



**BOARD OF COUNTY COMMISSIONERS
NOVEMBER 9, 2021
PLANNING CASE #PLN21-065: LOT 4, WESTERN SKY RANCH FILING #2 AMENDED
GENERAL SUBDIVISION EXEMPTION – CLASS 6
NEW BUSINESS**

PROJECT INFORMATION:

Location: Lot 4, Western Sky Ranch Filing #2 Amended; 300 Southern Cross Trail (CR 484); Updated from 60 Gemini Trail CR 459.
Project/Request: General Subdivision Exemption to replat the disturbance envelope and driveway access restriction area on Lot 4, Western Sky Ranch Filing #2 Amended; a 23.13 acre parcel zoned Western Sky Ranch PUD.

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Upper Blue Planning Commission does not make a recommendation on General Subdivision Exemptions.

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with seven findings

ATTACHMENTS:

- A. Vicinity Map
- B. Proposed Plat
- C. Proposed Resolution

STAFF REPORT

TO: Board of County Commissioners
FROM: Suzanne Pugsley, Planner I
FOR: Meeting of November 9, 2021
SUBJECT: Planning Case PLN21-065, Lot 4, Western Sky Ranch Filing #2 Amended
APPLICANT: Danny Teodoru, Timberline Partners LLC
OWNER: Bryan and Jenna Nolt
REQUEST: General Subdivision Exemption to replat the disturbance envelope and driveway access restriction area on Lot 4, Western Sky Ranch Sub #2; a 23.13 acre parcel, zoned Western Sky Ranch PUD.

APPLICATION MATERIALS:

Up until a decision is made by the final Review Authority, the Applicant's Submittal Materials can be found at <http://www.summitcountyco.gov/254/Projects-Under-Review> and are hereby incorporated into the official record in their entirety. Once a final decision has been made, the Submittal Materials can be obtained and/or reviewed at the Planning Department.

PROJECT DESCRIPTION

Location: 300 Southern Cross Trail (County Road 484); Updated from 60 Gemini Trail (CR 459).
Legal Description: Lot 4, Western Sky Ranch Filing #2 Amended
Existing Zoning: Western Sky Ranch PUD
Proposed Use: Single Family Residence
Total site area: 23.13 acres
Adjacent land uses:
 East: Single Family Residential; Lot 3, Western Sky Ranch
 West: White River National Forest
 North: Single Family Residential; Lots 5R, 7, and 8, Western Sky Ranch
 South: White River National Forest

DEVELOPMENT REQUIREMENTS

	<u>Required</u>	<u>Proposed</u>
Density limit:	1 SFR	No changes
Disturbance Envelope:	10,000 sq. ft. (existing)	9,990 sq. ft.
Driveway Access Restriction Area:	6,808 sq. ft. (existing)	6,681 sq. ft.

BACKGROUND

The subject property, Lot 4, is located within the Western Sky Ranch PUD and was originally platted in the Western Sky Ranch Filing No. 2 plat on September 15, 2008 (Reception No. 896392). The PUD has been amended several times to accommodate numerous goals and modifications; the most recent PUD amendment was recorded on April 16, 2018 (Reception No. 1167273). The plat for Lots 3 and 4 was subsequently amended on October 11, 2011 to relocate the driveway access restriction areas on these lots (Reception No. 977920). Lot 4 is currently vacant.

The applicant has requested a modification to the existing disturbance envelope and the driveway access restriction area on Lot 4 to align a custom home design with the existing topography. The request will minimally adjust the shape of the disturbance envelope and slightly rotate it clockwise, while the location will effectively remain the same. In addition, the shape of the driveway access restriction area will be adjusted slightly where it meets the disturbance envelope to accommodate the design. The modifications will result in a slight decrease in size of the disturbance envelope from 10,000 square feet to 9,990 square feet as well as a decrease in size of the driveway access restriction area from 6,808 square feet to 6,681 square feet.

CRITERIA FOR DECISION

8402.01.A: Criteria for Approval

According to Section 8402.01.A of the Summit County Land Use and Development Code "Code", a request for a General Subdivision Exemption shall meet the following criteria, to be approved by the Summit County Board of County Commissioners "BOCC":

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.

