

MINUTES
PLANNING COMMISSION
REGULAR MEETING
May 15, 2019
6:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 6:31 p.m. on May 15, 2019 at the Town Hall, 1026 Park Avenue.

ROLL CALL

PRESENT: Chairman Southway, Vice Chairman Canon, Commissioners John C. Murray, James Shockey, Judy Burke; and Town Planner Nate Shull.

ABSENT: Commissioner Kudron was noted as absent due to a previously schedule conference. Vice Chairman Canon moved excuse Commissioner Kudron. Seconded by Commissioner Shockey. All others voted aye.

APPROVAL OF
MINUTES:

Chairman Southway presented the meeting minutes for April 17, 2019. Vice Chairman Canon made a motion to approve the minutes. Commissioner Murray seconded. All others voted aye

UNSCHEDULED
CITIZEN
PARTICIPATION:

Chairman Southway asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

Steph Wall, 93 GCR 475, Grand Lake CO – Ms. Wall thanked the Commissioners for dedicating their time to the Town and providing insightful commentary on issues that impact Grand Lake.

CONFLICTS OF
INTEREST:

Chairman Southway asked if there were any conflicts of interest among the Commissioners. No conflicts of interest existed.

ITEMS OF
BUSINESS:

QUASI JUDICIAL – Consideration to recommend granting exemption in the form of an appeal to Municipal Code section 10-1-6(B) – Water Service Lines – to 1) allow for two or more continuous units owned by the same person to be exempted from individual service connections and 2) accept a Plant Investment Fee payment for a 1 ½ -inch meter for Phase I of the Project for property located at 15500 US HWY 34, Town of Grand Lake. – Chairman Shull invited Planner Shull to speak on the matter. Planner Shull began by explaining the nature of the request and geographic context.

He shared background information with the Commission, including pertinent definitions and code provisions as they related to water service. He then provided staff commentary, including his understanding/interpretation the request, as well as Attorney Krob, Water Superintendent Johnson, and Third-Party Engineer Gary Welp's understanding of the request. In conclusion, he suggested that no recommendation would be given until further explanation is provided by Dave Johnson as to the threshold for fire flows that can be maintained and any possible alternative scenarios that would allow proper fire flow of the units.

Chairman Southway invited the applicant to the podium to come speak about their request.

Chris Perdue, 9624 Paramount Place, Highlands Ranch, CO – Mr. Perdue began by stating that this request was not being sought with the intention to evade all payment requirements for water tap fees, but rather as a reasonable and fair assessment of the true nature of the units and their anticipated capacity for service. He then proceeded to share his argument for how the applicant's property qualified as a "hotel" use and provided the specific engineering numbers to rationalize an alternative water service line and meter size for Phase I.

Mr. Perdue suggested that in the scenario that all proposed units (86 total), if attached by individual service lines, would require the Town maintenance of 86 individual taps, including an increase in operation, billing, and general administration costs.

Commissioner Shockey reaffirmed the specific request at hand and oriented the conversation towards that end. Chairman Southway commented that, if determined to be a "hotel" use, the units would need to be sprinkled. He and Commissioner Murray expressed their opinion of the units being defined as "cabins residences" and not "hotels" under the water service language. Commissioner Shockey disagreed, arguing that the cabin units should be viewed as servicing a hotel use, and therefore attached by water service lines based on hotel use.

Vice Chairman Canon brought up the concern of the potential for the cabin-units eventually being subdivided and sold off, and in that scenario, how would individual service lines be addressed. Planner Shull alluded back to Attorney Krob's points from his memo and suggested following his advice. Mr. Perdue agreed with this notion.

Chairman Southway questioned what Water Superintendent Johnson's comments implied with fire flows not being met by having an 8" line attached to a 1 ½ in meter. Mr. Perdue suggested that Mr. Johnson's comments were based on a misunderstanding of *where* the fire hydrants were feeding off of

and that the design as proposed (with a 2" service line attached to a 1 ½ in meter) would be sufficient. In other words, the hydrant would still feed off the 8" main line while the 2" service line would be independent of fire flows and instead service the cabin units only.

Conversation ensued around the fee amount to be applied for the proposed service line size and the cost/benefit to the Town for approving this. Chairman Southway and Commissioner Shockey expressed their concern with making a motion based on financial matters and stated that ultimately the Town Board needs to determine this.

Planner Shull provided additional relevant information in the original 2001 annexation ordinance of the Grand Lake Lodge pertaining to water rights and service, paraphrasing that the existing cabin units on the property would pay a plant investment fee for their contiguous service line once, and only if, the units were connected to the main water line AND became winterized. He suggested that this language should be used to inform a decision related to the current request.

With no further discussion, Commissioner Murray moved to recommend granting an appeal to allow a joint service line and accept a plant investment fee of \$78,000 and a quarterly minimum water tap fee of \$4,350 for 29 individual units. With no second, the motion died.

Commissioner Murray amended the previous motion to state recommendation for granting an appeal to allow a joint service line and accept a plant investment fee in amount to be negotiated by the Board of Trustees and a quarterly minimum fee also negotiated by the Board of Trustees. Commissioner Shockey seconded. Commissioner Canon, Burke, and Chairman Southway voted nay. Motion was denied 3 to 2.

ITEMS OF
DISCUSSION:

Town-Owned Properties – Planner Shull let Chairman Southway elaborate on this item. Chairman Southway explained that he'd like to begin an inventory and discussion on the current and future use of Town-owned properties, particularly those that remain vacant, are blighted, and/or are underutilized. He cited certain properties such the baseball field, Winters Pioneer Park, and the sliver of land south of Grand Lake Estates Marina. He offered the idea of creating a map to illustrate the existing properties, and developing a plan for their future investment.

Planner Shull suggested that such a plan is basically a Capital Improvements Plan which would prioritize investments in public property, facilities, and infrastructure. He recommended the inventory of these properties be assessed upon creation of the capital improvements plan.

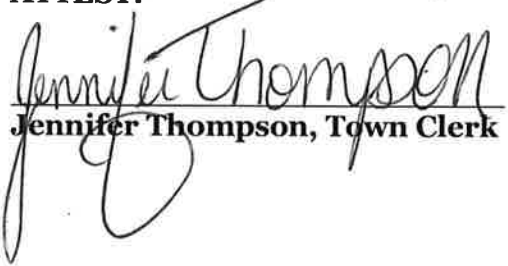
Continued discussion was held around deferred maintenance, clean up of Town streets and private properties, and future policies of the Comprehensive Plan Update.

ADJOURNMENT:

Vice Chairman Canon moved to adjourn, seconded by Commissioner Burke. All Commissioners voted aye, and the meeting was adjourned at 8:09 p.m.


Hayden H. Southway, Chairman

ATTEST:


Jennifer Thompson, Town Clerk