
Aspen Highlands F9 Consolidation, Zone Change and Vacation of Easements

Consent Agenda Item

ACTIVITY #: **PL20220070**

HEARING DATES: Planning Commission: 01/19/2023 at 6:00 pm
Board of County Commissioners: 01/31/2023 at 9:30 am

PETITIONER: Robert Hagerty

PETITION:

- 1) Consolidation of 25 lots, two outlots, and a parcel to create 2 new lots
- 2) Rezone from LDR to MRE
- 3) Vacation of Utility and Drainage easements along interior lot lines

LEGAL DESCRIPTION: Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 124, 125, 159, 169, 168, 203, 204, 205, 207, 208 Steamboat Lake Subdivision F7, East Parcel G Aspen Highlands Subdivision F2, Outlots A and F Aspen Heights Subdivision F6

LOCATION: Terminus of Horse Shoe Ln and portions of land south of Crazy Horse Way, land north and south of Antelope Way, and land north of Bighorn Way

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

AREA:

STAFF CONTACT: Michael Fitz – mfitz@co.routt.co.us

ATTACHMENTS:

- Applicant Narrative
- Existing Conditions
- Proposed Plat
- Site Photos
- Road & Bridge letter of support for vacation

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:

Steamboat Lake Filing 7 was platted on November 8, 1972. At the time, small lots as small as 0.09 acres were platted with the expectation that they would be served by central water & sewer service. This infrastructure was never installed, and the lots are undevelopable at their present size due to the lack of sufficient area for a septic system. Aspen Heights Filings 2 and 6 were platted on March 2, 2001 and May 29, 2012, respectively. These previous consolidations included parcels and outlots that were intended to be incorporated into future consolidations. There is no difference in meaning or purpose between a “parcel” (term used in Filing 2) and “outlot” (term used in Filing 6). As-platted, they were undevelopable, but are usable when combined with other lots to acquire the necessary 5 acres to consolidate.

Site Description:

This project plats two different areas; Lot 1 and Lot 2.

Lot 1 is at the terminus of Horse Shoe Ln. It contains numerous lots that surround an un-constructed cul-de-sac, as well as four lots further east along the same road, and incorporates Outlot A. This area is open and grassy with low brush plants and few trees. The central portion, where the cul-de-sac and existing lots are placed, is a flat peninsula of higher land; falling steeply away on all sides is Outlot A. A waterbody runs along the southern portion of the lot.

Lot 2 is further south from Lot 1 and is a heavily-treed area south of Crazy Horse Way, north of Bighorn Way, and cut through the center by Antelope Way. The land here slopes north. This lot includes ten Steamboat Lake F7 lots as well as East Parcel G and Outlot F. There are no waterbodies or excessive slopes.

Project Description:

The applicant proposes to combine all of these existing lots and outlots into two new lots; Lot 1 will be 7.57 acres, and Lot 2 will be 5.06 acres, both of which would be buildable in the MRE zone district with a well & septic system. Internal easements will be vacated to result in a larger building site. Lot 1 will have one resulting building envelope, toward the future vacated terminus of the cul-de-sac. Lot 2 will have two building envelopes, one north of Antelope Way and one south. No current building proposal has been submitted, but a home and a secondary unit would be allowed wherever they can meet setbacks.

Staff Comments:

Water and sewer lines do not access these lots. If a property owner can obtain 5 contiguous acres, a Zone Change and Lot Consolidation can be considered which would allow the construction of a septic system (ISDS) on the property, allowing for a single-family home and secondary unit under the current Routt County Zoning Regulations. This application is to combine these parcels into 2 lots with a zone change to Mountain Residential Estates which allows the construction of a septic system. Road & Bridge supports the vacation.

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. Natural Environment

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.

Applicable Policies – Routt County Master Plan

- 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.

Staff comments: The current lots are mapped for low and medium fire risk by the County's GIS and are not mapped for any geologic hazards. The reduction in platted density from 12 lots to 1 is anticipated to reduce noise and wildlife impacts, reduce overall environmental impacts on this property and reduce the need for critical community services. There are no waterbodies on the property.

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

Consolidation 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.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 – Upper Elk River Valley Community Plan

- 2.5.4.1 Where there seems to be infrastructure capacity shortfall, plan for replacement or consolidation.
- 2.5.4.5 New residential development should not be at densities greater than allowed under state law, existing approvals, or LPS developments.
- 2.6.4.4 Continue the existing Steamboat Lake Subdivision 5-acre policy allowing wells and individual sewage disposal systems (ISDS) with rezoning and lot consolidations.

Staff comments: This proposal reduces density in an area that is far from growth centers. The Elk River Valley Community Plan is very clear and enthusiastic about encouraging the consolidation of small lots into 5+ acres due to a lack of infrastructure to support denser development. This proposal is exactly what the plan anticipates.

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

Zoning Amendment Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 4.5 **Mountain Residential Estates**
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; or

Applicable Policies – Upper Elk River Valley Community Plan

- 2.6.4.1 Establish a land banking system. Encourage land trades between owners of lots in Steamboat Lakes subdivision filings that do not have appropriate public services and the County and/or Steamboat Lake State Park to facilitate acquisition of buffer areas and to assemble/provide buildable parcels for the Steamboat Lakes subdivision lot owners.
- 2.6.4.2 Ensure preservation of open space and common areas as they were originally approved or equivalent.
- 2.6.4.4 Continue the existing Steamboat Lake Subdivision 5-acre policy allowing wells and individual sewage disposal systems (ISDS) with rezoning and lot consolidations.

