



Grand Lake Planning Commission

Wednesday, March 02, 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*

AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes for 1-19-2022
4. Unscheduled Citizen Participation
This time is reserved for members of the public to make a presentation to the Commission on items or issues that are not scheduled on the agenda. The Commission will not make any decisions on items presented during this time.
5. Conflicts of Interest
6. Items of Business
 - A. Consideration to Adopt Resolution 02-2022 to Grant a Variance to Municipal Code 12-2-29(A) Stream and Lake Setbacks and Resolution 03-2022 Grant the Expansion and Enlargement of a Non-Conforming Structure Located at Block 14, Grand Lake Estates 2nd Filing; More Commonly Referred to as 700 Lake Front Road (A.K.A. Shadow Mountain Recreation Park) #12
7. Items for Discussion
8. Future Agenda Items
9. Adjourn Meeting

For live streaming (listening only) scan the QR code.
You will not be able to actively participate via the web streaming.



<https://zoom.us/j/96360206519?pwd=VHcwODFTNnQ2SWNOTDA1M2d5NFYwUT09>

You can also dial in using your phone. 1 (346) 248 7799

Meeting ID: 963 6020 6519

Passcode: 642153



Planning Commission

Wednesday, January 19, 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

6:34pm

2. Roll Call

PRESENT

Commissioner Heather Bishop
Vice Chairman Heather MacSllarrow
Commissioner John Murray
Chairman James Shockey
Commissioner Judy Burke
Commissioner Ernie Bjorkman

3. Consideration to approve Meeting Minutes

Minutes from 1/5/2019 **approved 6:0**

Motion made by Commissioner Bjorkman, Seconded by Commissioner Murray.

Voting Yea: Commissioner Bishop, Vice Chairman MacSllarrow, Commissioner Murray, Chairman Shockey,
Commissioner Burke, Commissioner Bjorkman

4. Unscheduled Citizen Participation- None

5. Conflicts of Interest

Voting Nay: Commissioner Bishop, Vice Chairman MacSllarrow, Commissioner Murray, Chairman Shockey,
Commissioner Burke, Commissioner Bjorkman

6. Items of Business

none

7. Items for Discussion

Planner White began by reviewing the "plan theme: a healthy economy" from the 2020 Comprehensive plan for the Town of Grand Lake. She pointed out that under the achievable goals there were a number of priority actions that could be done, and asked if the commission felt that some of them had been completed, such as "exploring public/private partnerships to develop rent-restricted multi-family housing".

She mentioned that there was a planning grant available to which the Town could apply. The grant could be used for updating the 2018 Housing plan that was in partnership with the County. Commissioner Murray stated that since it was a County document that we would not have permission to update it. There was discussion on whether the numbers were much different from those of 2018 and if there was a need. The planner suggested that it could be possible to pull just the Grand Lake numbers out and update those and the Town could tailor the planning grant project. The commissioners asked how updated numbers would help. The planner suggested that the Town would be able to use the new numbers to work with developers easier than having outdated information.

Commissioner Bjorkman informed the commissioners that at the 1/19/2022 board meeting it was discussed that the LERP guidelines and regulations were written in 2008 (updated in 2011) and they may be out of date with the minimum sizing.

Commissioner Murray suggested that the commissioner motion to change the code to state that these [the table in the LERP that identify minimum sf] are minimum SF unless otherwise approved by the Town of Grand Lake Board of Trustees.

There was discussion about the minimum size in the LERP guideline and regulations for a minimum being 400sf across the board for all units and that the market should dictate the size of the unit.

Commissioner Bjorkman reminded the commissioners that we are in Grand Lake and not in Des Moines Iowa as the planner pointed out that half the size of the board room is 600sf and the newest LERP-restricted housing for this size is \$310k as a one-bedroom condo.

Planner White asked Commissioner Burke what the current prices per sf were for Grand Lake and she stated \$744/sf for a condo and \$477/sf for a house. She noted that the house price/sf prior to the Park Avenue lofts being placed on the market was \$187/sf.

Commissioner Bjorkman stated that at the prices today, it would be impossible to build anything affordable without the assistance from the Town.

Planner White stated that 2 people could afford \$310k condo. (with monthly payment of 30% of the monthly income going towards rent. Most jobs that are posted currently have an average of \$17/hr thus, the amount that should be spent on rent for one person is about \$800)

Planner White asked for a vote for the suggested recommendation to update the LERP table of minimum square footages. The recommendation is to change the current language in LERP (3)(a) to:

Minimum Square Footage: Assurance of a minimum square footage is a function of these Guidelines and Requirements. Local Employee Residences will be as livable with regard to habitable space as any market-rate dwelling unit, governed by the applicable zoning standards in the Town of Grand Lake Municipal code, unless otherwise approved by the Town of Grand Lake Board of Trustees.

Voting Yea: Commissioner Bishop, Vice Chairman MacSarrow, Commissioner Murray, Chairman Shockey, Commissioner Bjorkman

Voting Abstaining: Commissioner Burke would like to see how the numbers look prior to agreeing with the recommendation.

8. Future Agenda Items

Commissioner Burke asked that we discuss the accessory dwelling code and suggest updates.

Commissioner Murray asked that we reach out to the comprehensive plan consultant to update the municipal code 12-10. and the LERP guidelines and regulations.

9. Adjourn Meeting

7:57pm

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

Voting Yea: Commissioner Bishop, Vice Chairman MacSarrow, Commissioner Murray, Chairman Shockey, Commissioner Burke, Commissioner Bjorkman

Motion Passed 6:0



- The Planning Commission granted a change to a non-conforming structure by Resolution 23-2015 (Unit #6).
- The Board of Adjustment denied a variance application to expand the existing mobile home square footage (Unit #10) in 2006.
- The Board of Adjustment granted a variance application to expand the existing mobile home square footage (Unit #15) in 2005.
- The Board of Adjustment granted a variance application to expand an existing mobile home square footage (Unit #13) in 2002.

Additional Information:

Staff received and reviewed an application for replacement of a structure located at 700 Lake Front Road #12. Town staff denied the building permit due to the location in the 30’ stream setback and it’s pre-existing non-conforming use. According to Certificate of Title, the existing mobile home (Unit #12) was constructed in 1961.

Owners submitted required paperwork for the request:

- Site Plan
- Explanation of Hardship- the existing trailer is 55 ft. x 10 ft. in dimension. Trailers are no longer available in this size and are larger in width than previously manufactured. Additionally, existing trailer has a water leak and possible evidence of mold.
- Survey
- Signed Agreement for Services with the Town and deposit
- Additional Information
- HOA approval letter

The proposed replacement trailer has a smaller square footage and is within the HOA guidelines for size (see table 1). This replacement would bring the unit into compliance with the HOA, however, the “Resort” zoning does not allow for trailers on this property and thus a variance to pre-existing, non-conforming replacement has been requested. Also, this unit is located in the 30’ shoreline setback (Figure 1), where per M.C. 12-2-29 states that any activity within the setback requires approval by the Planning Commission and Board of Trustees.

	Existing	Proposed	Allowed (per HOA)	Lot size
Footprint	55’ x 10’	38’-7” x 13’-6”	50’ x 14’	55’ x 20’
Square Footage	550 SF	506 SF	700 SF	1100 SF
Deck	74 SF	94.5 SF	--	--
Total with decks	624 SF	615 SF	--	--

Table 1

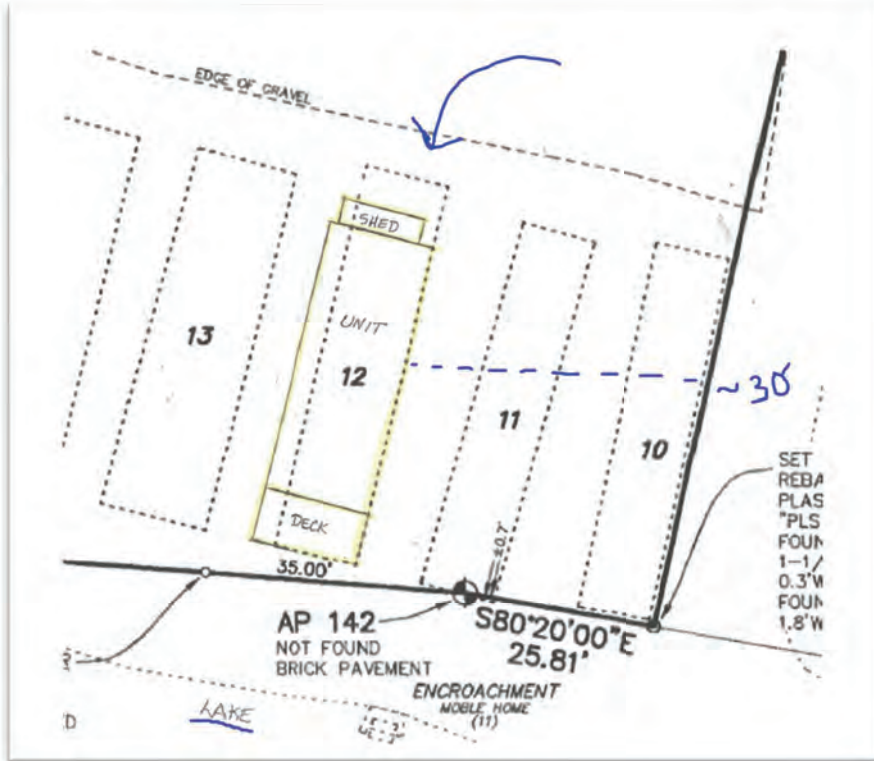


Figure 2

The existing structure is considered non-conforming for the following reasons per the Municipal Code:

- Block 14 is zoned resort district. Mobile homes are not a Use by Right in this district.

