

**BOARD OF COUNTY COMMISSIONERS**  
**May 12, 2020**  
**PLANNING CASE #PLN20-016: CLASS 6 - LOT LINE AND UTILITY EASEMENT**  
**VACATION; LOT 0 AND 1, BLOCK 1, DILLON VALLEY SUBDIVISION #1,**  
**NEW BUSINESS AGENDA**

**PROJECT INFORMATION:**

Location: Lots 0 & 1, Block 1, Dillon Valley Subdivision #1  
Project/Request: Lot Line and Utility Easement Vacation Subdivision Exemption

**ISSUES:**

None

**PLANNING COMMISSION RECOMMENDATION:**

The Snake River Planning Commission does not review vacations of lot lines and easements

**RESOLUTION STATUS**

Draft Resolution Attached

**STAFF RECOMMENDATION:**

Approval with six findings

**ATTACHMENTS:**

- A. Dillon Valley Plat (Reception No.153564)
- B. Draft Resolution



**STAFF REPORT**

**TO:** Board of County Commissioners

**FROM:** Lindsay Hirsh, Senior Planning

**FOR:** Regular Meeting of May 12, 2020

**SUBJECT:** PLN20-016 – Lot Line and Easement Vacation

**APPLICANT/OWNER:** Summit County Housing/Board of County Commissioners

**REQUEST:** Class 6- A request for a Subdivision Exemption to vacate the existing lot line and utility easement between Lot 0 and Lot 1, Block 1, Dillon Valley Subdivision, zoned Dillon Valley Vistas PUD.

**MATERIALS:** Up until a decision is made by the final Review Authority, the Applicant’s Submittal Materials can be found at <http://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:** 0019 and 0085 Straight Creek Drive (CR 58)

**Legal Description:** Lot 0 and 1, Block 1, Dillon Valley Subdivision #1

**Existing Zoning:** Dillon Valley Vistas PUD

**Existing/Proposed Use:** Deed Restricted Units

**Other Uses:** Accessory to residential

**Total site area:** 2.38 Acres

**Adjacent land uses:**

- Adjacent land uses:**
- East:** Block 1, Dillon Valley Sub Resub, Residential
- West:** Piney Acres Subdivision, Residential
- North:** 1-70 Corridor
- South:** Block 4, Dillon Valley #1, Residential

**BACKGROUND:**

The property is located south of Interstate 70 in the northwest portion of the Dillon Valley Subdivision at the intersection of Straight Creek Drive and Little Beaver Trail in Dillon Valley. Straight Creek runs along the Northwest portion of the property. The property is bordered by Little Beaver Trail to the southwest and Straight Creek Drive to the south. The property is relatively flat by Summit County standards.

The two properties that are the subject of the general subdivision request were originally platted in 1968 as Block 1, and through a replat of Block 1 created Lot 0 consisting of 1.933 acres and Lot 1 consisting of 0.453 acres. The properties are zoned Dillon Valley Vistas PUD. Past uses

of the property have been a church, vacant subdivision parcels, and prior to the creation of the subdivision, it was farmland.

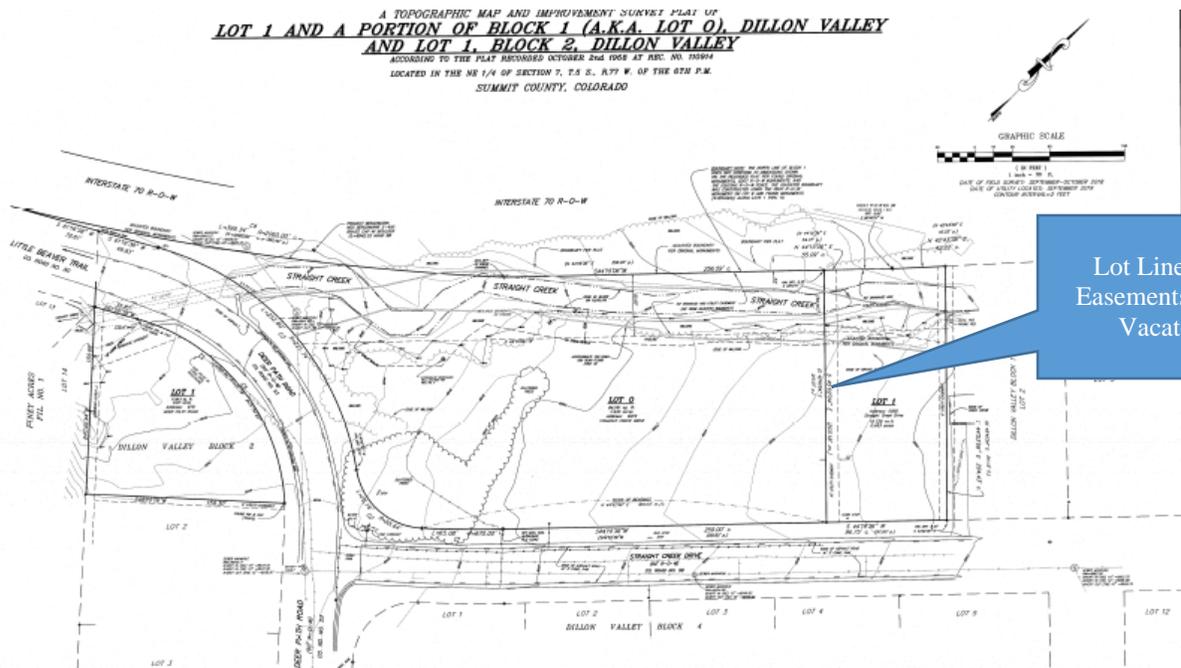
On October 3, 2012, Summit County Government purchased 3 lots located at 0019 Straight Creek Drive (Lots 0 and 1, Block 1, and Lot 1, Block 2), previously owned and occupied by Our Lady of Peace Catholic Church. The purchase utilized funds dedicated to the development of affordable workforce housing within the community.