Applicable Policies – Routt County Master Plan

- 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.

Staff comments: It appears that the petition meets all of the required criteria for a rezoning approval, as well as criteria 8.2.2.A. The proposed rezoning and vacation are supported by policy 2.6.4 in the Upper Elk River Valley Community Plan. The environmental conditions of the land is substantially similar to much of the other land zoned MRE in the County. The advantages to the County, including fulfilling Master Plan and sub-area plan policies and creating buildable lots where there were unbuildable lots, outweigh any disadvantages, which may include environmental impacts from development. The proposal would not increase allowable density, because the land is currently zoned for much higher density than that proposed. The existing zone district is inconsistent with policy 4.2 of the Master Plan and the rezoning would help solve the challenges identified in Section 2.6 of the Upper Elk River Valley Community Plan.

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

Easement/Right-of-Way Vacation Regulations and 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: All utilities have signed off on this vacation request, and all right-of-ways are being maintained. Easements around the perimeter of the properties are remaining to ensure utility development is not hampered in the future.

*****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

- 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.
- 4.6 Support efforts to maintain Dark Skies and control light pollution.
- 4.9 Discourage development on ridges that result in sky lining.
- 6.4 Small-scale developments should be considered in Tier 3 Small Established Communities like Phippsburg and Milner if they provide community benefits such as lowincome or workforce housing, or services.
- 9.3 Discourage development that changes the rural character or historic agricultural uses and/or practices.
- 9.8 Strongly discourage scattered development and 35-acre subdivisions.
- 9.16 Protect unique view corridors with high aesthetic value, including the south valley floor and the Hwy 40 and CR 129 corridors.

Applicable Policies – Upper Elk River Valley Community Plan

- 2.5.4.10 Protect the visual quality and rural character of the valley at night by encouraging the use of minimal exterior lighting, that lighting be downcast, and that there be no general floodlighting of buildings.
- 2.5.4.11 Avoid the placement of structures on skylined ridges as viewed from the RCR 129 and public gathering places.

Staff comments: It is not expected that the area's scenic qualities will be altered from what could occur otherwise on platted lots. No historical significance or land use compatibility conflicts are believed to exist. No visual, air, water, or noise impacts are expected as a result of this proposal. The reduction in density resulting from this consolidation follows the County's prioritization of Tier 1, 2, and 3 areas and increases compatibility with agriculture, open spaces, and their associated rural character. A plat note is suggested that would require lighting to be downcast and opaquely shielded. By consolidating these lots and making them buildable, an alternative product to 35 acre parcels is being provided, potentially preventing the creation of 35 acre lots for residential development.

***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

- 7.15 Ensure that future development occurs where roads can accommodate projected traffic volumes and patterns.
- 9.4 Preserve open space.

Staff comments: This consolidation will meet MRE zone district sizes, and provide sufficient buildable space for future structures to meet dimensional and parking standards. Addressing will be assigned during a future building permit. Road access will not be changing, and this subdivision will actually reduce the potential future density at full build-out due to the reduction in lots from 25 to 1. The reduction in density furthers the County's goals of minimizing development in remote areas, minimizing impact to infrastructure, and reducing negative impacts to the landscape.

***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

- 9.12 Noxious weeds must be controlled at the expense of the landowner.
- 9.13 Enforce the weed management program and educate new or unaware landowners or those that refuse to manage weeds.
- 11.3 Protect wildlife species and their habitats.
- 11.5 Encourage land use practices that will minimize conflicts between wildlife and human uses.

Staff comments: This consolidation will reduce impacts to the natural environment due to a reduction in potentially buildable lots from 25 to 1. This will reduce the number of future homesites that may conflict with wildlife, impose demands on water supply, and assembles sufficient land for a septic system. Future septic permitting will be handled at building permit by Routt County Environmental Health. No impacts to air quality or wetlands are anticipated. A condition requiring revegetation is suggested to avoid the proliferation of weeds. A reduction in density will have a corresponding reduction in impacts on wildlife and their habitat.

***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*: _____

Date: _____

* 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 Upper Elk River Valley 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. A certificate of taxes due shall be submitted showing a \$0 balance prior to recording the plat.
4. The right of way for County Roads Horse Shoe Ln, Crazy Horse Way, Antelope Way, Sandy Creek Dr, and Bighorn Way shall be appropriately dedicated on the final plat.
5. The following notes shall be shown on the plat:
 - a. Routt County is not responsible for maintaining or improving subdivision roads. The right of ways shown hereon have been accepted by Routt County, however the County is not responsible for maintaining or improving subdivision roads.

- 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.
 - 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 North Routt 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.
6. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
 7. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
 8. 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.
 9. All exterior lighting shall be downcast and opaquely shielded.
 10. 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.
 11. 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 Upper Elk River Valley 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 LDR to MRE 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.

