

Exemption Amendment Staff Report

DATE: JANUARY 2, 2025
TO: DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS
THROUGH: DOUGLAS J. DEBORD, COUNTY MANAGER
FROM: TERENCE T. QUINN, AICP, DIRECTOR OF COMMUNITY DEVELOPMENT *TP*
CC: ERIC PAVLINEK, PRINCIPAL PLANNER
JEANETTE L. BARE, AICP, PLANNING MANAGER
STEVEN E. KOSTER, AICP, ASSISTANT DIRECTOR OF PLANNING SERVICES
SUBJECT: CURTIS - STEWART EXEMPTION, 1ST AMENDMENT

PROJECT FILE: EX2024-003

OWNER & APPLICANT:

FIVEGEN RANCH LLC
3415 CASTLE PEAK AVE
SUPERIOR, CO 80027

OWNER & APPLICANT:

NATALIE YOUNG
1375 N PERRY PARK ROAD
SEDALIA, CO 80135

BOARD OF COUNTY COMMISSIONERS MEETING:

JANUARY 14, 2025 @ 2:30 P.M.

A. Request

The request is for approval of an exemption amendment to adjust the parcel boundaries of two existing exempt parcels to follow an existing fence line. The two parcels were created via an exemption approved in 1999. The total acreage of the exemption plat is 68 acres. The request also impacts two adjacent metes and bounds parcels whose boundaries will be adjusted as a result of changes to the exempt parcels. The parcels are located on the west side of State Highway 105, north of Wolfensberger Road. The properties are zoned Agricultural One (A-1).

The exemption amendment has been processed in Accordance with Article 906, Administrative Exemption Amendment, of the Douglas County Subdivision Resolution ("DCSR"). An existing accessory structure on an adjacent, unplatte parcel will not conform with the minimum required setback after the boundary adjustment is complete. For that reason, the exemption request is being brought before the Board of County Commissioners (Board) for its consideration.

The proposed exemption amendment is located in the West Plum Creek Nonurban Subarea as identified in Section 3 of the 2040 Douglas County Comprehensive Master Plan (CMP). No additional parcels are created by this exemption amendment request.

B. Exemption Eligibility Criteria

The exemption request has been processed as an administrative exemption amendment as provided for in Section 906 of the DCSR. The administrative exemption amendment is a streamlined process for existing exempt parcels. Staff is unable to approve the request as the exemption amendment will result in a setback nonconformity. Therefore, the applicants have requested that the Board consider the request. The applicants indicate that the owner of the structure is aware of the nonconformity that will be created with the change in parcel boundaries and will be available to testify at the Board's meeting on the exemption amendment.

C. Location

The properties are located within the central portion of the County, northwest of the intersection of Wolfensberger Road and State Highway 105. A vicinity map, zoning map, and aerial map are attached to the staff report and show general location of the project area.

D. Acreage and Zoning

The gross acreage of the two parcels is 68 acres. Proposed Parcel 1A is 51 acres and proposed Parcel 3A is 17 acres. The properties are zoned A-1 per the Douglas County Zoning Resolution. No change in zoning is proposed.

E. Project Description

The purpose of the exemption request is to adjust parcel lines of two exempt parcels to following existing fence lines that have been in place for many years. A setback issue has been discovered with the proposed parcel adjustments on the adjacent metes and bounds parcel located at 1161 N Perry Park Road. An existing barn constructed in 1983 will not meet the required 50' building setback for accessory structures. According to the applicants' surveyor, the closest portion of the barn is 45.6' from the proposed northern parcel line. Based on the setback issue, staff is unable to approve the request through an administrative process. The applicants have requested that the exemption request be forwarded to the Board for its determination.

The applicants indicate that the owner of the parcel with the impacted barn is aware of the nonconformity that would result and understands that expansion or renovations to the barn may be limited as a result. Staff suggested that the fence and boundary could be shifted to ensure that the conforming barn setback is maintained, but the applicants are not pursuing this option.

