



Grand Lake Planning Commission

Wednesday, March 19, 2025 at 6:30 PM

Online via Goto Meeting

*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. Conflicts of Interest
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. Items for Discussion
 - A. QUASI-JUDICIAL (PUBLIC HEARING)** - Resolution 04-2025 – Consideration to Recommend Establishing Single Family Residential - High Density Zoning for an unincorporated tract of land located in the NE4NW4, Section 5, Township 5 North, Range 75 West of the 6th P.M., Grand County, More Commonly Referred to as 120 County Road 663
 - B. QUASI-JUDICIAL (PUBLIC HEARING)** Resolution 05-2025 – Consideration of a Shoreline Variance on Lot 6, Shadow Pointe, More Commonly Referred to as 300 Lakeside Drive
6. Future Agenda Items
7. Adjourn Meeting

For live streaming (listening only) follow the link below.
You will not be able to actively participate via the web streaming.

<https://us06web.zoom.us/j/85942185849?pwd=Q0xDTHNIMVc4ejFlcmx3eGJ3bnpuZz09>

You can also dial in using your phone. (719) 359-4580
Meeting ID: 859 4218 5849
Passcode: 496153



PLANNING COMMISSION STAFF MEMORANDUM

DATE: March 19, 2025
TO: Planning Commission
FROM: Steve Kudron, Town Manager
 Angela Snyder, Contract Staff - Planning Department
SUBJECT: **QUASI-JUDICIAL (PUBLIC HEARING)** - Resolution 04-2025 – Consideration to Recommend Establishing Single Family Residential - High Density Zoning for an unincorporated tract of land located in the NE4NW4, Section 5, Township 5 North, Range 75 West of the 6th P.M., Grand County, More Commonly Referred to as 120 County Road 663

Town of Grand Lake Planning Commission Public Hearing Process

Public hearings are typically conducted as follows:

1. The Chair opens the Public Hearing
2. Staff present the request and staff's analysis
3. The applicant addresses the Commission
4. The Chair invites public comment
5. The Commission discusses the request and asks questions of staff and the applicant
6. The Chair closes the Public Hearing
7. The Commission makes a motion and votes on their recommendation to the Town Board of Trustees

Overview

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

The property proposed to be annexed is adjacent to town limits, specifically the Cairns addition. Michael Ruger, manager of Michael P Ruger Trust, and Linda Randall, manager of Linda Ashley Randall Trust, filed the petition for annexation of the "Ruger Property" on January 24, 2025. The property was deemed eligible for annexation and the petition was accepted by the Board of Trustees on February 10, 2025.

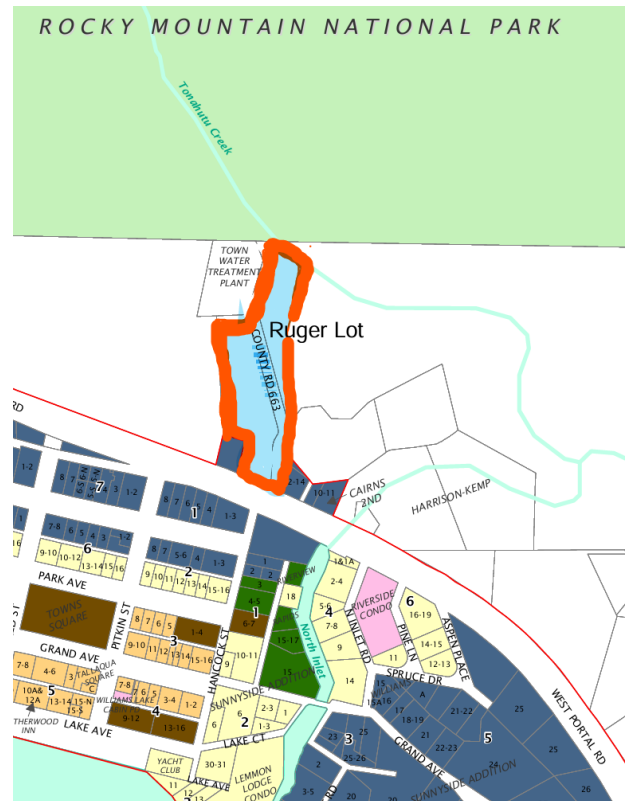


Figure 1 Location of the proposed annexation in relation to other annexations.



Zoning Request

The next step in the annexation process is for the Planning Commission to consider the requested zoning of the proposed annexation. Section 12-2-7 (E). of the Grand Lake Municipal Code provides instruction for the zoning of newly annexed property:

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

The Planning Commission does not make a recommendation on the annexation itself, but recommends, if the Board of Trustees chooses to annex a certain property, which zone to assign the property. The applicant has requested to be incorporated into the Single Family Residential – High Density (RSH) Zone District.

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

See the comparison below of differences between low, middle, and high-density single-family districts.



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

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

Staff Recommendation

The adjacent properties are all zoned RSH. So, while a lower density zone could be justified, it is better to



be consistent with the zoning of the adjacent properties. The applicant's desired configuration of lots is allowed in the RSH zone, since there is no maximum lot area limitation. Though topographically challenging, the property is conducive to residential development, as the property has Town of Grand Lake sewer and water lines running through it. The Town of Grand Lake already maintains County Road 663, as it is the road to the water treatment plant. Staff encourages the Planning Commission to recommend RSH zoning to the Board of Trustees for this annexation.

Sample Motions

Approval

I move to approve Resolution 05-2025, a resolution recommending Single Family Residential – High Density zoning for the Ruger Annexation.

Amendment

I move to approve Resolution 05-2025, a resolution recommending [a different zone district] zoning for the Ruger Annexation.

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 04 – 2025**

**A RESOLUTION RECOMMENDING APPROVAL OF SINGLE FAMILY
RESIDENTIAL – HIGH DENSITY ZONING FOR 120 COUNTY RD 663**

WHEREAS, Michael P. Ruger Trust and Linda Ashley Randall Trust (the “Applicant”) filed with the Town Clerk a Petition for Annexation dated January 31, 2023 (the “Petition”) seeking to annex to the Town of Grand Lake, Colorado certain lands, commonly known as 120 County Road 663, consisting of approximately 4.88 acres and more fully described in Exhibit A, attached (the “Property”); and

WHEREAS, in connection with the annexation of the Property, the Applicant has requested that the Property be zoned Single Family Residential – High Density (RSH); and

WHEREAS, the proposed zoning of the Property was considered by the Town of Grand Lake Planning Commission on March 19, 2025, at a public hearing; and

WHEREAS, upon a thorough consideration of the Application, the testimony of those present, and applicable Code requirements, the Planning Commission determined that zoning the Property Single Family Residential – High Density (RSH) is in substantial conformance with the Grand Lake Comprehensive Plan, also referred to as the Grand Lake Master Plan, as amended, and the Town’s 2023 Three Mile Plan, as amended, and is also consistent with and in harmony with the zoning and land uses of adjacent property and property in the immediate area.

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

1. The Planning Commission recommends the Property described in Exhibit A be zoned Single Family Residential – High Density (RSH) and the zoning map for the Town of Grand Lake be amended to reflect such zoning, if annexed.
2. Severability: If any section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal: Existing resolutions or parts of resolutions covering the same matters as embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 19th DAY OF MARCH 2025.

