

**BOARD OF COUNTY COMMISSIONERS**  
**January 8, 2019**  
**PLANNING CASE # PLN18-113: LOT 5 AND 6, VALLEY OF THE BLUE**  
**GENERAL SUBDIVISION EXEMPTION, LOT LINE VACATION - CLASS 6**  
**CONSENT AGENDA**

**PROJECT INFORMATION:**

Location: Lot 5 and Lot 6, Valley of the Blue Subdivision  
Project/Request: General Subdivision Exemption for a Lot Line Vacation; Lot 5 and Lot 6,  
Valley of the Blue; a .87 acre lot, zoned R-6

**ISSUES:**

None

**PLANNING COMMISSION RECOMMENDATION:**

The Upper Blue Planning Commission does not make a recommendation on General Subdivision Exemptions

**RESOLUTION STATUS**

Draft Resolution Attached

**STAFF RECOMMENDATION:**

Approval with 7 findings and one condition

**ATTACHMENTS:**

Vicinity Map  
Draft Resolution of Approval  
Density Acknowledgment Covenant  
Proposed Lot 5R Exhibit



**STAFF REPORT**

**TO:** Board of County Commissioners  
**FROM:** Cody Horn; Planner I  
**FOR:** Meeting of January 8, 2019  
**SUBJECT:** PLN18-113, Lot 5 & 6, Valley of the Blue, General Subdivision  
Exemption  
**OWNER / APPLICANT :** Upper Blue Sanitation District (UBSD)  
**REPRESENTATIVE :** Jerry Westoff  
**REQUEST:** General Subdivision Exemption for a Lot Line Vacation, Lot 5 and 6; Valley of the Blue Subdivision, a .87 acre lot zoned R-6

**PROJECT DESCRIPTION:**

**Location:** 116 Lance Lane (CR 651)  
**Legal Description:** Lot 5 & 6, Valley of the Blue Subdivision  
**Existing Zoning:** R-6  
**Total site area:** .87 acres  
**Adjacent land uses:**  
**East:** Lot 16 & 17, Valley of the Blue - Single Family Residential  
**West:** County Road 651 - Summit County Right of Way  
**North:** Lot B, Valley of the Blue - Multi Family Residential  
**South:** Lot 4 & 127, Valley of the Blue - Multi Family Residential

**BACKGROUND:**

The plat for Valley of the Blue Subdivision was recorded on October 20, 1966 under Reception Number 105980. A condominium plat was recorded for the Valley of the Blue Lot 6 and 7 on April 26, 1969. Eight units were constructed on .70 acres that include Lot 7 and a portion of Lot 6. The remainder of Lot 6 is currently vacant but has no associated density because it was already used for the condominium units. This application is proposing to vacate the lot line between the remainder of Lot 6 and neighboring Lot 5, which is .52 acres with 3 units of associated density. This Lot Line Vacation will require a covenant allowing a maximum of 3 units on the newly designated Lot 5R.

The applicant (UBSD) owns Lot 5 and a portion of Lot 6 in the Valley of the Blue Subdivision and is proposing to vacate the existing lot line and easements between these two lots to clarify the legal status of the property as a lot within the Valley of the Blue Subdivision, separate from the adjacent condominiums in the Valley of the Blue Condo Subdivision built on Lot 7 and a portion of Lot 6. This proposal will maximize use of the property as a whole for future development. Though currently vacant, it is noted that the Owner's prior use of property as a septic leach field

for the subdivision employed both lots without regard to the lot line and easements in terms of the sewer infrastructure design and layout. The owner intends to construct two employee housing units (one duplex) on the property; the vacation of lot line allows flexibility for locating the building without hindrance of the lot line and setbacks required by the R-6 zoning district.

### **CRITERIA FOR DECISION**

Per Section 8402.01.F of the Summit County Land Use & Development Code (“Code”), the following criteria must be met for the BOCC to approve a general subdivision exemption:

1. The adjustment or vacation procedure has not been used to circumvent the intent of the Subdivision Regulations.
2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. If the request is for a lot line adjustment, the plat illustrating the lot line adjustment is drawn in accordance with standards in these regulations and is suitable for recordation.
5. If the request is for a lot line vacation, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot(s) from being re-subdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
7. For lot line vacations, the resolution of approval states the new lot name as one of the previous lot designations.

### **Criterion 1: Will Not Circumvent County Subdivision Regulations**

This application is for a general subdivision exemption for a Lot Line Vacation in order to maximize use of the property for affordable housing and to avoid legal confusion with adjacent lot. This proposed Lot Line Vacation will not circumvent the intent of the Subdivision Regulations.

### **Criterion 2: Compliance with County Zoning Regulations**

This request is in compliance with the Summit County Land Use Code and the R-6 Zoning District. This Lot Line Vacation will require a covenant limiting a maximum of 3 units on the newly designated Lot 5R to ensure compliance with the density limits set forth in the R-6 zoning district

### **Criterion 3: Compliance with Provision of Utilities**

The Lot Line Vacation will vacate two 10' utility easements between Lot 5 and Lot 6. There was no objection to the application, and this proposal is to the satisfaction of the utility companies as it does not affect easements necessary for the provision of utilities.

### **Criterion 4: Plat Standards Suitable for Recordation of a Lot Line Adjustment**

This is not a proposal for a Lot Line Adjustment so a plat is not required.

### **Criterion 5: Restrictive Covenant for Recordation**

A restrictive covenant that limits the number of units that may be constructed to three on the newly designated Lot 5R must be signed by the applicant as a condition of approval.

### **Criterion 6: Ad Valorem Taxes**

The Treasurer's Office has confirmed that no taxes are due as the property is owned by a special district and is exempt.

**Criterion 7: New Lot Name as a Previous Designation**

The Resolution of approval states the new lot name will be designated as Lot 5R.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners approve PLN18-113; a General Subdivision Exemption for a Lot Line Vacation, Lot 5 and Lot 6, Valley of the Blue Subdivision; a .87 acre lot zoned R-6, with the following findings and one condition:

Findings:

1. This proposed Lot Line Vacation will not circumvent the intent of the Subdivision Regulations.
2. This application is in compliance with the Zoning Regulations found in the Land Use and Development Code and the R-6 Zoning District.
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. A plat is not required for a Lot Line Adjustment.
5. A restrictive covenant that limits the number of units that may be constructed to three on the newly designated Lot 5R shall be provided by the applicant.
6. The property is exempt from ad valorem taxes because it is owned by a special district.
7. The resolution of approval state the new lot name as Lot 5R.

Condition

1. The covenant limiting the number of units that may be constructed to three, shall be signed and recorded prior to the recordation of the resolution.