

BOARD OF COUNTY COMMISSIONERS
April 13, 2021
PLANNING CASE #PLN19-031: BLUE VALLEY RANCH, LOT 3
GENERAL SUBDIVISION EXEMPTION PLAT- CLASS 6
NEW BUSINESS

PROJECT INFORMATION:

Location: Summit County at the Grand County Line

Project/Request: General Subdivision Exemption to create a 25.54 acre parcel, a 14.67 acre parcel, and an approximately 360 acre remainder parcel for the purposes of facilitating a BLM land exchange; parent parcel Sec. 3, T2S, R80W, 6th PM; 400 acres, zoned A-1

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission does not review general subdivision exemption applications.

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with 7 findings and 1 conditions

ATTACHMENTS:

1. Vicinity Map
2. Proposed Plat
3. Proposed BLM Exchange Map
4. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners

FROM: Sid River, Planner II

FOR: Meeting of April 13, 2021

SUBJECT: PLN19-031: General Subdivision Exemption to create a 25.54 acre parcel, a 14.67 acre parcel, and an approximately 360 acre remainder parcel for the purposes of facilitating a BLM land exchange; parent parcel Sec. 3, T2S, R80W, 6th PM; 400 acres, zoned A-1

APPLICANT: Ireland Stapleton Pryor & Pascoe, PC

OWNER: Galloway, Inc.

REQUEST: General Subdivision Exemption to create a 25.54 acre parcel, a 14.67 acre parcel, and an approximately 360 acre remainder parcel for the purposes of facilitating a BLM land exchange; parent parcel Sec. 3, T2S, R80W, 6th PM; 400 acres, zoned A-1

PROJECT DESCRIPTION:

Location: Summit County at the Grand County Line
Legal Description: T2S, R80W, Sec. 3, 6th PM; Government Lot 3
Existing Zoning: A-1

Adjacent land uses:

North: Grand County
East: Summit County owned, unplatted, A-1
South: USFS, White River National Forest
West: USFS, White River National Forest

LOT INFORMATION:

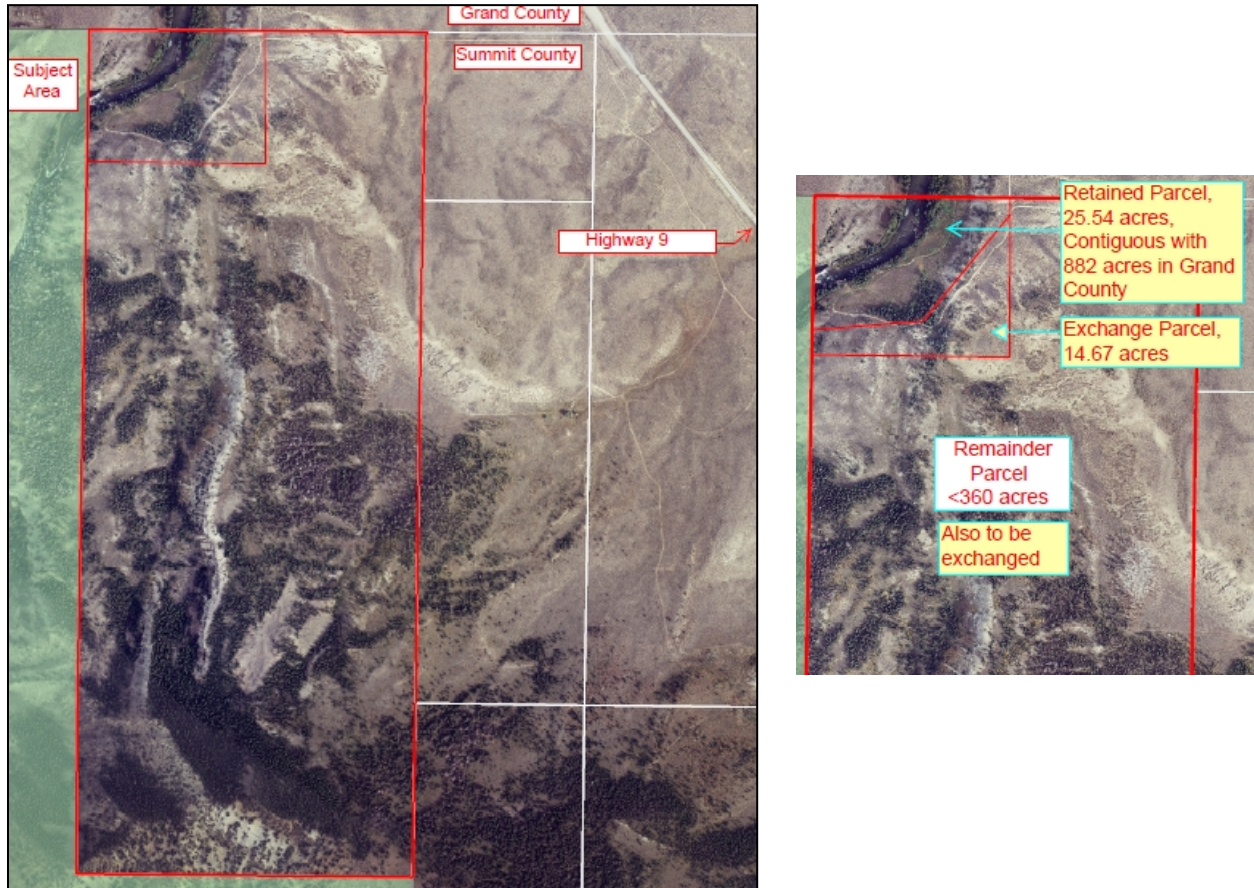
Proposed	Lot 3, Retained	25.54 acres
	Exchange Parcel 10	14.67 acres
Remainder Parcel	Exchange Parcel 2	<360 acres