(S E A L)

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

James Shockey,
Planning Commission Chairman

Votes Approving: 0
Votes Opposed: 0
Absent: 0
Abstained: 0

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 75 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 5, BEING A 2 1/2 INCH DIAMETER GLO BRASS CAP, DATED 1928; THENCE N88°54'34"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER NORTHWEST QUARTER, 166.04 FEET TO A REBAR AND CAP MARKED LS 18470; THENCE CONTINUING ALONG SAID NORTH LINE S88°35'34"W 12.70 FEET TO A NUMBER 3 REBAR; THENCE LEAVING SAID NORTH LINE, S23°02'39"E 154.82 FEET TO A NUMBER 4 REBAR; THENCE S16°22'45"W 232.67 FEET NAIL AND FLAGGING; THENCE N89°01'57"W 130.47 FEET TO ANAIL AND WASHER; THENCE S06°09'05"E 489.26 FEET TO A 1 INCH SQUARE BOLT HEAD; THENCE S70°11'33"E 99.43 FEET TO A 1 INCH SQUARE BOLT HEAD; THENCE S14°46'34"W 99.91 FEET TO A NUMBER 5 REBAR, BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY OF WEST PORTAL ROAD, (AKA TUNNEL ROAD); THENCE CONTINUING ALONG SAID NORTHERLY LINE, S70°17'44"E 106.50 FEET TO A 3.25 INCH ALUMINUM CAP WITH NO MARKINGS; THENCE S63°42'31"E 75.90 FEET TO A REBAR AND YELLOW PLASTIC CAP, PLS 26298 ON THE EAST LINE OF SAID NORTHEAST QUARTER NORTHWEST QUARTER OF SECTION 5; THENCE ALONG SAID EAST LINE N01°23'15"E 1047.22 FEET TO THE POINT OF COMMENCEMENT.

SAID TRACT CONTAINS 4.88 ACRE MORE OR LESS.

PETITION FOR ANNEXATION TO THE
TOWN OF GRAND LAKE, COLORADO

The undersigned, in accordance with Article 12, Title 31, CRS, as amended, hereby petition to the Board of Trustees of the Town of Grand Lake, Colorado, for annexation to the Town of Grand Lake the unincorporated territory more particularly described below, to be known as (insert name of annexation)

West Portal Road 120 GCR 663 Grand Lake, CO 80447

and in support of said Petition, petitioners allege that:

1. It is desirable and necessary that the following described territory be annexed to the Town of Grand Lake (attach legal description as Exhibit "A");
2. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Grand Lake, Colorado;
3. A community of interest exists between the territory proposed to be annexed and the Town of Grand Lake, Colorado;
4. The territory proposed to be annexed is urban or will be urbanized in the near future;
5. The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Grand Lake, Colorado;
6. The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
7. No land held in identical ownership, whether consisting of one tract to parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a separate dedicated street, road or other public way;
 - b) Comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000) for ad valorem tax purposes for the year proceeding the annexation, is included within the territory proposed to be annexed without the written consent of the landowner or landowners;
8. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
9. The area proposed to be annexed comprises (Check One):
 - More than 10 acres and the Board of County Commissioners of Grand County has agreed to waive the requirement of an impact report as provided for in section 31-12-108.5, C.R.S., as amended;
 - More than 10 acres and an impact report as provided for in section 31-12-108.5, C.R.S., as amended, is required; OR
 - 10 acres or fewer and an impact report as provided for in section 31-12-108.5, C.R.S., as amended, is not required.

10. The area proposed to be annexed is located within Grand County, and the following special districts:

Water Districts: **Town of Grand Lake** _____

Sanitation District: **Three Lakes Sanitation** _____

Fire District: **Town of Grand Lake** _____

School District: **East Grand School District** _____

Recreation District: **Grand Lake Metropolitan Recreation District** _____

Library District: **Grand County Library District** _____

Ambulance District: **Grand County Emergency Medical Services (EMS)** _____

Jr. College District: **Moffat County Affiliated Junior College District** _____

Other _____

11. The mailing address of each signer, the legal description of the land owned by each signed and the date of signing of each signature are all shown on this Petition;

12. Accompanying this Petition is the draft annexation and initial zoning plat containing the following information:

- a) A written legal description of the boundaries of the area proposed to be annexed;
- b) A map showing the boundary of the area proposed to be annexed;
- c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted, then the boundaries and the plat number of plots or of lots and blocks are shown;
- d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Grand Lake, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
- e) The dimensions of the contiguous boundaries are shown on the map;

13. The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

14. The undersigned agree to the following, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map;

a) Petitioner represents that water rights shall be provided pursuant to Section 10-2-1 of the Grand Lake Municipal Code;

b) Petitioner represents that:

No part of the property to be annexed is included within a site-specific development plan approved by Grand County, Colorado; OR

A site-specific development plan has been approved by Grand County, Colorado, which has created the following vested right(s):

_____ ; and

15. The petitioner understands he/she will be responsible for costs incurred by the Town of Grand Lake such as, but not limited to, advertising and recording fees, attorney fees, and other professional costs incurred by the City.

PETITION FOR ANNEXATION SIGNATURE PAGE

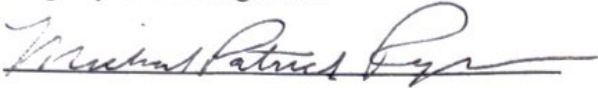
Executed this 24th day of January, 2025.

PROPERTY OWNER(S):

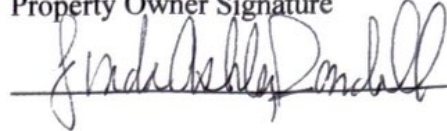
Michael Patrick Ruger

Linda Ashley Randall

Property Owner Signature



Property Owner Signature



Property Owner Printed Name

Michael Patrick Ruger

Property Owner Printed Name

Linda Ashley Randall

Mailing Address

5160 Redwood Drive

Mailing Address

5160 Redwood Drive

City, State, Zip

Bow Mar, CO 80123

City, State, Zip

Bow Mar, CO 80123

Email Address

mikeruger@comcast.net

Email Address

ashleyrandall@comcast.net

Contact Phone

303-882-3743

Contact Phone

303-324-9249

STATE OF COLORADO)
) ss.
COUNTY OF Arapahoe)

SUBSCRIBED AND SWORN to before me this

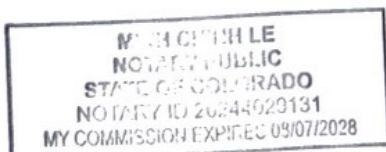
day of January 24th, 2025, by

Michael Patrick Ruger
Linda Ashley Randall

Notary Public in and for the State of Colorado

WITNESS my hand and official seal.