UTILITY AND DRAINAGE EASEMENT VACATION

FINDINGS OF FACT that may be appropriate if the Utility and Drainage Easement Vacation is approved:

1. The proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and Upper Elk River Valley 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 the utility and drainage easements shall be recorded concurrently with the Final Plat.
2. Utility and drainage 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.

Aspen Heights Subdivision

Filing No. 9

LEGAL DESCRIPTION:

A REPLAT OF LOTS 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 124, 125, 159, 168, 169, 203, 204, 205, 207 AND 208, STEAMBOAT LAKE FILING NO. 7 AND EAST PARCEL 'G', ASPEN HEIGHTS SUBDIVISION FILING NO. 2 AND OUTLOT 'A' AND OUTLOT 'F', ASPEN HEIGHTS SUBDIVISION FILING NO. 6

PROJECT DESCRIPTION

This proposed subdivision, located within the original Steamboat Lake Subdivision, Filing Number 7 in North Routt County, includes twenty-five LDR lots within Steamboat Lake Filing No. 7, Outlots A and F, Aspen Heights Subdivision Filing No. 6--two parcels left over from a prior replat--and East Parcel G, Aspen Heights Subdivision Filing No. 2. We propose a Consolidation Replat of this land into a two lots, with Lot 1 comprising 7.57 acres and Lot 2 comprising 5.06 acres of contiguous land, as defined by Routt County Zoning Regulations and as allowed by Routt County Resolution #95-P-84. The new lots will be rezoned to Mountain Residential Estates.

Outlots A and F were created by the consolidation replat of Aspen Heights Subdivision Filing 6. These two parcels were deemed unbuildable at that time in their current state. From the Aspen Heights F6 (ACTIVITY PS2011-011) packet produced by Routt County Planning: Staff Comments 2. "The applicant stated that Outlot "A" and Outlot "F" are not to be built upon **until further lot consolidations have been completed**. Staff recommends the plat note to this effect be a required condition of approval." These Outlots have always been intended to be included in future consolidations, with approval from Routt County. We now have acquired enough original Steamboat Lake 7 lots to combine with the Aspen Heights F6 Outlots to create two new lots within the proposed Aspen Heights F9.

All Steamboat Lake Filing No. 7 lots and parcels not part of this subdivision will remain as currently platted. All utility easements located within the perimeter of this subdivision will be vacated. New easements will be dedicated: fifteen-foot wide easements along lot lines fronting roads for installation and maintenance of public utilities, plus snow removal and storage; ten-foot wide easements along other property lines for drainage and installation and maintenance of public utilities.

In the original Steamboat Lake Subdivisions all easements for utilities and drainage were 10 feet wide around the perimeter of all lots. In the year 2000--in our understanding at the request of utility providers--new consolidation replats were required to have 15 foot easements along all lot lines fronting roads for public utilities, drainage, snow removal and storage. The August 3, 2000 Routt County Planning Commission packet for Resubdivision No. 1, Steamboat Lake Filing #7, under Vacation of Internal Utility and Drainage Easements states: "1. There shall be ten foot (10') wide utility and drainage easements along the new perimeter lot lines, consistent with the original Steamboat Lake Filing 7 Plat, and a 15' wide utility easement along all lot lines fronting on roads, and shall be dedicated appropriately." Since that time, all consolidation

replats in the Steamboat Lake Subdivisions that we have knowledge of have followed this new standard of easement widths. We do not know if or when Routt County codified the requirement of 15' easements along roads into the governing documents.

Lot 1 will be accessed from RCR 129 via Horse Shoe lane, an existing 36-foot wide right of way that currently terminates at a cul-de-sac. This road has already been partially improved to provide access for Lots 1 and 2, Aspen Heights Subdivision Filing No. 5. We propose a vacation of the entire existing cul-de-sac and an additional 150 feet +/- of Horse Shoe Lane as shown on the preliminary plat and a separate legal description. A new cul-de-sac is proposed at the new end of Horse Shoe Lane to provide a "Public Right of Way for Turnaround". This new cul-de-sac has been approved by Routt County Road and Bridge. Access to remaining unbuildable Steamboat Lake Sub. Filing 7 lots 20, 21, 22, 34, 35 and 36 will be preserved via Horse Shoe Lane.

Lot 2 will have access from RCR 129 via the previously built roads Antelope Way and Crazy Horse Way, or potentially via Sandy Creek Drive and Bighorn way. An easement for a "Public right of way for turnaround" exists on what is currently part of Steamboat Lake Filing 7 Lot 125, at the end of Crazy Horse Way. this Turnaround easement was approved by the County for Aspen Heights Subdivision Filing No. 6. Our intent is to for this easement to remain as it currently exists on the new plat for Aspen Heights Subdivision Filing No. 9

Routt County owns the original right-of-way's in the Steamboat Lake Subdivisions, but the County does not build nor maintain any of the roads. As part of the approval process for this application, Routt County Road and Bridge will determine road improvement requirements.

