
Division of Land for Public Purposes Special Use Permit

ACTIVITY #: PL20220092

DIRECTOR DECISION: December 4, 2022

PETITIONER: Tri-State Generation and Transmission Association

PETITION: Division of Land for Public Purposes and legalization of Multi-Family Tracts 15, 30, & 31 South Shore Subdivision at Stagecoach

LEGAL: Multi-Family lot 15, South Shore at Stagecoach
Multi-Family lot 30, South Shore at Stagecoach
Multi-Family lot 31, South Shore at Stagecoach

LOCATION: Section 32, T4N, R84W

ZONE DISTRICT: High Density Residential

AREA: lot 15 – 2.82acres; lot 30 – 2.17acres; lot 31 – 1.55acres

STAFF CONTACT: Sally Ross, sross@co.routt.co.us

ATTACHMENTS:

- Narrative
- Site plan
- Upper Yampa comments
- SPOA comments

History:

The South Shore Lots 15/30/31 were created in 1973 and zoned High Density Residential (HDR). A note exists on the South Shore plat that these lots are 'multi family'. The Planning Department takes the stance that notes on a plat do not dictate uses; only zoning dictates uses and density. A portion of these lots were deeded to the Upper Yampa Water Conservancy District (UYWCD) in 1986, without recording a new plat. As a result of the sale, the property boundaries were changed. This changed the County approved lot lines, which resulted in an illegal subdivision.

Site Description:

South Shore Lots 15, 30 & 31 are located in the South Shore development of Stagecoach. The east side of the lots abut Uncompahgre Road; the west side of the lots abut UYWCD property, which abuts Stagecoach Reservoir. The UYWCD parcel is approximately 100 feet wide and runs south to north between Stagecoach Reservoir and the west edge of Lots 15, 30 & 31. The gradient of the UYWCD parcel abutting the lots is generally over >30%. A trail

managed by UYWCD runs generally south to north and passes through the UYWCD parcel with a section of the trail passing through Lots 15 and 30.

Project Description:

This petition is being submitted to rectify the illegal subdivision by: a) legally divide the portion of Lots 15, 30, and 31 owned by UYWCD, a public entity that manages the Stagecoah Reservoir, from the portions of Lots 15, 30 & 31 owned by Tri State and b) legally record all parcel boundaries.

Staff Comments:

1. A section of an existing trail that is managed by UYWCD and lies primarily on the UYWCD parcel passes through private Lots 15 and 30. An easement for the trail will have to be put in place for those portions of the trail on Lots 15 and 30.
2. When this subdivision was originally created, the pins were place to mark the front of the lots which also delineate the edge of the right of way. As a result of the application, it was determined that the pins meant to mark the front of Lot 15 were placed in error. The plat shows these pins, as well as pins that the current surveyor placed. This in turn reduced the width of the right of way to less than the 80' that was dedicated on the plat. New pins will be placed to delineate where the pins should have been place. A new pin on the eastern edge of the right of way will also be placed so that the right of way remains at 80'.

2.7.1 Applicability

Divisions of land to create parcels of land to be conveyed to the county, state or federal governments, to municipalities or to special districts for public purposes such as but not limited to:

- A. The creation or expansion of public rights-of-way;
- B. The creation of public parking sites;
- C. The creation of public access easements, but in no event shall the creation of any such easement result in the creation of any additional Buildable Lots;
- D. The division of land for parks.

Staff Recommendation

Staff recommends that the application be **APPROVED** by the Planning Director.

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

The Routt County Master Plan (Master Plan), Sub Area Plans, and Zoning Regulations contain dozens of land use policies and regulations that are intended to reinforce the guiding principles of the Master Plan. This report categorizes subject matter content that is important to consider when reviewing. The categories include:

1. Public Health, Safety and Nuisances

2. Regulations and Standards
3. Division of Land for Public Purpose
4. Community Character and Visual Impacts
5. Road, Transportation, and Site Design
6. Natural Environment

Within each category are applicable policies and regulations. Specific Zoning Regulations sections include:

- 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 of the Subdivision 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.
- Section 6 of the Zoning Regulations, contains mitigation techniques and applies to all Minor, Administrative, Conditional or Special Uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

Interested parties are encouraged to review the Master Plan, Sub Area Plans, and Zoning Regulations to determine if there are additional policies and regulations that may be applicable to the review of this petition. Planning Staff comments are included in bold at the end of each category and highlight questions and/or comments from the general public, referral agencies, and Planning Staff.