(SEAL)

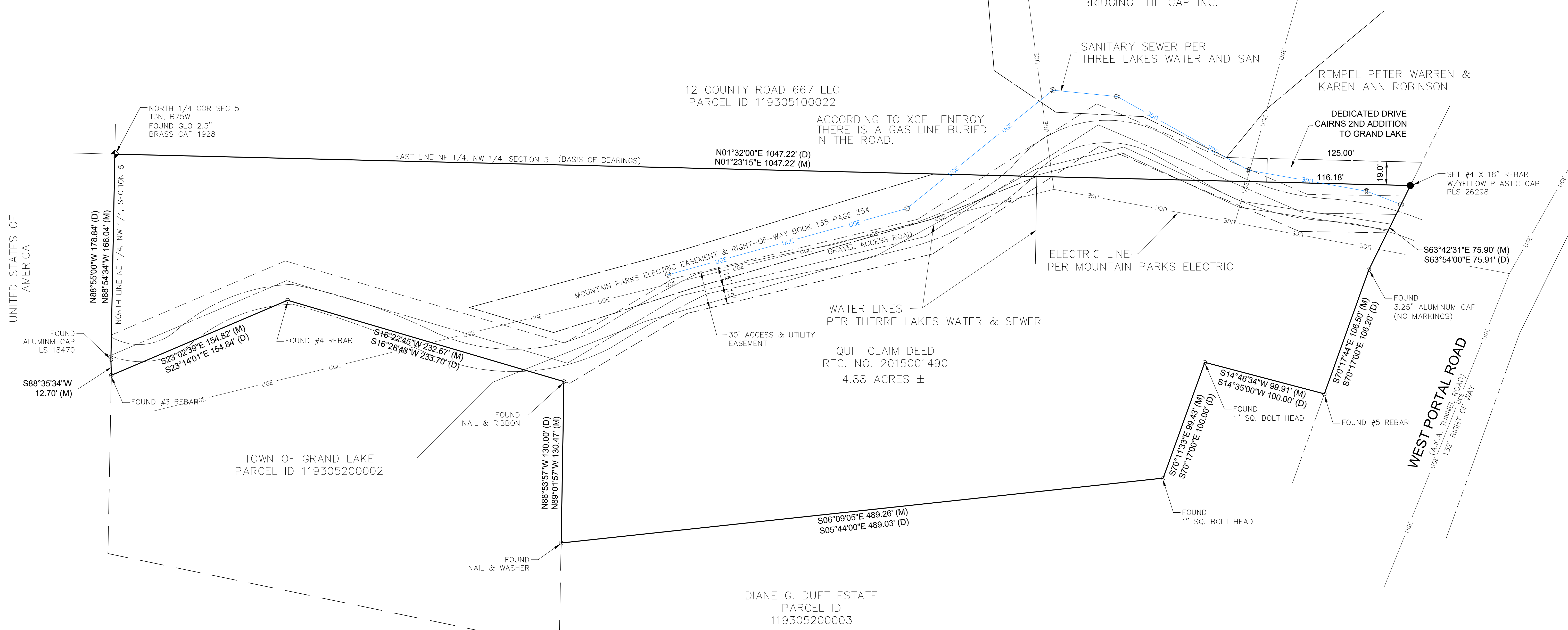


My commission expires : 08-07-2028

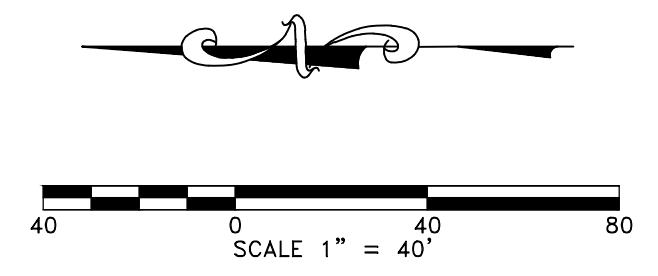
ALTA / NSPS LAND TITLE SURVEY

THAT PARCEL OF LAND DESCRIBED IN QUIT CLAIM DEED, RECEPTION NO. 2015001490

PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 75 WEST OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO



- NOTES:**
1. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BE COMMENCED MORE THAN 10 YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
 2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO STATE STATUTES.
 3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY DIAMONDBACK SURVEYING, LLC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS AND RIGHTS-OF-WAY, DIAMONDBACK SURVEYING, LLC RELIED ON THE RECORDED PLATS AND THE COMMITMENT FOR TITLE INSURANCE ISSUED BY TITLE COMPANY OF THE ROCKIES; COMMITMENT NO. 1119032-C, EFFECTIVE DATE: 01/28/21.
 4. BASIS OF BEARING: EAST LINE OF THE SUBJECT PROPERTY, BEING THE EAST LINE OF THE NE1/4 OF THE NW1/4 OF SECTION 5, BETWEEN THE N1/4 CORNER OF SECTION 5, A FOUND GLO 2.5 INCH BRASS CAP, AND THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY, A SET #4 X 18" REBAR WITH YELLOW PLASTIC CAP MARKED PLS 26298.
 5. LINEAL UNIT OF MEASURE IS U.S. SURVEY FEET.
 6. UTILITIES, IF SHOWN, WERE PLOTTED BASED ON VISIBLE EVIDENCE AND ARE NOT GUARANTEED ACCURATE OR ALL INCLUSIVE.
 7. FOR BEARINGS/DISTANCES SHOWN; (M) DENOTES MEASURED, (D) DENOTES DEED.
 8. UTILITIES ARE SHOWN BASED ON INFORMATION PROVIDED BY UTILITY COMPANIES. THEY ARE APPROXIMATE AND HAVE NOT BEEN FIELD VERIFIED GAS MAINS ARE NOT SHOWN. MAPPING IS NOT AVAILABLE FROM XCEL ENERGY. XCEL DID CONFIRM THAT THERE IS GAS LOCATED IN THE ROAD.



**MONUMENTED LAND SURVEY PLAT
DEPOSITING CERTIFICATE:**

DEPOSITED THIS _____ DAY OF _____, 20____
A.D. AT _____ O'CLOCK _____ M., IN BOOK _____
OF THE COUNTY SURVEYOR'S LAND SURVEY/ RIGHT OF WAY
SURVEY RECORDS AT PAGE _____, RECEPTION NO. _____

BY: _____
COUNTY SURVEYOR

| REVISION | DATE | BY |
|---------------------------------------|------------|----|
| ADDED UTILITIES AND SCHOOL DIST INFO. | 10/04/2024 | JR |

| | |
|--|----------------------------------|
| ALTA/NSPS SURVEY A PORTION OF THE NE1/4,NW1/4 SECTION 5, T3N, R75W OF THE 6TH P.M. COUNTY OF GRAND STATE OF COLORAD | DATE: 02/10/2023 DRAWN BY: JR |
|--|----------------------------------|

