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# JLB Replat

## Consolidation, Zone Change and Vacation of Easements

### Consent Agenda Item

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**ACTIVITY #:** **PL20220012**

**HEARING DATES:** Planning Commission: May 5, 2022 6 p.m.  
Board of County Commissioners: May 24, 2022 9:30 a.m.

**PETITIONER:** Jeffery Buchardt and Lisa Burchardt

**PETITION:**

- 1) Consolidation of six lots and a portion of a common area
- 2) Rezone from Low Density Residential (LDR) to Mountain Residential Estates (MRE)
- 3) Vacation of Utility and Trail easement along interior lot lines

**LEGAL DESCRIPTION:** Lots 174, 175, 176, 177, 188, 189 & Part of Common Area 2, Horseback at Stagecoach

**LOCATION:** Located between Tlingit Way & Seneca Trail

**ZONE DISTRICT:** Existing: Low Density Residential (LDR)  
Proposed: Mountain Residential Estates (MRE)

**AREA:** 5.04 acres

**STAFF CONTACT:** Chris Brookshire [cbrookshire@co.routt.co.us](mailto:cbrookshire@co.routt.co.us)

**ATTACHMENTS:**

- Narrative from Emerald Mountain Surveys, Inc
- JLB Replat
- Horseback as Stagecoach Sheet 4
- Aerial of lots
- Legal desc of vacations
- Letter from Colo Geological Survey dated 3/30/22
- Email from Colo Div of Water Resources 1/12/22

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**Consent Agenda Item:**

*Items that have been recommended for approval by the Planning Director can be placed on the Consent Agenda. These items are voted on without a formal presentation of the project unless a Planning Commissioner or a County Commissioner requests that the item be removed from the Consent Agenda and placed on the regular agenda.*

**History:**

The parcels are within Horseback Subdivision at Stagecoach. There is no central water or sewer provided to this area. The change from LDR zoning to MRE zoning of 5-acres allows the installation of an ISDS system and the ability to drill a water well. If approved, a dwelling unit would be allowed with the possibility of a secondary dwelling unit if all other Routt County and State requirements are met.

**Site Description:**

The lots are located between Tlingit Way and Seneca Trail. The southern property borders CR 16. Access is proposed from Seneca Trail which is an improved road to a neighboring property, but if access is from the north one Seneca Trails or Tlingit Way the road will have to be improved.

The vegetation on the property consists of grasses, sage brush and minimal tree coverage which is located on the northern side of the lot.

**Project Description:**

The applicant wants to combine the parcels to create one 5.04 acre parcel. The common lots lines would be removed and the internal utility and trails easements along the common lot lines would be vacated. The property would be rezoned from LDR to MRE. Utility and trail easements would be re-dedicated on the final plat.

All utility companies have been notified and have submitted letters accepting the utility easement vacation.

**Staff Comments:**

The proposed combined parcel contains areas with 30% slopes and these areas will be shown on the final plat as a non-buildable area. Seneca Trail is developed from CR 16 to another dwelling unit and then is minimally constructed, but accessible. If the owner wants to access this property from the north, Seneca Trail or Tlingit way the road will have to be brought up to current road standards defined by the Oak Creek Fire Department. There is adequate access to the proposed lot from the south via Seneca Trail. Driveway access will not be allowed from CR 16.

## Compliance with the Routt County Master Plan, Sub Area Plans and Subdivision Regulations

The Routt County Master Plan, Sub Area plans and Subdivision Regulations contain dozens of policies and regulations regarding land use. Section 3 of the Subdivision Regulations are in place to ensure that a subdivision application is designed in a manner to best serve the public. Section 4 Regulations are in place to make sure that all of the required infrastructure is accounted for, designed so as to create efficient and buildable lots and to ensure that the required infrastructure is installed.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into seven (7) major categories:

1. Public Health, Safety and Nuisances
2. Regulations and Standards
3. Zoning Amendment Standards
4. Easement/ROW Vacation Standards
5. Community Character and Visual Impacts
6. Roads, Transportation and Site Design
7. Subdivision Improvement Standards
8. Natural Environment
9. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Subdivision Regulations to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

### Public Health, Safety and Nuisances

#### Applicable Regulations – Routt County Zoning Resolution

- 6.1.7.C Natural Hazards
- 6.1.7.I Noise
- 6.1.7.H Wildland Fire

#### Applicable Regulations – Routt County Subdivision Resolution

- 3.1.D Steep land greater than a 30% slope, unstable land, land subject to flooding or to inadequate drainage, or otherwise substandard land shall not be platted for occupancy or any use which might endanger health, life, property or which may aggravate flood or erosion hazards. Land not usable for residential purposes may be set aside for open area uses such as parks, conservation areas, farm land, recreational areas.

3.1.M The soil and drainage conditions shall be of a sufficiently stable nature, as shown in a current soils test, as to support development including whatever sewage disposal treatment is utilized.

3.1.N The proposed subdivision shall not create fire hazards and shall include wildland fire mitigation measures if necessary.

**Staff comments: The proposed plat indicates areas that are not buildable due to 30% slopes. Although these lots are mapped as low wildfire risk, the property owners should comply with wildfire fire mitigation measures and a condition addressing wildfire mitigation has been proposed. Soils tests will be required prior to construction. A letter has been submitted by the Colorado Geological Survey stating that ‘no known or suspected geologic hazards are present that would preclude the proposed lot consolidation and development of a single-family residence. The letter also has comments for development of the lot (attached).**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Regulations and Standards

### Applicable Regulations – Routt County Zoning Resolution

6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.

6.1.5 Industry Standards: The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

### Applicable Regulations – Routt County Subdivision Resolution

3.1.O No subdivision of land shall occur on an area of land with commercial mining potential when such subdivision would preclude the extraction of a mineral resource of a commercial value greater than that of the proposed subdivision. This shall not apply in a case where the surface rights and the mineral rights are owned by the same individual.

3.1.P Proposed subdivisions shall be in substantial conformance with the Routt County Master Plan and all adopted sub-area plans.

3.1.Q Proposed subdivisions shall be in substantial conformance with Section 6 of the Routt County Zoning Regulations.

### Applicable Policies – Routt County Master Plan

3.3.A New residential, commercial and industrial developments and uses should occur within the vicinity of designated growth centers and in compliance with the adopted comprehensive plans of those areas.

3.3.D Residential densities should generally decrease as the distance from Growth Centers increase.

4.3.H Routt County encourages the consolidation of non-conforming lots or platted lots not served by water, sewer, and utilities throughout the county that were originally planned, but never developed. Adequate proof of water and sewer shall be required for consolidated lots five acres and greater in the estate (MRE) zone district.