1. Public Health, Safety and Nuisances

Applicable Master Plan Policies

- 11.12** Discourage land uses that increase the potential for wildfires in high risk wildfire hazard areas.
- 11.15** Prohibit all development on slopes of 30% or greater. Development in steep draws or valleys, which tend to channel fire movement, is particularly dangerous and is also strongly discouraged.
- 11.17** Prohibit all construction and excavations on potential hazard areas including landslides, rockfall areas, unstable slopes, mudflows, and steep drainages.

Stagecoach Community Plan

- 5.5.1.A** New construction should avoid the hazards associated with building on steep slopes and geologically unstable areas.
- 5.5.1.F** New construction on slopes over 30% should not be approved, unless no other building site is available on the parcel, or unless building on an alternative site would violate other portions of this Plan.

- 5.5.1.J.** 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.”

Applicable Regulations – Routt County Zoning Resolution

- 5.1.1** Health, Safety and Welfare
- 5.1.2** Local, State and Federal Regulations and Standards
- 6.1** General Approval Standards
- C.** Natural Hazards
 - H.** Wildland Fire
 - I.** Noise
 - L.** Odors
 - M.** Vibration

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: A majority of Lot 15 is mapped as having a moderate wildfire risk. A majority Lot 30 and all of Lot 31 are mapped as a low wildfire risk. Fire mitigation management should be considered within the UYWCD area, since it is accessible to the public and downslope from residential areas. The UYWCD parcel is marked as greater than 30% on the Plat. This area is not subject to development and is being legally divided from the private lots for public use purposes. The petition does not include plans to develop the lots, but, if approved, the result of this application will be lots that are capable of being built upon. This application will not have a negative impact on the health, safety, or welfare. The western portion of the lots are mapped as potentially unstable slopes. A soils report would be required as part of the building permit process. Any geological hazards would be identified and addressed through that report.

Is the application in compliance with the Policies and Regulations outlined above? **Yes**

2. Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 5.2 Dimensional Standards
- 5.3 Secondary Dwelling Unit Standards
- 6.1.2 Master Plans - The proposal shall be consistent with Master Plan and Sub-Area Plans.

Applicable Regulations – Routt County Subdivision Resolution

- 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.

Staff Comments: The proposed lots meet all of the dimensional standards found in Section 5.2. Pipes for the central water and wastewater system do not exist in this subdivision. Based on current conditions, these lots will be served by individual wells and septic vaults. As such, these lots are not eligible for secondary dwelling units. If the pipes were extended, these lots would be eligible for secondary units. Bringing these lots into conformance does not change the High Density Residential zoning. This application is in compliance with the Master Plan and the Stagecoach Community plan.

Is the application in compliance with the Policies and Regulations outlined above? **Yes**

3. Division of Land for Public Purpose Standards

Applicable Regulations – Routt County Subdivision Resolution

A Division of Land for Public Purposes Plat shall meet all the applicable requirements of sections 3, 4 and 7 of these Regulations and the Routt County Zoning Regulations, except the Planning Director may waive certain requirements if the strict application of those requirements is not in the public interest.

Staff Comments: This application meets all standards of Subdivision and Zoning Regulations.

Is the application in compliance with the Policies and Regulation outlined above? **Yes**

4. Community Character and Visual Concerns

Applicable Master Plan Policies

- 4.1 Direct new growth and development to Tier 1, Tier 2, and Tier 3 Future Growth Areas, in that order and as defined in the Growth & Land Use Chapter.
- 4.2 Support infill development and redevelopment that is complementary to existing character and consistent with available resources to accommodate evolving community needs within the Future Growth Areas.
- 4.6 Support efforts to maintain Dark Skies and control light pollution.
- 4.9 Discourage development on ridges that result in sky lining.
- 6.2 Focus housing development within Tier 1 Municipalities and Tier 2 Targeted Growth Areas (West Steamboat, Stagecoach, and Hayden's 3-mile area).
- 6.5 Support a broad range of housing opportunities in Tier 1 Municipalities and Tier 2 Targeted Growth Areas. Integrate affordable and workforce housing into existing neighborhoods and communities, preferably close to civic/social amenities.
- 9.4 Preserve open space.

Stagecoach Community Plan

- 5.2.2.C Where development has already taken place, infill and adjacent development of the same type should fit in with the existing patterns of development.
- 5.4.1.A. The preservation of open space and limited-density development should be encouraged in areas that lack infrastructure, unless infrastructure can be provided.
- 5.4.1.B High density developments should be located in the North Area of Stagecoach.
- 5.4.1.E. Where development has already taken place, infill development should fit in with the existing patterns of development.