**Diamondback
Surveying, LLC**

7804 FRASER RIVER CIRCLE
LITTLETON, CO 80125
Office: 303-918-7310

ALTA / NSPS LAND TITLE SURVEY

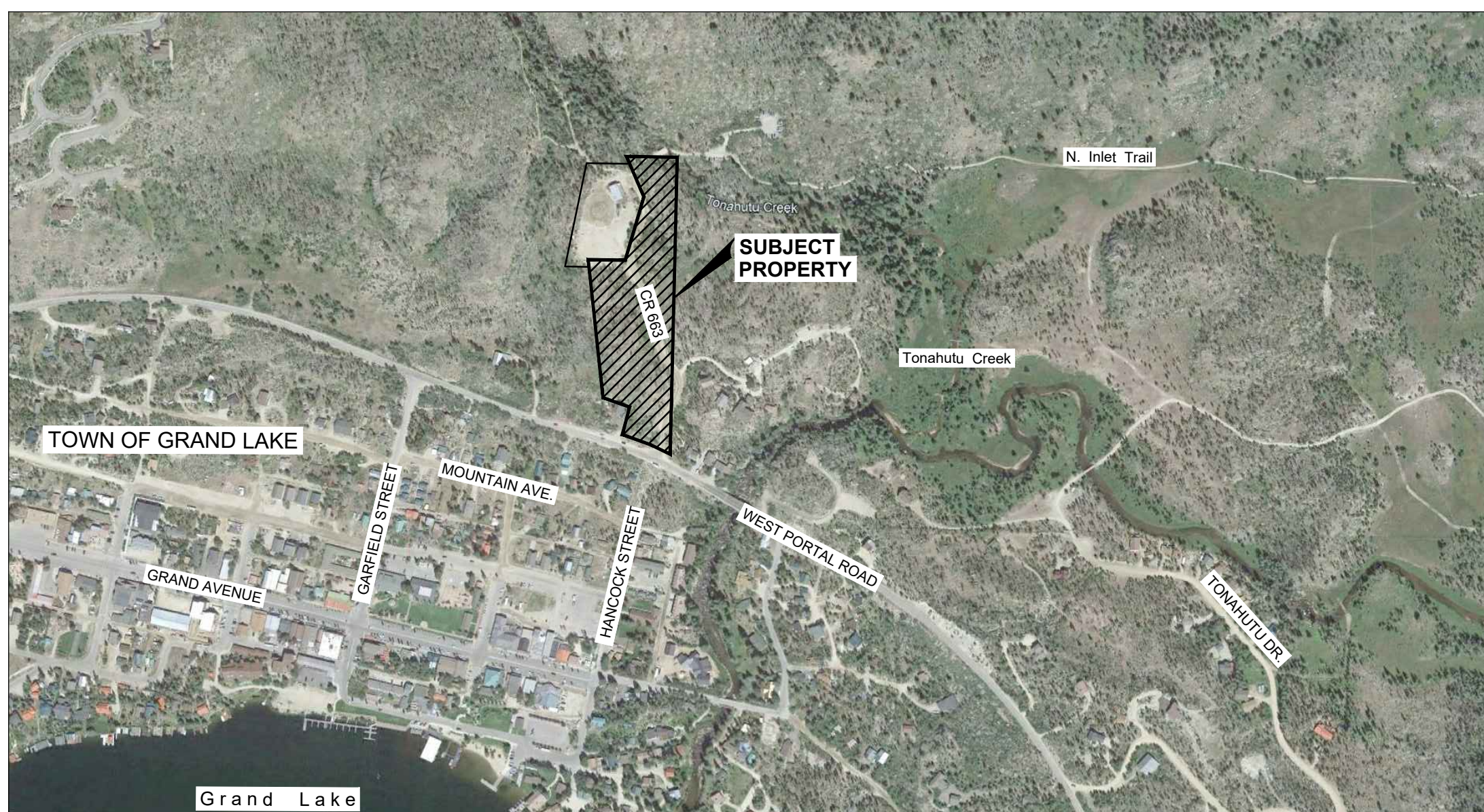
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PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 75 WEST OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
SHEET 1 OF 2

ALTA SURVEY DESCRIPTION

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NOTES:

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2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO STATE STATUTES.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY DIAMONDBACK SURVEYING, LLC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS AND RIGHTS-OF-WAY, DIAMONDBACK SURVEYING, LLC RELIED ON THE RECORDED PLATS AND THE COMMITMENT FOR TITLE INSURANCE ISSUED BY TITLE COMPANY OF THE ROCKIES; COMMITMENT NO. 1119032-C, EFFECTIVE DATE: 01/28/21.
4. BASIS OF BEARING: EAST LINE OF THE SUBJECT PROPERTY, BEING THE EAST LINE OF THE NE1/4 OF THE NW1/4 OF SECTION 5, BETWEEN THE N1/4 CORNER OF SECTION 5, A FOUND GLO 2.5 INCH BRASS CAP, AND THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY, A SET #4 X 18" REBAR WITH YELLOW PLASTIC CAP MARKED PLS 26298.
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7. FOR BEARINGS/DISTANCES SHOWN; (M) DENOTES MEASURED, (D) DENOTES DEED.

THE FOLLOWING IS A PART OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY, COMMITMENT NO. 1119032-C, EFFECTIVE DATE: JANUARY 28, 2021

SCHEDULE B EXCEPTIONS:

7. RIGHT OF WAY FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED BY UNITED STATES PATENT RECORDED OCTOBER 14, 1912 IN BOOK 17 AT PAGE 232.
8. RIGHT OF PROPRIETOR OF A VEIN OR LOAD TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT SUBJECT PROPERTY, AS RESERVED BY THE UNITED STATES PATENT RECORDED OCTOBER 14, 1912 IN BOOK 17 AT PAGE 232, AND ANY POSSESSORY RIGHTS CREATED BY THE LOCATIONS OF CLAIMS THEREFORE.
9. RIGHT OF WAY GRANTED TO MOUNTAIN PARKS ELECTRIC, INC. BY INSTRUMENT RECORDED NOVEMBER 20, 1961 IN BOOK 138 AT PAGE 354.

PARCEL DATA:

PHYSICAL ADDRESS: TBD WEST PORTAL ROAD, GRAND LAKE, CO
GROSS LAND AREA: 212572.8 SQ. FT., 4.88 ACRES +/-

ZONING: TBD

THE SUBJECT PROPERTY DOES NOT LIE WITHIN A DESIGNATED 100-YEAR FLOOD HAZARD AREA; FEMA DESIGNATION ZONE D.
FEMA MAP NO. 08049C0325C, EFFECTIVE DATE JANUARY 2, 2008.

THE SUBJECT PROPERTY LIES WITHIN THE EAST GRAND SCHOOL DISTRICT.

PROPERTY DESCRIPTION: (PER RECEPTION NUMBER 2015001490)

A tract of land in Lot 3 (NE1/4NW1/4) Section 5, Township 3 North, Range 75 West of the 6th P.M., described as follows:

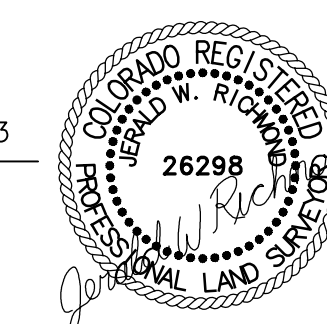
Beginning at the North Quarter corner of said Section 5; thence North 88°55' West, 178.84 feet along the north line of said Section 5 to the northeasterly corner of the Grand Lake Water Treatment Plant Tract; thence South 23°14'01" East, 154.84 feet along the easterly boundary of said Treatment Plant Tract; thence along said easterly boundary South 16°28'43" West, 233.70 feet to the Southeasterly corner of said tract; thence North 88°53'57" West, 130.0 feet along the south line of said tract; thence South 05°44' East, 489.05 feet to the northwesterly corner of the Copeland tract as described in Book 173 at Page 517; thence South 71°16' East, 100 feet along the northerly line of the Copeland Tract to the northeasterly corner of said tract; thence South 13°32' West, 100 feet along the Easterly line of said Tract to the northerly line of the U.S. Government Tunnel road R.O.W.; thence South 70°17' East, 106.2 feet along said R.O.W. line to U.S.B.R. A.P. 166A; thence South 63°54' East, 75.91 feet along said R.O.W. line to the North-South centerline of said Section 5; thence North 01°32' East, 1047.22 feet along said centerline To The Point of Beginning.

SURVEYORS CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT, AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 13, 18 AND OF TABLE 'A' THEREOF THE FIELD WORK WAS COMPLETED ON SEPTEMBER 10, 2021.