4.3.K Driveways and roads shall be designed to minimize erosion, cuts and scarring. When scarring of hillsides is unavoidable, prompt revegetation shall occur with native plant species.

**Applicable Policies – Sub-Area Plan**

- 5.4.1 C The consolidation of lots originally platted and zoned for higher densities into parcels of 5 acres or more should be encouraged.
- 5.4.1 D Infill development and consolidations for residential development should be encourage in the South Area of Stagecoach.
- 5.4.1 F The development of single family lots of sufficient size to ensure safe setbacks from individual septic systems and water wells should be supported through the lot consolidation process.
- 5.6.1 D Support rezoning of five-acres lots in order to allow the use of OWTSS.

**Staff comments: The application meets the above regulations and standards.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

**Zoning Amendment Standards****Applicable Regulations – Routt County Zoning Resolution****4.5 Requested Zone – Mountain Residential Estates (MRE)**

Except as provided for in the Routt County Master Plan or an adopted sub-area plan, or for the purpose of rezoning from LDR, MDR, or HDR to MRE, no additional land will be placed in the MRE Zone District after July 1, 2006. The principal purpose of this Zone District is to allow rural residential development compatible with adjacent agricultural uses. The Zone District also provides for other uses, most requiring permits.

**8.2.1 Standards for Zoning Amendments – Part 1**

In any petition for zoning amendment, the petitioner shall have the burden of showing that all of the following exist:

- 8.2.1.A That the proposed zone change is consistent with the goals and policies of the Master Plan and any applicable sub-area plans.
- 8.2.1.B That the area in question possesses geological, physiological and other environmental conditions compatible with the characteristic of the Zone District requested.
- 8.2.1.C That the advantages of the Zone District requested substantially outweigh the disadvantages to the County and neighboring land occasioned by the amendment.
- 8.2.1.D That the applicable provisions of these Regulations have been met
- 8.2.1.E That in the case of a zone amendment request that would increase allowable residential, commercial, or industrial density, that adequate facilities such as roads, water and sanitation, fire protection, emergency services and public utilities shall be available to serve the areas.

**8.2.2 Standards for Zoning Amendments – Part 2**

In addition, zoning amendments shall be allowed only after the petitioner demonstrates that rezoning is necessary for one or more of the following reasons:

- 8.2.2.A The existing Zone District is inconsistent with the policies and goals of the applicable Master Plan and any applicable adopted area or community plan; or

- 8.2.2.B The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area; or
- 8.2.2.C The proposed rezoning is necessary in order to provide land for a demonstrated community need

**Staff comments: Routt County encourages the consolidation and rezoning of properties in the Stagecoach and Steamboat Lake Subdivisions. Central water and sewer services are currently not available to many of these lots and the rezone allows the ability for development of an ISDS system**

***\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

## **Easement/Right-of-Way Vacation Standards**

### **Applicable Regulations – Routt County Subdivision Resolution**

- 2.8.1.A In the case of a plat, the plat to be vacated is a legal plat of record.
- 2.8.1.B Vacation will not interfere with development of, nor deny access via public thoroughfare to adjoin property, utility services or other improvements.
- 2.8.1.C Vacation will not interfere with the orderly development of utilities to nearby properties.
- 2.8.1.D Vacation will not be contrary to the Routt County Master Plan or Zoning Regulations.

**Staff comments: Utility companies have submitted approval notices for this vacation. Trail easements along the new exterior property lines will remain in place. The application meets the above requirements.**

***\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

## **Community Character and Visual Impacts**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.10 Standards for Structures within mapped Skyline Areas
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility
- 6.1.7.O Historical Significance

### **Applicable Regulations – Routt County Subdivision Resolution**

- 3.1.K The proposed subdivision shall not create water, air, noise or visual impacts that cannot be mitigated.
- 3.1.L The proposed subdivision shall include plans for adequate screening from major access roads, including landscaping and other means to preserve privacy and mitigate visual impacts to surrounding areas.
- 4.5.5 All fixtures shall be downcast and opaquely shielded. For purposes of this section, opaquely shielded shall mean fixtures constructed so that light rays emitted are projected

below, and not above, the horizontal plane of the fixture and not onto the facades of nearby residential dwellings.

### **Applicable Policies – Routt County Master Plan**

- 5.3.A The County encourages the use of "green" building techniques that lead to the conservation of energy and overall reduction of pollution in our environment.
- 5.3.C Discourage development on ridges that result in skylining.
- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetlands, and air.

### **Applicable Policies – Sub-Area Plan**

**Staff comments: There will be a reduction in the number of potential dwelling units allowed if this application is approved. A lighting condition has been included. The southern property line is located along CR 16. This property is not screened from CR 16 by any vegetation and it is not skylined.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## **Roads, Transportation and Site Design**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.2 Dimensional Standards
- 5.4 Parking Standards
- 5.5 Addressing
- 5.6 Access to Buildable Lot Standards
- 5.7 Right of Way Access Standards\
- 5.8 Road Construction Standards
- 6.1.4 Public Road Use Performance Standards: The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety
- 6.1.7.N Snow Storage

### **Applicable Regulations – Routt County Subdivision Resolution**

- 3.1.H The proposed subdivision shall not create undue traffic congestion or traffic hazards.
- 3.4.A Lot dimensions and sizes shall conform to applicable zoning requirements.

### **Applicable Policies – Routt County Master Plan**

- 11.3.A All roads in rural residential subdivisions should be privately maintained. They will not be accepted for maintenance, except at the option of the Board of County

- Commissioners. This policy should be reflected in the restrictive covenants of the subdivision.
- 11.3.B Emergency access on all roads and driveways is necessary and should be indicated on final subdivision plats.

**Staff comments: No new roads are proposed. The owner will have to obtain a driveway permit before construction. Any upgrades required by the Oak Creek Fire Protection District or the Routt County Road and Bridge Department with regard to roads will have to be met prior to construction of any dwelling unit. Maintenance of the road is by private service. Existing platted roads will be shown on the final plat.**

***\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

## Subdivision Improvements

### Applicable Regulations – Routt County Subdivision Resolution

#### 4.2 Type of Improvements

For each new subdivision, the type, location, and extent of necessary public improvements shall be presented to the Planning Commission as part of the Preliminary Plan. Improvements shall be made by the subdivider at his expense according to the Subdivision Regulations and other requirements deemed necessary by the Planning Commission and the Board. Unless specifically waived by the Board, the subdivider shall be required to provide the following:

1. Survey monuments;
2. Roads and streets, including paving;
3. Gutter and sidewalks;
4. Street and road signs;
5. Utilities including water and sewer, fire hydrants, storm drainage, street lighting, and underground placement of utility lines;
6. Landscaping; and
7. Other improvements required by the Planning Commission and Board at the time of final plan approval.