The parcels are located within the West Plum Creek Subarea. Low-intensity rural development is supported within this subarea. One single-family residence per parcel is allowed per the previous approved exemption. The residential development allowed on these two exempt parcels is consistent with this CMP policy.

F. Background

The subdivision exemption amendment involves two existing exempt parcels approved in 1999. The applicants' current request is to adjust the parcel lines between Parcels 1 and 3 to follow an existing fence line.

G. Access

Proposed Parcel 3A is accessed directly from State Highway 105. Access to proposed Parcel 1A is by existing access easements. No change to access is proposed as part of the request.

H. Water and Sanitation

The source of water and sewer for each parcel is individual wells and septic systems. The existing residence located on proposed Parcel 3A is already served by well and septic. Future residential development located on proposed Parcel 1A will need to provide well and septic permits as part of the building permit process.

I. Fire Protection

The parcels are served by the Jackson 105 Fire Protection District.

J. Floodplain and Drainage

The West Plum Creek floodplain bisects the two parcels. No development in the floodplain is proposed with this exemption request. Public Works Engineering reviewed the proposed exemption amendment and had no comments related to floodplain or drainage. No stormwater or other improvements are required with this application. Future residential construction located on proposed Parcel 1A will be required to obtain a Drainage, Erosion, and Sediment Control (DESC) permit. An existing residential structure and accessory structure is located on proposed Parcel 3A. No structure is located within the limits of the floodplain.

K. Staff Analysis

Staff has evaluated the exemption request in accordance with Article 9 of the DCSR. Should the Board find that the criteria for the exemption are met, the following proposed conditions should be considered for inclusion in the motion:

1. Prior to recordation of the exemption exhibit, technical corrections to the exhibit shall be made to the satisfaction of Douglas County.
2. Following recordation of the exemption exhibit, quitclaim deeds shall be executed and recorded to resolve ownership between the two exempt and two metes and bounds parcels.
3. All commitments and promises made by the applicants or the applicants' representative during the public meeting and/or agreed to in writing and included in the public record have been relied upon by the Board of County Commissioners in

approving the application; therefore, such approval is conditioned upon the applicants' full satisfaction of all such commitments and promises.

ATTACHMENTS	PAGE
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Zoning Map	9
Aerial Map.....	10
Referral Agency Response Report and referral letters.....	11
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Exemption Exhibit	15

LAND USE APPLICATION

Please fill in this application form completely. An incomplete application will not be processed.

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

OFFICE USE ONLY	PROJECT FILE #:
PROJECT NAME: _____	_____
PROJECT TYPE: <u>EXEMPTION PLAT AMENDMENT</u>	PLANNING FEES: _____
MARKETING NAME: _____	ENGINEERING FEES: _____
SITE ADDRESS: <u>1375 & 1603 N. PERRY PARK RD. SEDALIA</u>	TOTAL FEES: _____
OWNER(S):	RELATED PROJECTS: _____ _____
Name(s): <u>SEE ATTACHED</u>	_____
Address: _____	_____
Phone: _____	_____
Email: _____	_____
AUTHORIZED REPRESENTATIVE (requires notarized letter of authorization if other than owner)	
Name: <u>JEROME W. HANNIGAN & ASSOCIATES, INC</u>	
Address: <u>19360 SPRING VALLEY RD, MONUMENT, CO</u>	
Phone: <u>719-481-8292</u>	
Email: <u>hannigan-and-assoc@gmail.com</u>	

LEGAL DESCRIPTION:

Subdivision Name: CURTIS / STEWART EXEMPTION (EX 99-005)
 Filing #: _____ Lot #: 143 Block #: _____ Section #: 01 Township: 85 Range: 68 W
 STATE PARCEL NUMBER(S): 2503-010-00-033 & 2503-010-00-034

ZONING:

Present Zoning: AG-1 Proposed Zoning: SAME Gross Acreage: 68.59
 Gross Site Density (DU per AC): 1/34 # of Lots or Units Proposed: 2

SERVICE PROVIDERS:

Fire District: <u>JACKSON 105</u>	Metro District: _____	Gas: <u>PROPANE</u>
Water: <u>WELL</u>	Sewer: <u>150S</u>	Electric: <u>CORE</u>
Roads: <input checked="" type="checkbox"/> Public	<input checked="" type="checkbox"/> Private (please explain): <u>PARCEL 3 ADJOINS 105, PARCEL 1 HAS PRIVATE ACCESS EASEMENT</u>	

To the best of my knowledge, the information contained on this application is true and correct. I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.

Jerome W. Hannigan
 Applicant Signature
 for & on behalf of the owners
 100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460
 SEE LETTERS OF AUTHORIZATION

09-03-24

Date

Revised 03.04.2021

Supplement to Douglas County Land Use Application

Curtis / Stewart Exemption Plat Amendment

September, 2024

Parcel Number: 2503-010-00-034
Legal Description: Parcel 3 Curtis / Stewart Exemption (EX99-005)
Area: 20.02 Acres
Address: 1375 N. Perry Park Road, Sedalia, Co. 80135.
Owner: Estate of Mildred Stewart by Natalie Young, Personal Representative.
P.O. Box 1178
Castle Rock, Co. 80104
phone 303-660-0744
email natsbears@gmail.com

Parcel Number: 2503-010-00-033
Legal Description: Parcel 1 Curtis / Stewart Exemption (EX99-005)
Area: 48.57 Acres
Address: 1603 N. Perry Park Road, Sedalia, Co. 80135
Owner: FiveGen Ranch LLC
3415 Castle Peak Ave., Superior, Co. 80027
phone: 303-346-5734
email: fivegenranch@gmail.com



Project Narrative
Curtis / Stewart Exemption 1st Amendment

This is an amendment to part of the original Curtis / Stewart Exemption (EX99-005) to adjust property lines for Parcels 1 and 3. Parcel 2 remains unaffected by this amendment. Parcel 1 is 48.5 acres in area and Parcel 3 is 20.02 acres. Both are currently zoned A-1. No rezoning is proposed nor are land uses changing.

There are fences defining these parcels that have been in place for many decades. Generally they are not in agreement with the actual location of the property lines and the purpose of this amendment is simply to adjust the property lines to more closely align with the long standing fences. The primary fence being adjusted to lies between 50 and just over 100 feet from the actual property line. Two adjoining parcels (one north and one to the south) will also have adjustments made to their property lines as a result of and as part of this process although they are not part of the Amended Exemption. Each of those adjoining parcels is over 35 acres both before and after adjustment.

The amended Parcel 1, now called Lot 1A will have a final area of 51.0 acres while Amended Parcel 3, now called Lot 3A, will be 17.0 acres. Parcel 1 is owned by Henry H. Curtis and is State Parcel Number 2503-010-00-033. There are no improvements on this property. Parcel 3 is owned by Elizabeth M. Stewart (now deceased) and is State Parcel Number 2503-010-00-034. This parcel does have a home served by a well and individual sewage disposal system.

