



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.gov

August 15, 2023 Business Meeting Memo

STAFF PLANNER: Sam Walker – Planner II

EP-22-0001: Schreck Lot Merger

Request: Request for an Exemption Plat to merge Lot 22 and the eastern half of Lot 23 of the Fairview Estates subdivision into one parcel.
Location: 7856 Baseline Road, approximately .6 miles east of the intersection of Baseline Road and N. 75th Street, in Section 1, Township 1S, Range 70W.
Zoning: Estate Residential (ER) Zoning District
Applicant/Owner: Derek Schreck & Rebekah Powell

PACKET CONTENTS

Item	Pages
○ Staff Memo	1 - 2
○ Applicant's Extension Request (Attachment A)	A1
○ EP-22-0001 Administrative Approval Packet (Attachment B)	B1 – B23

SUMMARY

On May 23, 2022, the Community Planning & Permitting Department (CPP) issued a Determination of Administrative Approval for docket EP-22-0001 Schreck Lot Merger, subject to the typical condition of approval requiring that post-approval requirements be met within one year of the approval. The applicant requests an extension of this 1-year deadline to allow for recording of a new plat map for the subject parcels.

DISCUSSION

CPP issued a Determination of Conditional Approval for Docket EP-22-0001 Schreck Lot Merger on May 23, 2022. Following the 14-day public review period required for administrative Exemption Plat approvals required by Article 9-301.A of the Land Use Code (“the Code”), the administrative approval was finalized on June 6, 2022. The finalized Administrative Approval included one condition, requiring that:

The applicant shall comply with all applicable post-approval requirements for a final plat/replat as listed in Article 3-206.D of the Land Use Code within one year after the date of adoption of the Resolution approving the docket, unless an extension(s) of time is granted as allowed in Article 9-300 of the Land Use Code.

For the purposes of this condition, staff consider the end date of the 14-day public review period to be the start of the 1-year timeframe for approval of the required replat. Because the public review period ended on June 6, 2022, the deadline to record an approved replat was June 6, 2023.

Staff and the applicant worked together throughout 2022 and 2023 to complete the post-approval requirements for EP-22-0006, and the applicant submitted a proposed plat on June 5, 2023. Staff were unable to have the document signed before the June 6 Deadline. Staff requests that the Board of

County Commissioners **extend the replat deadline for EP-22-0001 Schreck Lot Merger by 3 months, with an end date of September 6, 2023.**

Walker, Samuel

From: Derek Schreck <schreck.derek@gmail.com>
Sent: Friday, July 28, 2023 12:46 PM
To: Walker, Samuel
Subject: Re: [EXTERNAL] Re: Land Survey Plat - 7856 Baseline Rd SCHRECK

Hi Sam,

Thanks for the update. I'm writing to request a brief extension to the timeline for having the exemption plat signed for my property. The plat has been completed and submitted to your office.

Let me know what else I need to do to help facilitate this process.

Have a good weekend.

Best,
Derek

Sent from my iPhone



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DETERMINATION OF APPROVAL FOR ADMINISTRATIVE EXEMPTION PLAT

Docket EP-22-0001: Schreck Lot Merger

Request: Request for an Exemption Plat to merge Lot 22 and the eastern half of Lot 23 of the Fairview Estates subdivision into one parcel.
 Location: 7856 Baseline Road, approximately .6 miles east of the intersection of Baseline Road and N. 75th Street.
 Zoning: Estate Residential (ER)
 Applicants: Derek Schreck & Rebekah Powell

PACKET CONTENTS

Item	Pages
○ Determination Letter	1 – 6
○ Application Materials (Attachment A)	A1 – A13
○ Referral Comments (Attachment B)	B1 – B4

SUMMARY

The applicants seek to merge Lot 22 and the eastern half of Lot 23 within the Fairview Estates subdivision. An Exemption Plat is required to alter lot lines for parcels located within platted subdivisions. The Director has determined that administrative approval is appropriate for docket **EP-22-0001: Schreck Lot Merger** because all the review criteria for an Exemption Plat in Article 9-400 of the Land Use Code can be met.

DISCUSSION

The subject parcels are located on the south side of Baseline road, approximately .6 miles east of the intersection of Baseline Road and N. 75th Street, and are zoned Estate Residential. Both parcels are located within the Fairview Estates subdivision, which was platted in 1957.

The subject parcel currently consists of Lot 22 Fairview Estates, as well as the eastern half of Lot 23 as described in the most recent deed for the parcel (located at reception number 03842206). It is not clear when Lots 22 and 23 were merged by deed, and no past planning processes have formalized the lot merger. Staff research indicates that the whole of Lot 23 was sold to Theresa C. Steinbach in 1960 (Reception number 90662956). Subsequent deeds recorded in 1965 (Reception numbers 90835728 and 90811132) split Lot 23 into two halves and sold them to the respective owners of Lots 22 and 24. Although the lot split occurred in 1966, it was never formalized through an Exemption Plat or other planning process. As such, the divided halves of Lot 23 are not currently buildable and development on Lots 22 and 24 must be confined to the originally platted parcel boundaries.