#### 4.4 Roads and Street Paving

- 4.4.A Asphaltic or higher type pavement shall be required on all arterial and collector streets and in subdivisions or parts of subdivisions where commercial or industrial uses are planned, where residential density is planned to exceed .5 units per net acre, or where average lot size is less than one acre.
- 4.4.B The Board may designate any street to be paved which in their opinion is necessitated because of anticipated traffic volume or surface conditions which may make travel hazardous.
- 4.4.C Street and Road Signs. Street and road name signs shall be installed at all intersections in every subdivision. All street and road names shall be approved in accordance with the Routt County Road Addressing, Naming and Signing Policy. Suitable warning signs and/or devices shall be installed at the subdivider's expense at all railroad and other



hazardous crossings, or anywhere else on subdivision roads in accordance with the Municipal Uniform Traffic Control Device standards.

#### **4.5.1 Sanitary Sewage Disposal**

- 4.5.1.A No lots shall be platted unless an economical and practical method of disposal of sanitary sewage is available or can be made available to that lot. Disposal by individual systems may be permitted if the lot sizes are adequate as set forth in the Routt County Zoning Regulations and the lots and systems comply with the ISDS Regulations, as adopted by the Board.
- 4.5.1.B Where individual systems are to be used, representative soil absorption tests must be performed by a registered professional engineer or qualified sanitarian. The absorption and percolation rates shall be determined by the methods prescribed by the local health department or authority.
- 4.5.1.C Individual systems which utilize other than sub-surface leaching for disposal of liquid will not be allowed except as approved in accordance with the ISDS Regulations adopted by the Board.
- 4.5.1.D In addition to satisfying the minimum lot area acceptable for individual systems pursuant to the Routt County Zoning Regulations, each such system shall be individually designed so that a leaching field of sufficient size may be constructed on each lot, given each lot's site characteristics and constraints.
- 4.5.1.E Where a public sanitary sewer system is to be constructed, the design and construction of the system must be in conformity with the regulations of the Colorado Department of Public Health and the Environment and the Routt County Department of Environmental Health and must be so approved; approval must also be obtained by the Board during the subdivision approval process.
- 4.5.1.F Collection sewers shall be designed and provided to service each lot. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage.
- 4.5.1.G Where a public sewage system is to be installed, an organization shall be set up to administer the operation of this system. Administration shall be by an incorporated town or an approved special district whose service plan and any amendments are submitted to and approved by the County in accordance with the law.

**Staff Comments: An ISDS system will be permitted and approved through the Routt County Environment Health Department.**

#### **4.5.2 Water Supply**

- 4.5.2.A A potable and dependable water supply shall be available or be made available to all platted lots intended for structures to be used for human occupancy or habitation. Evidence to substantiate availability may include such documentation as:
- 1) evidence of ownership or right to acquire use of the water rights;
  - 2) historic use of the water being claimed for the proposed subdivision;
  - 3) whether the existing water rights are amenable to the proposed change in use;
  - 4) evidence that the water can and will be supplied and a statement of the amount of water available for this use and the feasibility of providing it; and

4.5.2.B The intended water supply may be by individual sources of potable water such as drilled wells, driven wells, dug wells, bored wells, springs, streams or cisterns, or surface bodies of water and land cisterns which are properly treated by approved means to prevent contamination, providing all of the following are met:

- 1) the platted lots shall be at least five (5) acres in size;
- 2) the development cannot be reasonably served by a public community water system;
- 3) the Colorado Division of Water Resources confirms that water is available for use;
- 4) evidence is submitted showing adequate water quality and quantity can be made available for the development. Such evidence may include test of surrounding well data within 500 feet of the lots in the development, laboratory analyses of water quality, and geologic and hydrologic analysis and show that the water source will be safe, adequate and reliable.

4.5.2.C If it is intended that individual sources of potable water are to be used, a report shall be submitted by a qualified professional certifying that the water quality and quantity can meet the standards of Chapter 6, Water Supply and Distribution, of the International Plumbing Code, as the same may be amended.

**Staff Comments: A water well permit will be required through the Division of Water Resources. Appropriate permits will be required during the building and development of the property such as an ISDS systems and any requirements for emergency access.**

#### **4.5.3 Fire Protection**

4.5.3 Fire hydrants shall be required in subdivisions with an average density greater than one dwelling unit per acre, or as required by the fire protection district with jurisdiction over the proposed subdivision. Hydrants shall be spaced not more than 1,000 feet apart, be provided with adequate water pressure for fire fighting purposes, and be designed in compliance with the Uniform Fire Code, as adopted by the applicable fire districts.

#### **4.5.6 Underground Utilities**

4.5.6 Underground placement of utility lines shall be required in all subdivisions having an average lot size less than thirty-five (35) acres. In all other subdivision, underground placement of utility lines shall be required wherever practical and feasible to preserve the natural character of the area.

#### **4.7 Other Improvements**

4.7 Other improvements not specifically mentioned herein and found appropriate and necessary may be required as a condition of approval and shall be constructed at the subdivider's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

**Staff comments: There is no water service to this area and fire hydrants are not proposed. Underground utilities will have to be installed.**

***\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

### **Natural Environment**

#### **Applicable Regulations – Routt County Zoning Resolution**

6.1.7.D Wildlife and Wildlife Habitat.

6.1.7.E Water Quality and Quantity.

6.1.7.F Air Quality

6.1.7.J Wetlands.

6.1.7.Q Noxious Weeds.

### **Applicable Regulations – Routt County Subdivision Resolution**

3.1.E Any land subject to flooding or in a natural drainage channel shall not be platted for occupancy. The areas subject to flooding should be left as open space or reserved as conservation easement areas.

3.1.J An adequate water supply shall be available for the proposed subdivision.

3.4.D Lot area requirements for water and sewer systems shall be required pursuant to the Routt County Zoning Regulations and the ISDS Regulations.

3.3.E Sufficient area for leach fields where individual sewage disposal systems are proposed in conformance with the Routt County Department of Environmental Health regulations; and

3.3.F Suitable location for wells where individual septic systems are proposed in conformance with the Routt County ISDS Regulations.

### **Applicable Policies – Routt County Master Plan**

9.3A Utilize wildlife habitat and species information, including new information as it become available, in land use and site plan decision making.

9.3.D. Encourage land use practices that will minimize conflicts between wildlife and human uses.

### **Applicable Policies – Sub-Area Plan**

5.2.2 E All trash containers, including dumpsters, shall be bear resistant.

5.5.1 C Development on ridges that results in skylining should be discouraged.

5.5.1H New improvements should be located to minimize site grading, unless a site that would require more extensive grading would reduce visibility from CRs 16, 18A and 212.