Comprehensive Master Plan Land Use Reference Map

Comprehensive Master Plan Areas

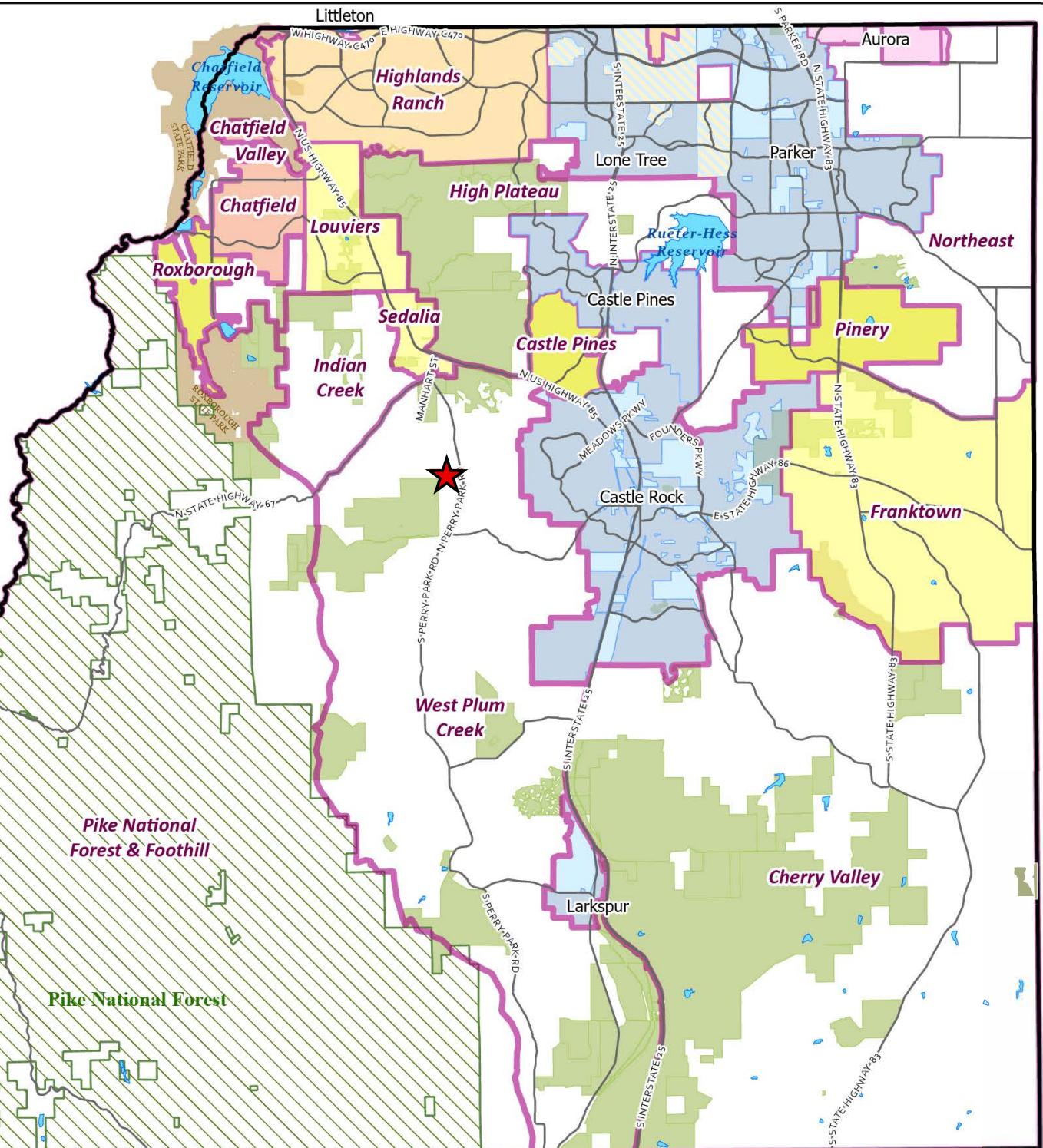
- Primary Urban Area
- Chatfield Urban Area
- Separated Urban Area
- Rural Community
- Nonurban Subarea
- Municipal Planning Area (Incorporated)
- Municipal Planning Area (Unincorporated)
- Municipal Planning Area Inclusive of County PUA / SUA
- Non-Douglas County Based Municipalities
- Douglas County Boundary