The current LDR zoning requires that lots be served by a central sewer system, which is not available in this area.. The "Upper Elk Valley Community Plan" (Sec. 2.6.4 Policies) and the "Routt County Master Plan" (Section 4.3.H. Policies) encourage the consolidation of smaller parcels in the Steamboat Lake Subdivision into contiguous 5+acre parcels that meets the acreage requirement for the use of On-Site Wastewater Treatment Systems (OWTS)

Currently there are no wells within the boundaries of the new subdivision. It is expected that a new well will be drilled by the future owners of each of the lots created by this consolidation replat. Attached is a letter from Megan Sullivan, P.E. of the Colorado Division of Water Resources, responding to our inquiry seeking confirmation that a well permit can be can be obtained—a requirement on the Routt County Planning Submittal Checklist for Stagecoach/Steamboat Lake Consolidation. The future parcel qualifies for an "exempt" well permit under the qualifications described by Ms. Sullivan.

Attached is a "Geologic Hazard Evaluation" by Western Slope Geotech regarding the two lots within the proposed Aspen Heights Filing No. 9, and a slope analysis map produced by Emerald Mountain Surveys, Inc. The report from Western Slope Geotech states: ***"Based on the proposed development, our site observations and review of available mapping, WSG does not believe there are geologic conditions associated with the site that are considered excessively hazardous or would render the proposed development unfeasible."***

Also attached is a 2002 report of "Water Body Setbacks for Steamboat Lake Subdivision filing 5, 7 & 8, by Eric Thayer, P.E. Mr. Thayer determined that the proposed Lot 1 has two water bodies within its boundaries: the Middle Tributary of Ways Gulch and the North Tributary of Ways Gulch—which flank the lot on two sides. As the two Water Bodies are approximately 400 feet apart, the required setback of 50 feet from all "activity" will not present a problem. There are no identified water bodies within the boundaries of Lot 2.

The project is not within a mapped “skyline” area per Routt County GIS Mapping, thus it is not subject to Routt County Planning Department “Skyline Development Guidelines”.

The Consolidation Replat process was conceived by Routt County Planning Department in the late 1990’s. It allows for the consolidation of smaller Steamboat Lake Subdivision lots into a 5-acre+ lots that can be built upon. One of the primary reasons for the creation of this consolidation plat process was to solve the problem of rampant illegal camping that was primarily occurring in Steamboat Lake Subdivision Filings 5-8, between Willow Creek and Steamboat Lake State Park. Camping has been essentially eliminated as many of the original lots have been absorbed into 5-acre+ lots

We believe this subdivision is consistent with the goals and policies of the Routt County Master Plan and the Upper Elk River Community Plan. We have shown that the land, in terms of geological, physical and other environmental conditions, is suitable for MRE zoning. By downzoning the property to MRE and creating lots that can legally be built upon, we are reducing density in an area that is not within a “Growth Center”. We are continuing to mitigate the historical problem of illegal camping and we have given multiple owners of original Steamboat Lake lots the opportunity to sell by creating a market for their lots. We can think of no disadvantages of this proposed subdivision compared to what currently exists. The Steamboat Lake Subdivisions were originally platted in the early 1970’s as a dense resort development that included almost two thousand lots with amenities including a golf course, a clubhouse and a ski hill. The originating developer quickly went bankrupt, leaving most of the project undeveloped. Our proposed subdivision is continuing the transformation of the Steamboat Lake Subdivision into a healthy and vibrant residential community that is appropriate for its location.

EXISTING	PROPOSED
28 lots/parcels 0.45 acres (avg.) LDR zoning	2 Lots 6.40 acres (avg.) MRE zoning

Included in this application are:

1. A legal description.
2. A preliminary plat of the new subdivision prepared by Emerald Mountain Surveys, Inc. of Steamboat Springs, CO.
3. An Existing Conditions Plan prepared by Emerald Mountain Surveys, Inc.
4. A legal description for a proposed partial vacation of Horse Shoe Lane.
5. A “Geologic Hazard Evaluation”, by Western Slope Geotech of Steamboat Springs CO.
6. A slope analysis of Lot 1 prepared by Emerald Mountain Surveys, Inc. of Steamboat Springs, CO.
7. A letter from Megan Sullivan of the Colorado Division of Water Resources responding to our inquiry regarding a submittal check-off requirement for “Confirmation from the Colorado Division of Water Resources that a well permit can be obtained”.
8. A study of water bodies for original Steamboat Lake Filings No. 5, 7 and 8 by Eric Thayer, P.E. of Steamboat Springs (produced for Bell Properties, LLC, an affiliated company).
9. Copies of letters sent to Atmos Energy, Lumen/CenturyLink, Yampa Valley Electric Association/Luminate, Comcast/Xfinity and Steamboat Lake Water and Sanitation District,

requesting their approval to vacate existing utility easements within the boundaries of this subdivision. All the utilities have granted their approval.

10. A "Narrative to Vacate Easements" by Emerald Mountain Surveys, Inc.
11. Proof of ownership—a Title Commitment issued by Stewart Title of Colorado, Steamboat Springs Division.
12. A Statement of Authority for Bola Enterprises, Inc.

Submittal requirements not included with this application.