5.5.1J New improvements for human occupancy should be located outside of designated severe wildfire hazard areas wherever possible, and should be designed to comply with the "Colorado State Forest Service Guidelines on Defensible Space."

**Staff comments: Conditions have been suggested addressing these concerns. The Division of Parks and Wildlife submitted a comment that the impact on wildlife caused by the proposed consolidation and construction of a dwelling unit will be negligible.**

***\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

### **PLANNING COMMISSION/BOARD OF COMMISSIONER OPTIONS:**

- 1. Approve the Consolidation, Zone Change and Easement Vacation request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning and Subdivision Regulations and complies with the guidelines of the Routt County Master Plan.

2. **Deny the Consolidation, Zone Change and Easement Vacation request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning and Subdivision Regulations and/or the Routt County Master Plan, Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.
3. **Table the Consolidation, Zone Change and Easement Vacation request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Consolidation, Zone Change and Easement Vacation request** with conditions and/or performance standards if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning and Subdivision Regulations and the Routt County Master Plan.

#### PLANNING DIRECTOR RECOMMENDATION:

The Planning Director may recommend approval with or without conditions, or denial of the application. Conditions will reflect mitigation measures to achieve compliance with the Zoning and Subdivision Regulations.

Approval\*: *Kristy Winser*

Date: 4-20-2022

\* The Planning Director's recommendation of approval is based upon finding that the proposal is in compliance with the applicable requirements of the Routt County Zoning and Subdivision Regulations.

#### Consolidation

**FINDINGS OF FACT** that may be appropriate if the **Consolidation** is approved:

1. The proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and Stagecoach Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations, Sections 3 and 4 of the Routt County Subdivision Regulations.

**CONDITIONS** that may be appropriate may include the following:

1. The Final Plat shall be finalized and recorded within one (1) year unless an extension is granted pursuant to Section 2.1.6, Routt County Subdivision Regulations. Extensions to up to one (1) year may be approved administratively.
2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.

3. All property taxes must be paid prior to the recording of the plat.
4. The following notes shall be shown on the plat:
  - a. The right of ways shown hereon have been accepted by Routt County, however the County is not responsible for maintaining or improving subdivision roads. It will be the home owners responsibility to upgrade and maintain the road to its access. The road upgrades will need to meet Oak Creek Fire Protection District standards.
  - b. The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems have not been established and such shall be a condition of obtaining a building permit for these lots.
  - c. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services. The owner will be responsible for obtaining an access permit from the Routt County Road and Bridge Department. Only one access will be allowed for the consolidated lot.
  - d. The availability of water and permits for wells on the lots or parcels hereon shown has not been established.
  - e. Routt County (County) and the South Routt Fire District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
  - f. A site-specific geotechnical investigation is recommended to characterize site-specific soil and bedrock engineering properties and groundwater conditions, and for use in design of the proposed home's foundation, floor system, subsurface drainage, onsite wastewater treatment system (OWTS), pavements, etc.
5. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
6. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
7. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grassed. See the Colorado State University Extension Office for appropriate grass mixes.
8. All exterior lighting shall be downcast and opaquely shielded.
9. A 'no build' zone shall be indicated on the plat to avoid construction of structures, septic fields and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be defined on the plat and approved by the Planning Director before the plat is recorded.
10. The recommendations for defensible space around structures from the Colorado State Forest Service should be adhered to for development of this lot.

## **ZONE CHANGE**

**FINDINGS OF FACT** that may be appropriate if the **Zone Change** is approved:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and Stagecoach Community Plan and is in compliance with the applicable provisions of Sections 8 of the Routt County Zoning Regulations.

**CONDITIONS** that may be appropriate may include the following:

1. The change of zone from Low Density Residential to Mountain Residential Estates shall become effective upon signing of a resolution amending the Official Zoning Map by the Board of County Commissioners, said resolution to be recorded in the Routt County Clerk and Records Office.
2. The zone change is contingent upon a Final Plat being recorded.
3. The approval shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this approval.

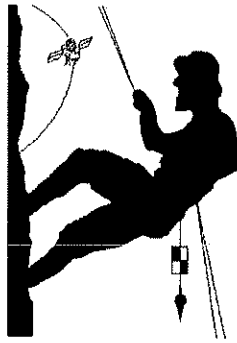
### **Utility and Trails Easement Vacation**

**FINDINGS OF FACT** that may be appropriate if the Utility Easement and Right-of-Way Vacation is approved:

1. The proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and Stagecoach Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations, Sections 2, 3 and 4 of the Routt County Subdivision Regulations.

**CONDITIONS** that may be appropriate may include the following:

1. A resolution vacating portions of Utility and trails easement shall be recorded concurrently with the Final Plat.
2. Utility, drainage and trails easements shall be shown and dedicated on the final plat. The plat shall show all required drainage and utility easements on the vacated portion of roadways.



**Emerald Mountain Surveys, Inc.**  
Professional Land Surveying  
380 BEARVIEW CT  
Steamboat Springs, Colorado 80487  
(970) 879-8998 bear@emeraldmtn.net

Routt County Planning  
136 6<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Steamboat Springs, Co. 80487

**RE: JLB REPLAT**

**NARRATIVE TO CONSOLIDATE**  
**March 4, 2022**

**Jeff Burchardt, and James "Bear" Ackerman (acting representative) are requesting your approval for the creation of JLB REPLAT, and also vacate the 10 foot wide easement located on each side of the common lot line.**

**Jeff Burchardt purchased Lots 174, 175, 176, 177, 188, 189, & PART OF COMMON AREA 2, HORSEBACK AT STAGECOACH**

**October 13, 2021 per deed at Reception #830915. Jeff Burchardt desires to consolidate These lots into one single taxed parcel of 5.0 acres to allow for a single family home with a individual well and septic system.**

**Description of the lots to be consolidated. The lot area mostly sage brush, with an aspen grove over Lots 174 & 175. The Slope Analysis map has the areas over 30% slope mapped out, showing two building areas on the site. Jeff Burchardt is not sure at this point which road he will access from. I was contacted to do the survey work, with snow on the ground, so I have not seen the property to comment on if there are wet areas.**

**Zoning Amendment. The lots are currently zoned Low Density Residential (LDR). The final plat depicts a lot line elimination along creating a single parcel. All the internal existing 10 foot wide public utility and drainage easements are to be vacated also as part of this application.**

## **STAGECOACH COMMUNITY PLAN**

### **PER 5.4 Infill and Replats (Lot Consolidations)**

**This proposal of consolidation is the goal of the plan.**

**Rural character, reduction of sewer vaults.**

## **STAGECOACH COMMUNITY PLAN-MASTER PLAN**

**Section 3 Mentions the Metro District and Routt County are not likely to be funding sources for infrastructures, the consolidation will not put burden on the infrastructures.**