Municipal Code:

Municipal Code 12-2-29 Shoreline and Surface Water Regulations states:

(A) Stream and Lake Setbacks

1. In order to help preserve the environmental quality of the water in the Grand Lake, a thirty (30) foot stream and lake setback from the mean identifiable high water mark shall be maintained for buildings, parking, snow storage areas and other improvements to a site. The setback applies to a stream, creek, river, irrigation ditch (dry or wet), lake, pond, wetland, or any other body of water.

2. When activities are proposed within the 30' setback, a variance may be requested by an Applicant. As scheduled by Town Staff and based on agenda availability, The Planning Commission shall review the request at a Public Hearing and make a recommendation to the Town Board of Trustees, who shall make the final determination... The Town Board of Trustees may opt to hold a Public Hearing. The



Town Board of Trustees will hold a Public Hearing within 45 days from receiving a recommendation from the Planning Commission.

Municipal Code 12-2-6 Definitions states:

Mobile Home - Any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks or skirtings and so designed or constructed to permit occupancy as living or sleeping quarters and shall have been issued a manufacturer's statement of origin.

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.

- 1. A building or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits or authorizations from the Town is considered nonconforming. The owner and/or operator of a nonconforming building or use shall be subject to actions and penalties allowed by this Code and all other applicable Town Ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code.*

(B) Expansion or Enlargement

- 1. A non-conforming building or use to be extended or enlarged shall conform with the provisions of this Article.*

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

- 3. The Planning Commission may authorize, upon appeal in specific cases, an exception permitting an increase in a non-conforming use on a parcel when the parcel has similar non-conformances, subject to terms and conditions fixed by the Commission. No exception shall be authorized hereunder unless the Commission shall find that all the following conditions exist:*

- (a) 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;*
- (b) That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Article regarding non-conforming uses will result in unnecessary hardship;*
- (c) 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;*
- (d) That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;*
- (e) That the exception will not weaken the general purposes of this Article or the regulations established herein for the specific district;*
- (f) That the exception will be in harmony with the spirit and purposes of this Article.*
- (g) That the exception will not adversely affect the public health, safety, or welfare.*



Staff Comments:

Commissioners shall find that 12-2-32 (B) (3) items a-g exist in order to approve an exception to the non-conforming condition. Staff believes the completion of the Planned Development Application would alleviate most building permit requests for the property. Considering the age of the Planned Development Application and lack of progress by the Applicant to complete review by the Town, Staff believes issuing building permits to the structures only encourages the application to remain idle.

Staff recommends the Commission adopt the draft resolution as presented, which grants the replacement of the existing non-conforming mobile home with a less non-conforming unit and includes the following conditions:

1. The Applicant obtains an approved Building Permit for the Property; and,
2. The Applicant complies with all other federal, state, and local regulations; and,
3. In granting this Request the Commission is not obligated to grant similar requests in the future nor does granting this Request set precedent for any future requests; and,
4. The Applicant has one (1) year to comply with all the conditions and requirements above or this authorization shall become null in void.

Staff recommends the approval of the activity within the 30' shoreline setback with a condition that the applicant adequately protect the shoreline with erosion control devices during the placement of the proposed structure.

Commission Discussion:

The Commission should discuss the findings of fact for the non-conforming structure, the shoreline setback and the request of the Applicant.

Motion:

The Commission has several options to consider including:

1. Adopt both Resolution 02-2022 and 03-2022 as presented, thus granting the request of the Applicant with conditions; or,
2. Adopt both Resolution 02-2022 and 03-2022 resolution with modifications; or,
3. Not adopt the resolutions, thus denying the request.

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 2 – 2022**

**A RESOLUTION AUTHORIZING THE REPLACEMENT OF A
NON-CONFORMING STRUCTURE LOCATED AT
BLOCK 14, GRAND LAKE ESTATES 2ND FILING TO THE TOWN OF GRAND LAKE;
MORE COMMONLY REFERRED TO AS 700 LAKE FRONT ROAD #12**

WHEREAS, Robert and Tracie Mathisen (the “Applicant”) are the property owner of Unit 12 located at Block 14, Grand Lake Estates 2nd Filing to the Town of Grand Lake (herein the “Property”); and

WHEREAS, the Property appears to be Non-Conforming (the “Non-Conforming Structure”) for a variety of reasons, including but not limited to, the following:

- Municipal Code 12-2-6 [Zoning] Definitions
- Municipal Code Use by Right for the Zoning District; and,

WHEREAS, the Town of Grand Lake (the “Town”) received a building permit application from the Applicant which was denied pursuant to Grand Lake Municipal Code (the “Code”) requirements; and

WHEREAS, subsequently, the Town received a Land Use Application from the Applicant requesting to replace an existing Non-Conforming Structure as shown on the Zoning Variance Request Application dated January 17, 2022 (the “Application”); and,

WHEREAS, 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.

1. *A building or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits or authorizations from the Town is considered nonconforming. The owner and/or operator of a nonconforming building or use shall be subject to actions and penalties allowed by this Code and all other applicable Town Ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code; and,*

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

(B) Expansion or Enlargement

1. *A non-conforming building or use to be extended or enlarged shall conform with the provisions of this Article.*
 - (a) *Special Exceptions to Provisions on Expansion of Non-Conforming Uses*
3. *The Planning Commission may authorize, upon appeal in specific cases, an exception permitting an increase in a non-conforming use on a parcel when the parcel has similar non-conformances, subject to terms and conditions fixed by the Commission. No exception shall be authorized hereunder unless the Commission shall find that all the*

following conditions exist:

- (a) *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;*
- (b) *That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Article regarding non-conforming uses will result in unnecessary hardship;*
- (c) *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;*
- (d) *That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;*
- (e) *That the exception will not weaken the general purposes of this Article or the regulations established herein for the specific district;*
- (f) *That the exception will be in harmony with the spirit and purposes of this Article.*
- (g) *That the exception will not adversely affect the public health, safety, or welfare; and,*

WHEREAS, Block 14, Grand Lake Estates 2nd Filing is owned and operated by a Board of Directors (herein after “the Association”); and,

WHEREAS, in 2005 the Association submitted a Planned Development Application to the Town more commonly referred to as the Shadow Mountain Recreation Park (herein after the Planned Development Application); and,

WHEREAS, on October 2, 2007 the Commission reviewed the Planned Development recommending the Association move proceed with the Planned Development Application; and,

WHEREAS, the intent of the Planned Development Application was to resolve the non conforming issues associated with Block 14, Grand Lake Estates 2nd Filing; and,

WHEREAS, the Planned Development Application has sat idle since 2007; and

WHEREAS, the Application requests removal of an existing non-conforming mobile home constructed in 1961 that is in need of substantial repair or replacement with a more modern manufacture home on a permanent chassis; and

WHEREAS, the existing mobile home size is no longer produced, however, the replacement manufactured home is approximately 29 square feet smaller, resulting in an overall lessened degree of non conformity.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,

THAT, the Commission reviewed the Request and found the Applicant met the criteria of Municipal Code

12-2-32; and,

THAT, the Commission hereby grants the Request of the Applicant contingent on the following conditions of approval:

1. The Applicant obtains an approved Building Permit for the Property; and,
2. The Applicant complies with all other federal, state, and local regulations; and,
3. In granting this Request the Commission is not obligated to grant similar requests in the future nor does granting this Request set precedent for any future requests; and,
4. The Applicant has one (1) year to comply with all the conditions and requirements above or this authorization shall become null in void.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 2ND DAY OF FEBRUARY 2022.