Parks

-  Pike National Forest
-  State Parks
-  Open Space
-  Lakes

Roadways

— Major Roads



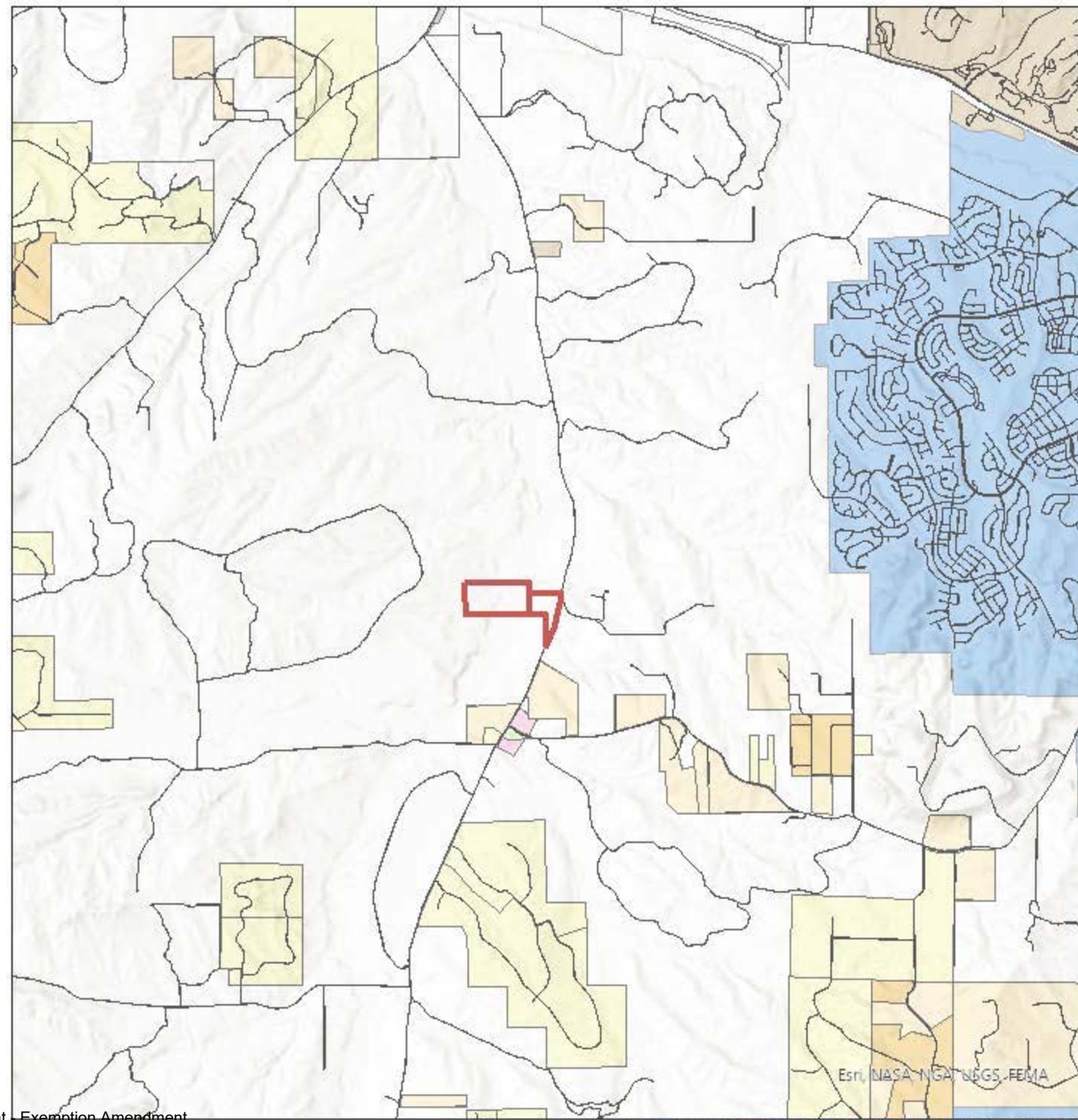
CURTIS / STEWART
EXEMPTION, 1ST
AMENDMENT