## **ROUTT COUNTY SUBDIVISION REGULATIONS**

### **SECTION 3 DESIGN STANDARDS**

**JLB REPLAT is a consolidation of existing platted lots with a constructed roads and lots laid out per these standards.**

## **ROUTT COUNTY ZONING REGULATIONS**

**The proposed lot consolidation meet the regulations based upon the following facts.**

**PER 8.2.1.A We are proposing to change the zoning from HDR High Density Residential to MRE Mountain Residential Estates, consistent with the 5 acre plus Lot consolidations.**

**PER 8.2.1.B We have mapped the slopes on the sites, showing areas over 30% slope as NO BUILD AREAS.**

**PER 8.2.1.C This will help the county by decreasing the number of lots.**

**PER 8.2.1.D We believe that we will meet the provisions of the Zoning regulations when this replat is completed.**

**PER 8.2.1.E There are roads, Sewer will be on site, Water will be well, fire protection, emergency services are as in all of Stagecoach area, Electric is on site.**

## **ROUTT COUNTY ZONING REGULATIONS**

**PER 8.2.2.A**

**PER 8.2.2.B**

**PER 8.2.2.C**

**PER 8.2.2.D**

**Response to Standards of Section 8.2.2 of the Routt County Zoning Regulations:**

**The consolidation process in the south Stagecoach Subdivision has determined that the existing zone district is inconsistent with policies and goals of the Stagecoach Community Plan and Routt County Master Plan. In addition, the area for which the rezoning is requested has changed to such a degree that it is in the public interest to encourage the proposed consolidation. It is unlikely the Morrison Creek Water and Sanitation District is going to extend community water and sewer services to properties in the south Stagecoach Subdivisions.**



The application and petition for consolidation of the lots within the **HORSEBACK AT STAGECOACH** subdivision meet Routt County Zoning regulations Section 8.2.2. as the consolidation is aligned with Stagecoach Subdivision area master plan of 2017. Currently, consolidation of lots in the south Stagecoach subdivisions is in the public interest to reduce the use of sanitary vaults, limit development and preserve the rural character of the area. The lots are currently zoned LDR zone district and the lots require connection to the central water and sewer systems. The lack of central water and sewer systems in the area is a factor for the consolidation. The MRE zoning change will permit the owners to consolidate the lots.

Sincerely,

  
James "Bear" Ackerman, Colorado RLS#16394

President Emerald Mountain Surveys, Inc.

