applicant obtains written permission and weathering permitting, work may be permitted by Town staff outside of the dates specified on a case by case basis.
- 9) Prior to permit expiration, the applicant obtains an As-Built survey with Certificate of Compliance for the approved plans from a Colorado Registered Professional Engineer.
- 10) All permits expire on October 15<sup>th</sup>, 2014.
- 11) A penalty clause of Fifty Dollars (\$50) per day for each and every day the site remains out of compliance with the work and conditions outlined in the permit.

**DULY MOVED, SECONDED, AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE THIS 19TH DAY OF JUNE, 2013.**

(SEAL)

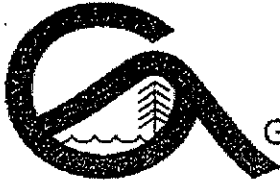
Votes Approving:  
Votes Opposing:  
Votes Abstaining:  
Absent:

ATTEST:

TOWN OF GRAND LAKE, COLORADO

Ronda Kolinske, CMC, Town Clerk

Hayden H. Southway, Chairman




TOWN OF  
GRAND LAKE

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June 14, 2013

To: Chairman Southway and Planning Commissioners

From: Joe Biller, Town Planner 

RE: FYI – Big Meadows Fire in Rocky Mountain National Park

*Attachments: None.*

**Purpose**

Staff would like to let the Commission know that information regarding the Big Meadows Fire is available on our homepage at <http://www.townofgrandlake.com/> including the press releases from the National Parks Service.

**Staff Comments**

None.

**Commission Action**

None.