

**BOARD OF COUNTY COMMISSIONERS
AUGUST 11, 2020
PLANNING CASE #PLN20-024: LOT LINE ADJUSTMENT
LOT 1D AND LOTS 1B & 1C, PRESERVE AT WILDERNEST
CONSENT AGENDA**

PROJECT INFORMATION:

Location: 2022 Ryan Gulch Road, Silverthorne
Project/Request: General Subdivision Exemption to adjust the lot lines between Lot 1D, and Lots 1B & 1C, Preserve at Wilderndest, zoned Wilderndest PUD.

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 0 conditions

ATTACHMENTS:

1. Vicinity Map
2. Proposed Plat
3. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners

FROM: Sid River, Planner II

FOR: Meeting of August 11, 2020

SUBJECT: PLN20-024: General Subdivision Exemption to adjust the lot line between Lot 1D, and Lots 1B & 1C, Preserve at Wildernest, zoned Wildernest PUD

APPLICANT: Rick Pratt

OWNERS: Lot 1C: Pratt Family Trust
Lot 1B: Jack Sylman
Lot 1A: Parker Family Trust
Lot 1D: Owners of Lots 1A, 1B, 1C

REQUEST: Lot line adjustment between Lot 1D, and Lots 1B & 1C, Preserve at Wildernest, zoned Wildernest PUD

PROJECT DESCRIPTION

Location: 2022 Ryan Gulch Road (Lot 1C)
Legal Description: Lot 1D, 1B, 1C, Preserve at Wildernest, Resub Lot 1
Existing Zoning: Wildernest PUD
Existing Use: Multi-family, triplex
Total lot size: Lot 1A = .039 acres, Lot 1B = .038 acres, Lot 1C = .055 acres
Lot 1D = .421 acres, Total size = .55 acres

Adjacent land uses:

North: Lot 103, Homes at the Preserve, zoned Wildernest PUD
West: Lot 2B, Preserve at Wildernest, zoned Wildernest PUD
East: Spyglass at Wildernest Townhomes, zoned Wildernest PUD
South: Ryan Gulch Road

BACKGROUND/ PROJECT SUMMARY

The subject properties are Lot 1D, Lot 1B and Lot 1C, Preserve at Wildernest, Resub Lot 1. These are a part of a triplex development with common area owned by all the unit owners. This application is for a lot line adjustment between the common area (Lot 1D), and Lots 1B & 1C. Lot 1A will not be adjusted. All three triplex homeowners have submitted letters supporting this request.

The final plat, establishing Lot 1, was approved with planning case PLN95-038 and the plat was recorded on July 10, 1995 at Reception number 495350. This plat noted that Lot 1 had a maximum density of three units, and that site plan review by the Lower Blue Planning Commission was required. The site plan review for the triplex building was approved with planning case PLN98-096; the triplex was subsequently platted (case PLN99-156) and is

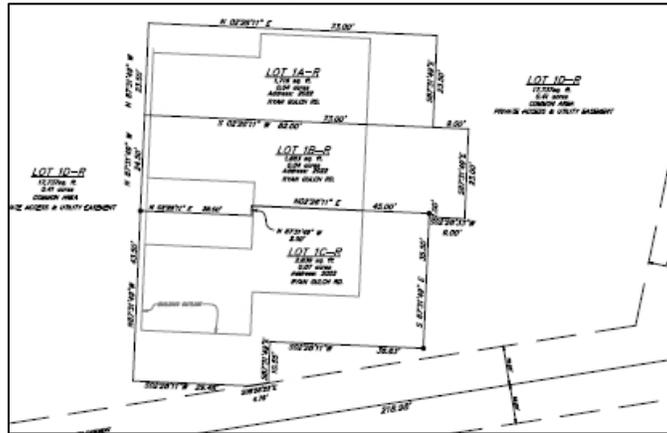
recorded at Reception number 605286. This platted the three triplex units on Lots 1A – 1C, and the associated common area, Lot 1D, which surrounds Lots 1A – 1C.

Vicinity Map:

Existing Plat: Lots 1A – 1D, Resub Lot 1:



Proposed Plat:



This application proposes to adjust the lot line between the common area (Lot 1D) and Lots 1B and Lot 1C. This will result in an increased lot size of approximately 200 square feet for Lot 1B; and increase the size of Lot 1D by approximately 400 square feet. This will allow for the owners of Lot 1B to expand a deck, and the owners of Lot 1C to build a garage and home addition that recently received site plan approval with planning case PLN20-002. Lot 1A will not be altered. Lot 1D is owned in common by all owners, there is not a Home Owner's Association. All three property owners have Quit Claim deeded the area necessary for the lot expansions to those two owners that requested it (Lot 1B and 1C).

CRITERIA FOR DECISION:

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 adjust lot lines between Lot 1D, and Lots 1B & 1C, Preserve at Wildernest. The adjusted Lots 1B and 1C will increase in size, while Lot 1D decreases in size. No new lots or building sites will be created. 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 and the Wildernest PUD. The modified lots meet the requirements of the Code and the PUD. The increase in lot size for Lot 1B and 1C will accommodate future expansion of the existing triplex units and decks. No changes will be made to the permitted uses, or density for these parcels.

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

The proposed lot line adjustment meets the intent of the Subdivision Regulations. No new lots or building sites will be created as a result of this application. This application will not affect the existing access to the site, or the provision of water, sewer, or fire protection services to the site.

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 will modify the lot lines between the triplex common area, known as Lot 1D, and Lots 1B & 1C, Preserve at Wilderndest. At time of original review of the Preserve at Wilderndest, it was found to be in compliance with the applicable master plan goals and policies. The subject lots are existing platted lots and therefore the proposed lot line adjustment conforms with the provisions of the Countywide Comprehensive Plan, the Lower Blue Master Plan, and the Wilderndest PUD.

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

With the review of the original plat for Keystone Village Filing 2 and Mountain House at Keystone, it was determined that there are no soil or topographical conditions that present any type of hazard on the affected lots or tracts.

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 Lots 1A, 1B, 1C, and 1D, Preserve at Wilderndest have been paid in full for 2019.

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 PLN20-024; a General Subdivision Exemption to adjust the lot line between Lot 1D, and Lots 1B & 1C, with the following findings.

Findings:

1. The subdivision exemption is not within the purposes of the State subdivision statutes. No new lots or building sites will be created.
2. This subdivision exemption is in compliance with the Zoning Regulations and the Wilderndest PUD in terms of permitted uses, density, and other applicable development standards.
3. This subdivision exemption meets the intent of the Subdivision Regulations because no new lots or density is created with this proposed lot line adjustment.
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. There are no areas of the subject site that involve soil or topographical hazards.
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.

ATTACHMENTS:

1. Vicinity Map
2. Proposed Plat
3. Draft Resolution