(S E A L)

Votes Approving:
 Votes Opposed:
 Absent:
 Abstained:

ATTEST:

TOWN OF GRAND LAKE

 Jennifer Thompson
 Town Clerk

 James Shockey
 Planning Commission Chairman

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 3 – 2022**

**A RESOLUTION RECOMMENDING TO GRANT VARIANCE TO THE 30 FT. SHORELINE
SETBACK FOR A STRUCURE LOCATED AT
BLOCK 14, GRAND LAKE ESTATES 2ND FILING TO THE TOWN OF GRAND LAKE;
MORE COMMONLY REFERRED TO AS 700 LAKE FRONT ROAD #12**

WHEREAS, Robert and Tracie Mathisen (the “Applicant”) are the property owners of Unit 12 located at Block 14, Grand Lake Estates 2nd Filing to the Town of Grand Lake (herein the “Property”); and

WHEREAS, the Town of Grand Lake (the “Town”) received a building permit application from the Applicant which was denied pursuant to Grand Lake Municipal Code (the “Code”) requirements; and

WHEREAS, on January 17, 2022, received a Zoning Variance Request Application (the “Application”) from the Applicant requesting to replace the existing non-conforming mobile home located on the Property; and,

WHEREAS, the Town Municipal Code 12-2-29 Shoreline and Surface Water Regulations states:

(A) Stream and Lake Setbacks

1. *In order to help preserve the environmental quality of the water in the Grand Lake, a thirty (30) foot stream and lake setback from the mean identifiable high water mark shall be maintained for buildings, parking, snow storage areas and other improvements to a site. The setback applies to a stream, creek, river, irrigation ditch (dry or wet), lake, pond, wetland, or any other body of water.*
2. *When activities are proposed within the 30’ setback, a variance may be requested by an Applicant. As scheduled by Town Staff and based on agenda availability, The Planning Commission shall review the request at a Public Hearing and make a recommendation to the Town Board of Trustees, who shall make the final determination; and,*

WHEREAS, the current mobile home measures approximately 55’x10’ or 550 square feet, and the proposed replacement measures approximately 13’6”x38’7” or approximately 521 square feet, and as such, the replacement mobile home would lessen the degree of non-conformity by approximately 29 square feet; and

WHEREAS, Block 14, Grand Lake Estates 2nd Filing is owned and operated by a Board of Directors (herein after “the Association”); and,

WHEREAS, in 2005 the Association submitted a Planned Development Application to the Town more commonly referred to as the Shadow Mountain Recreation Park (herein after the Planned Development Application); and,

WHEREAS, on October 2, 2007 the Commission reviewed the Planned Development recommending the Association move proceed with the Planned Development Application; and,

WHEREAS, the intent of the Planned Development Application was to resolve the non-conforming issues associated with Block 14, Grand Lake Estates 2nd Filing; and,

WHEREAS, the Planned Development Application has sat idle since 2007; and,

WHEREAS, the Town Planning Commission reviewed the Request at a Public Hearing.

NOW THEREFORE BE IT RECOMMENDED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,

THAT, the Commission hereby forwards a favorable recommendation onto the Town Board of Trustees to grant the Request as shown in the attached Exhibit A with the following recommended conditions of approval:

- 1. The Applicant obtains an approved Building Permit for the Property; and,
- 2. The Applicant has one (1) year to comply with all the conditions and requirements above or this authorization shall become null in void.
- 3. The Applicant complies with all other federal, state, and local regulations; and,

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 2ND DAY OF MARCH, 2022.

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

TOWN OF GRAND LAKE

Jennifer Thompson
Town Clerk

James Shockey
Planning Commission Chairman

ZONING VARIANCE REQUEST APPLICATION

PROPERTY LOCATION:

Street Address: 700 Lake Front Road, Grand Lake, Colorado 80447
 Legal Description: Lot _____ Block 14 Subdivision Shadow Mountain Lake Rec. Park

PROPERTY OWNER INFORMATION:

Name: Robert & Tracie Mathisen Email: rmathisen@comcast.net
 Mailing Address: PO Box 1261 Phone: 720-448-6803
 City: Broomfield State: CO Zip: 80038 Fax: N/A

APPLICANT INFORMATION:

Is the Applicant the Property Owner? YES NO

Name: Robert & Tracie Mathisen Email: rmathisen@comcast.net
 Mailing Address: PO Box 1261 Phone: 720-448-6803
 City: Broomfield State: CO Zip: 80038 Fax: N/A

CONTACT INFORMATION:

Is the Contact Person the Applicant? YES NO

Contact Person (if not Applicant): _____ Email: _____
 Mailing Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____ Fax: _____

VARIANCE REQUEST (Brief Description): Replace existing 55 ft. x 10 ft. 1961 mobile home trailer with a new manufactured home on permanent chassis. Existing unit is #12 as shown on attached PLAT.

Attachment 1 through 10 to this variance request provides additional information to support this request.

REQUIRED INFORMATION CHECKLIST:

- Site Plan (showing dimensions to existing and proposed features, locations of specific activities, proposed and existing signage, parking, ingress and egress points, traffic circulation, utilities, drainage features, and property lines)
- Explanation of Hardship (See Municipal Code for review criteria) See attached
- Statement of Authority N/A (If applicable. Required for representatives of entities and property owners.)
- Property Survey See attached PLAT for Shadow Mountain Lake Rec Park, with unit #12 identified.
- Agreement for Services Form
- Application Deposit (See Fee and Deposit schedule for amount)
- Additional Information (If applicable. Staff may require other helpful information for review.)

AFFIDAVIT:

BY MY SIGNATURE, I attest that the information contained or attached to this application is true and correct to the best of my knowledge. I further understand that submission of false or misleading information shall be sufficient cause for the Special Use Permit to be revoked immediately without notice or hearing.

Print Name: Robert N. Mathisen & Tracie A. Mathisen

Signature: Robert N. Mathisen Tracie A. Mathisen Date: 1/17/2022

ATTACHMENT 1 - ADDITIONAL INFORMATION

Robert & Tracie Mathisen - Zoning Variance Request Application
January 16, 2022

1. HOA Approval Letter - Attached is the approval letter from the Shadow Mountain Lake Rec. Park signed by the President Mark Miller ([Attachment 2](#)).
2. Site Plan – the site plan is attached that shows the existing unit #12 with the proposed new manufactured home on chassis superimposed over the existing ([Attachment 3](#)).
3. Explanation of Hardship – the existing trailer is 55 ft. x 10 ft. in dimension. Trailers are no longer available in this size and are larger in width than previously manufactured. Additionally, existing trailer has a water leak and possible evidence of mold.
4. Statement of Authority – not applicable.
5. Property Survey – A copy of the Land Survey Plat for Shadow Mountain Lake Recreation Park is attached ([Attachment 4](#)) that shows the location of our existing mobile home Unit #12. Note that the existing mobile home #12 does encroach within 30 ft. of the existing setback from the water, as do all the trailers along that line facing Shadow Mountain Lake.
6. Agreement For Services Form - Attached is the signed Agreement For Services Form as requested with the Variance application ([Attachment 5](#)).
7. Additional Information:
 - a. Existing trailer
 - Lots in Shadow Mtn. Lake Rec. Park are sized 20 ft. wide x 55ft. long.
 - Existing trailer is 55 ft. x 10 ft. See attached Certificate of Title for the existing trailer ([Attachment 6](#)).
 - There is an existing deck at the end of trailer that is approximately 74 SF of deck surface. Pictures are attached ([Attachment 7](#)).
 - b. New manufactured home with chassis overall dimensions
 - Overall dimension of interior square footage space is 13’-6” wide x 38’-7” long with cutout (cutout size 10’-0” x 1’-6”). Total square footage for interior space is 506 SF.
 - There is a deck on the end of the manufactured home - 13’-6” wide x 7’-0” long, at 94.5 SF. This is not interior square footage.
 - The HOA allowed size for trailers is a maximum of 14’-0” wide x 50’-0” long ([Attachment 8](#)). Our proposed unit falls within these requirements.
 - Total length and width of the new proposed manufactured home is 13’-6” wide x 45’-7” long. [Attachment 9](#) shows the overall dimensions and elevations of the new proposed unit.
 - c. Parking & Snow Storage – The attached drawing ([Attachment 10](#)) showing Shadow Mtn. Lake Rec. Park with identified areas for parking and snow storage. Parking for each trailer is at the end of the trailer as identified on the attached drawing.