EX2024-003
ZONING MAP



LEGEND

- Roads
- Major Roads
- A1 - AGRICULTURAL ONE
- LRR - LARGE RURAL RESIDENTIAL
- RR - RURAL RESIDENTIAL
- ER - ESTATE RESIDENTIAL
- B - BUSINESS
- CTY
- D - SEDALIA DOWNTOWN
- PD - PLANNED DEVELOPMENT
- OS - OPEN SPACE CONSERVATION



CURTIS / STEWART EXEMPTION, 1ST AMENDMENT

EX2024-003
AERIAL MAP

LEGEND

- Roads
- Major Roads
- Parcels - PARCELS



Referral Agency Response Report**Page 1 of 1****Project Name:** Curtis / Stewart Exemption, 1st Amendment**Project File #:** EX2024-003**Date Sent:** 10/01/2024**Date Due:** 10/11/2024

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	10/01/2024	Verbatim Response: No Comment.	No action required.
Assessor	10/10/2024	Verbatim Response: please be aware of the following comments. It appears that Emilie Hankison Rath will need to record a death certificate for Darlene Hankison so then 2008033870 beneficiary deed will convey to her and then she can convey the portion to Five Gen Ranch.	A death certificate was recorded as suggested by the Assessor's Office. Deeds will be executed if the exemption amendment is approved.
Building Services	10/04/2024	Verbatim Response: Please submit a site plan, showing existing structures and the distances of exterior walls to the new property lines.	The applicant provided an exhibit showing the distance from the closest portion of the barn structure to the northern parcel line of the adjacent metes and bounds parcel. No other site plan exhibit was provided for review.
Engineering Services	10/10/2024	Summary of Response: Engineering provided technical comments to the exemption exhibit. See letter attached for detail.	The applicant addressed the comments and a revised exhibit was provided for review.
Town of Castle Rock	10/02/2024	No Comment.	No action required.

REFERRAL RESPONSE REQUESTDate sent: October 1, 2024Comments due by: October 11, 2024**Project Name:** Curtis / Stewart Exemption, 1st Amendment**Project File #:** EX2024-003

Project Summary: The request is for approval of an exemption amendment to adjust the parcel lines between Parcels 1 and 3 of the Curtis / Stewart Exemption to align with the existing fence between the parcels. The exhibit also includes two adjacent metes and bounds parcels as well whose boundaries will be adjusted as a result of changes to the exempt lots.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input type="checkbox"/> No Comment	
<input type="checkbox"/> Please be advised of the following concerns: _____ _____	
<input checked="" type="checkbox"/> See letter attached for detail.	
Agency: PW - Engineering	Phone #: (303) 660-7490
Your Name: Jacob Gabel <i>(please print)</i>	Your Signature: 
	Date: 10/10/2024