Applicable Regulations – Routt County Zoning Resolution

- 5.1.4 Outdoor storage of materials which pose any risk of health or environmental hazards is prohibited, unless stored in an enclosed container and/or is in compliance with Colorado Department of Public Health and Environment regulations.
- 5.10 Standards for Structures within Mapped Skyline Areas
- 6.3 Outdoor Lighting Standards
- 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.
- 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.

Staff Comments: The Stagecoach area is designated as a Tier 2 growth area where this type of development is appropriate and already exists. This application does not affect any of the open space in the South Shore subdivision and is compatible with the existing development pattern. These lots are not in a mapped skyline area. There are no impacts associated with this application that require mitigation.

Is the application in compliance with the Policies and Regulations outlined above? **Yes**

5. Roads, Transportation, and Site Design

Applicable Master Plan Policies

- 4.3** Promote development patterns that correspond with the natural topography and encourage the arrangement of uses and density patterns to support walkable and bikeable communities and neighborhoods.
- 7.6** Require that new development proposals include provisions to create and improve links to trail systems both as an alternative to the automobile and for recreational use.
- 7.7** Encourage a pedestrian/bike system which connects retail areas, public facilities, recreational areas and neighborhoods that minimizes auto-truck-rail conflicts.
- 8.12** Support the creation of public spaces for recreation adjacent to Tier 1 and Tier 2 Future Growth Areas in order to limit traffic, impacts to rural Routt County and wildlife, and to reduce human-wildlife conflicts.
- 9.17** Require usable open space and public space within all new developments in order to protect and enhance the environment and the quality of life.
- 12.4** Support healthy lifestyles by expanding recreation opportunities including walking, biking and exercising in open spaces, trails and parks.

Stagecoach Community Plan

- 5.3.1.1.A** A system of non-motorized hike/bike/ski trails should be developed to link the various recreational amenities and open spaces in Stagecoach and beyond.

Applicable Regulations – Routt County Zoning Resolution

- 5.5 Addressing Standards
- 5.6 Access to Buildable Lot Standards
- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 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

- 3.2.1.A All streets and roads shall conform to the requirements of the Routt County Road & Bridge Department and the Routt County Zoning Regulations and amendments thereto.
- 3.2.1.C In certain areas, the Uniform Fire Code as currently adopted by the fire district in which the land lies, may apply.

Staff Comments: All of the roads have been constructed in South Shore and can handle the traffic associated with these lots. There is no need to develop any new roads. A trail maintained by UYWCD extends around the entire Stagecoach Reservoir. A portion of this trail exists on areas of these lots. Public access to this trail is not provided through these lots but is available in close proximity. Addresses will be assigned during the building permit review stage.

Is the application in compliance with the Policies and Regulations outlined above? **Yes**

6. Natural Environment

Stagecoach Community Plan

- 5.2.2.E All trash containers, including dumpsters, shall be bear resistant.
- 5.3.1.1.B. All trash containers, including dumpsters, shall be bear-resistant.
- 5.5.1.G. New improvements in critical wildlife habitat areas (as designated CPW) should not be approved, unless no other building site is available on the parcel, or unless building on an alternative site would violate other portions of this Plan. All property fencing should

be of a type approved by the CPW to minimize risks to wildlife.

- 5.5.1.I. New improvements should not be approved for sites within 50 feet of water bodies, unless no other building sites are available on the parcel, or unless building on an alternative building site would violate other portions of this Plan.
- 5.5.1.K. New improvements should incorporate grass-lined swales between paved areas and nearby streams.

Applicable Regulations – Routt County Zoning Resolution

- 5.11 Waterbody Setback Standards
- 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.P Reclamation and Restoration.
- 6.1.7.Q Noxious Weeds.

Applicable Regulations – Routt County Subdivision Resolution

- 3.1.F Provisions shall be made to preserve as open space any natural features of the site that would enhance the subdivision, i.e. unusual rock formations, lakes, rivers, streams, trees, or attractive relief features.
- 3.2.2.D Where a subdivision is traversed by a water course, stream or drainage way, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction or both that will be adequate for drainage purposes. Parallel streets, parkways, walkways, culverts, bridges or storm sewers may be required in connection with such drainage easement. In addition, storm sewers that meet water pollution prevention standards shall be installed wherever necessary based on engineering surveys although separate easements for storm sewers may not be required. Open space areas should include any major streams or water courses on the property. Such easements may be provided as dedicated public lands or held by quasi-public organizations such as a homeowners association.
- 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.