TOWN OF GRAND LAKE

AGREEMENT FOR FEE OR DEPOSIT PAYMENT ASSOCIATED WITH LAND
USE REVIEW AND PROFESSIONAL SERVICES

THIS AGREEMENT ("the Agreement") is entered into this 17th day of January, 2022 by and between the Town of Grand Lake, Colorado, a Colorado municipal corporation, ("the Town") and Robert + Tracie Mathisen, ("the Applicant").

RECITALS

WHEREAS, the Applicant owns certain property situated in Grand County, Colorado described on Exhibit A, attached hereto and incorporated herein by reference, (the Property"); and,

WHEREAS, the Applicant requests a change in land use for the Property and has made application to the Town for approval; and

WHEREAS, the review and processing include review of all aspects of land use including, but not limited to, subdivision, planned developments, zoning and rezoning, variances, annexation, road vacations, installation of public improvements, dedication of lands and the availability of and feasibility of providing utility services; and,

WHEREAS, in accordance with Ordinance No. 06(B)-2018, a fee and deposit schedule was approved by the Board of Trustees establishing fee and deposit amounts for specific land use application procedures from which the Applicant is required to either pay a fee or submit a deposit to cover costs including but not limited to, legal publications, notices, reproduction of materials, public hearing expenses, recording of documents incurred by the Town, as well as any potential engineering fees, surveyor fees, geologist fees, hydrologist fees, landscape architect fees, attorney fees, consultant fees, and fees for administrative time of Town staff, security, permits and easements; and,

NOW THEREFORE, for and in consideration of the foregoing premises and of the mutual promises and conditions hereinafter contained, it is agreed as follows:

Section 1: **Deposit Cost.** In accordance with section 12-6-6(B) of the Town of Grand Lake Municipal Code, the Applicant is required to pay a deposit to cover the cost of professional engineering fees, administrative costs, attorney fees, expert consultation fees, and inspection fees in its review of Applicant's land use change ("Project"). The Board of Trustees has determined that the deposit for the legal and administrative undertakings, as well as professional services incurred by the Town shall be \$_____, which amount must be paid in full in cash or certified check to the Town concurrent with the completion of this agreement.

Section 2: **Accounting of Deposit.** The Town will keep track of the professional costs incurred by the Town in the review of Applicant's Project. Monthly

statements of professional service expenses incurred by The Town will be made available to the Applicant. Should the costs exceed the amount of the deposit, The Town shall promptly notify the Applicant who shall within ten (10) days of the date of the notification, submit in full additional funds in the amount determined by the Town.

Section 3: Completion of Review. Upon completion of its review and determination of the costs of all professional services, The Town shall provide a final invoice to the Applicant. The Town shall either refund the Applicant any amount of the deposit that was not expended by the Town, or request the Applicant reimburse the Town for the additional expenses and fees noted in the invoice.

Section 4: Payment of Invoice Required. Applicant shall pay all invoices submitted by the Town within ten (10) days of the Town's delivery of such invoice. Failure by the Applicant to pay any invoice within the specified time shall result in immediate suspension of the issuance or granting of any building permits, certificates of occupancy or other Town approvals. Additionally, the Town may exercise such rights and remedies as are otherwise available to it in law or equity or under the applicable provisions of the Town Code.

Section 5: Application Early Termination. Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate its application at any time by giving written notice to the Town. The Town shall take all reasonable steps necessary to terminate the accrual of costs to the Applicant and promptly refund any remaining deposit balance. The Applicant shall be liable for all costs incurred by the Town in terminating the processing of the application.

Section 6: Collection of Costs and Remedies. If the Applicant fails to pay the Town the cost of any professional service within the specified time periods set forth herein, the Town may take those steps necessary and authorized by law to collect the fees and costs due, in addition to exercising those remedies set forth in Section 4, above. The Town shall be entitled to all costs incurred, including attorney's fees in collection of the balance due, including interest on the amount due from its due date at the rate of 18% per annum.

Section 7: Payment of Cost Independent. Applicant's obligation to pay costs and expenses provided for in this Agreement shall exist and continue independent of whether the Owner's application, or any part thereof, is approved, approved with conditions, denied, withdrawn, or terminated by the Town or the Owner prior to a final decision in the process.

Section 8: Miscellaneous

Section 7.1 Colorado Law: This Agreement is to be governed by the laws of the

State of Colorado. Venue for any litigation shall be in the District Court, County of Grand, State of Colorado.

Section 7.2 Amendments: This Agreement may only be amended, supplemented or modified in a written document executed by both parties.

Section 7.3 Counterparts. This Agreement may be executed in two or more counterparts, using manual or facsimile signature, each of which shall be deemed an original and all of which together shall constitute one and the same document.

Section 7.4. Severability: If any term, covenant, or condition of this Agreement is deemed by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall be binding upon the parties.

Section 7.5. Entire Agreement: This Agreement constitutes the entire agreement between the parties and supersedes all other prior and contemporaneous agreements, representations, and understandings of the parties regarding the subject matter of this Agreement. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by the parties. No representations or warranties whatever are made by any party to this Agreement except as specifically set forth in this Agreement or in any instrument delivered pursuant to this Agreement.

Section 7.6. Default/Attorney's Fees: In the event of default of any of the provisions herein, the defaulting party shall be liable to the non-defaulting party for all reasonable attorney fees, legal expenses and costs incurred as a result of the default.


Section 7.7. No Waiver: Delays in enforcement or the waiver of any defaults of this Agreement by either party shall not constitute a waiver of any of the other terms or obligations of this Agreement.

IN WITNESS WHEREOF, The Town and the Owner have caused this Agreement to be duly executed on the day and year first above written.

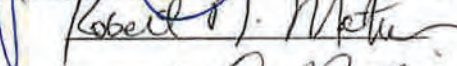
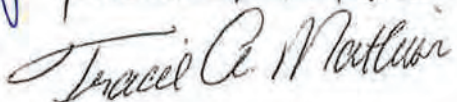
TOWN OF GRAND LAKE

By: 
Name: Kimberly White
Title: Town Planner

ATTEST:

By: 
Name: Jennifer Thompson
Title: Town Clerk

APPLICANT:

By:  1/17/22
 1/17/22

Section 6, Item A.

STATE OF COLORADO
CERTIFICATE OF TITLE
MANUFACTURED HOME

TITLE NUMBER 005797457

ODOMETER Exempt

ODOMETER LEGEND:
A - Actual Mileage
E - Exceeds mechanical limits
N - Not actual mileage: WARNING ODOMETER DISCREPANCY

VIN
10554803

YEAR MAKE MODEL
1961 FORD

SIZE
55X10

TITLE BRANDS



ROBERT N MATHISEN
PO BOX 1261
BROOMFIELD CO 80038-1261

DATE PURCHASED
23-Jul-2021

DATE ACCEPTED
23-Jul-2021

DATE ISSUED
26-Jul-2021

ISSUED BY
GRAND

OWNER JTWROS
ROBERT N MATHISEN
TRACIE A MATHISEN

PREVIOUS TITLE NUMBER
53E208978

PREVIOUS TITLE STATE
CO

Pursuant to C.R.S 42-6-109(3) a person transferring ownership of a vehicle may voluntarily notify the Department of Revenue, Division of Motor Vehicles within five days of transfer of ownership at mydmv.colorado.gov. If properly notified the person transferring ownership is not held liable in or subject to any civil or criminal action brought against the transferring owner or vehicle pursuant to C.R.S 42-6-109(3)(d).

THE APPLICANT HAS BEEN DULY REGISTERED IN THIS OFFICE AS THE OWNER OF THE MOTOR VEHICLE DESCRIBED.
SUBJECT TO LIENS AND ENCUMBRANCES IN THE ORDER SHOWN

COLORADO DEPARTMENT OF REVENUE
Mark Ferrandino
Executive Director



L0064040016

KEEP IN SAFE PLACE - ANY ALTERATION OR ERASURE VOIDS THIS TITLE

06613898

VOID IF ALTERED

ATTACHMENT 2 - HOA LETTER

Section 6, Item A.

SHADOW MOUNTAIN LAKE RECREATION PARK INC.
700 LAKE FRONT ROAD
P.O. BOX 711
GRAND LAKE CO 80447

To :Kim White
Grand Lake Town Planner
kwhite@togleo

From: Mark Miller
Shadow Mountain Lake Recreation Park -President
shadowmntrecrepark@gmail.com

Subject:Robert and Tracie Mathisen
Unit 12 Trailer replacement

Hello Kim.