On January 17, 2019, the Snake River Planning Commission heard a work session item (PLN18-120) with three different design options. The applicant took the Snake River Planning Commission and public testimony from the work session into consideration and incorporated these comments into the rezoning application.

On November 21, 2019, the Snake River Planning Commission heard the preliminary rezoning request and unanimously (7-0) recommended approval to the BOCC. On December 10, 2019, the BOCC approved the preliminary and final rezoning request from R-6 with Plan to the Dillon Valley Vistas PUD.

Most recently, on April 16, 2020 the Snake River Planning Commission heard and approved a site plan request for 12 deed restricted affordable housing units.

### Vicinity Map



### **CRITERIA FOR DECISION**

According to Section 8402.01.F of the Summit County Land Use and Development Code "Code", a request for an adjustment or vacation shall meet the following criteria, to be approved by the Summit County Board of County Commissioners "BOCC":

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 3-4).
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.

The application under consideration is for a lot line and utility easement vacation. As such, criterion 4 is not considered.

### **Compliance with County Subdivision Regulations**

The proposed lot line and utility easement vacation does not create any additional building sites and therefore does not violate the intent of the County's Subdivision Regulations. The provision of required utilities will not be affected as the appropriate easements exist elsewhere. Approval of this proposal will result in one larger lot to accommodate the approved 12 deed restricted affordable housing units.

### **Compliance with County Zoning Regulations**

The purpose and intent of the County's zoning regulations is to ensure compatibility of land uses, efficient and economical use of land, and adequate light and air in development projects. They are also intended to prevent development of areas subject to environmental hazards, and encourage development projects that are functional, exhibit good design and aesthetics, and protect the County's natural resources and scenic beauty.

The property is zoned the Dillon Valley Vistas PUD, which allows for 12 deed restricted affordable housing units. Vacating the lot line between Lot 0 and Lot 1 will create one larger lot that complies with the all applicable development standards of the Dillon Valley Vistas PUD. Any future development on the subject site will be required to comply with the PUD setbacks and development standards. The proposed lot line vacation will not negatively impact the surrounding residential properties.

### **Compliance with Provision of Utilities**

The application was referred to Xcel and the Dillon Valley Metro District. None of the agencies responded with any concerns. The utility easements will be vacated along with the lot line.

### **Restrictive Covenant**

The applicant has submitted and signed a restrictive covenant, which prohibits the vacated lot lines from being re-subdivided or recreated by a subdivision approval, subdivision exemption approval, or any other administrative or judicial process. The restrictive covenant will be recorded concurrently with the resolution of approval for the subject lot line vacation.

### **Ad Valorem Taxes**

As stated above, the subject property has been owned by the Board of County Commissioners since October of 2012 and as such this criteria is not applicable.

### **New Lot Name**

The resolution of approval shall state the newly configured lot shall be Lot 1R, Block 1, Dillon Valley Sub #1.

### **STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners approve PLN20-016, a request for a Subdivision Exemption to vacate the existing lot line and utility easement between Lot 0 and Lot 1, Block 1, Dillon Valley Subdivision, zoned Dillon Valley Vistas PUD, with the following six findings:

### **Findings:**

1. The vacation procedure has not been used to circumvent the intent of the Subdivision Regulations because no new lots are being created through this application.
2. The lot resulting from the vacation is in compliance with the County's Zoning Regulations and because, without limitation, the proposed lot line vacation will create one larger lot that complies with the all applicable development standards of the Dillon Valley Vistas PUD. Any future development on the subject site will be required to comply with the PUD setbacks and development standards. The proposed lot line vacation will not negatively impact the surrounding residential properties.
3. Easements necessary for the provision of utilities are not affected by the lot line and utility easement vacation.
4. The applicant has provided a restrictive covenant against the property that prohibits the vacated lot lines from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
5. The subject property has been owned by the Board of County Commissioners since October of 2012 and as such this criteria is not applicable.
6. The resolution of approval shall state the newly configured lot shall be Lot 1R, Block 1, Dillon Valley Sub #1.