Staff Comments: There is no requirement in the Zoning or Subdivision Regulations for bear proof trash containers, however, they are highly encouraged. These lots are not within 50' of

the reservoir and there are no drainages that cross the site. The area between these lots and the reservoir is vegetated, which helps clean runoff before it enters the reservoir. Since this area is already approved for high density development, this application will not create additional negative impacts. As long as best management practices are utilized during construction, impacts to water quality and quantity and air quality should be minimal. There are no wetlands on site.

Is the application in compliance with the Policies and Regulations outlined above? **Yes**

PLANNING DIRECTOR'S OPTIONS:

1. **Approve the Division of Land for Public Purposes 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 Division of Land for Public Purposes 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 Division of Land for Public Purposes request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Division of Land for Public Purposes 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.

FINDINGS OF FACT that may be appropriate if the Division of Land for Public Purposes is approved:

1. The proposal with the following conditions meets the guidelines of the Routt County Master Plan and the Stagecoach Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and 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. A certificate of taxes due shall be submitted showing a \$0 balance prior to recording the plat.
4. The NHPQ pin on the eastern edge of right of way for Uncompahgre Road shall be shown on the plat and labeled as not accepted with an explanation as to why it was not accepted. A new pin delineating the eastern edge of the right of way shall be placed and shown on the plat. The right of way shall not be less than 80' wide. The right of way shall be appropriately dedicated on the final plat.
5. A 20' road maintenance and snow storage easement shall be dedicated to Routt County on the front of proposed Lots 1 and 2 and shall be shown on the plat.
6. A 10' drainage easement on the interior of all lot lines shall be dedicated to Routt County and shall be shown on the plat.
7. A 10' trail easement on the interior of all side lot lines and a 20' trail easement on the rear property lines shall be dedicated to SPOA and shall be shown on the plat.
8. A 20' trail easement in the location of the existing trail shall be dedicated to Upper Yampa Water Conservancy District and shall be shown on the plat.
9. The following notes shall be shown on the plat:
 - a. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
 - b. Routt County (County) and the Oak Creek Fire Protection 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.
 - c. All lots have been shown to be within mapped areas of Potentially Unstable Slopes. If site development reveals evidence of faulting in soils, then additional investigation will be needed to ensure that individual structures are not located within active fault rupture zones.
 - d. Design controls to be established by architectural control committee through protective covenants.
 - e. Existing ruins to be preserved through jurisdiction of Stagecoach Property Owners Association.
 - f. Areas defined as trail easements are subject to construction of pathways for non-vehicular community use. Location and development of such trails to be responsibility of Stagecoach Property Owners Association.
 - g. First floor elevations of any residential structures, constructed on any lot or parcel continuous to the lake shore line, shall not be lower than 7206.00' mean sea level.

- Applications for building permits shall include a topographic map of the lot or building site prepared by a registered civil engineer or a licensed land surveyor.
10. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
 11. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
 12. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass mixes.
 13. All exterior lighting shall be downcast and opaquely shielded.
 14. The recommendations for defensible space around structures from the Colorado State Forest Service should be adhered to for development of this lot.

I hereby approve/disapprove (circle appropriate) this Exemption from Subdivision Regulations for Public Purposes.



Planning Director

December 20, 2022
Date



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

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

**RE: MULTI-FAMILY TRACTS 15, 30, & 31
SOUTH SHORE at STAGECOACH**

**NARRATIVE FOR DIVISION OF LAND FOR PUBLIC PURPOSE FOR THE
ABOVE PARCELS
October 5, 2022**

**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION INC and
James "Bear" Ackerman (acting representative) are requesting your approval for a
Division of Land for Public Purpose and replat for legalization of MULTI-FAMILY
TRACTS 15, 30, & 31 SOUTH SHORE at STAGECOACH.**

History:

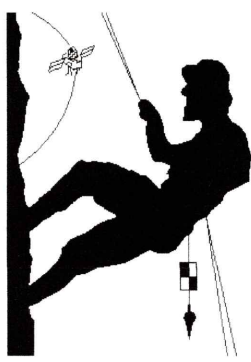
**SOUTH SHORE at STAGECOACH was filed January 25, 1973,
Reception 240305, which created MULTI-FAMILY TRACTS 15, 30, & 31.
Colorado Ute Electric deeded land to the Upper Yampa Water Conservancy District
in 1986 at reception #358812 (Book 622 Page 477). This is the parcel commonly
known as the OWEN PARCEL. Attached is a drawing of that deed for the area
surrounding South Shore. Since this changed the boundaries, a Board of County
Commissioner approved the plat without gaining approval from the County, and
therefore these lots are considered illegal.**

