

**BOARD OF COUNTY COMMISSIONERS
April 27, 2021**

NEW BUSINESS

PLANNING CASE #21-016: Class 6 General Subdivision Exemption to Replat Lots 5,6,7 Gold Hill Subdivision and reconfigure the three lots into two lots, zoned R-2, Lots 5-7, Gold Hill Subdivision #1.

PROJECT INFORMATION:

Location: 0464, 0464, 0484 Sherwood Trail
Project/Request: To Replat Lots 5,6,7 Gold Hill Subdivision and reconfigure the three lots into two lots.

ISSUES:

None

UPPER BLUE PLANNING COMMISSION RECOMMENDATION:

The Upper Blue Planning Commission does not review these types of Subdivision Exemptions.

RESOLUTION STATUS:

Draft Resolution attached

STAFF RECOMMENDATION:

Approval with the findings and no conditions.

ATTACHMENTS:

- A. Proposed Plat
- B. Draft Resolution



PLANNING DEPARTMENT

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STAFF REPORT

TO: The Board of County Commissioners (“BOCC”)
FROM: Lindsay Hirsh, Senior Planner
FOR: Meeting of April 27, 2021
SUBJECT: PLN21-016: General Subdivision Exemption to Replat Lots 5,6,7 Gold Hill Subdivision #1 and reconfigure the three lots into two lots, zoned R-2, Lots 5-7, Gold Hill Subdivision #1.
APPLICANT: Evan Miller
OWNER: Alan Dulit (Lot 5), Even Miller (6 and 7)
REQUEST: PLN21-016: General Subdivision Exemption to Replat Lots 5, 6,7 Gold Hill Subdivision #1 and reconfigure the three lots into two lots, zoned R-2, Lots 5-7, Gold Hill Subdivision #1.

PROJECT DESCRIPTION

Location: Gold Hill Subdivision
Legal Description: Lots 5-7, Gold Hill Subdivision #1.
Existing Zoning: R-2
Proposed Use: No additional uses
Other Uses: Accessory to residential uses
Total site area:

	Existing Lot Size	Proposed Lot Size
Lot 5	0.65 acres	0.97 acres
Lot 6	0.90 acres	
Lot 7	1.04 acres	1.21 acres

BACKGROUND:

The original plat for the Gold Hill Subdivision, Filing #1 was approved and recorded on June 21, 1963 at Reception #1. The subject lots are all zoned R-2. The applicant, Evan Miller owns Lots 6 and 7 and Alan Dulit and Christina Holbrook own Lot 5. Both neighbors have agreed to split Lot 6 in order to make their lots bigger and also to protect wildlife.

Vicinity Map



CRITERIA FOR DECISION:

Per Section 8402.01.F of the County’s Land Use & Development Code (“Code”), subdivision exemptions for adjustments and vacations of lot lines or easements shall comply with the following Criteria for Approval:

1. The adjustment or vacation procedure has not been used to circumvent the intent of the Subdivision Regulations.
2. The lots resulting from the adjustment or vacation are in compliance with the County's Zoning Regulations (Chapters 3).
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. If the request is for a lot line adjustment, the plat illustrating the lot line adjustment is drawn in accordance with standards in these regulations and is suitable for recordation.
5. If the request is for a lot line vacation, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot(s) from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.

6. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
7. For lot line vacations, the resolution of approval states the new lot name as one of the previous lot designations.

Will Not Circumvent the Intent of the Subdivision Regulations:

This application will not circumvent the intent of the County subdivision regulations and the resulting lots will be in compliance with the zoning regulations for the R-2 zoning district. The County Engineering Department reviewed the submitted materials and has indicated that they have no comments or concerns with the subject request.

Compliance with the Zoning Regulations:

Reconfiguring Lots 5 and 7 will not impede on the development goals/standards associated with the R-2 zoning district. The lots resulting from the vacation/adjustment are in compliance because, without limitation, the resulting configurations of the lots will have access to the County Road system, have all needed infrastructure for utilities, and meet all applicable development standards associated with the R-2 zoning district.

Utility Easements Not Affected or Have Been Relocated:

The application was referred to all applicable utility and none had any comments or concerns with the proposed replat.

Plat Illustrating the Lot Line Adjustment is Drawn in Accordance with Standards in These Regulations and Is Suitable for Recordation:

The County Surveyor has reviewed the replat and indicated that it meets all applicable requirements of Section 8700 of the County's Land Use & Development Code and is suitable for recordation.

Restrictive Covenant:

The applicant and the owner of Lot 5 have provided restrictive covenants against the property that prohibits the vacated lot(s) from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.

Ad Valorem Taxes:

The County Treasurer has indicated that the ad valorem taxes have been paid for the subject properties.

Resolution of Approval States the New Lot Name:

The Resolution and Plat both have the new lot name as one of the previous lot designations.

STAFF RECOMMENDATION

Staff recommends that the BOCC approve PLN21-016, General Subdivision Exemption to Replat Lots 5,6,7 Gold Hill Subdivision and reconfigure the three lots into two lots, zoned R-2, Lots 5-7, Gold Hill Subdivision #1.with the following findings:

1. The lot line adjustment procedure has not been used to circumvent the intent of the Subdivision Regulations because, without limitation, no new lots are being created through this lot line adjustment process.
2. The lots resulting from the adjustment are in compliance with the County's Zoning Regulations and the R-2 zoning District because, without limitation, the resulting

configurations of the lots will have access to the County Road system, meet all applicable development standards of the R-2 zoning District.

3. Easements necessary for the provision of utilities have been provided on all lots.
4. The applicant has provided a plat that meets all County standards because, without limitation, the County Surveyor has reviewed the Plat and confirmed compliance with County Standards.
5. The applicant and the owner of Lot 5 have provided restrictive covenants against the property that prohibits the vacated lot(s) from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
6. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the lots for 2017 have been paid.
7. The resolution of approval states the new lot name as one of the previous lot designations.

Attachments:

- A. Proposed Plat
- B. Draft Resolution

CC: Evan Miller, Alan Dulit