1. *Soil percolation tests* will not be performed for this subdivision to determine the suitability for individual septic disposal systems. Instead, the plat will include a note stating: "The viability of these lots for individual septic disposal systems and the availability of permits for individual septic disposal systems has not been established." This has been allowed for prior consolidation plats.
2. *Water analysis* per Sec. 4.5.2.B.4 of the Routt County Subdivision Regulations. No water quality analysis has been done, as there has been no water development on the site to date. The water quality in this area from prior wells and springs has always been excellent, with filtration only for sediment typically needed. Also, modern in-home water treatment is available for any water quality problem that might exist.
3. *Engineered plans for all utilities.* Water and OWTS systems will occur on-site as installed by future owners. Telephone and electric lines are available by extension off of main lines.
4. *Engineered plan and profile for all new public streets and Common Roads.* A driveway is planned on the right of way of Horse Shoe Lane beyond the previously built turnoff to Lot 1, Aspen Heights Sub. Filing 5. This driveway will include a turnaround near the proposed right of way vacation at the end of Horse Shoe Lane, per Routt County Road and Bridge analysis. No other improvements are currently planned for this subdivision.

PROPERTY OWNER/ APPLICANT

Bola Enterprises, Inc.
P.O. Box 773630
Steamboat Springs CO 80477
bobhagerty@icloud.com
(303) 548-5256

CONSULTANTS:

SURVEYOR

Emerald Mountain Surveys, Inc.
P.O. Box 774812
Steamboat Springs CO 80477

ENGINEER (SOILS/ GEOHAZARD)

Western Slope Geotech
PO Box 775164
Steamboat Springs CO 80477

ENGINEER (WATER BODY LOCATION)

Eric Thayer, P.E.
1211 Ridge View Drive
Steamboat Springs CO

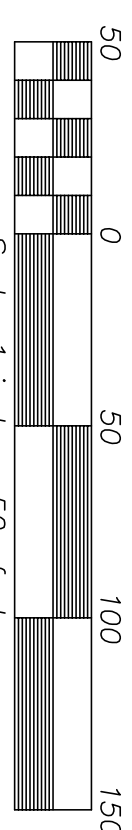
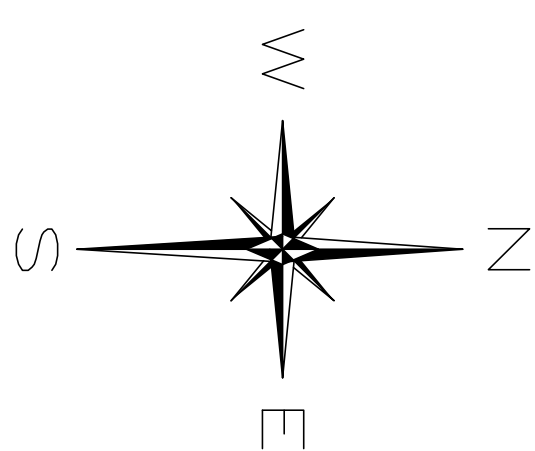
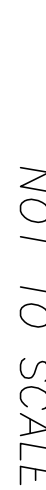
A reprint of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40, 124, 125, 159, 169, 168,

and East Parcel G, Aspen Heights Subdivision Filing No. 2 and Outlot A and

Located in portions of Sections 28 & 29

North, Range 85 West of

Living Conditions



THIS LOT 1 AS SHOWN HEREON - ASSUMED

hereon."

[illegible]

EXISTING CONDITIONS PLAN



MOUNTAIN SURVEYS, INC.
 380 BEARVIEW CT
 STEAMBOAT SPRINGS, COLORADO 80487
 970-879-8998
www.emeraldmtn.net

REPAIRED FOR: **BOLA ENTERPRISES, INC.**

80477

SCALE: 1" = 100'

DATE: NOVEMBER 15, 2022

PROJECT NO. 3747-2 SHEET NO. 1 of 1

Aspen Heights Subdivision, Filing No. 9

A Replat of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 124, 125, 159, 169, 168, 203, 204, 205, 207 and 208 Steamboat Lake Subdivision, Filing No. 7, and East Parcel 'G', Aspen Heights Subdivision Filing No. 2 and Outlot 'A' and Outlot 'F', Aspen Heights Subdivision Filing No. 6 Located in portions of Sections 28 & 29, Township 10 North, Range 85 West of the 6th P.M., Routt County, Colorado

- PLAT NOTES (GENERAL NOTES FROM OTHER PLATS)
- Any proposed improvements shall comply with all applicable requirements of the Environmental Health and Building Departments.
 - Lot owners shall comply with the requirements and guidelines of the Colorado State Forest Service and other applicable agencies with regard to wildland fire mitigation measures.
 - Revegetation of areas exposed by site grading or road cuts shall be completed within one growing season with a native grass seed mixture.
 - All external lighting shall be downcast and opaquely shielded.
 - Declaration of Covenants, Conditions and Restrictions, for Steamboat Lake Filing No. 7, recorded August 29, 1973, at Reception No. 245723 in Book 381 at Page 719 in the official records of Routt County, Colorado are applicable to this replat subdivision.
 - The owner shall prevent the spread of noxious weeds to surrounding lands, and comply with the Colorado Noxious Weed Act and the Routt County noxious weed management plan.
 - The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems has not been established and such shall be a condition of obtaining a building permit for these lots.
 - Routt County (County) and the North Routt Fire Protection District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or District by reason of the County's or 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 condition 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.
 - Domestic predators shall be kept under their owner's control at all times and shall not be allowed to run at large.
 - Routt County is not responsible for maintaining or improving the subdivision's roads.
 - No building permits shall be issued for any structure on Outlot A in its current configuration.
 - Any fencing constructed on the site shall meet the Colorado Division of Wildlife recommendations.
 - All trash containers shall be bear-proof and rodent-resistant.
 - Address signage in conformance with the Routt County Road Addressing, naming and Signing Policy shall be located at the entrance each driveway.