The subject parcels are not part of a subdivision exemption request. Therefore, this criterion is not applicable.

- 2) ***For Exemption Plats only, if the originally approved Subdivided Lots were 1.1 acres or less, the size of each of the proposed lots shall not change by more than fifteen percent, unless served by public water and/or sewer.***

The originally approved subdivided lots are 40,500 sq. ft., or .93 acres in size. Recognizing the proposed configuration of the lot would result in an approximately 1.4-acre lot.

Although the lot sizes will increase by more than fifteen percent, staff find that the proposed exemption plat meets the intent of the Land Use Code. Past iterations of 9-400.A.2 restricted approval of exemption plat applications only to those in which the resulting lot sizes were greater than one-acre. The criteria was re-written to allow small changes to lots that would result in parcels less than an acre in size, but was not intended to limit the ability of lots to become larger in the same fashion.

Approval of the proposed lot merger will result in a lot that is in-character with existing lots in the neighborhood (see Criteria 9, below) while also laying a path for the removal of a unit of density when the western half of Lot 23 is merged with Lot 24 in the future.

Therefore, staff finds that this criterion is met.

- 3) ***The proposed lots shall have legal access.***

The proposed parcel will maintain its existing 225-foot frontage along Baseline Road. Therefore, staff finds this criterion is met.

- 4) ***The proposed lots and potential development on them shall be capable of being served by an adequate physical access, including for emergency and non-emergency purposes, which meets the requirements of the County Engineer, and, if applicable, the local fire protection district.***

There is an existing physical access to Baseline Road currently on the property, which appears to meet the Multimodal Transportation Standards and will be unaffected by the proposed exemption plat.

Therefore, staff finds this criterion is met.

- 5) ***The proposed lots and potential development on them shall be capable of being served by an adequate water supply.***

The subject parcel is served by an existing permitted domestic well, and no new lots or development are proposed as part of this application.

Therefore, staff finds this criterion is met.

- 6) ***The proposed lots and potential development on them shall be capable of being served by an adequate onsite wastewater system or sewage treatment system as required by Boulder County Public Health.***

The subject parcel is served by an existing onsite wastewater treatment system. No new development is proposed as part of this application, and Boulder County Public Health expressed no concerns regarding the proposal.

Therefore, staff finds this criterion is met.

7) *Adequate public facilities and services shall exist to serve the proposed lots and potential development on them.*

The subject parcel is served by adequate public facilities and services, including but not limited to electric, natural gas, fire, and police. No service providers have indicated any conflicts with this proposal.

Therefore, staff finds this criterion is met.

8) *If any of the proposed lots are in the Floodplain Overlay District:*
a. The potential impacts of creating the proposed lots or portions of proposed lots within the Floodplain Overlay District shall be sufficiently mitigated; and
b. The development upon the proposed lots shall be possible outside the Floodplain Overlay District; or
c. The potential development upon the proposed lots shall be capable of obtaining a floodplain development permit under Article 4-400 of this Code, as determined by the County Engineer.

The subject parcel is not in a Floodplain Overlay District.

Therefore, staff finds this criterion is not applicable.

9) *The proposed lots and development on them shall be in harmony with the character of the neighborhood and compatible with the surrounding area and shall be appropriately landscaped and screened to minimize the obtrusiveness of structures and maximize visual blending with the surrounding topography.*

Approval of the proposed lot merger will result in a lot approximately 1.4 acres in size. The lot has existed in its current (deeded) configuration since 1966 without causing issues with neighborhood compatibility or harmony. Furthermore, parcels within the Fairview Estates subdivision range in size from .63 acres to 2.3 acres, and staff find that a 1.4-acre parcel would be in harmony with the character of the neighborhood.

Therefore, staff finds this criterion is met.

10) *The proposed lots and potential development on them shall not be subject to, or contribute to, significant risk from natural hazards such as unstable soils, steep or unstable slopes, floods, and wildfire.*

The Boulder County Comprehensive Plan does not identify natural hazards or floodplain on the subject property, and staff have no concerns regarding wildfire concerns being changed by the proposed lot merger.

Therefore, staff finds this criterion is met.

11) *The proposed lots and potential development on them shall not have a significant adverse impact on environmental resources identified in the Comprehensive Plan or*

through the review of the application, such as Wetlands and Riparian Areas; plant communities and vegetative cover; Critical Wildlife Habitat and Migration corridors; Natural Areas and Natural Landmarks; Environmental Conservation Areas; agricultural, forestry, or open lands; and views, vistas, and scenic corridors.

Staff does not foresee any adverse impact to environmental resources as a result of the proposed lot merger, and the Boulder County Comprehensive plan identifies no resources of concerns on the subject parcel.

Therefore, staff finds this criterion is met.