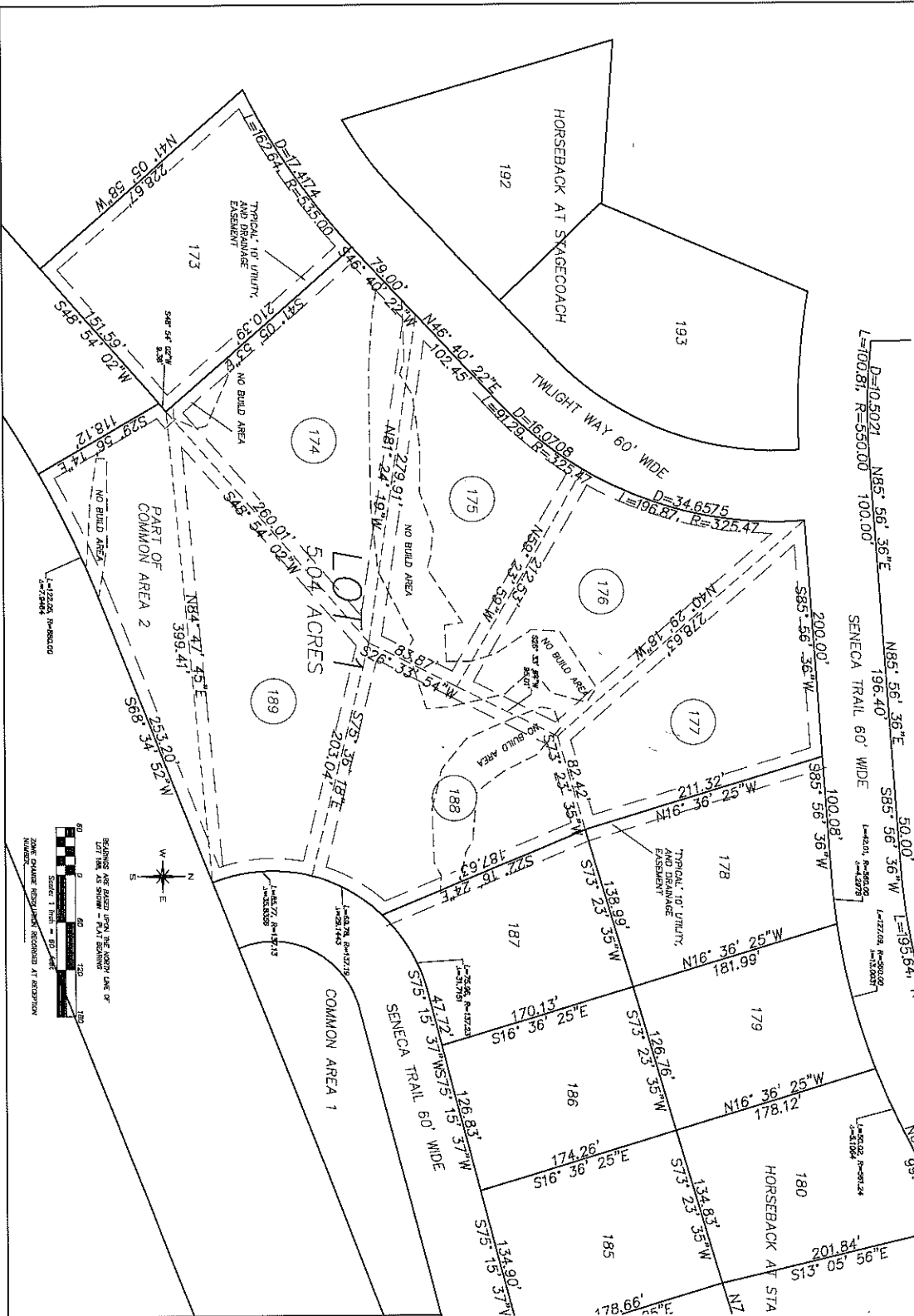
380 Bearview Ct

Steamboat Springs, Co. 80487 970-879-8998 emeraldmtn01@gmail.com

SCALE	DATE
PROJECT NO. 3970-1	1-15-2022
	SHEET NO. 1 of 1

# JLB REPLAT

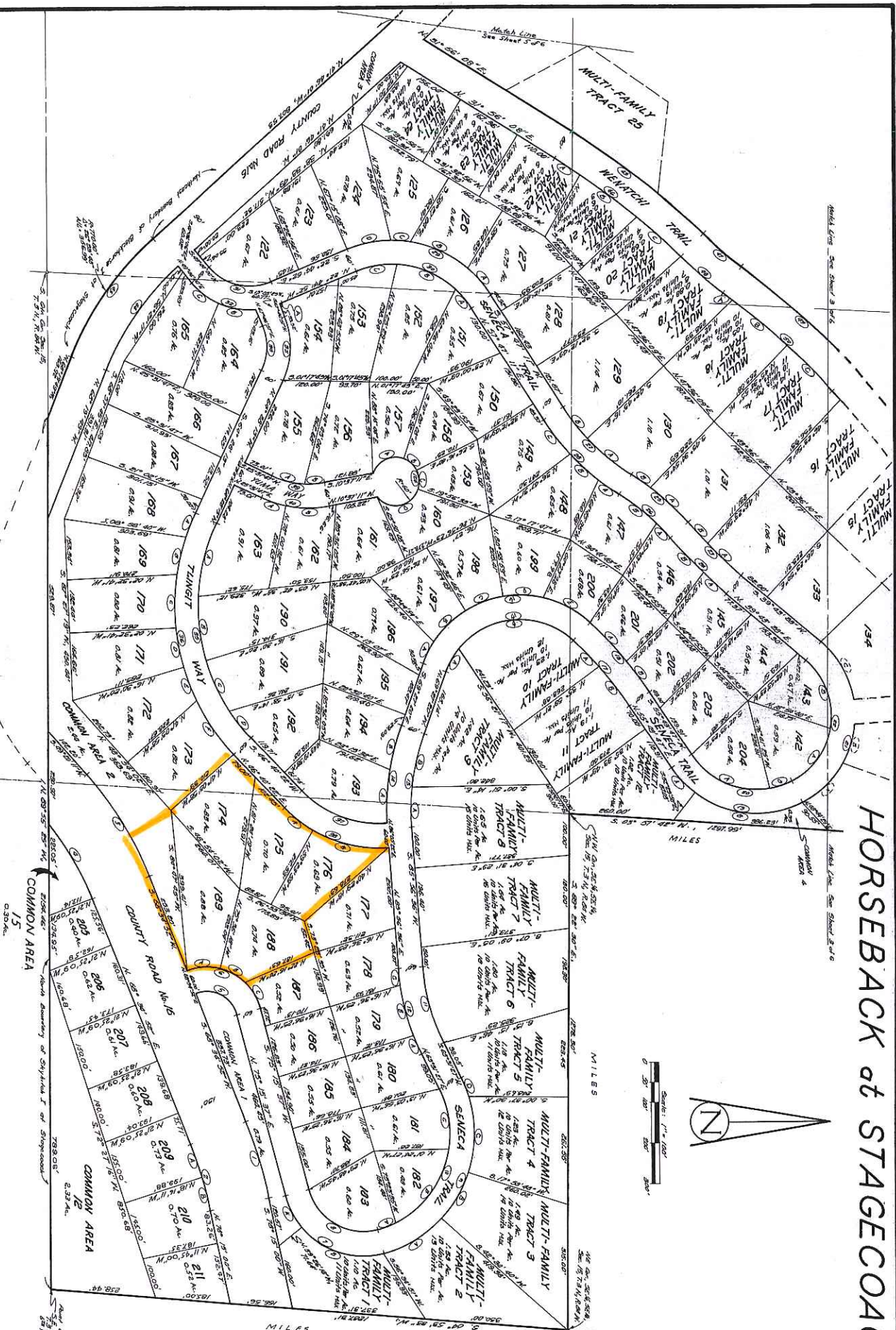
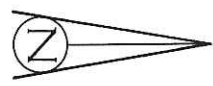
A LOT CONSOLIDATION OF LOTS 174, 175, 176, 177, 188, 189, and PART OF COMMON AREA 2,  
HORSEBACK AT STAGECOACH  
SECTION 15, TOWNSHIP 3 NORTH, RANGE 84 WEST, 6TH, P.M.,  
ROUITT COUNTY, COLORADO



NOTES: "Replat" is a Colorado law that allows a landowner to redivide land into smaller lots and/or larger lots, and to change the boundaries of existing lots, without the need for a new survey. This is a legal process that is subject to the approval of the local government and the state of Colorado. The replat must be filed with the county clerk and the state of Colorado. The replat must also be approved by the local government and the state of Colorado. The replat must be filed with the county clerk and the state of Colorado. The replat must also be approved by the local government and the state of Colorado.	
<b>EMERALD MOUNTAIN SURVEYS, INC.</b> P.O. BOX 774812 STEAMBOAT SPRINGS, COLORADO 80477 WWW.EMERALDMOUNTAIN.NET	
PREPARED BY: JEFF BURCHARDT KIMBERLY THURMANN RO CODY, COLORADO 81401	PROJECT NO.: 38770-1 SHEET NO.: 2 of 2
SCALE: 1" = 60' DATE: 1-16-2022	PROJECT NO.: 38770-1 SHEET NO.: 2 of 2



# HORSEBACK at STAGECOACH





**Emerald Mountain Surveys, Inc.**  
Professional Land Surveying  
380 BEARVIEW CT  
Steamboat Springs, Colorado 80487  
(970) 879-8998 bear@emeraldmtn.net

