
Green Bird Replat

Lot Line Adjustment and Vacation of Easements

Regular Agenda Item

ACTIVITY #: PL20220038

HEARING DATES: Planning Commission: 7/21/2022 at 6:00 pm
Board of County Commissioners: 8/2/2022 at 9:35 am

PETITIONER: James Ingwersen, Michele Childs, and Frances & Arthur Callahan

PETITION:

- 1) Lot Line Adjustment between Buckhead Ranch Lots 2 & 3
- 2) Vacation of Utility Easement

LEGAL: Buckhead Ranch Subdivision, Lots 2 & 3

LOCATION: 57115 & 57140 Green Bird Pl

ZONE DISTRICT: MRE – Mountain Residential Estates

AREA:

<u>Existing</u>	<u>Proposed</u>
• Lot 2 – 6.29 acres	6.295 acres
• Lot 3 – 5.01 acres	5.005 acres

STAFF CONTACT: Michael Fitz, Planner I – mfitz@co.routt.co.us

ATTACHMENTS:

- Existing Conditions
- Proposed Plat
- Aerial Photo
- Exhibit showing utility easements to be vacated

History:

The current Buckhead Ranch Subdivision is a replat of several lots in Steamboat Lake Filings 1, 2, and 3. Platted in the early 1970s, Steamboat Lake water & sewer infrastructure was not extended to most lots. Due to the small lot size, this necessitated consolidation & replatting to 5+ acre lots and rezoning from LDR (Low Density Residential) to MRE (Mountain Residential Estates), in order to put well and septic on the same lot.

Site Description:

There is a residence on Lot 2 (Callahan), and Lot 3 (Ingwersen & Childs) is currently vacant. Both lots slope to the east, and are mostly free of trees except for the south portion of Lot 2. There is a pond in between both lots at the terminus of Green Bird Place. Both properties are encircled by Steamboat Lake Association common space, with one vacant lot to the north of Lot 2, and one lot to the north of Lot 3 developed with a single-family home. Lot 3 has an area in the southwest that exceeds 30% slope and is designated as un-buildable.

Project Description:

The purpose of this request is to adjust the common lot line between Lot 2 and Lot 3 to allow the Ingwersen/Childs family to construct a single-family home on the southwest portion of Lot 3. Currently the lot line, from north to south, straddles the pond and then zig-zags further east before connecting to the south lot line. Due to the location of the existing lot line, easements, and un-buildable portion exceeding 30%, there is no place to build a home in this location without running afoul of setbacks or the un-buildable area. This reconfiguration maintains the minimum 5 acres for each lot, while accommodating the future build needs for the Ingwersen/Childs family. Utility easements will be vacated and rededicated in conjunction with the new lot line configuration.

Staff Comments:

This is a straightforward lot reconfiguration that does not impact development density or lot size. This proposal is a mutually beneficial lot line adjustment to suit the desired building sites of both landowners.

Compliance with the Routt County Master Plan, Sub Area Plans and Subdivision Regulations

The Routt County Master Plan, Sub Area plans and Subdivision Regulations contain dozens of policies and regulations regarding land use. Section 5 of the zoning regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions. Section 3 of the Subdivision Regulations are in place to ensure that a subdivision application is designed in a manner to best serve the public. Section 4 Regulations are in place to make sure that all of the required infrastructure is accounted for, designed so as to create efficient and buildable lots and to ensure that the required infrastructure is installed.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into seven (7) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Easement/ROW Vacation Standards
4. Lot Line Adjustment Regulations and Standards
5. Community Character and Visual Impacts
6. Roads, Transportation and Site Design
7. Natural Environment

Interested parties are encouraged to review the Master Plan, Sub Area plans and Subdivision Regulations to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

Public Health, Safety and Nuisances

Applicable Regulations – Routt County Zoning Resolution

- 6.1.7.C Natural Hazards
- 6.1.7.H Wildland Fire

Applicable Regulations – Routt County Subdivision Resolution

- 3.1.D Steep land greater than a 30% slope, unstable land, land subject to flooding or to inadequate drainage, or otherwise substandard land shall not be platted for occupancy or any use which might endanger health, life, property or which may aggravate flood or erosion hazards. Land not usable for residential purposes may be set aside for open area uses such as parks, conservation areas, farm land, recreational areas.
- 3.1.M The soil and drainage conditions shall be of a sufficiently stable nature, as shown in a current soils test, as to support development including whatever sewage disposal treatment is utilized.
- 3.1.N The proposed subdivision shall not create fire hazards and shall include wildland fire mitigation measures if necessary.

Staff comments: The property slopes modestly to the east. There are some areas of slope over 30%, which are being designated as no-build zones, and the area has some unstable slopes but is still buildable. Wildfire risk is generally mapped as low, and there are no other known mapped natural hazards.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 5.2 Dimensional Standards
- 5.3 Secondary Dwelling Unit Standards
- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.