**The attached MONUMENT SURVEY PLAT of MULTI-FAMILY TRACTS 15, 30,
& 31 has an overlap parcel as shown on the hatched area of the survey. This
hatched area is all over 30% slope. Therefore, the hatch area, overlap parcel, does
not affect the building of a home on these lots.**

Sincerely,

**James "Bear" Ackerman, Colorado RLS#16394
President Emerald Mountain Surveys, Inc.
380 Bearview Ct**

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Emerald Mountain Surveys, Inc.

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(970) 879-8998 bear@emeraldmtn.net

Alan, Bob

Here the answers to the following

Following are Upper Yampa's comments on Tri-State Multi-Family Tracts 15, 30, & 31 South Shore at Stagecoach:

- (1) It appears the Stagecoach perimeter recreation trail is located in part on the Tri-State lots. This Trail is part of the park facilities leased by Upper Yampa to CPW at Stagecoach and it is required by Upper Yampa's FERC permit. The trail was constructed shortly after the construction of Stagecoach Dam in 1989. We believe the County should condition approval of the replat on the grant by the property owner of a recreational trail at this location to Upper Yampa which should be depicted by a centerline legal description on the replat. The trail ROW should be 20' to accommodate trail maintenance at this location which could include some steep slopes. I will provide you with form of trail easement for your review which can reference trail as shown on the replat.

I WILL CREATE 3 TRAIL EASEMENTS 20' WIDE FOR EACH LOT

- (2) We need to confirm that boundary with Upper Yampa property is consistent with most recent title work attached.
THE DEED 622 PAGE 477 (OWENS PARCEL) IS THE SAME
AS D&D LEGAL JUNE 22, 2016 LEGAL FOR TITLE POLICY
IN THE AREA OF THESE LOTS

- (3) There is plat note on South shore plat which states:

THE PLAT
NOTES

10 "FIRST FLOOR ELEVATION OF ANY RESIDENTIAL
STRUCTURE CONSTRUCTED ON ANY LOT OR PARCEL
CONTIGUOUS TO THE LAKE SHORE LINE, SHALL NOT BE LOWER
THAN 7206.00' MEAN SEA LEVEL."

THIS DOES NOT STATE IF ITS IS NAVD 88 OR NGVD 29,
WHICH IS A DIFFERENCE OF ABOUT 4.00 FEET.

I KNOW THAT THE DAM SPILLWAY WAS CONSTRUCTED TO A
PLAN ELEVATION OF 7200. I DID THE SURVEY WORK FOR THE
EXPANSION OF THE LAKE BY +4.00 FEET IN 2010.
THE SPILLWAY IS AT 7206.19 NAVD 88. I CAN ONLY ASSUME
THAT THE PLAN WAS TO HAVE THE FFE AT 6.00 ABOVE
SPILLWAY, 7206.00.

THE LOTS ELEVATIONS AT THE LOWER (WEST SIDE)
ARE

NW LOT 15 7243.6

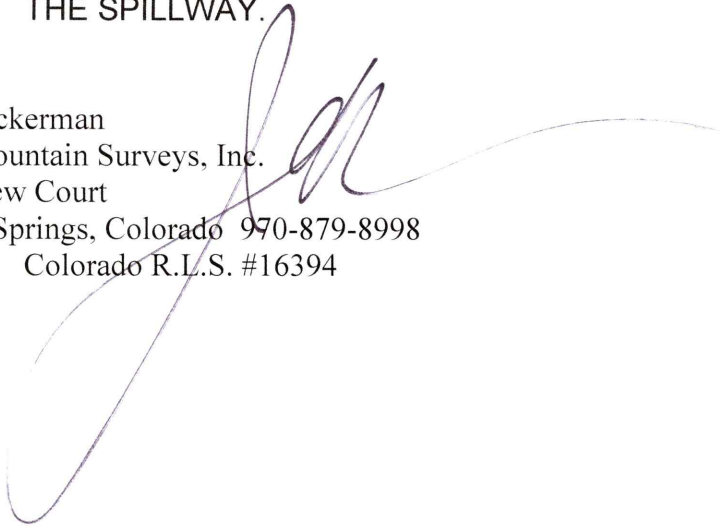
NW LOT 30 7226.6

NW LOT 31 7226.7

SW LOT 31 7222.7

I DO NOT SEE A PROBLEM ALL LOTS ARE OVER 16.5 ABOVE
THE SPILLWAY.