## **BURCHARDT REPLAT**

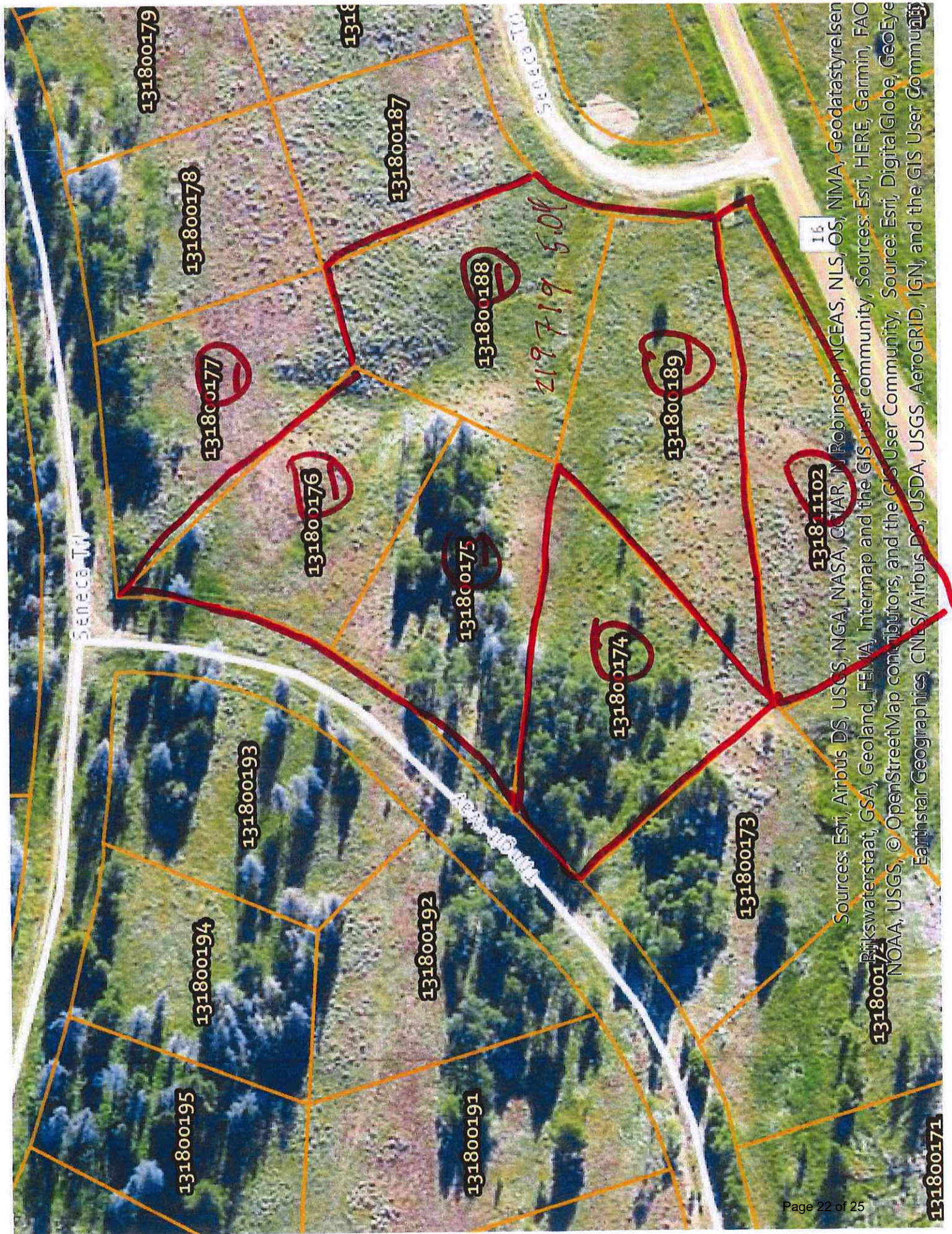
### **NARRATIVE TO VACATE EASEMENTS** January 5, 2022

Jeff Burchardt, and James "Bear" Ackerman (acting representative) are requesting your approval creation of JLB REPLAT, and also vacate the 10 foot wide easement located on each side of the common lot line.

From the existing platted HORSEBACK AT STAGECOACH, LOT 174, 175, 177, 188, & PART OF COMMON AREA 2, to a single lot of BURCHARDT REPLAT, no change of Lot size. (see attached map)

Sincerely,  
James "Bear" Ackerman, Colorado RLS#16394  
President Emerald Mountain Surveys, Inc.  
380 Bearview Ct  
Steamboat Springs, Co. 80487 970-879-8998 emeraldmtn01@gmail.com





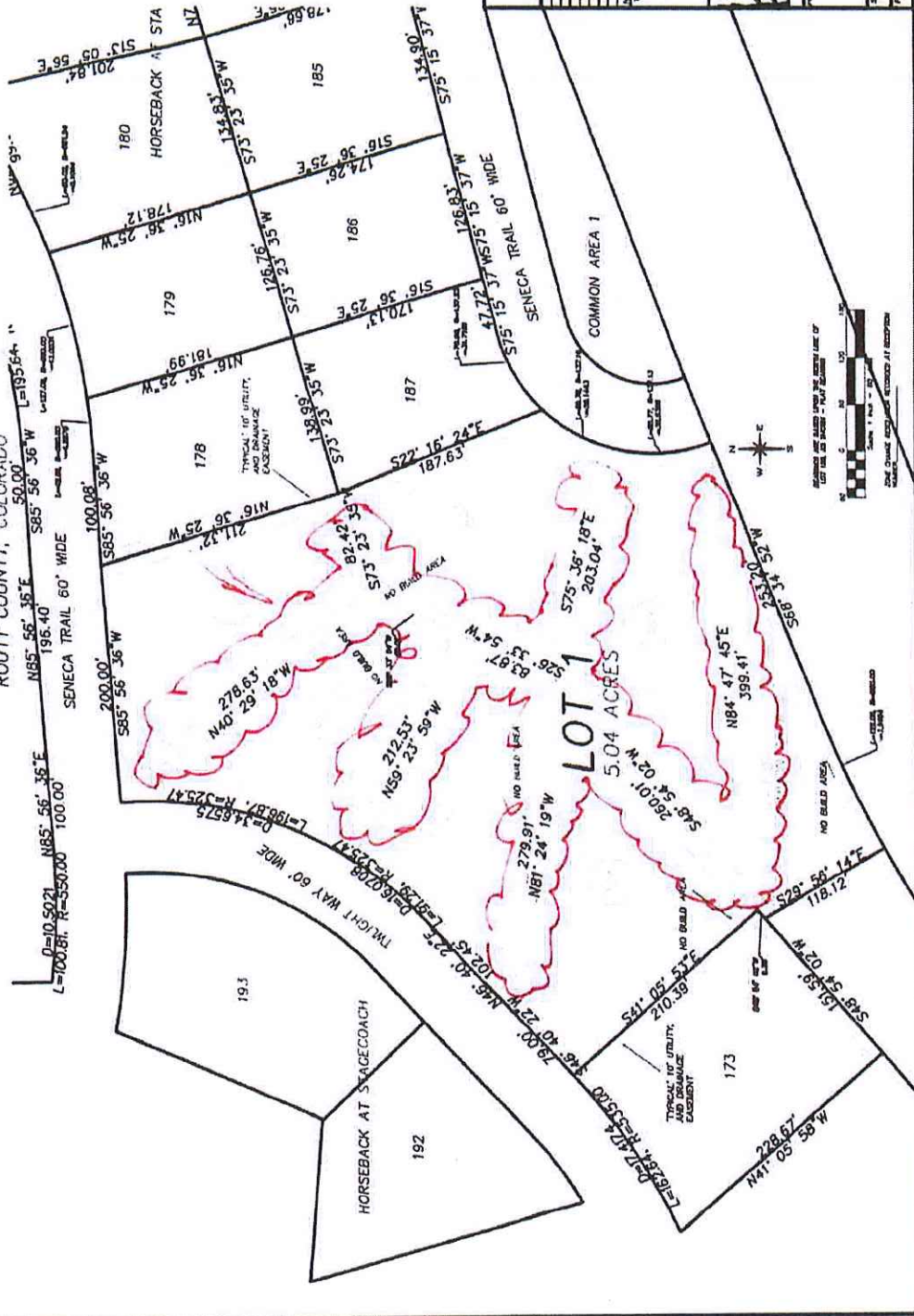
Sources: Esri, Airbus DS, USGS, NGA, NASA, CIA, Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