JERALD W. RICHMOND P.L.S. 26298
FOR AND ON BEHALF OF
DIAMONDBACK SURVEYING, LLC

FEBRUARY 13, 2023
DATE



MONUMENTED LAND SURVEY PLAT DEPOSITING CERTIFICATE:

DEPOSITED THIS _____ DAY OF _____, 20__
A.D. AT _____ O'CLOCK _____ M., IN BOOK _____
OF THE COUNTY SURVEYOR'S LAND SURVEY/ RIGHT OF WAY
SURVEY RECORDS AT PAGE _____, RECEPTION NO. _____
BY: _____
COUNTY SURVEYOR

| | | | |
|----------------------------------|-----|--|--|
| REVISION | BY: | ALTA/NSPS SURVEY | Diamondback Surveying, LLC 509 20 1/2 AVE. E WEST FARGO, ND 58078 Office: 303-918-7310 |
| DATE: 10/04/2024 | JR | A PORTION OF THE NE1/4,NW1/4 SECTION 5, T3N, R75W OF THE 6TH P.M. COUNTY OF GRAND STATE OF COLORAD | |
| ADDED UTILITIES AND SCHOOL DIST. | | | |
| INFO. | | | |
| | | DATE: 02/10/2023 DRAWN BY: JR | |



PLANNING COMMISSION STAFF MEMORANDUM

DATE: March 19, 2025
TO: Planning Commission
FROM: Steve Kudron, Town Manager
 Angela Snyder, Contract Staff - Planning Department
SUBJECT: **QUASI-JUDICIAL (PUBLIC HEARING)** Resolution 05-2025 – Consideration of a Shoreline Variance on Lot 6, Shadow Pointe, More Commonly Referred to as 300 Lakeside Drive

Town of Grand Lake Planning Commission Public Hearing Process

Public hearings are typically conducted as follows:

1. The Chair opens the Public Hearing
2. Staff present the request and staff's analysis
3. The applicant addresses the Commission
4. The Chair invites public comment
5. The Commission discusses the request and asks questions of staff and the applicant
6. The Chair closes the Public Hearing
7. The Commission makes a motion and votes on their recommendation to the Town Board of Trustees

Overview

Property Owner and Applicant: Linda and Mark Chapdelaine

Location: 300 Lakeside Drive

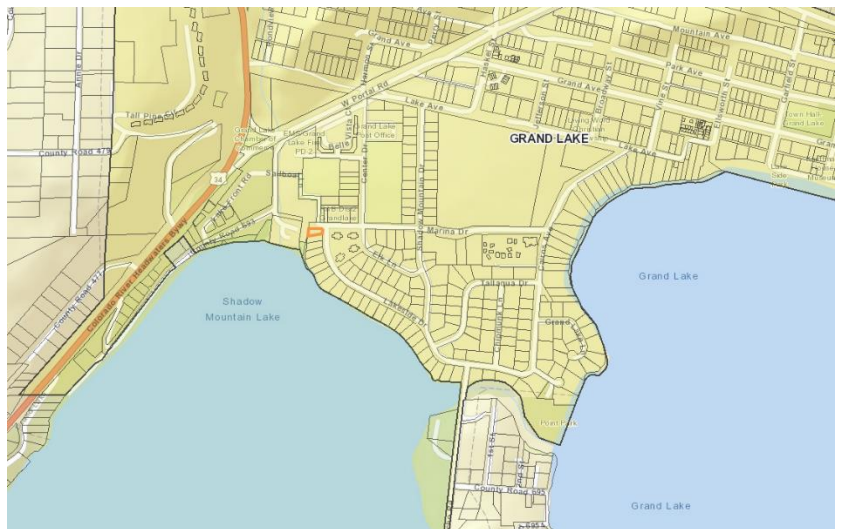
Legal Description: Lot 6, Shadow Pointe Subdivision, Town of Grand Lake, State of Colorado

Request: Encroachment into the 30' water quality setback for a cantilevered boat slip

Attachments:

- Application
- Shoreline Sketch
- Resolution

The applicants, Mark and Linda Chapdelaine, would like to place a cantilevered boat slip on their property along the shore of the passageway between Shadow Mountain Lake and the Grand Lake Estates Homeowners Association marina. The applicant has obtained Department of the Army, Corps of Engineers and U.S. Forest Service approval to place the boat slip in the configuration presented at this time, which is a modification of the original design.



Notice

Section 12-2-29 (A) (2) of the Grand Lake Municipal Code (the “Code”) provides instruction for activities proposed within the thirty (30) foot water quality setback, also referred to in the Code as the stream and lake setback. The code dictates Planning Commission to give a recommendation to the Board of Trustees. The Board of Trustees make the final decision. Notice was published on March 5, 2025, in the Middle Park Times and sent certified mail to all property owners within two hundred (200) feet of the property. An aerial image included with the mailed notice included the incorrect property circled (304 Lakeside Drive); however, the address and legal description were correct, making the notice valid.

Factors for Consideration

The following factors shall be considered in determining whether to issue a shoreline variance per Section 12-2-29 (A)(2)(b).

- 1. *The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.*

The passage is relatively narrow. Using a cantilevered slip will ensure the least amount of encroachment, as the slip will be 3.6 feet from the shoreline. The property currently has steps leading down to the water, but no obvious way to secure a boat. There is vegetation along the shoreline. The application includes a description of how the project will meet the Grand County Erosion and Sediment Control Regulations.



- 2. *The locations of all bodies of water on the property, including along property boundaries.*

The Chapdelaine property extends beyond the shoreline into the water of Shadow Mountain Lake on the west side. The property is bordered by Marina Drive to the north, Lakeside Drive to the east, and another residential property to the south.

- 3. *The location and extent of the proposed setback intrusion.*

The boat slip will be located entirely within the water quality setback. Uncovered boat docks are allowed to encroach 5 feet into the side setback per 12-2-29 (B) (2). The proposed design encroaches exactly 5

feet.

- 4. *Whether alternative designs are possible which require less intrusion or no intrusion.*

The applicant has considered an alternative design, included in the application. The U.S. Forest Service was not amenable to the design, which would have encroached into their property. The current design limits impact to the channel and to neighboring properties.

- 5. *Sensitivity of the body of water and affected critical habitats.*

The location of the slip is in a manufactured channel connecting a marina to Shadow Mountain Lake proper. Its purpose is for boat traffic, and therefore, less sensitive.

- 6. *Intensity of land use adjacent to the body of water proposed to intrusion.*

Adjacent land uses include single family residences, multi-family residences, a marina, and a mobile home park. The Shadow Mountain Yacht Club is also in the near vicinity.

- 7. *Impact on floodplains and stream functions (a variance shall not be approved when the reduction would result in the setback being narrower than the floodplain)*

This does not apply to boat docks, which are located within the floodplain. Army Corps of Engineers, permission, required for encroachments into the floodplains of official waters of the U.S., has been granted, deeming the impact on the floodplain acceptable.

Documentation of Unusual Hardship

In most cases, the request for a variance carries the burden of establishing all conditions in 12-3-5 (A) (4). However, the Shoreline and Surface Water Regulations include the following requirement that only one condition be present to be granted the Shoreline Variance.

Section 12-2-29 (A) (2)

During the public hearing the burden of the Applicant shall include but not be limited to, establishing that the activity conforms to one (1) or more of the exceptions set in Section 12-3-5(A)4(a) through (e).

Since the burden of proof lies with the applicant, the applicants' own responses are given to each condition.

Section 12-3-5 (A) (4) (a – e)

- a. *By reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations; and*

Due to the property's proximity to the water and our love for boating we would like to request a shoreline variance for the purpose of constructing a boat dock on our property.