Pursuant to your request

After review of the details for the intended trailer install and plans presented
by Bob and Tracie Mathisen

We the SMLRP board of directors find the proposed unit to be architecturally compatible
and fit within the allotted space guidelines and square footage of the previous unit.

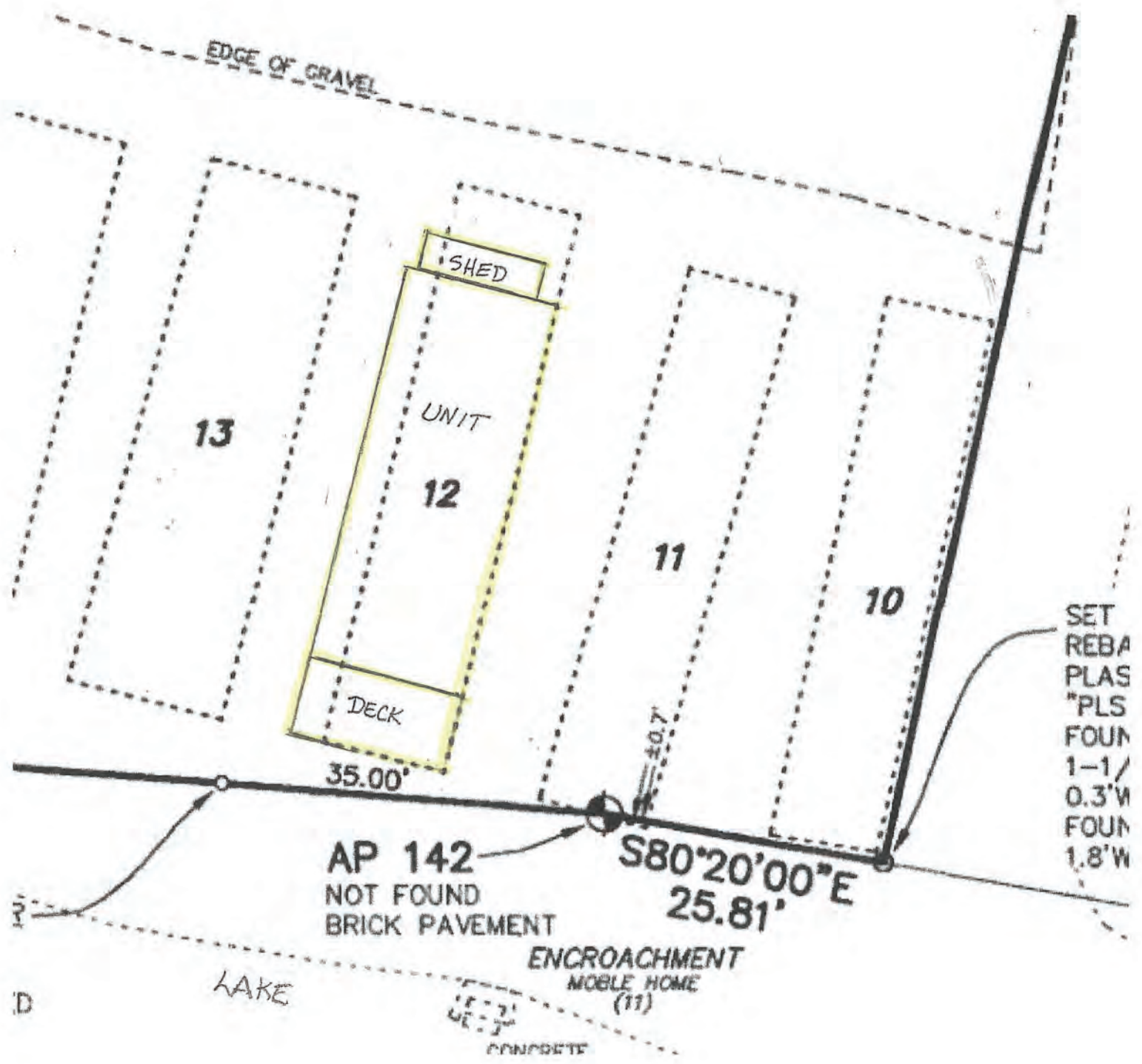
If we may be of any additional service in regard to this matter please let us know.

Sincerely



Mark Miller

ATTACHMENT 3 - SITE PLAN



LAND SURVEY PLAT SHADOW MOUNTAIN LAKE RECREATION PARK

BLOCK 14, GRAND LAKE ESTATES, SECOND FILING RECORDED AT RECEPTION NO. 90690, AND BEING A PORTION OF THE SE1/4 AND THE NE1/4 OF SECTION 6 TOWNSHIP 3 NORTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF GRAND LAKE, COUNTY OF GRAND, STATE OF COLORADO

LEGAL DESCRIPTION

From 14, Grand Lake Estates, Second Filing, recorded December 22, 1989 at Reception Number 90690, County of Grand, State of Colorado.
Acre - 1,096.0000, more or less.

NOTES:

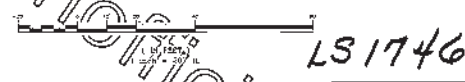
- 1) Bearings shown on the accompanying Land Survey Plat are based on the assumption that the West Line of Block 14, Grand Lake Estates Second Filing bears S67°05'00"W, as monumented and shown herein.
- 2) The bearings and distances for Block 14, Grand Lake Estates Second Filing were the Eastern Boundary and Survey performed by the USBLM. See Plat filed in Colorado State Office, Book T-1550.
- 3) No monument record exist for the corner. According to the BLM notes the NE 1/4 Corner was never set, only the adjacent corners were set. The BLM notes call for four witness corners to the NE 1/4 Corner, only one corner was found.
- 4) An extensive search of 125' of water was performed for all 140 and 141, no trace of these monuments were discovered, including for a long time road. The two corners existed in the early 1990s.
- 5) The property may be subject to rights of easement, appurtenances, mortgages, liens or other encumbrances in favor of any person or entity holding the subject property which exist or are claimed to exist with respect to: (a) drainage, (b) water, (c) mineral rights, (d) reserved and/or reserved rights, (e) rights and/or water rights, (f) oil and/or gas rights, (g) the water and/or water rights associated with the foregoing which may be located upon the land or appurtenant to the land.
- 6) According to the title Company of the Rockies, Inc. the insurance commitment dated September 22, 2009 at 2:00 am, Commercial Number 778455, the parcel is subject to the following encumbrances, at the request of the client, no additional research was conducted by Mountain States Surveying, Inc.:
 - a) **Exception #1:** Right of the Plaintiff of a With or Trust to Release and remove the gas direction, which the same be found in condition or interest, the premises hereby granted, as reserved in United States Patent recorded August 31, 1982 in Book 15 of Page 87.
 - b) **Exception #2:** Easement and right-of-way to construct, operate and maintain the gas of pipelines and telegraph and apparatuses, as granted to Mountain States Telephone and Telegraph Company by instrument recorded July 26, 1931 in Book 88 at Page 425.
 - c) **Exception #3:** Restrictions, which do not contain a forfeiture or reversion clause, as contained in instrument recorded April 6, 1980 in Book 127 at Page 26.
 - d) **Exception #4:** Easements and rights-of-way and all other matters as shown on the recorded plat.
 - e) **Exception #5:** Encumbrances Laces recorded February 8, 1976 at Reception Number 90001015.
- 7) Certification not valid without the original and signature. This survey and all related documents are for the sole use of the State of Colorado.
- 8) Fieldwork was completed June 12, 2007 by David H. ... with one Michael D. ... with 255. Electronic or optical methods were utilized by using a Leica Total Station and a Leica GPS system, a combination of conventional and GPS measurements were utilized.

NOTICE

According to Colorado law you WILL continue any legal action based upon any defect in the survey within three years after you first discovered such defect. In 90 days from any action based upon any defect in this survey as commenced more than ten years from the date of this certification shown herein.

SURVEYOR'S CERTIFICATE

I, David H. ... State of Colorado, do hereby certify that this Land Survey Plat, reflects the results of a survey made by me or under my direct supervision, and a true and correct representation of my knowledge and belief.



