



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

ITEM DATE: November 1, 2022	ITEM TIME: 9:35 am

FROM:	Alan Goldich
TODAY'S DATE:	October 25, 2022
AGENDA TITLE:	Uhl Property; PL20220077

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:
 Request for an exemption to the Subdivision Regulations.

II. RECOMMENDED ACTION (motion):

I move to approved PL20220077, a Subdivision Exemption for the Uhl property with the following findings of fact:

1. In 2016, a division of land occurred resulting in PIN 939013001, a 60-acre parcel (the "Property"), and PIN 939012002 (the "20-acre parcel") without County approval pursuant to the Routt County Subdivision Regulations ("Illegal Subdivision").
2. The owner of the Property ("Applicant") has submitted an application for an exemption from the Subdivision Regulations. The Property has unique characteristics and circumstances such that strict adherence to County's Subdivision Regulations would be impossible or result in an unreasonable hardship, creating a situation wherein development of the property is unnecessarily restricted.
3. Approval of the exemption does not add additional residential density to unincorporated Routt County.
4. The Property is zoned Agriculture/Forestry. The minimum lot size in this zone district is 35 acres. The Property is 60 acres, which is larger than the minimum lot size.
5. The Applicant's ownership of the Property post-dates the Illegal Subdivision by 5 years and 2 months and has shown to the satisfaction of the Planning Department that they were not involved in any way in the transaction which resulted in the Illegal Subdivision. The Applicant has stated, and the Planning Department has accepted as fact, that they were not made aware of the Illegal Subdivision prior to purchase of the subject property as, at the time of purchase, the



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Planning Department had not instituted the procedure for recording a notice of an Illegal Subdivision in the public records.

6. The Applicant has stated that there have been attempts to work with the owner of the 20 acre parcel to rectify the Illegal Subdivision by way of merger of title or otherwise, and that current owner(s) of the 20 acre parcel have not responded.
7. On or about November 22, 2016, the County provided notice to all owners of the resulting parcels of the Illegal Subdivision. The owner(s) of the 20 acre parcel have not responded to Planning Department efforts to mitigate the Illegal Subdivision. As a result, the 20 acre parcel will be subject to further enforcement of the Illegal Subdivision as allowed by law.
8. The Applicant, on the other hand, while not even being the owner of the Property at the time of the original notice, has made diligent efforts to mitigate the Illegal Subdivision.
9. The purpose of the County 35 acre minimum lot size in the Agriculture/Forestry zone district is to limit the amount of residential density to keep impacts of residential development at appropriate levels. The Special Use Permit review process is utilized to keep impacts of identified use at appropriate levels. The Property is the subject of an approved Special Use Permit PL202120018 where the uses and associated impacts were considered at length. The Special Use Permit places additional requirements and restrictions on the use of the Property. The existence of the Special Use Permit affords additional impact mitigation measures should concerns arise.
10. The exemption, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.
11. The Property meets the criteria and requirements for a subdivision exemption pursuant to C.R.S. § 30-28-101 (10) and Section 2.3 (169) of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

1. A resolution for the subdivision exemption shall be finalized and recorded within six months of the Board of County Commissioners' approval. Extensions up to six months may be approved administratively.
2. An agreement, or some other recordable document, shall be entered into dedicating the right of way for County Road 68 to the County. The applicant shall provide a legal description of the right of way. This document shall be recorded concurrently with the Subdivision Exemption resolution.
3. This approval only recognizes the 60-acre parcel (PIN 939013001) and does not recognize the legality of the 20-acre parcel (PIN 939013002).



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III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE *(if applicable)*: \$

CURRENT BUDGETED AMOUNT: \$

PROPOSED EXPENDITURE: \$

FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES NO

Explanation:

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

V. BACKGROUND INFORMATION:

The Board discussed this item at their October 11, 2022. On the recommendation by the County Attorney, Planning staff requested that the decision be tabled to give staff time to revise the findings of fact for approval. Staff has discussed the findings with the County Attorney and the revised findings are listed in the 'Recommended Motion' section above.

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

1. Deny
2. Table for additional information

IX. LIST OF ATTACHMENTS:

- DRAFT BCC minutes from 10/11/22
- Staff report

Bodig at Step 9 of the GIS Manager pay scale and noted that the County Manager previously reviewed this request and recommended it be placed on the agenda for consideration for approval.

MOTION

Commissioner Corrigan moved to approve the hire of the GIS Manager at Step 9, noting that the County Manager has reviewed this request and recommended for approval.