- b. *Literal interpretation of the provisions of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of Municipal Code Sections Section 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations; and*

Zoning Regulations would deprive us of rights commonly enjoyed by other properties in the same district under the terms of Municipal Code Sections Section 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations. Boat slips and docks are commonly enjoyed by other properties along and the shoreline in Grand Lake. Most of our neighbors that have properties on the water have boat slips and can

enjoy all that Grand Lake has to offer as a lakeside community.

- c. *The special conditions and circumstances do not result from the actions of the applicant; and*

No special conditions and/or circumstances have resulted from our actions.

- d. *Granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district; and*

Granting this variance does not confer any special privileges to us, the applicant, that is denied by this ordinance to other lands, structures, or buildings in the same district; and

- e. *The granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations [Shoreline and Surface Water Regulations].*

Granting this variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29.

Staff Recommendation

The cantilevered dock meets municipal, county and federal requirements. The foundation is fully on the subject property, so shoreline impact is minimized. Staff recommends approval of the shoreline variance.

Sample Motions

Approval

I move to approve Resolution 05-2025, a resolution recommending approval of a Shoreline Variance for a boat dock as presented at 300 Lakeside Drive to the Board of Trustees.

Denial

I move to approve Resolution 05-2025, a resolution recommending denial of a Shoreline Variance for a boat dock as presented at 300 Lakeside Drive to the Board of Trustees.

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 05 – 2025**

**A RESOLUTION RECOMMENDING APPROVAL OF
A SHORELINE VARIANCE**

WHEREAS, Mark and Linda Chapdelaine (the “Applicant”) is the owner of certain real property located at 300 Lakeside Drive, within the Town of Grand Lake, more particularly described as Lot 6, Shadow Pointe, Town of Grand Lake, State of Colorado; and

WHEREAS, the Town received a shoreline variance request application (the “Application”) from the Applicant, requesting to place a cantilevered boat slip within the thirty (30) foot water quality setback; and

WHEREAS, Section 12-2-29 (A) of the Grand Lake Municipal Code (the “Code”) establishes regulations for allowing activities within the thirty (30) foot water quality setback, also referred to in the Code as the stream and lake setback, including the following consideration factors:

1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property
2. The locations of all bodies of water on the property, including along property boundaries
3. The location and extent of the proposed setback intrusion
4. Whether alternative designs are possible which require less intrusion or no intrusion
5. Sensitivity of the body of water and affected critical habitats
6. Intensity of land use adjacent to the body of water proposed to intrusion
7. Impact on floodplains and stream functions (a variance shall not be approved when the reduction would result in the setback being narrower than the floodplain); and

WHEREAS, Section 12-2-29 (A) of the Code requires the Applicant to establish the activity conforms to one (1) or more of the exception set in Section 12-3-5-(A)(4);

and

WHEREAS, on March 19, 2025, the Planning Commission reviewed the Application request at a public hearing; and

WHEREAS, the Planning Commission found the Application to have satisfactorily addressed the consideration factors in Section 12-2-29 (A) of the Code; and

WHEREAS, the Planning Commission found the Application conforms to exceptions ‘a’ through ‘e’ set in Section 12-3-5-(A)(4); and

WHEREAS, upon a thorough consideration of the Application, the testimony of those present, and applicable Code requirements, the Planning Commission finds such factors weigh in favor of approval of the Application.

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

1. The Application be recommended for approval to the Board of Trustees subject to the conditions set forth in Section 2., below.
2. The Planning Commission’s recommendation for approval is based on the following conditions:
 - a. Payment by the Applicant of all legal, engineering, and administrative fees incurred by the Town in connection with the review, processing, consideration, and action on the Application prior to issuance of a building permit related to the Application; and
 - b. Compliance by the Owner with all representations made to the Planning Commission during all public hearings or meetings related to the Application; and
 - c. The Applicant complies with all other federal, state, and local regulations; and
 - d. In granting this Request, the Commission is not obligated to grant similar requests in the future nor does granting this Request set a precedent for any future requests; and
 - e. This authorization shall run with the transfer of the Property from the Applicant to their successors, heirs, or grantees.

- 3. Severability: If any section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

- 4. Repeal: Existing resolutions or parts of resolutions covering the same matters as embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 19th DAY OF MARCH 2025.

(S E A L)

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

James Shockey,
Planning Commission Chairman

Votes Approving: 0
Votes Opposed: 0
Absent: 0
Abstained: 0



1026 Park Ave · PO Box 99
Grand Lake, CO 80447
970-627-3435
www.townofgrandlake.com

Section 5, Item B.

REQUEST FOR VARIANCE
STREAM AND LAKE SETBACK
ZONING REGULATIONS

PLEASE FILL OUT THE FOLLOWING INFORMATION.

Property Legal Description: Lot 6, Shadow Pointe

Property Street Address: 300 Lakeside Drive, Grand Lake, CO 80447

Property Owner: Linda and Mark Chapdelaine

Applicant's Name: Linda and Mark Chapdelaine Day Phone: 970-274-8042

Applicant's Mailing Address: PO Box 5134, Snowmass Village, CO 81615

Variance Requested:

We would like to request to build a boat slip.

At a minimum, a variance request shall include the following information:

I. Application Deposit and executed Agreement for Development Fees

II. Documentation of unusual hardship via answers to the criteria listed below (only need to prove ONE)

- a. By reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of Municipal Code 12-2-29 [Shoreline and Surface Water Regulations]
- b. Literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of Municipal Code 12-2-29
- c. The special conditions and circumstances do not result from the actions of the applicant
- d. Granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district
- e. The granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of Municipal Code 12-2-29

III. A topographic survey that includes locations of all streams, wetlands, floodplain boundaries, slope, topography, and other natural features

IV. A detailed site plan that shows the locations of all existing and proposed activities/improvements, both inside and outside the setback.

- a. A calculation of the total area (square footage) of the proposed improvements shall be indicated
- b. The exact area of the 30' setback to be affected shall be accurately and clearly indicated.