LAND SURVEYOR'S CERTIFICATE

I, James B. Ackerman, being a Registered Land Surveyor in the State of Colorado, do hereby certify that the within plat of ASPEN HEIGHTS SUBDIVISION, FILING No. 9, was made by me or under my direct responsibility, supervision, and checking, in accordance with C.R.S. 38-51-105 et seq. and any statute succeeding such statute and it is accurate to the best of my knowledge.

Dated this ____ day of _____, AD, 2022.

JAMES B. ACKERMAN R. L. S. #16394

ROUTT COUNTY PLANNING COMMISSION APPROVAL

The Routt County Regional Planning Commission does authorize and approved this plat of ASPEN HEIGHTS SUBDIVISION, FILING No.9 on this 6th day of April, A.D., 2022.

Steve Warnke, Chairman

ROUTT COUNTY SURVEYOR'S and CLERK'S CERTIFICATE

Deposited this ____ day of _____ AD, 2022, at ____ M., in Book No. ____ of the County Routt Surveyor's Land Survey Plats surveys at SP_____.

COUNTY SURVEYOR for ROUTT COUNTY

Thomas H Effinger
Colorado L.S. 17651

ROUTT COUNTY CLERK AND RECORDER'S ACCEPTANCE

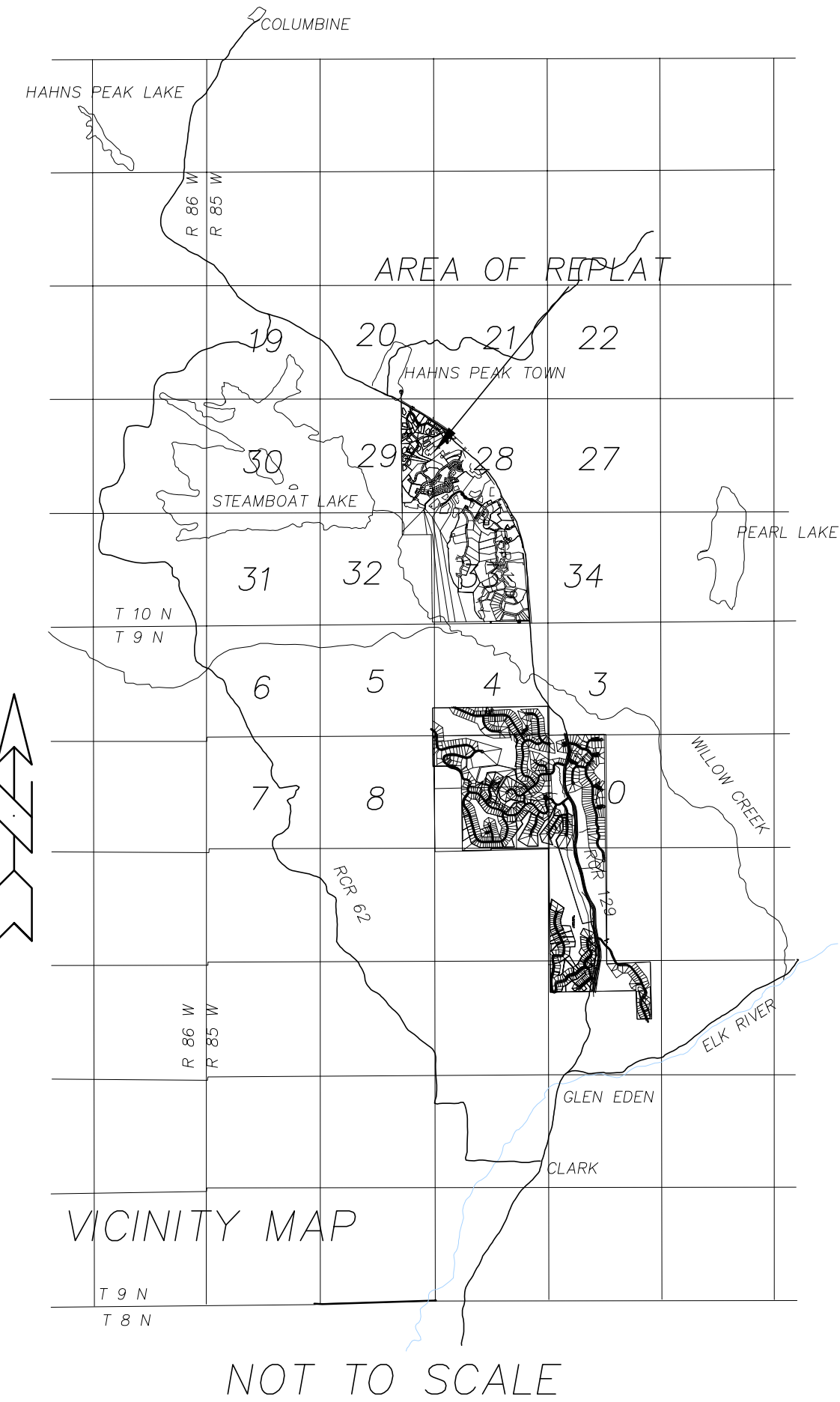
This plat was accepted for filing in the office of the Clerk and Recorder of Routt County, Colorado, on this ____ day of _____, AD, 2022.

