

ITEM DATE: August 28, 2018	ITEM TIME: 1:30 pm
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FROM:	Kristy Winsor, Planning
TODAY'S DATE:	August 17, 2018
AGENDA TITLE:	Overland at Stagecoach, Calistro Consolidation

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:

- 1) PL-18-144: Consolidation of lots 107 and lots 112 thru 120
- 2) PL-18-151: Rezone from Low Density Residential LDR to Mountain Residential Estate MRE
- 3) PL-18-152: Vacation of utility easements

II. OPTIONS:

Approve with conditions or deny

III. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

N/A

IV. BACKGROUND INFORMATION:

The purpose of this request is to consolidate Lots 107 and Lots 112 thru 120 (10 lots) and replat those lots into two 5-acre parcels for the development of a home on each parcel. Re-zoning of those parcels to MRE (5-acre zoning) is the minimum lot size required for an onsite wastewater treatment system (OWTS). The lots will be served by wells. Utility and trail easements in the interior of the new lots will be vacated.

V. LEGAL ISSUES:

N/A

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY:

This request was considered by the Planning Commission on August 2, 2018 where after review and consideration they moved to recommend approval with an 8-1 vote of the consolidation, change of zone and vacation of utilities. The dissenting vote was from Commissioner Benjamin, who stated that he was in favor of the application but that he dis not agree with the recommendation to waive the fee in lieu of public sites.

The applicant requested a waiver of Condition of Approval No. 11 which states “*A fee in lieu for the Steamboat Lake and Stagecoach Replats was established in May, 2007. Prior to recording the final plat, the applicant shall pay a fee of \$1,400 to satisfy the fee-in-lieu requirements found in Section 3.5.2 of the Routt County Subdivision Regulations.* After consideration of the request, the Planning Commission recommended to remove the condition with the finding of fact that that the proposed lot consolidation would reduce rather than increase the impact on parks, schools and other public sites.

Planning Commission also recommended to remove condition of approval No. 13 which states “*No more than one access driveway per lot shall be permitted*”. This condition was recommended by Road and Bridge (R&B) which is a standard condition intended to limit multiple access points to a single parcel. In this particular case, the applicant already has an access permit to each future building site. The limitation is for the smaller contiguous parcel across the right-of-way – not for the future building site. After further discussion with R&B, if the applicant wanted to request an additional access permit in the future, the request would be considered on a case-by-case basis at that time

A complete staff report was provided to you on July 9th 2018 for the August 2, 2018 Planning Commission meeting. Minutes from that meeting are attached for your review. The minutes have the suggested conditions and findings of fact for each motion.

VIII. ATTACHMENTS:
<ul style="list-style-type: none">• Planning Commission minutes dated August 2, 2018

ROUTT COUNTY PLANNING COMMISSION

DRAFT MINUTES

AUGUST 2, 2018

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Chairman Steve Warnke and Commissioners Troy Brookshire, Paul Hebert, Andrew Benjamin, Brian Arel, Peter Flint, Bill Norris, Roberta Marshall and John Merrill. Commissioners Geoff Petis and Karl Koehler were absent. Planning Director Chad Phillips and Assistant Planning Director Kristy Winser also attended. Sarah Katherman prepared the minutes from a recording.

PUBLIC COMMENT

There was no public comment.

MINUTES – July 5, 2018

Commissioner Norris moved to approve the minutes of the July 5, 2018 minutes, as written. Commissioner Hebert seconded the motion. The motion carried 9 - 0, with the Chair voting yes.

ACTIVITY: PL-18-144; PL-18-151; PL-18-152

PETITIONER: Larry Calistro

PETITION: 1) PL-18-144: Lot Consolidation of Lots 107 and 112 – 120 into two 5+-acre lots, Overland at Stagecoach
2) PL-18-151: Zone Change from Low Density Residential (LDR) to Mountain Residential Estates (MRE)
3) PL-18-152: Vacation of Utility Easements

LOCATION: Lots 107 & 112-120, Overland at Stagecoach

Mr. Calistro reviewed the petition to consolidate ten lots in Stagecoach into two 5+-acre lots. He stated that the total acreage is just short of 11 acres and has been surveyed. He said that the access road to the property has been improved to allow for emergency vehicle access. He requested that the fee-in-lieu of land for public purposes be waived, and stated that he had spoken about this with County Commissioner Doug Monger.