James B. Ackerman
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380 Bearview Court
Steamboat Springs, Colorado 970-879-8998
Colorado R.L.S. #16394



Routt County Planning
136 6th Street, 2nd Floor
Steamboat Springs, CO 80487
Attention: Sally Ross/ Alan Goldich

November 29, 2022

Re: Multi-Family Tracts 15,30 & 31, South Shore at Stagecoach [PL 20220092]

Dear Ms. Ross and Mr. Goldich:

At their meeting on November 15, 2022, the Stagecoach Property Owners Association directors authorized the submission of the following comments with respect to the application of Tri-State for "division of land for a public purpose."

1. SPOA objects to the application to the extent it would require a re-routing of the "Elk Run Trail." You have informed me that your Department has requested that the adjoining property owner, Upper Yampa Water Conservation District, take necessary steps to obtain a public easement for the portion of the Elk Run Trail that crosses Tracts 15 and 30. If UYWCD fails to do so, or is unable to obtain such an easement, SPOA proposes to work with UYWCD and Department of Parks and Wildlife to use a rear trail easement owned by SPOA to situate the portion of the trail crossing Tracts 15 and 30. However, this depends upon the confirmation of a rear trail easement in the name of SPOA, as discussed below.

2. SPOA objects to the application to the extent it seeks to eliminate the twenty-foot-wide rear lot easement established in favor of SPOA in the original plat.

a. The original plat, in the "Notes" section of the first page of the plat, has two entries relating to trail easements: " 5. All side lot line [sic] subject to 10' trail easement;" and, "9. All rear lot lines subject to a 20' trail easement." Thus, the land owners, at the time of the original plat, granted trail easements to SPOA.

b. The "Improvement Survey Plat" proposed by Tri-State has a similar "Notes" section which contains the same two entries. However, the survey map itself, while showing the location of the existing ten-foot-wide side trail easements, does not show new proposed rear lot easements. Since this is a replat, with the rear boundary in a new location, presumably the land owner would have to agree to a new easement. SPOA is unclear as to whether Tri-State is agreeing to new twenty-foot trail easements along the new proposed rear boundaries. We suspect they are not. We request, therefor, that any approval from the County be conditioned upon the grant by Tri-State of twenty-foot-wide rear trail easements, in favor of SPOA, running along the new rear boundaries of Tracts 15, 30 and 31. And just so there is no confusion in the future, SPOA requests that Tri-State submit a new map showing the new rear boundary trail easements.

c. SPOA has a real and current reason for making this request: In 2020 we engaged Patten Associates, Inc. to prepare a master trails plan for all of the 31

subdivisions subject to the Stagecoach Covenants. In 2021 we began executing that master plan with the construction of the first Stagecoach Trail segment in South Shore. In 2023 we expect to construct the next segment which will extend the existing trail by approximately $\frac{3}{4}$ of a mile. The path of this next segment will be constructed parallel to Uncompahgre road, within Common Area 10, across Uncompahgre Road from Tracts 15, 30 & 31.

SPOA has attempted, for well over a year, to negotiate with Tri State to acquire certain parcels at South Shore originally platted as "common areas" but now owned by Tri-State, for the specific purpose of connecting the new trails at South Shore with the existing Elk Run Trail. Our first effort was to acquire Common Area 6; we then attempted to acquire Common Area 13; and our plans call for the potential acquisition of portions of Common Area 9. In June of this year, Tri-State abruptly cancelled further negotiations on the grounds that a corporate decision had been made to market all of Tri-State's holdings at South Shore. They hired a real estate agent and have, in fact, placed certain parcels on the market.

If SPOA is not successful in acquiring other points of access to the Elk Run Trail, the Association will have no choice but to exercise its right to construct a trail through easements owned by the Association. In this regard, the side and rear trail easements for Tracts 15, 30 & 31 would be ideal. It would be a simple matter, next summer, to run a spur from the trail planned for Common Area 10, across Uncompahgre Road and down the combined twenty-foot-wide side trail easements for either Tracts 15 and 30, or Tracts 30 and 31, to connect to the Elk Run Trail. And, although it appears from the submitted map that the side easements intersect the Elk Run Trail, the topography may be such that a connection at the point of intersection is not feasible. So, SPOA needs the flexibility provided by rear trail easements to insure a smooth connection.

Submitted by,



Thomas Watts, SPOA Director