Applicable Regulations – Routt County Subdivision Resolution

- 3.1 The Planning Commission and Board, or the Planning Director, in the case of administrative approvals of Lot Line Adjustments, Plat Corrections, or Consolidation Plats, shall apply the following standards in evaluating a proposed subdivision. In addition to the other standards contained in these Regulations, failure of the proposed subdivision to satisfy these standards shall be an appropriate basis for denial for approval.
- 3.1.O No subdivision of land shall occur on an area of land with commercial mining potential when such subdivision would preclude the extraction of a mineral resource of a commercial value greater than that of the proposed subdivision. This shall not apply in a case where the surface rights and the mineral rights are owned by the same individual.
- 3.1.P Proposed subdivisions shall be in substantial conformance with the Routt County Master Plan and all adopted sub-area plans.
- 3.1.Q Proposed subdivisions shall be in substantial conformance with Section 6 of the Routt County Zoning Regulations.

Applicable Policies – Routt County Master Plan

- 3.3.D. Residential densities should generally decrease as the distance from Growth Centers increase.

Applicable Policies – Upper Elk River Valley Community Plan

- 2.5.4.5) New residential development should not be at densities greater than allowed under state law, existing approvals, or LPS developments.

Staff comments: This is a minor lot line adjustment and easement vacation/rededication, with no change to local development density/intensity, and is supportable as long as the new subdivision meets today's subdivision standards and the utilities are OK with the new easement configuration.

*****Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

Easement/Right-of-Way Vacation Standards

Applicable Regulations – Routt County Subdivision Resolution

- 2.8.1.B Vacation will not interfere with development of, nor deny access via public thoroughfare to adjoin property, utility services or other improvements.
- 2.8.1.C Vacation will not interfere with the orderly development of utilities to nearby properties.
- 2.8.1.D Vacation will not be contrary to the Routt County Master Plan or Zoning Regulations.

Staff comments: There are no utilities in the utility easement to be vacated. Once the lot line is adjusted, the new configuration will include a new utility easement. All utilities have consented to this vacation.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Lot Line Adjustment Regulations and Standards

Applicable Regulations – Routt County Subdivision Resolution

- 2.4.1 In order to be considered under this section a lot line adjustment shall meet all of the following standards:
- 2.4.1.A Only lines common to the lots may be adjusted.
- 2.4.1.B No new parcels shall be created.
- 2.4.1.C All parcels must be deemed “Buildable Lots” by the Planning Director. In the case of a Land Preservation Subdivision Exemption, Minor Development Subdivision Exemption, or non-conforming lot, the Lot Line Adjustment shall not reduce the size of any existing non-conforming lot to less than five (5) acres or reduce the size of any existing lot which is less than five (5) acres.
- 2.4.2 **Standards:** A Lot Line Adjustment must meet all the applicable requirements of Sections 2, 3, 4, and 5 of the Routt County Subdivision Regulations and the Routt County Zoning Regulations. However, any new zoning or subdivision regulations adopted since the recordation of the plat under consideration shall not apply to the Lot Line Adjustment plat, unless required by the County.

Staff comments: This proposal meets all requirements of Sections 2, 3, 4, & 5. This is a lot line adjustment only between Lots 2 and 3 of Buckhead Ranch and does not affect any other lots besides Lots 2 and 3.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Community Character and Visual Impacts

Applicable Regulations – Routt County Zoning Resolution

- 5.10 Standards for Structures within mapped Skyline Areas
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.

Applicable Regulations – Routt County Subdivision Resolution

- 3.1.K The proposed subdivision shall not create water, air, noise or visual impacts that cannot be mitigated.

- 3.1.L The proposed subdivision shall include plans for adequate screening from major access roads, including landscaping and other means to preserve privacy and mitigate visual impacts to surrounding areas.

Applicable Policies – Routt County Master Plan

- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.

Applicable Policies – Upper Elk River Valley Community Plan

- 2.5.4.10) Protect the visual quality and rural character of the valley at night by encouraging the use of minimal exterior lighting, that lighting be downcast, and that there be no general floodlighting of buildings.

Staff comments: These lots are not skylined or on unbuildable slopes. This proposal will not change the character of the area; both lots are already in existence and can be developed as-is.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Roads, Transportation and Site Design

Applicable Regulations – Routt County Zoning Resolution

- 5.5 Addressing Standards
- 5.6 Access to Buildable Lot Standards
- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 5.8 Road Construction Standards
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety
- 6.1.7.N Snow Storage

Applicable Regulations – Routt County Subdivision Resolution

- 3.1.A The subdivision layout shall result in the creation of lots that are capable of being built upon.
- 3.1.B Street layout shall provide direct access to all lots.
- 3.1.C The roads and trails within the proposed subdivision shall provide for existing and future connectivity to surrounding lands.

- 3.1.G The subdivision layout shall be designed to preserve natural topography and existing vegetation to the greatest extent possible while still meeting all the technical requirements of these Regulations (street width, street grade, access etc.). Overlot grading shall not be allowed.
- 3.1.H The proposed subdivision shall not create undue traffic congestion or traffic hazards.
- 3.1.I No subdivision of land shall be approved on land that is accessed by a remote or minimal maintenance County Road unless the land to be subdivided will be rezoned to reduce residential density (downzoning), or there is a substantial public benefit that mitigates the impact to the County Road system.