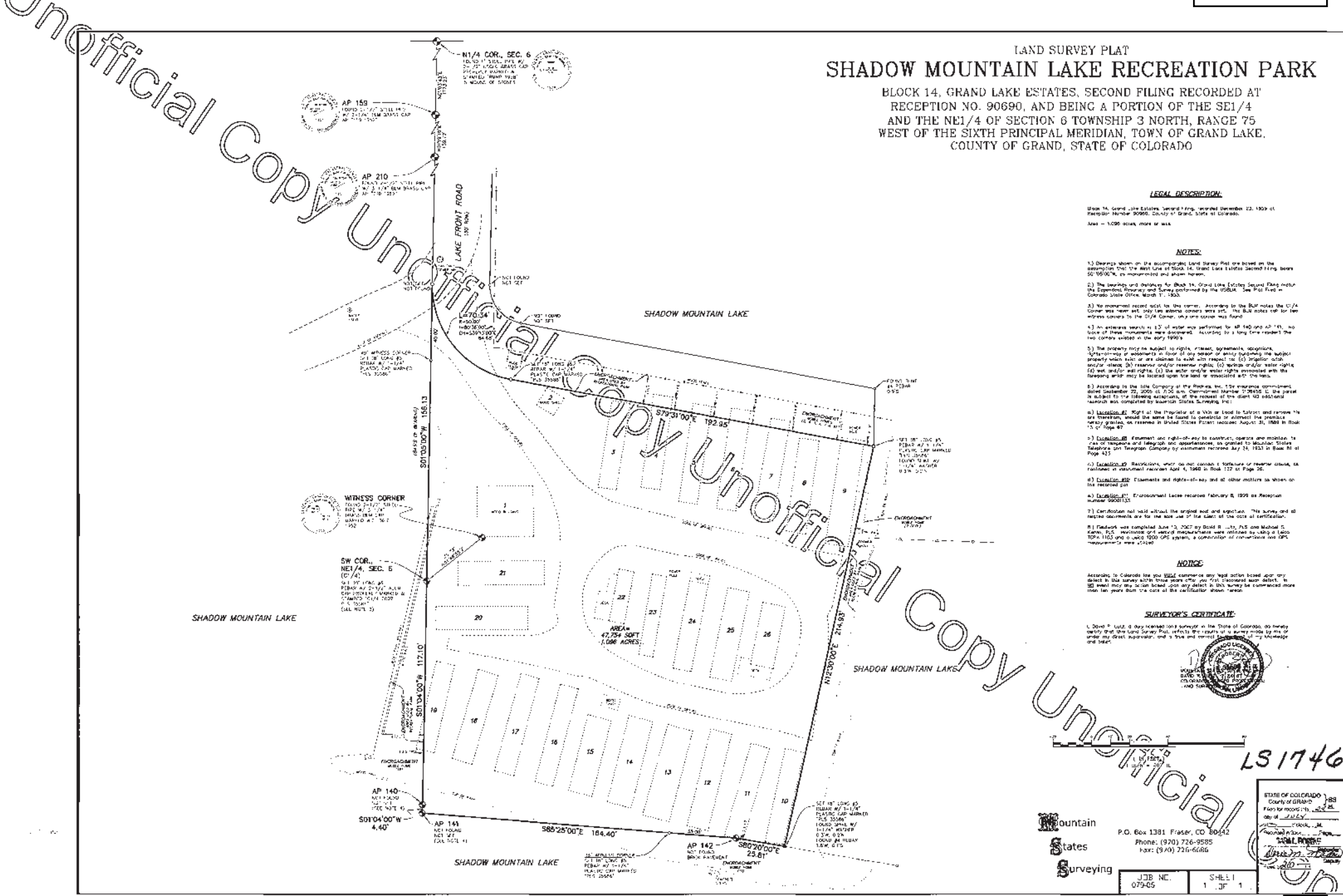
LS 1746

Mountain States Surveying
P.O. Box 1381, Fraser, CO 80442
Phone: (970) 726-9585
Fax: (970) 726-6066

STATE OF COLORADO
County of Grand
Filed for records on 06/25/07
by M. J. ...
Recorded at 1:00 PM
JAMES R. ...
Surveyor

JOB NO.	SHEET
079465	1 OF 1

UNOFFICIAL COPY



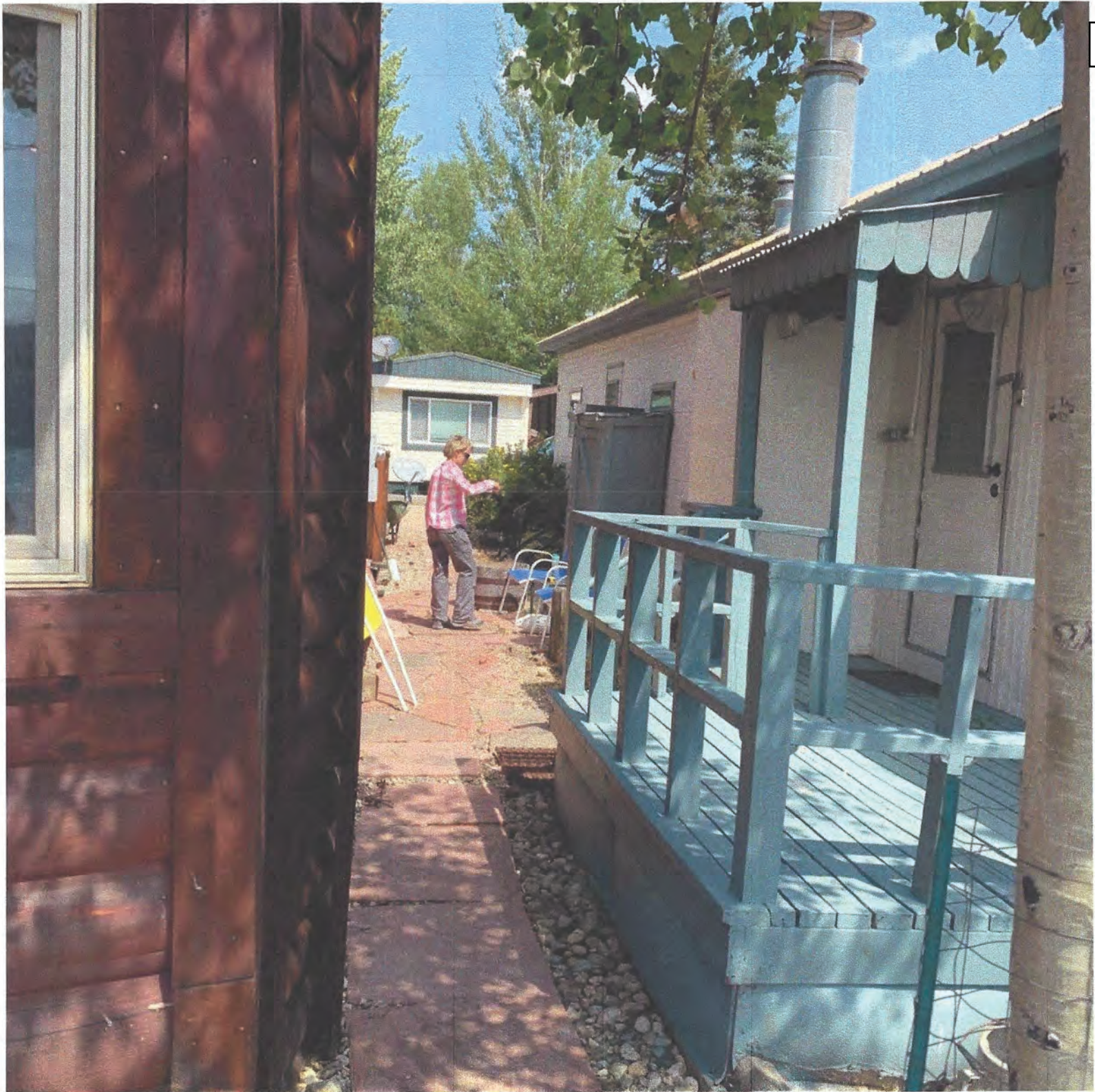
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ATTACHMENT 7
PICTURES OF EXISTING DECK



Section 6, Item A.



Section 6, Item A.



Section 6, Item A.



Section 6, Item A.

ATTACHMENT 8
RULES & REGULATIONS
EXHIBIT A

**Rules and Regulations of
Shadow Mountain Lake Recreational Park, Inc.**

Section I Introduction

Shadow Mountain Lake Recreational Park, Inc. a Colorado Corporation is the owner of the mobile home park known as Shadow Mountain Lake Recreational Park. Shareholders of at least 100 shares have the right, when available, to lease space for their mobile homes.

Hereinafter Shadow Mountain Lake Recreational Park, Inc. will be referred to as the Corporation or Lessor, shareholders that lease space in the Park will be referred to as Lessee, and the corporation's Board of Directors shall be referred as the Board.