BACKGROUND:

The subject property is a 400 acre parcel in Summit County zoned A-1. This parcel is contiguous with 882 acres in Grand County, known as the Blue Valley Ranch. This application proposes to divide the 400 acre parcel into three parcels; two of which will be exchanged with the Bureau of Land Management in the future. These parcels will not have any density and a plat note has been added indicating that provision.

The lots proposed are a 25.54 acre parcel (“Retained lot”) and a 14.67 acre parcel in the northwestern portion of the property, as well as the approximately 360 acre remainder of the property (together, the “Exchange Parcels”). The 25.54 acre parcel will be retained by the owner, and is contiguous to the 800+ acre ranch located in Grand County.

Subject Property



The purpose of this general subdivision exemption application is to create parcels that will facilitate a pending land exchange between the Blue Valley Ranch (Galloway, Inc.) and the Bureau of Land Management (BLM). The property owner and the BLM have been working on a possible land exchange since 2000. Once the land exchange takes place, the two parcels will be obtained by the BLM concurrently. The BLM is working on obtaining additional properties east of the subject parcel in order to improve access to public lands and the Blue River in the immediate area. As a part of the land exchange, the property owner will obtain BLM land in Grand County contiguous with the Blue Valley Ranch.

Section 8402.01 of the Summit County Land Use and Development Code (“Code”) states that the following criteria must be met for the BOCC to approve a general subdivision exemption:

1. The division of land created by the subdivision exemption is not within the purposes of the State subdivision statutes (C.R.S. § 30-28-133 et seq.).

2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.
3. The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).
4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
5. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
7. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.

The Division of Land Created by the Subdivision Exemption is not within the Purposes of the State Subdivision Statutes (C.R.S. § 30-28-133)

This application is for a general subdivision exemption plat to divide a 400 acre parcel into three lots. The lots proposed are a 25.54 acre parcel and a 14.67 acre parcel in the northwestern portion of the property, as well as the approximately 360 acre remainder of the property. The 25.54 acre parcel will be retained by the owner, and is contiguous to the ranch located in Grand County. The other two parcels will be traded with the BLM in a future land exchange. Once exchanged, the land will be under federal jurisdiction.

No new lots or building sites will be created. A plat note has been added indicating that these lots do not have any development density. The plat note states:

“Unless and until further approval by Summit County is obtained, the retained parcel and exchange parcels are allocated no density for the purpose of development under Summit County Zoning Regulations. The purpose of the subdivision exemption is to facilitate a land exchange with the BLM.”

Additionally, a condition of this approval is that the general subdivision exemption plat shall be recorded concurrently with the deeds effectuating the Bureau of Land Management land exchange with Galloway Inc. Thus, the proposed subdivision exemption is not within the purposes of the State subdivision statutes.

The Lots Resulting from the Subdivision Exemption are in Compliance with County Zoning Regulations

This subdivision exemption is in compliance with the Zoning Regulations as the created lots will not have any density associated with them. The subject parcel is zoned A-1. The minimum lot size in the A-1 zone district is 20 acres. The lots proposed are a 25.54 acre, and a 14.67 acre parcel in the northwestern portion of the property, as well as the approximately 360 acre remainder of the property. While one of the lots proposed is less than the 20 acre minimum lot size, this lot is being created to exchange with the BLM and will be traded to the BLM with the adjacent parcel that is approximately 360 acres in size. Both exchange parcels will be conveyed to the BLM at the same time. This, in conjunction with the plat note stating: *Unless and until further approval by Summit County is obtained, the retained parcel and exchange parcels are*

allocated no density for the purpose of development under Summit County Zoning Regulations, results in an application compliant with the Zoning regulations, and staff is comfortable with the lot configurations as proposed. The plat will not be recorded unless the land exchange will take place. The plat will be recorded concurrently with the land exchange process.