Criterion 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.).

This application is for a general subdivision exemption to modify the disturbance envelope and driveway access restriction area of Lot 4, Western Sky Ranch Subdivision, to build a custom

single-family home. No additional building sites will be created. The proposed subdivision exemption is not within the purposes of the State subdivision statutes.

Criterion 2: The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.

The proposed modifications to the disturbance envelope and driveway access restriction area for Lot 4 are in compliance with the County's Zoning Regulations and Western Sky Ranch PUD because, without limitation, the resulting configuration of the envelope and driveway access restriction area will meet the intent of the original PUD of reducing visual impacts, minimize soil disturbance, and meet all applicable size and setback requirements. The proposed disturbance envelope and driveway access restriction area will not impede on the development goals associated with the PUD. No changes will be made to the permitted uses or density for the subject property. The subject parcel remains zoned for a single-family structure.

Criterion 3: The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).

This subdivision exemption meets the intent of the Subdivision Regulations. The lot lines of Lot 4 will not be changed. The reconfigured disturbance envelope and driveway access restriction area will have adequate access, fire protection, water supply, and sewer service at the time of development. This modification will not adversely affect drainage, trails, fire protection, or any other regulation found within the subdivision regulations in Chapter 8 of the Summit County Land Use and Development Code.

Access to the property is shown as using Southern Cross Trail, not Gemini Trail. The GIS Department reviewed the application and recommended a change of physical address to more accurately identify the property's location. The new physical address has been changed to 300 Southern Cross Trail (CR 484).

Criterion 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.

The request is in conformance with the applicable master plans including the goals, policies and provisions in the Countywide Comprehensive Plan, the Upper Blue Master Plan and the Joint Upper Blue Master Plan. The issue of potential visual impacts and soil disturbance was closely scrutinized with the original review and approval of the 2005 PUD and subsequent platting. Staff believes that the relatively minor reconfiguration of both the disturbance envelope and driveway access restriction area associated with the subject lot will not result in additional visual or soil impacts.

Criterion 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.

Soil, topographical, and geotechnical hazards for the entire PUD, including the subject property, were reviewed with the original rezoning, and again with the original platting of the property and no hazards which precluded development were identified within the existing disturbance envelopes. The location of the proposed disturbance envelope and driveway access restriction area on Lot 4 are remaining effectively the same; therefore, the proposed modifications are compatible with such conditions. Grading and building permit submittals will be reviewed for compliance with zoning and engineering requirements.

Criterion 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.

The Treasurer's Office has confirmed that taxes for the subject property have been paid through the end of calendar year 2020. Assuming the applicant records the plat prior to December 31, 2021, no new taxes will be due; however, should the applicant record the plat in 2022, all taxes due in 2021 shall be paid prior to the Treasurer signing off on the plat.

Criterion 7: The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.

The plat is drawn to County standards and is suitable for recordation and has been reviewed by the County Surveyor.

STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners approve PLN21-065; a General Subdivision Exemption to modify the disturbance envelope and driveway access restriction area on Lot 4, Western Sky Ranch Sub #2; a 23.13 acre parcel, zoned Western Sky Ranch PUD, with the following findings:

Findings:

1. This subdivision exemption is not within the purposes of the State Subdivision Statutes. This application will result in a re-plat of the existing disturbance envelope and driveway access restriction area and will not result in any additional building sites.
2. This subdivision exemption is in compliance with the Zoning Regulations found in the Land Use and Development Code and the Western Sky Ranch PUD in terms of use, density, and other applicable development standards.
3. This subdivision exemption is in compliance with the Subdivision Regulations found in Chapter 8 of the Land Use and Development Code.
4. This subdivision exemption is in general conformance with the advisory goals, policies, and provisions of the Countywide Comprehensive Plan, Upper Blue Master Plan and Joint Upper Blue Master Plan; the request will only slightly modify the configuration of the disturbance envelope and driveway access restriction area and will not impact areas subject to development constraints.
5. There are no areas of geologic hazard or soil conditions applicable to the request.
6. All ad valorem taxes for the subject properties have been paid in full.
7. The general subdivision exemption plat has been drawn according to the standards found in the Land Use and Development Code and is suitable for recordation.