The following rules and regulations have been adopted and implemented to protect everyone's investment, to enhance the value of the Park, and for the safety and security of occupants and guests. Local codes and zoning requirements must be complied with unless exempted.

Each Lessee is responsible for knowing and abiding by all the rules and ensuring that Lessee's guests are informed of and abide by them. In addition, Lessee is responsible for any fines or charges resulting from infractions committed or damages caused by Lessee's children, guests, pets, etc.

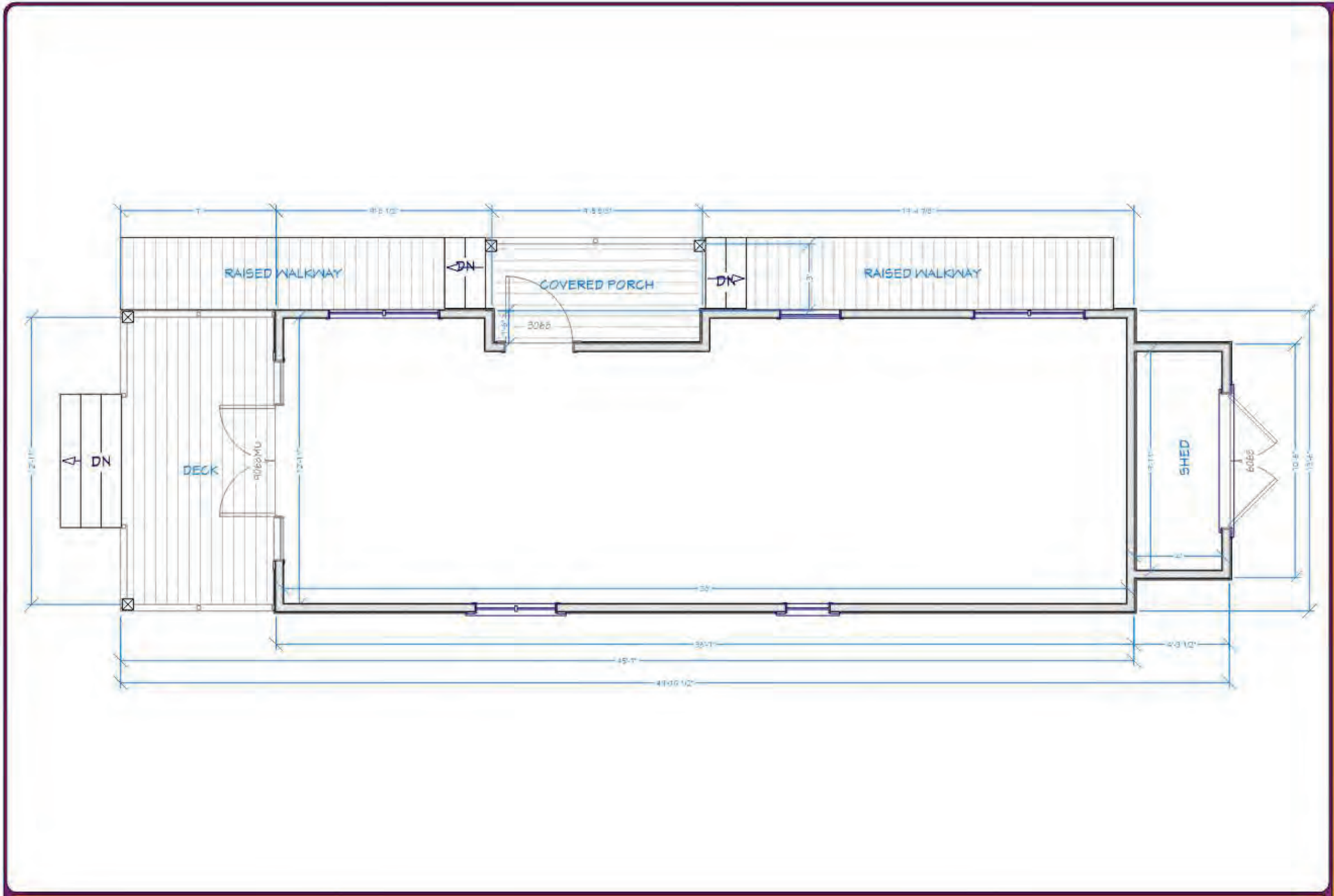
Section II General

A. Mobile Homes and Sites:

1. Maximum Size of Mobile Home: The maximum width of a mobile home shall be fourteen (14) feet and the maximum length shall be fifty (50) feet. All mobile homes must be approved prior to park entry. The Board approves the position and location of all mobile homes.
2. Skirting: Mobile homes shall be skirted. Material for skirting shall be constructed of metal, wood or standard exterior material.
3. Exterior: The exterior of mobile homes must be clean, free of debris, and well maintained.

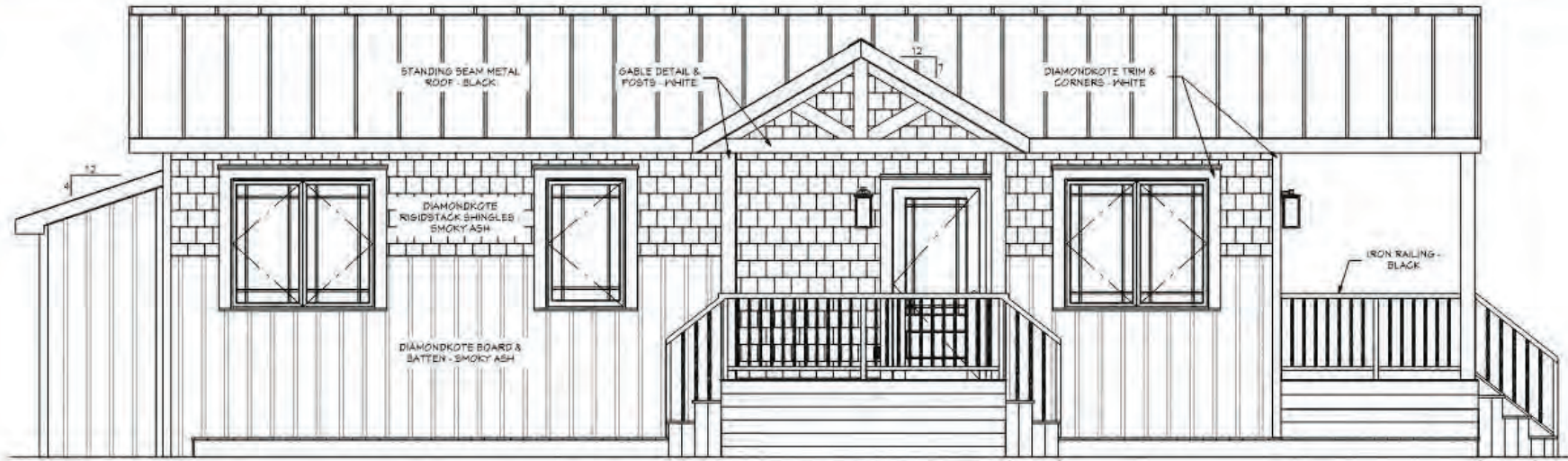
ATTACHMENT 9 - NEW UNIT #12 FLOOR PLAN AND ELEVATIONS

Section 6, Item A.