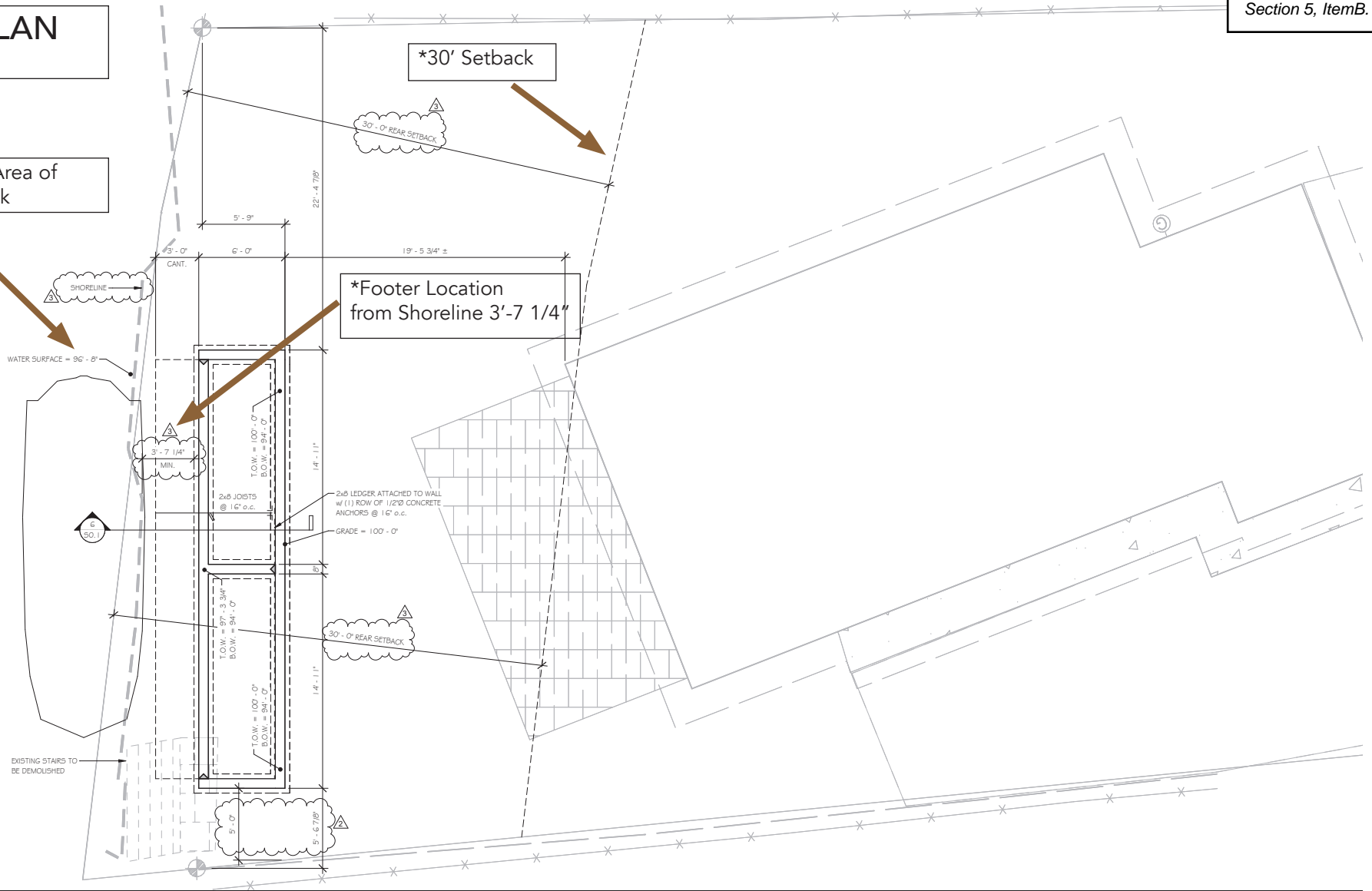
V. At least one alternative plan, which does not include a setback intrusion, or an explanation of why such a plan is not possible

VI. An erosion and sedimentation control plan (i.e. temporary and permanent interventions such as retaining walls, straw wattles and silt fencing, french drains, or other practices)