Applicable Policies – Routt County Master Plan

- 3.3.D. Residential densities should generally decrease as the distance from Growth Centers increase.

Applicable Policies – Sub-Area Plan

- 4) Continue the existing Steamboat Lake Subdivision 5-acre policy allowing wells and individual sewage disposal systems (ISDS) with rezoning and lot consolidations.

Staff comments: This property has previously been consolidated by the Buckhead Ranch Subdivision from the original Steamboat Lake Subdivisions, and this lot line adjustment will meet all zoning and subdivision standards such as parking, addressing, snow storage, and dimensional standards. Development intensity & density are not increased.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Natural Environment

Applicable Regulations – Routt County Zoning Resolution

- 5.11 Waterbody Setback Standards
- 6.1.7.D Wildlife and Wildlife Habitat
- 6.1.7.E Water Quality and Quantity
- 6.1.7.J Wetlands
- 6.1.7.Q Noxious Weeds

Applicable Regulations – Routt County Subdivision Resolution

- 3.1.E Any land subject to flooding or in a natural drainage channel shall not be platted for occupancy. The areas subject to flooding should be left as open space or reserved as conservation easement areas.

- 3.1.F Provisions shall be made to preserve as open space any natural features of the site that would enhance the subdivision, i.e. unusual rock formations, lakes, rivers, streams, trees, or attractive relief features.
- 3.1.J An adequate water supply shall be available for the proposed subdivision.

Applicable Policies – Routt County Master Plan

- 5.3.C Discourage development on ridges that result in skylining.

Applicable Policies – Sub-Area Plan

- 2.6.4.2) Ensure preservation of open space and common areas as they were originally approved or equivalent.

Staff comments: This lot line adjustment does not increase development intensity or density, and has no additional effect on wildlife, water quality, wetlands, or weeds. No open space or common area is reduced. There are no natural waterbodies that are affected by this proposal. The reconfigured lots will be larger than 5 acres and will function with well & septic systems.

*****Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

PLANNING COMMISSION/BOARD OF COMMISSIONER OPTIONS:

- 1. Approve the Lot Line Adjustment and Easement Vacation request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning and Subdivision Regulations and complies with the guidelines of the Routt County Master Plan.
- 2. Deny the Lot Line Adjustment and Easement Vacation request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning and Subdivision Regulations and/or the Routt County Master Plan, Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.
- 3. Table the Lot Line Adjustment and Easement Vacation request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
- 4. Approve the Lot Line Adjustment and Easement Vacation request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning and Subdivision Regulations and the Routt County Master Plan.

Lot Line Adjustment

FINDINGS OF FACT that may be appropriate if the Lot Line Adjustment is approved:

1. The proposal with the following conditions meets with Sections 2, 3, and 6 of the applicable guidelines of the Routt County Zoning Regulations and Section 2 and 3 of the Subdivision Regulations.

CONDITIONS that may be appropriate may include the following:

General Conditions:

1. The plat shall be finalized and recorded within one (1) year unless an extension is granted pursuant to Section 2.1.6, Routt County Subdivision Regulations. Extensions to up to one (1) year may be approved administratively.
2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.
3. A Certificate of Taxes Due showing a \$0 balance shall be submitted prior to recording the plat.
4. A 'no build' zone shall be indicated on the plat to avoid construction of structures, septic fields and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be approved by the Planning Director before the plat is recorded.
5. The resolution for the vacation for the utility, drainage, snow removal and snow storage shall be recorded concurrently with the final plat.
6. The right of way for Green Bird Place shall be appropriately dedicated on the final plat.
7. The notes on the plat shall include, but are not limited to the following:
 - a. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.
 - b. The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems have not been established. The issuance of permits for individual septic disposal systems shall be a condition of obtaining a building permit for these lots.
 - c. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
 - d. The availability of water and permits for wells on the lots or parcels hereon shown has not been established.
 - e. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass mixes.
 - f. Routt County (County) and the North Routt Fire District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District

by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.

- g. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
- h. A current soils test showing that the soil is of a sufficient stable nature to support development will be required before obtaining a building permit.
- i. The Declaration of Covenants and Conditions and Restrictions for Steamboat Lakes Subdivision Unit Numbers One, Two, Three, and Four are recorded at Book 356 at Page 164 and Book 364 at Page 58 in the official records of Routt County, Colorado, are applicable to this replat subdivision.
- j. All lots (or identify the lots) have been shown to be within mapped areas of Unstable Slopes. If site development reveals evidence of faulting in soils, then additional investigation will be need to ensure that individual structures are not located within active fault rupture zones.

UTILITY EASEMENT VACATION

FINDINGS OF FACT that may be appropriate if the Utility Easement Vacation is approved:

1. The proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and Upper Elk River Valley Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 2, 3 and 4 of the Routt County Subdivision Regulations.

CONDITIONS that may be appropriate may include the following:

1. A resolution vacating portions of the utility easements shall be recorded concurrently with the Final Plat.
2. Utility and drainage easements on either side of the new lot lines shall be shown and dedicated on the final plat.