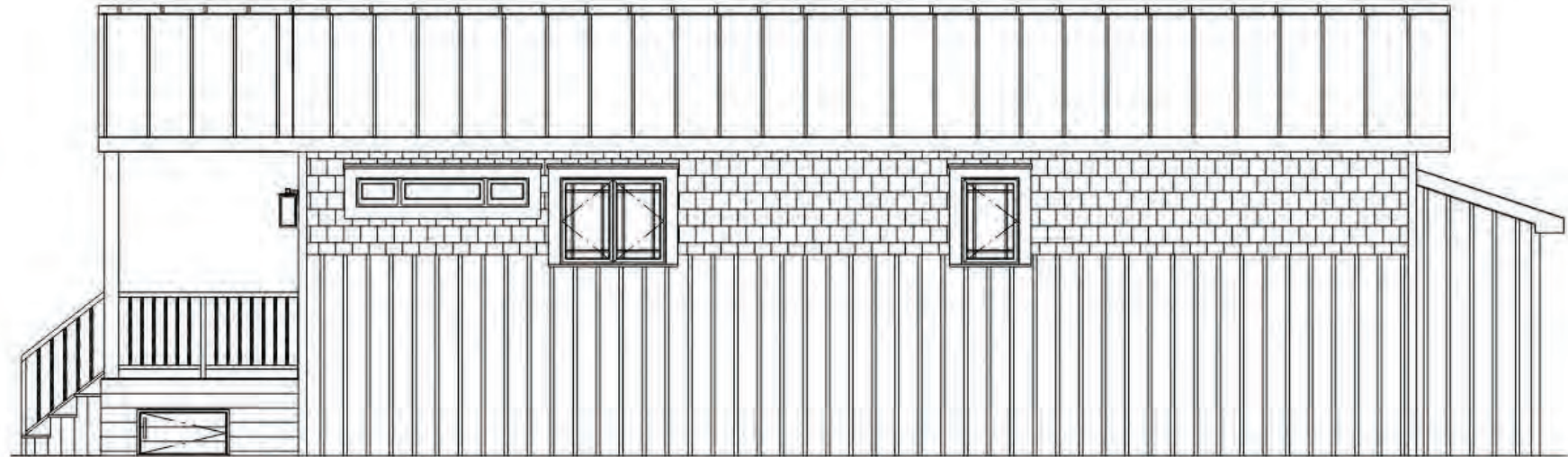


ATTACHMENT 9 (MATHISEN – VARIANCE SUBMITTAL)
NEW UNIT #12 FLOOR PLAN AND ELEVATIONS

Section 6, Item A.



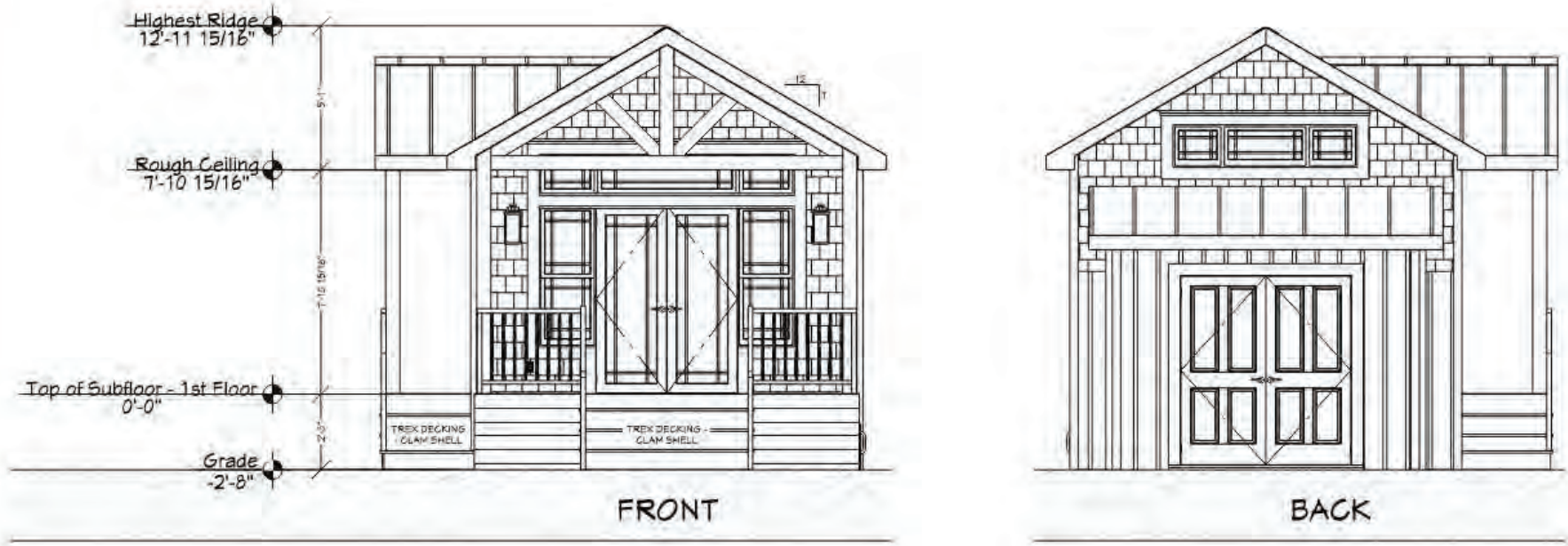
LEFT



RIGHT

ATTACHMENT 9 (MATHISEN – VARIANCE SUBMITTAL)
NEW UNIT #12 FLOOR PLAN AND ELEVATIONS

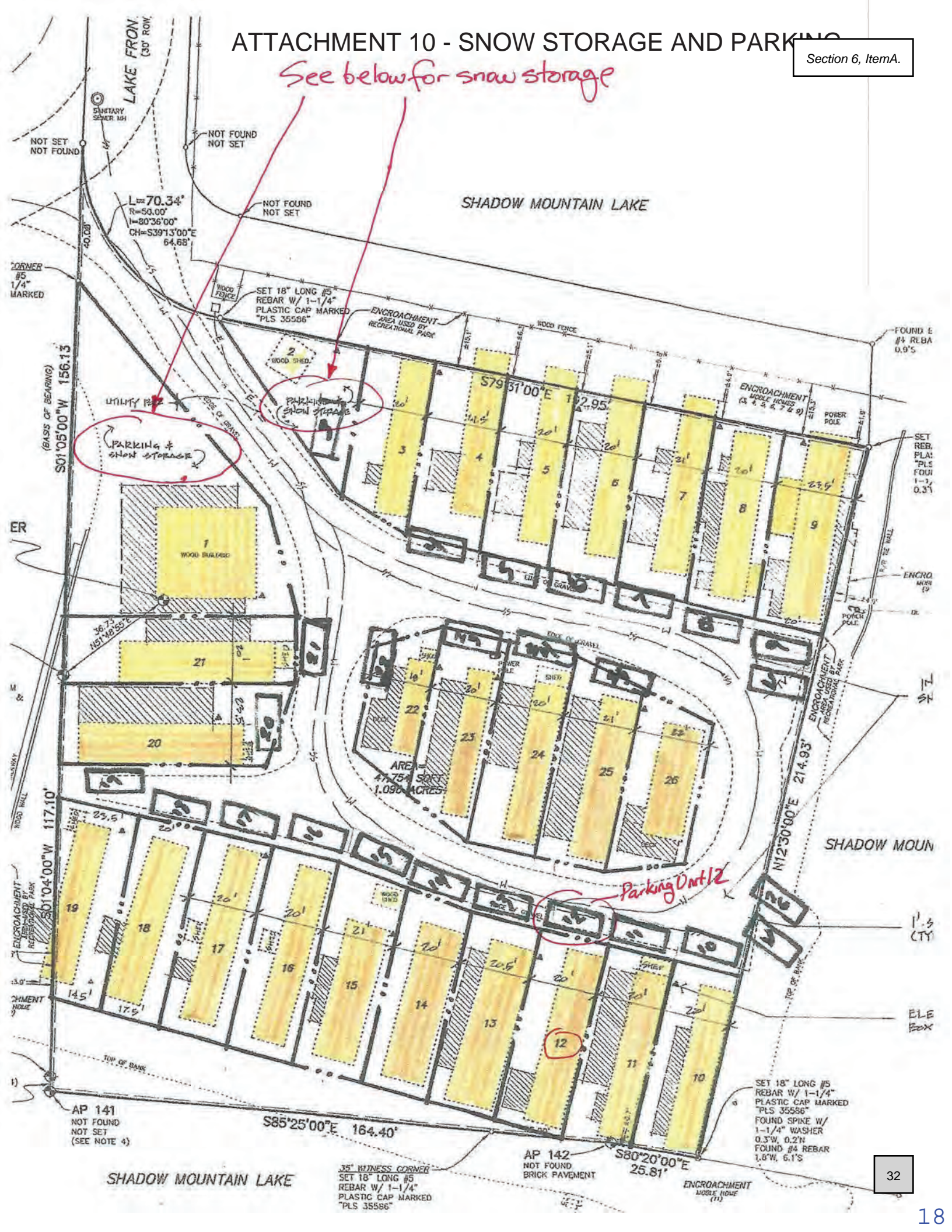
Section 6, Item A.



ATTACHMENT 10 - SNOW STORAGE AND PARKING

Section 6, Item A.

See below for snow storage



SHADOW MOUNTAIN LAKE

35' WITNESS CORNER
SET 18" LONG #5
REBAR W/ 1-1/4"
PLASTIC CAP MARKED
"PLS 35586"

AP 142
NOT FOUND
BRICK PAVEMENT

ENCROACHMENT
MOBILE HOME (11)