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

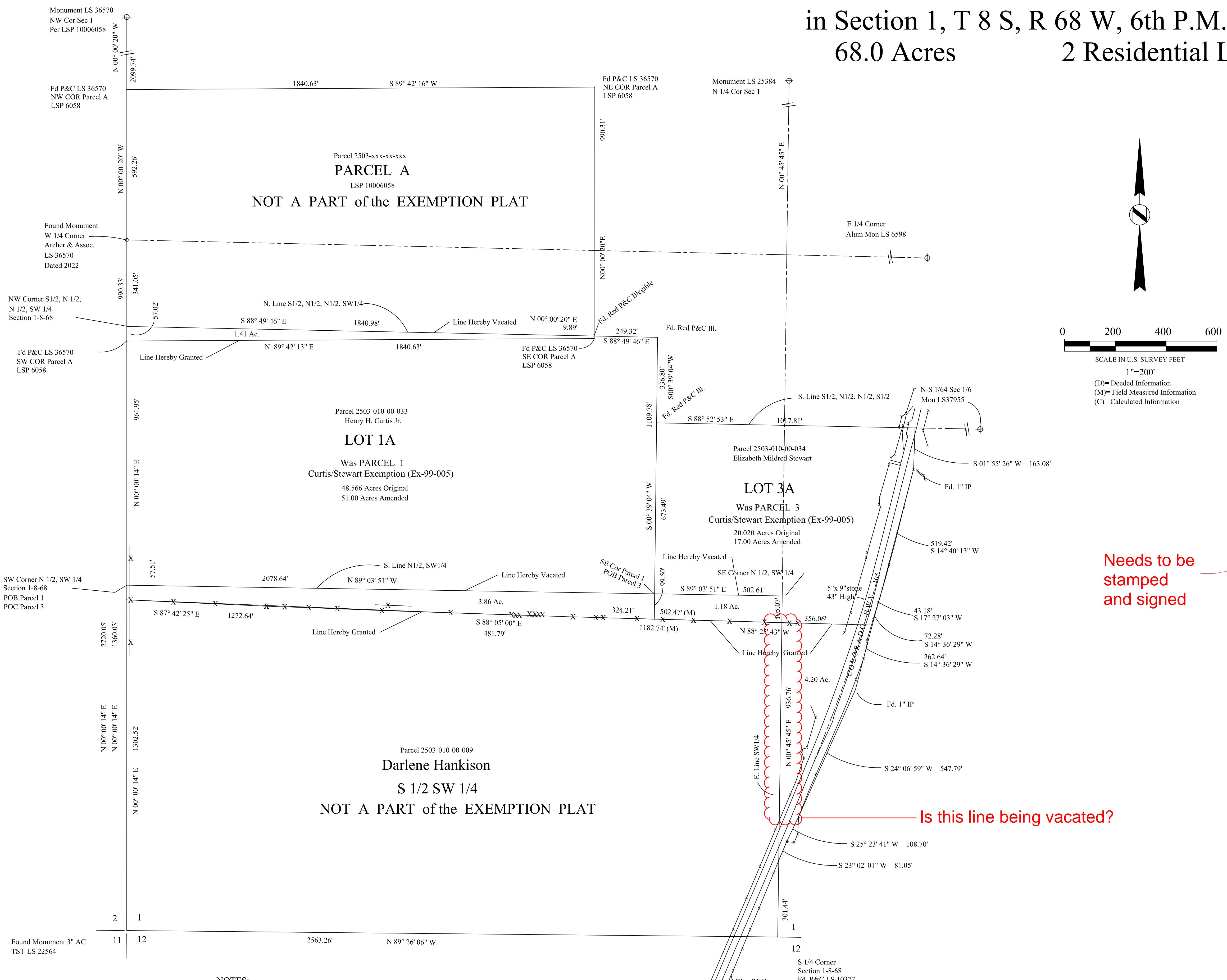
Sincerely,



Eric Pavlinek
Principal Planner, Planning Services
303-660-7460
epavlinek@douglas.co.us

Please clarify what the property lines that are existing or proposed by amending line types

CURTIS / STEWART EXEMPTION, 1st AMENDMENT
An Administrative Amendment to Parcel 1 and 3, Curtis/Stewart Exemption
in Section 1, T 8 S, R 68 W, 6th P.M., Douglas County, Colorado
68.0 Acres 2 Residential Lots EX 24-xxx



NOTES

NOTES.
Bearings used in this survey are based on the consideration that the West line of the Southwest Quarter of Section 1 bears North $00^{\circ} 00' 14''$ East between the Monuments shown here.

Property Corner monuments are set #5 rebar with red plastic LS 25629 set flush with the surface unless noted otherwise.

Parcel 2, Curtis / Stewart Exemption (EX-99-005) is not a
of this exemption.

"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."

TITLE	Curtis/Stewart Exemption, 1st Amendment Section 1, T8S, R68W, 6th P.M.
CLIENT	Young
	JOB NUMBER