EASEMENTS  
TO BE VACATED

# JLB REPLAT

A LOT CONSOLIDATION OF LOTS 174, 175, 176, 177, 188, 189, and PART OF COMMON AREA 2,  
HORSEBACK AT STAGECOACH  
SECTION 15, TOWNSHIP 3 NORTH, RANGE 84 WEST, 6TH, P.M.,  
ROUITT COUNTY, COLORADO



<b>JLB REPLAT</b> PREPARED BY: JLB REPLAT DATE: 1-10-2023 PROJECT NO: 2023-1 SHEET NO: 1 of 3	
<b>EMERALD MOUNTAIN SURVEYS, INC.</b> P.O. BOX 774872 STEAMBOAT SPRING, COLORADO 80477 970-479-0908 WWW.EMERALDMOUNTAIN.SURVEYS.ORG	
CONTRACT NO: 2023-1 CONTRACT DATE: 1-10-2023 CONTRACT VALUE: \$10,000.00 CONTRACT TYPE: SURVEYING	
SCALE: 1" = 60' NORTH: 1-10-2023 PROJECT NO: 2023-1 SHEET NO: 1 of 3	

# COLORADO GEOLOGICAL SURVEY

1801 Moly Road  
Golden, Colorado 80401



Karen Berry  
State Geologist

March 30, 2022

Chris Brookshire  
Routt County Planning  
cbrookshire@co.routt.co.us

**Location:**  
SE SE Section 15,  
T3N, R84W, 6<sup>th</sup> P.M.  
40.2252, -106.7915

**Subject: JLB Replat (Lot Consolidation)**  
**Lots 174-177, 188, 189 and Part of Common Area 2, Horseback at Stagecoach**  
**Application Number PL20220012; Routt County, CO; CGS Unique No. RO-22-0004**

Review comments uploaded to Routt County CityView Portal on 3/30/2022:

Colorado Geological Survey understands the applicant proposes to consolidate six existing lots and part of a common area to create a 5-acre lot for a single-family residence with an individual well and onsite wastewater system. CGS has previously reviewed several similar lot consolidations within Horseback at Stagecoach.

The JLB Replat, Horseback at Stagecoach Slope Analysis (Emerald Mountain Surveys, Inc., January 16, 2022) is consistent with calculated slopes based on a high-resolution LiDAR-derived digital elevation model. No evidence of unstable slopes is visible in hillshade imagery, and no landslides are mapped on or near the subject site. No geologic hazards are known or suspected to be present that would preclude the proposed lot consolidation and development of a single-family residence.

**CGS therefore has no objection to approval of PL20220012.** However, we have advisory comments:

This area is mapped by Madole (Surficial Geologic Map of the Steamboat Springs 30' x 60' Quadrangle, 1991, USGS Map I-1825) as underlain by Residuum on Browns Park and Troublesome Formations, consisting of sand and silt with subordinate clay and gravel. A nearby well log indicates very shallow siltstone bedrock, likely the Browns Park Formation. This rock type may present moderate swell potential, and the shallow bedrock may be problematic for foundation excavation(s). The Browns Park Formation is also notorious for its tendency to produce slope failures, even in gently sloping topography. To reduce the risk of construction-related slope instability:

- The home and driveway should be located such that the need for grading (temporary and permanent cuts and fills) is minimized
- Grading and surface drainage must be designed and maintained to allow surface water to drain away from structures and off of slopes as efficiently as possible. It is imperative that water is allowed to drain quickly and NOT pond anywhere within or near developed areas.
- Existing vegetative cover should be left intact to the extent possible, and every effort should be made to restore native vegetation within disturbed areas as quickly as possible.
- Landscape irrigation should be kept to the bare minimum needed to reestablish native vegetation.



**askDWR: new well permit - Horseback at Stagecoach**

1 message

**Sullivan - DNR, Megan** <megan.sullivan@state.co.us>  
To: emeraldmtn01@gmail.com

Wed, Jan 12, 2022 at 1:59 PM

Good afternoon,

Please accept my apologies for the delay in responding to your inquiry regarding the availability of a well permit for a proposed consolidated lot within the Horseback at Stagecoach subdivision.

Unfortunately we cannot guarantee the issuance of any well permit. An application must be submitted for evaluation to determine if the well's requested use and pumping rate meets the requirements of state statute and policy.

Generally speaking, original lots and consolidated lots within Horseback may qualify for a well permit that allows for a well to operate without a plan for augmentation to offset the impact the well has on the local stream system as long as the following requirements are met:

- The well must be the only well on the parcel.
- The parcel, entirely or part, cannot be included in the description for an adjacent, valid, well permit (this is referred to as an overlap issue).
- If the parcel is located within the service area of a water provider such as a municipality or water and sanitation district or central system, the water provider must waive in writing any objection to the use of a private well within their service area.
- The use of the well must be limited to ordinary household purposes inside one single family dwelling – no outside uses such as large animal watering or lawn and garden irrigation would be allowed.
- The pumping rate cannot exceed 15 gallons per minute.
- The disposal system must be of a non-evaporative type such as a septic tank and leach field.

I believe Horseback is within the service area for the Morrison Creek Water and Sanitation District. It's my understanding that the District does not usually object to a well on a 5 acre parcel within their service area, but I strongly recommend that you contact the District to confirm this.

If any of the above requirements cannot be met, then in order to obtain a well permit, the well must be included in a court approved plan for augmentation to offset the impact of the well. Please, see the attached Beginner's Guide to Augmentation for additional information. As indicated in the guide, development of an augmentation plan is a complex process that typically requires the services of a water resources engineer and/or water rights attorney.

Regards,

Megan Sullivan

--

**Megan Sullivan, P.E.**

**Water Resource Engineer**



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

303.866.3581 x8212

1313 Sherman Street, Room 821, Denver, CO 80203  
megan.sullivan@state.co.us | [www.water.state.co.us](http://www.water.state.co.us)

**Note:** I am currently working remotely. As I am checking voicemail infrequently, there will be a delay in responding to voice messages. Thank you for your patience and understanding.