Reception No. ____ Time _____

File Number _____

COUNTY CLERK for ROUTT COUNTY

JENNY L. THOMAS



CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That BOLA ENTERPRISES, INC, being the owner of the land described as follows:

A Replat of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 124, 1 25, 159, 169, 168, 203, 204, 205, 207 and 208 Steamboat Lake Subdivision, Filing No. 7, and East Parcel 'G', Aspen Heights Subdivision Filing No. 2 and Outlot 'A' and Outlot 'F', Aspen Heights Subdivision Filing No. 6 Located in portions of Sections 28 & 29, Township 10 North, Range 85 West of the 6th P.M., Routt County, Colorado

has laid out, platted and subdivided same as shown on this plat containing 7.73 acres, more or less, in the County of Routt, Colorado, under the name and style of ASPEN HEIGHTS SUBDIVISION, FILING No. 9, and hereby dedicates to the County of Routt for the use of the public, the Antelope Way public access easement and the utility, snow removal and storage, the overhead electric line and drainage easements as shown hereon. In witness whereof, the said BOLA ENTERPRISES, INC, has caused its name to be hereunto subscribed this ____ day of _____, 2022.

BOLA ENTERPRISES, INC

by ROBERT HAGERTY, as PRESIDENT OF BOLA ENTERPRISES, INC

State of Colorado
County of Routt

The foregoing instrument was acknowledged before me this ____ day of _____ AD, 2022, by ROBERT HAGERTY PRESIDENT of BOLA ENTERPRISES, INC.

My commission expires on _____

Witness my hand and official seal.

(Seal)

NOTARY PUBLIC

ATTORNEY'S CERTIFICATE

I, Paul Sachs, being an attorney at law duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have reviewed Stewart Title of Steamboat Springs, Inc., Title Commitment No. _____ and based exclusively on said title commitment, it is my opinion that title to the lands is vested in the Owner, free and clear of all liens, taxes and encumbrances, except for: those matters reflected in Schedule B, Section 2 of said title commitment; all easements and ditches of record or apparent; prior reservations or grants of minerals, including gas and oil, and mineral interests; restrictions, limitations, conditions, covenants and encumbrances of record; the lien for current taxes; rights or claimsof parties in possession not shown by the public records; encroachments (if any) of boundary fences; and easements or claims of easements, not shown by the public records.

DATED EFFECTIVE this ____ day of _____ 2022.

Paul Sachs
Attorney at Law
Registration #20971

APPROVAL BY BOARD OF COUNTY COMMISSIONERS

This plat of ASPEN HEIGHTS SUBDIVISION, FILING No. 9, is approved for filing this ____ day of _____, A.D., 2022. The dedication of the Antelope Way public access easement and the utility, snow removal and storage, the overhead electric line and drainage easements as shown or noted hereon are hereby accepted for the purposes noted, without accepting any obligation or responsibility for maintenance thereof.

BOARD of ROUTT COUNTY COLORADO COMMISSIONERS

M. Elizabeth Melton, CHAIRMAN

Attested Jenny L. Thomas, County Clerk and Recorder

NOTICE: "According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon."

			CALC'D	JBA
			DRAWN	JBA
			SURVEYED BY:	E.M.S.I.

TITLE: Aspen Heights Subdivision, Filing No. 9

A Replat of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 124, 1 25, 159, 169, 168, 203, 204, 205, 207 and 208 Steamboat Lake Subdivision, Filing No. 7, and East Parcel 'G', Aspen Heights Subdivision Filing No. 2 and Outlot 'A' and Outlot 'F', Aspen Heights Subdivision Filing No. 6 Located in portions of Sections 28 & 29, Township 10 North, Range 85 West of the 6th P.M., Routt County, Colorado