VII. A stormwater control plan, if applicable.

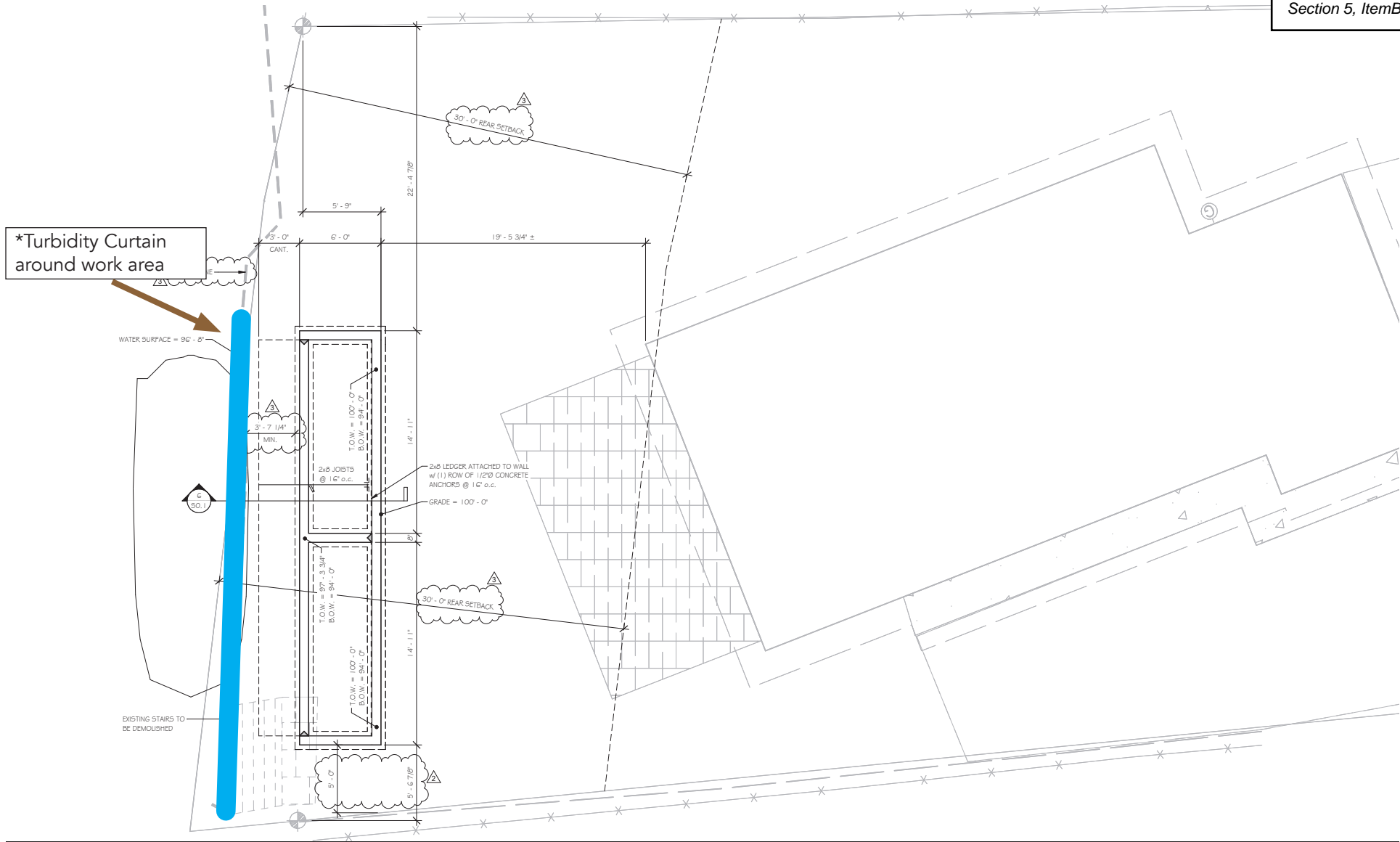
SITE PLAN

*Affected Area of 30' Setback



SHORELINE VARIANCE REQUEST: CHAPDELAINE 300 LAKESIDE DRIVE, GRAND LAKE, CO

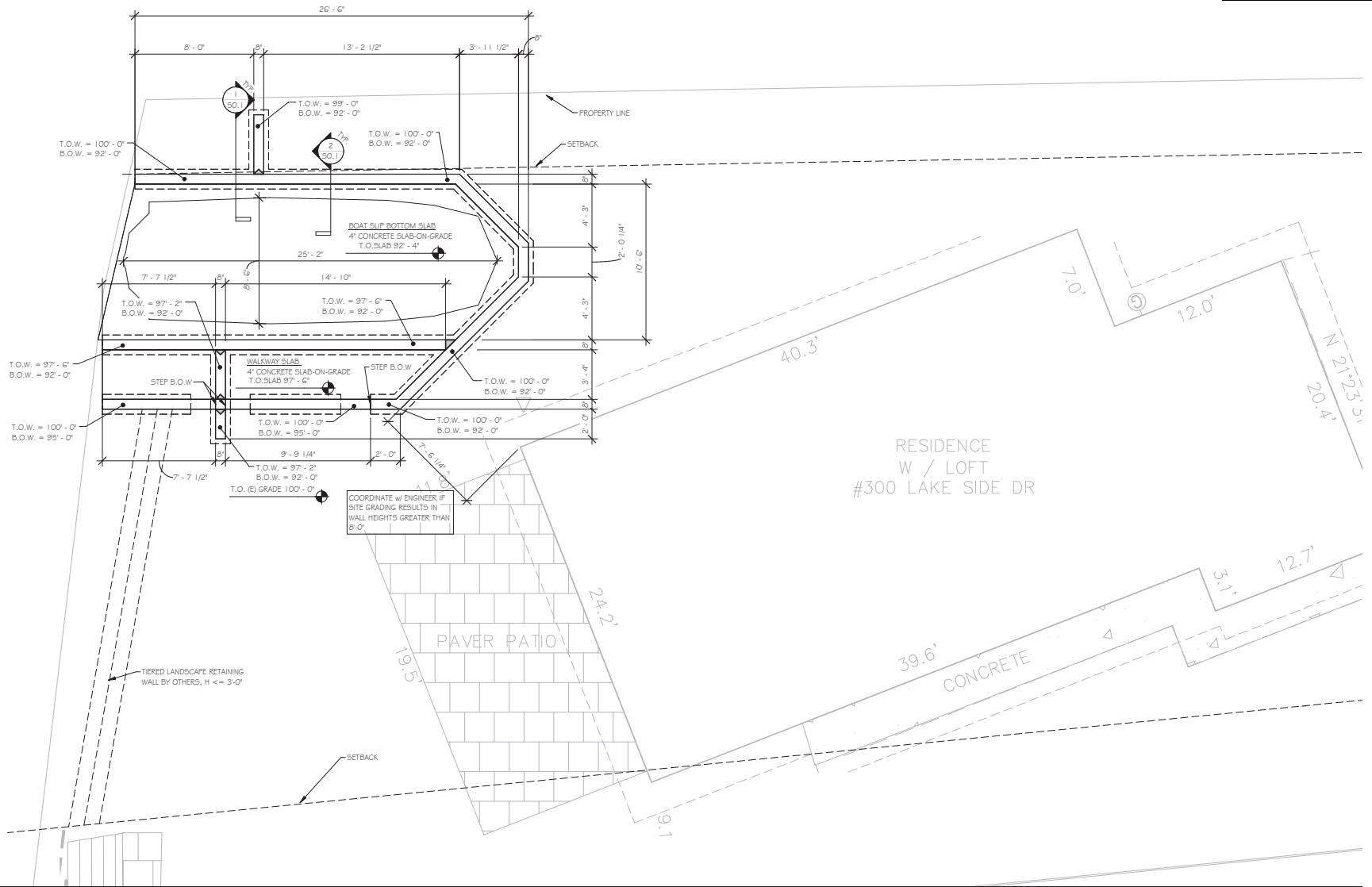
- NOTES:
- 1) The size of the foundation for the cantilever dock and decking over water is 9' wide x 30' 6" long. The soils and vegetation are normal.
 - 2) Total Area: 274.5 square feet.
 - 3) There are no other options for an alternative plan that would not require a shoreline variance request.



SHORELINE VARIANCE REQUEST: CHAPDELAINE
300 LAKESIDE DRIVE, GRAND LAKE, CO

NOTES:

- 1) Erosion and sediment control plan. Installing a turbidity curtain/barrier.



SHORELINE VARIANCE REQUEST: CHAPDELAINE
300 LAKESIDE DRIVE, GRAND LAKE, CO

EXAMPLE OF PREVIOUS PLANS SUBMITTED FOR SHORELINE VARIANCE AND WHY THIS NEW DESIGN IS BEST:

- 1) Above is the design previously submitted for the shoreline variance. We are unable to use this design due to the shared northern property line.
- 2) The new cantilever dock design will be completely constructed on our property and in the section where our property touches the US Forest Service Outlet A.
- 3) Shoreline impact will be less invasive due to the foundation being constructed on our property.

SHORELINE VARIANCE REQUEST: CHAPDELAINE
300 LAKESIDE DRIVE, GRAND LAKE, CO

DOCUMENTATION OF UNUSUAL HARDSHIP:

A) Due to the properties proximity to the water and our love for boating we would like to request a shoreline variance for the purpose of constructing a boat dock on our property.

B) Zoning Regulations would deprive us of rights commonly enjoyed by other properties in the same district under the terms of Municipal Code Sections Section 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations. Boat slips and docks are commonly enjoyed by other properties along and the shoreline in Grand Lake. Most of our neighbors that have properties on the water have boat slips and can enjoy all that Grand Lake has to offer as a lakeside community.

C) No special conditions and/or circumstances have resulted from our actions.

D) Granting this variance does not confer any special privileges to us, the applicant, that is denied by this ordinance to other lands, structures, or buildings in the same district; and

E) Granting this variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of Municipal Code Sections 12-2-8 to 12-2-24 and Section 12-2-29 (if applicable) Zoning Regulations.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT
400 ROOD AVENUE, ROOM 224
GRAND JUNCTION, CO 81501-2520

Section 5, Item B.

January 3, 2022

Regulatory Division

SUBJECT: No Permit Required – Action No. SPK-2017-00127, Chapdelaine Boat Slip

Linda Chapdelaine
P.O. Box 5134
Snowmass Village, CO 81615
l_chapdelaine@hotmail.com

Dear Ms. Chapdelaine:

This letter responds to your request for a determination of Department of the Army (DA) permit requirements for the *Chapdelaine Boat Slip* project. The subject area is located along the entry channel to Shadow Mountain Estates Marina, at 300 Lakeside Drive, within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 3 North, Range 75 West, Latitude 40.2494725°, Longitude -105.8331203°, Grand County, Colorado. A no-permit-required letter was issued by Corps in 2017 (*SPK-2017-00127*), for a boat slip. However, the structural engineer has modified the boat slip plans in order to reinforce the excavation area and provide better retainage to protect an existing house foundation. We have assigned Action No. *SPK-2017-00127* to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, the project involves the excavation of fill material to construct a boat slip with excavated materials being placed directly onto a truck for off-site disposal in an upland location. After review, we have determined that a DA permit is not required because the project does not involve a discharge of materials (i.e., excavation only) into waters of the United States (WOTUS). This determination applies only to this project and any proposed modifications within WOTUS should be coordinated with our office prior to implementation.

Please note that a Corps permit decision does not constitute approval of project design features, nor does it imply that the construction is adequate for its intended purpose. Additionally, a Corps permit decision does not authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations. The responsible party and/or any contractors acting on behalf of the responsible party must possess the authority and any other approvals required by law, including property rights, in order to undertake the proposed work.

- 2 -

We would appreciate your feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. If you have any questions, please contact me at the Northwestern Colorado Branch, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at Tyler.R.Adams@usace.army.mil, or telephone at 970-243-1199, extension 1013.

Sincerely,

Tyler R. Adams
Project Manager
NW Colorado Branch

cc:
Kimberly White, Town of Grand Lake, kwhite@toglco.com
Steve Dahmer, Environmental Solutions, Inc., steve.dahmer@esinc.biz

Chapdelaine