Ms. Winser noted that the petition includes three parts: the lot consolidation, the zone change and the vacation of utility easements. She reviewed the petition and presented a site plan. She said that the lots are not served by central water and sewer, so the consolidation would allow for an on-site wastewater treatment system (OWTS). The lots will be served by water wells. Ms. Winser said that sign-offs have been received by all interested agencies and utilities. She noted that one of the lot lines may need to be adjusted to comply with the regulations that pertain to the consolidation of contiguous parcels. Condition of Approval (COA #14) addresses this issue. Mr. Calistro said that this would not be a problem.

Ms. Winser said that the road access is in good condition. She added that requests for driveway access for both parcels have been submitted (COA #14). Ms. Winser stated that the Oak Creek Fire Protection District may require some further improvements to the road. Mr. Calistro stated that

Fire Chief Wisecup had identified three spots that may need to be improved prior to the issuance of building permits. He noted that the roads will be improved and maintained privately.

Ms. Winser stated that since the staff report was distributed, the Environmental Health Department has requested an additional condition requiring the applicants to obtain permits for the OWTSS. This issue will be addressed during the building permit process. Ms. Winser noted that Stagecoach Property Owners' Association (the other lot owner?) stated that he had spoken with SPOA about these issues, and had obtained receipts showing the payment of the assessments. The other item, the SPOA consolidation process, will be completed in two weeks, prior to the Board of County Commissioners' hearing.

Mr. Calistro said that no attention has been paid to the roads in the area, and that all improvements must be made privately. In response to a question from Commissioner Norris regarding the improvements to the roads requested by Chief Wisecup, Mr. Calistro stated that the access road passes through two subdivisions, one of which is not a part of SPOA. He discussed the issues regarding road maintenance. He said that the area is like an island that is separated from SPOA, but nonetheless under its control.

Mr. Phillips reviewed the fee-in-lieu of public sites regulations and the provisions for an applicant to appeal the 5% fee intended to off-set the impact on parks and schools. He said that in order to encourage lot consolidations, the County generally applies the former flat fee of \$1400 to such petitions. He said that the petitioners are requesting that the entire fee be waived. Chairman Warnke offered that an argument could be made that the lot consolidation does not actually create a new lot. Commissioner Arel offered that the impact is reduced by reducing the number of buildable lots. Mr. Calistro said that County Commissioner Monger had said that the lack of plowing and road maintenance was also an issue. Mr. Phillips clarified that the fee-in-lieu of public sites is specifically intended to address the impact on parks, land and schools.

Commissioner Marshall asked about the limitation to one driveway access per lot. Ms. Winser said that each lot would be allowed a single driveway access to the chosen building site. The portion of each lot that is on the opposite side of the right-of-way from the building site would not allowed to have a driveway.

Ms. Winser said that the second sentence of COA #5a should be deleted, as the roads were dedicated to the County. They were not, however, built to County standards and so were not accepted for County maintenance.

Commissioner Arel asked about COA #11. Ms. Winser said that the flat rate of \$1400, which is significantly less than the 5% calculation, applies to lot consolidations. Commissioner Hebert asked about the precedent for waiving the \$1400 fee. Mr. Phillips said that a finding would be needed to support waiving the fee. He suggested that if Planning Commission determines that the lots would not have an impact on future parks and schools, then it might be appropriate to waive the fee. He stated that fees have been waived when there has been either a previous public land dedication or a fee-in-lieu has been paid in the past. Commissioner Arel offered that he would support waiving the fee based on the reduction in the number of lots and the reduction in the number of potential vault systems, which he offered constitutes a public benefit. Mr. Calistro stated that there are vaults available, and all the other houses on his road are served by vault systems.

In response to a question from Commissioner Brookshire, Mr. Phillips stated that the regulations state that the fees collected in lieu of public sites requires the funds to be spent on public recreation, schools and other public sites. Commissioner Brookshire suggested that the fees from a specific subdivision could support a fund to be used for future road improvements. Mr. Phillips stated that the statute is fairly tight regarding how the funding can be spent, and requires that they be spent on public sites that would be impacted by *this* subdivision.