Commissioner Redmond seconded; the motion carried 2-0.

EN RE: PLANNING 1:03:30

Kristy Winser, Planning Director; Alan Goldich, Staff Planner; and Bill Uhl, Petitioner, were present.

UHL PROPERTY; PL20220077

Mr. Goldich presented an application for a Subdivision Exemption for Bill and Jodie Uhl, noting that this decision must be made solely by the Routt County Commissioners without any input from the Planning Commission.

Mr. Goldich began by providing a brief history of the situation at hand. The property referenced in this consideration is a 60-acre parcel. Originally part of an 80-acre parcel, in November of 2016, 20 acres were subdivided from off. This action constituted an illegal subdivision because the parcel was less than 35 acres. The result of this illegal subdivision was a 20-acre parcel and the subject 60-acre parcel. The landowners at the time of the illegal subdivision were sent a letter dated November 22, 2016. This letter informed the owners that an illegal subdivision had occurred and requested their presence to discuss the matter with Planning Staff in an effort to rectify the situation. No response was received by Planning Staff.

After the current owners acquired the property, they discovered that the parcel was illegally created. A Special-Use Permit was approved by the Board of County Commissioners in March of 2022. However, Planning cannot issue the SUP or sign off on any Building Permits until the illegal subdivision has been resolved. Mr. Goldich pointed out that the Special-Use Permit hearing at the time did consider all impacts and uses that were being proposed on the property. As Planning Staff is unable to issue the SUP or Building Permits until the issue has been resolved, this application is the landowners' attempt to resolve the issue.

Though there are few standards involved with a subdivision exemption, Mr. Goldich wanted to provide additional comments regarding this specific scenario. The applicant stated that they have tried to work with their neighbor to rectify the 20-acre parcel and have not received a response to their request. If this exemption is approved, a Resolution will be recorded which will recognize only the 60-acre parcel and not the 20-acre parcel. According to Colorado Revised Statute and the County's definition of subdivision, the Board has the ability to grant exemptions to the subdivision regulations if it's determined that such division is not within the purposes of these regulations.

As such, Planning Staff is recommending approval. However, the County Attorney spoke with Planning Staff on the morning of October 11, 2022, expressing concerns with the findings of fact. Based on these concerns, Staff is suggesting that a hearing is conducted where questions can be addressed and is open to public comment, however Planning Staff is requesting that this decision be tabled to November 1, 2022, at 9:35 AM, which would give Planning Staff and the County Attorney time to revise the findings.

Mr. Uhl shared his comments regarding the matter, stating that he felt the synopsis presented was an accurate representation of events that had occurred to date. Commissioner Corrigan expressed that the language presented needed to be refined prior to the approval of a Resolution, his concern for how this situation came to be and that a Special Use Permit should not have been issued until the subdivision had been addressed and resolved. Commissioner Corrigan also noted that the County needed to act tactfully and not set a precedent for approving illegal subdivisions. Commissioner Redmond agreed that the best course of action was to table this item to improve the language prior to approving a Resolution.

MOTION

Commissioner Corrigan moved to table PL20220077, a Subdivision Exemption request for Bill and Jodie Uhl, to November 1, 2022, at 9:35 AM to allow Planning Staff and the County Attorney additional time to review and revise the findings of fact.

Commissioner Redmond seconded; the motion carried 2-0.

EN RE: ADVOCATES OF ROUTT COUNTY

Graham Hackett, Advocates of Routt County Social Change Program Director, was present.

CONSIDERATION TO APPROVE AND AUTHORIZE THE CHAIR TO SIGN A RESOLUTION DECLARING OCTOBER DOMESTIC VIOLENCE AWARENESS MONTH IN ROUTT COUNTY

Mr. Hackett presented a consideration to approve and authorize the Chair to sign a Resolution declaring October Domestic Violence Awareness Month in Routt County. He explained that during the pandemic, rates of crisis calls increased. Unfortunately, the number of calls did not drop back to pre-pandemic numbers as of the date of this hearing. Commissioner Corrigan commented on the importance of recognizing these challenges and working to determine the root causes of these problems. Commissioner Redmond commented on his surprise that these rates have not gone back down to levels that were seen before the pandemic and inquired about the status of safe homes for impacted individuals. Mr. Hackett elaborated on the scope of individuals affected, the challenges currently faced by Advocates of Routt County regarding resource and staff availability, and the importance of bringing attention to this issue.

MOTION