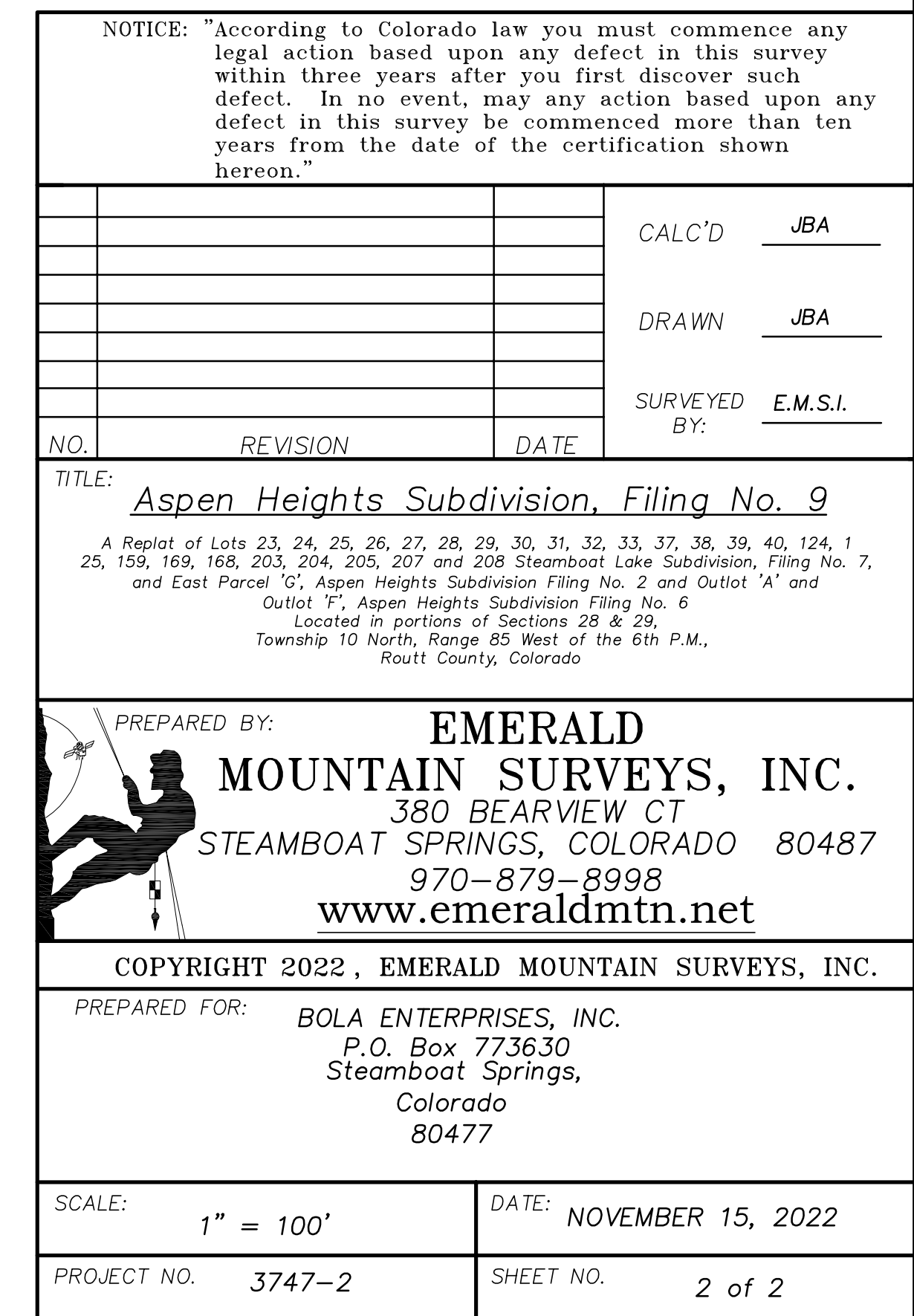
PREPARED BY: EMERALD MOUNTAIN SURVEYS, INC.
380 BEARVIEW CT
STEAMBOAT SPRINGS, COLORADO 80487
970-879-8998
www.emeraldmtn.net

COPYRIGHT 2022, EMERALD MOUNTAIN SURVEYS, INC.

PREPARED FOR: BOLA ENTERPRISES, INC.
P.O. Box 773630
Steamboat Springs,
Colorado
80477

SCALE: No Scale	DATE: 11-15-2022
PROJECT NO. 3747-2	SHEET NO. 1 of 2

A Replat of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 124, 125, 159, 169, 168,
203, 204, 205, 207 and 208 Steamboat Lake Subdivision, Filing No. 7,
and East Parcel 'G', Aspen Heights Subdivision Filing No. 2 and Outlot 'A' and
Outlot 'F', Aspen Heights Subdivision Filing No. 6
Located in portions of Sections 28 & 29,
Township 10 North, Range 85 West of the 6th P.M.,
Routt County, Colorado





Looking north toward the future Lot 2 (southern portion)



Looking east toward the southern and northern portion of the future Lot 2



Looking southwest toward the northern portion of the future Lot 2



Looking west toward the future Lot 1



136 6th Street, #103
Steamboat Springs, CO 80487
970-870-5552

September 16, 2022

To: Alan Goldich, Planning
From: Mike Mordi, Public Works

**RE: Proposed Vacation of portions of Horseshoe Lane in Aspen Heights Subdivision
Filing No. 9**

Robert Hagerty, as part of BOLA Enterprises, Inc., the land owners adjacent to Horse Shoe Lane in Filing No. 9 of the Aspen Heights Subdivision near Steamboat Lake have submitted an application for vacation for planning and BCC consideration. Horse Shoe Lane is a 36' wide public ROW that ends in a Cul-de-sac. The applicant owns Lot 1 as well as lots 23-33 and 37 and 38. The County Public Works department supports the vacation of the portions of the Rights of Way for Horse Shoe Lane as shown in the sketch exhibit. The vacation still maintains a cul-de-sac and access to the adjacent lots to the BOLA properties.

There are currently no roads constructed in the rights of way requested to be vacated. There are no public lands accessed by the right of way being requested for vacation. The applicant will also need to provide information confirming utility and access easement needs or clearances.