Commissioner Flint expressed concern with the precedent that would be set by waiving the fee. Commissioner Arel reiterated that lot consolidation reduces the impact, and should be encouraged. Commissioner Benjamin stated that Planning Commission had had this conversation before regarding lot consolidations, and has recommended that the fee be waived. He added that there have also been instances in which Planning Commission has recommended that if the fee is not waived, it should be limited to the \$1400, rather than the 5%. He said that he would support charging the \$1400 fee.

Commissioner Brookshire stated his support for waiving the fee. Commissioner Hebert agreed. Commissioners Norris and Marshall agreed. Commissioner Merrill stated that if the fee is charged, it should be \$1400.

Chairman Warnke asked if, when Stagecoach was platted, there was a fee in lieu of public sites. He stated that even if there was not, land was set aside for parks, open space and schools. Mr. Phillips agreed, but said that he was not certain if the \$1400 fee was charged at that time. Ms. Winser reviewed that there are reduced application fees for the lot consolidations and re-zoning associated with lot consolidations. Mr. Phillips stated that if the recommendation is to waive the fee in lieu of public sites, it should be supported by a finding of fact.

Commissioner Brookshire asked why the Road and Bridge Department wants to allow only one driveway access per lot. Ms. Winser stated that this limitation is in the regulations. If the applicants applied for a second access permit, it would not be granted. Commissioner Brookshire asked whether this would prohibit the construction of an accessory structure on the portion of the lot separated by the road. He said he did not understand the rationale for the requirement in this particular case. Mr. Phillip stated that there may be an exception for cases in which the access road goes through the lot, but that he did not know. Commissioner Flint agreed that it might be appropriate to locate a barn on that part of the lot. Ms. Winser read the applicable regulation. Mr. Phillips agreed to consult with Road and Bridge.

MOTION – Lot Consolidation

Commissioner Arel moved to recommend approval of the lot consolidation with the finding of fact that the proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and the Stagecoach Community Plan, and is in compliance with Sections 4, 5 and 6 of the Routt County Zoning Regulations, and Section 3 and 4 of the Routt Subdivision Regulations. In addition, Commissioner Arel cited the finding of fact that the proposed lot consolidation would reduce rather than increase the impacts on parks, schools and other public sites. This approval is subject to the following conditions:

1. The Final 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. Prior to recordation all fees must be paid in full.
4. All property taxes must be paid prior to the recording of the plat.
5. The following notes shall be shown on the plat:
 - a. Routt County is not responsible for maintaining or improving subdivision roads.
 - 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 and such 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. Routt County (County) and the South 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.
6. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
7. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
8. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grassed. See the Colorado State University Extension Office for appropriate grass mixes.
9. All exterior lighting shall be downcast and opaquely shielded.
10. 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 defined on the plat and approved by the Planning Director before the plat is recorded.
11. Property owners shall obtain and comply with the "Colorado State Forest Service Guidelines on Defensible Space.

12. Prior to recording the plat, the south west corner of Lot 1 and Lot 2 shall be adjusted to conform to the consolidation under the definition of contiguous.
13. The property owners shall obtain a permit for the OWTS from the Routt County Environmental Health Department during the building permit process.

Commissioner Hebert seconded the motion.

The motion carried 8 - 1, the Chair voting yes.

In explanation of his dissenting vote, Commissioner Benjamin stated that he does not agree with the recommendation to waive the fee in lieu of public sites.

MOTION – Zone Change

Commissioner Hebert moved to recommend approval of the zone change from LDR to MRE with the findings of fact that the proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and Stagecoach Community Plan and is in compliance with the applicable provisions of Sections 8 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

1. The change of zone from Low Density Residential- LDR to Mountain Residential Estate- MRE shall become effective upon signing of a resolution amending the Official Zoning Map by the Board of County Commissioners, said resolution to be recorded in the Routt County Clerk and Records Office.
2. The zone change is contingent upon a Final Plat being recorded.
3. The approval shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this approval.

Commissioner Arel seconded the motion.

The motion carried 9 – 0, with the Chair voting yes.

MOTION

Commissioner Marshall moved to recommend approval of the vacation of utility easements with the findings of fact that the proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and Stagecoach Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations, Sections 3 and 4 of the Routt County Subdivision Regulations. This approval is subject to the following condition:

1. A resolution vacating the utility and drainage easements shall be recorded concurrently with the Final Plat.
2. Any New utility and drainage easements shall be shown and dedicated on the final plat.

Commissioner Norris seconded the motion.

The motion carried 9 – 0, with the Chair voting yes.