The Subdivision Exemption is in Compliance with County Subdivision Regulations and Standards (Chapter 8)

This subdivision exemption meets the intent of the Subdivision Regulations. This application will not result in any development density and a plat note has been added to enforce that provision. The new lots do not result in the need for vehicular access, fire protection, the provision of potable water, or wastewater treatment services. This plat will not be recorded unless the land exchange takes place.

The Proposed Subdivision Exemption is in General Conformance with the Advisory Goals, Policies and Provisions of the Summit County Countywide Comprehensive Plan and the Lower Blue Master Plan

This subdivision exemption meets the goals of the County master plans including the Countywide Comprehensive Plan and the Lower Blue Master Plan. The main Goals for rural lands are listed below.

Countywide Comprehensive Plan, Land Use Element, Rural Land Use

Goal B. Future land use decisions in rural areas should be consistent and harmonious with the rural character of the land.

Lower Blue Master Plan, Land Use, Rural Area

Goal B. Allow land uses in the Rural Area that are consistent with protecting the rural character and identity of the Basin.

This application is for a general subdivision exemption that will allow the subject parcels to remain rural in nature and use. A plat note has been added that states: *Unless and until further approval by Summit County is obtained, the retained parcel and exchange parcels are allocated no density for the purpose of development under Summit County Zoning Regulations.* This rural parcel is being divided in order to facilitate a land exchange with the BLM. Once subdivided, the northernmost parcel will be retained by the owner for ranching use, while the adjacent lots will be traded to the BLM. Trading land to the BLM will ensure that this property is maintained as rural land, thus maintaining the character of the Lower Blue basin.

The Applicant has Provided Evidence That all Areas of the Proposed Subdivision Exemption That May Involve Soil or Topographical Conditions Presenting Hazards or Requiring Special Precautions Have Been Identified and That the Proposed Uses of These Areas are Compatible with Such Conditions

The subject 400 acre parcel will be divided; only the 25.54 acre lot will be retained by the owner and used as ranch and agricultural property. This lot is contiguous with the Blue Valley Ranch located in Grand County. The remaining 14.67 and approximately 360 acre parcels will be traded to the BLM in a pending land exchange. The purpose of this general subdivision exemption is to create parcels eligible for the land exchange. The owner has been working on this land exchange since 2000. As the intent is to trade the parcels, the County did not require a topographic or geologic survey of the 400 acre unplatted property.

The Applicant Has Provided Certification from the County Treasurer's Office That all Ad Valorem Taxes Applicable to the Proposed Subdivision Exemption, For Years Prior to the Year in Which Approval is Under Consideration, Have Been Paid

The Treasurer's Office has confirmed that the tax payments for this parcel, schedule number 1706006, have been paid in full for 2020.

The Exemption Plat is Drawn in Accordance with Standards in the Subdivision Regulations and is Suitable For Recordation

The plat has been drawn according to Development Code regulations and the County Surveyor has found that it is suitable for recording.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve case PLN19-031; a General Subdivision Exemption to create a 25.54 acre parcel, a 14.67 acre parcel, and an approximately 360 acre remainder parcel for the purposes of facilitating a BLM land exchange; parent parcel Sec. 3, T2S, R80W, 6th PM, 400 acres, zoned A-1, with the following findings and condition.

Findings:

1. The subdivision exemption is not within the purposes of the State subdivision statutes. No new lots or building sites will be created and a plat note has been added stating that the resulting parcels do not have development density.
2. This subdivision exemption is in compliance with the Zoning Regulations in terms of permitted uses, density, and other applicable development standards. The proposed lots will not have any development density associated with them.
3. This subdivision exemption meets the intent of the Subdivision Regulations because no services or infrastructure will be required for these lots. No density is created with this general subdivision exemption plat.
4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and the Lower Blue Master Plan.
5. No soil or topographical hazards have been identified. These lots do not have any assigned density.
6. The Treasurer's Office has confirmed that all tax payments are current for the lots.
7. The general subdivision exemption plat has been drawn according to Development Code regulations and is suitable for recording.

Conditions:

1. This general subdivision exemption plat shall be recorded concurrently with the deeds effectuating the Bureau of Land Management land exchange with Galloway Inc.

ATTACHMENTS:

1. Vicinity Map
2. Proposed Plat
3. Proposed BLM Exchange Map
4. Draft Resolution