- 12) *The proposed lots and potential development on them shall not have a significant adverse impact on historic, cultural, or archaeological resources identified in the Comprehensive Plan or through the review of the application*

No historic, cultural, or archaeological resources are identified on the subject parcels. As such, staff finds this criterion is not applicable.

- 13) *The proposed lots and potential development on them shall not cause unnecessary or excessive site disturbance or erosion or alter historic drainage patterns.*

This application proposes no new development, so no unnecessary or excessive site disturbance or erosion is anticipated as a result of this Exemption Plat request. Therefore, staff finds this criterion is not applicable.

- 14) *The proposed lots and potential development on them shall be in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and this Code.*

Staff have not identified any concerns related to the proposed lot merger conflicting with the Comprehensive Plan or any applicable intergovernmental agreement.

Therefore, staff finds this criterion is met.

- 15) *Where the division creates Parcels for use as community facilities such as public parking areas, public or private educational facilities, public parks, and open space purchase by a public entity, and utility land acquisitions including for utility substations without any dwelling units, an exemption may be approved for the placement of a community facility where the size, location and available services are reasonable, appropriate, and customary for the proposed use.*

This application request is not for a community facility; therefore, staff finds this criterion is not applicable.

DETERMINATION

Community Planning & Permitting staff finds the application meets the criteria for an Exemption Plat, as discussed above. Additionally, the Director finds that the application meets the criteria for Administrative Exemption Plat. Therefore, the Director grants *Administrative Exemption Plat approval* for Docket EP-22-0001: Schreck Lot Merger, with the following conditions:

1. The applicant shall comply with all applicable post-approval requirements for a final plat/replat as listed in Article 3-206.D of the Land Use Code within one year after the date of

adoption of the Resolution approving the docket, unless an extension(s) of time is granted as allowed in Article 9-300 of the Land Use Code.

Appeal of Administrative Exemption Plat Determination: If the Director approves an Administrative Exemption Plat, the Director shall notify the owners of property located within 1500 feet of the affected parcels of the decision and provide such property owners with the opportunity to appeal the decision to the Board of County Commissioners. The Director's determination is final after 14 calendar days from the date of notice, unless the determination is appealed to the Board of County Commissioners under the provisions of Article 9-600.



Boulder County Land Use Department

Courthouse Annex Building
2045 13th Street • PO Box 471 • Boulder, Colorado 80302
Phone: 303-441-3930 • Fax: 303-441-4856
Email: planner@bouldercounty.org
Web: www.bouldercounty.org/lu
Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Only

Intake Stamp

Application Form

Project Number		Project Name	
<input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Subdivision Exemption <input checked="" type="checkbox"/> Exemption Plat <input type="checkbox"/> 1041 State Interest Review <input type="checkbox"/> Other:	Application Deadline: First Wednesday of the Month <input type="checkbox"/> Variance <input type="checkbox"/> Appeal	Application Deadline: Second Wednesday of the Month <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Rezoning <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Location and Extent <input type="checkbox"/> Road Name Change
Location(s)/Street Address(es) <i>7856 Baseline Rd.</i>			
Subdivision Name <i>Fairview Estates - Bon</i>			
Lot(s) <i>22 & E 1/2 23</i>	Block(s)	Section(s) <i>01</i>	Township(s) <i>1S</i>
Area in Acres <i>1.41</i>	Existing Zoning <i>ER</i>	Existing Use of Property <i>single family residence</i>	Range(s) <i>70</i>
Proposed Water Supply <i>individual well</i>	Proposed Sewage Disposal Method <i>septic</i>		

Applicants:

Applicant/Property Owner <i>Derek Schreck</i>		Email Address <i>SCHRECK.DEREK@GMAIL.COM</i>	
Mailing Address <i>7856 Baseline Rd.</i>			
City <i>Boulder</i>	State <i>CO</i>	Zip Code <i>80303</i>	Phone <i>C: 702-526-0236</i>
Applicant/Property Owner/Agent/Consultant <i>Rebekah Powell</i>		Email Address <i>REBEKAHPOWELL@gmail.com</i>	
Mailing Address <i>7856 Baseline Rd.</i>			
City <i>Boulder</i>	State <i>CO</i>	Zip Code <i>80303</i>	Phone <i>C: 615-944-8905</i>
Agent/Consultant		Email Address	
Mailing Address			
City	State	Zip Code	Phone
Fax			

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner <i>[Signature]</i>	Printed Name <i>DEREK SCHRECK</i>	Date <i>3/23/22</i>
Signature of Property Owner <i>[Signature]</i>	Printed Name <i>Rebekah Powell</i>	Date <i>3-23-22</i>

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.



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Vicinity

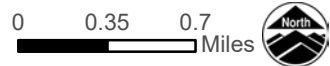
7856 Baseline

Subject Parcel

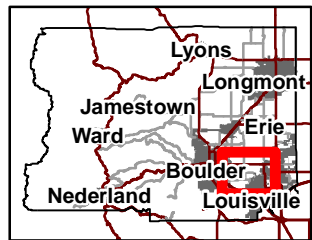
Municipalities

Subdivisions

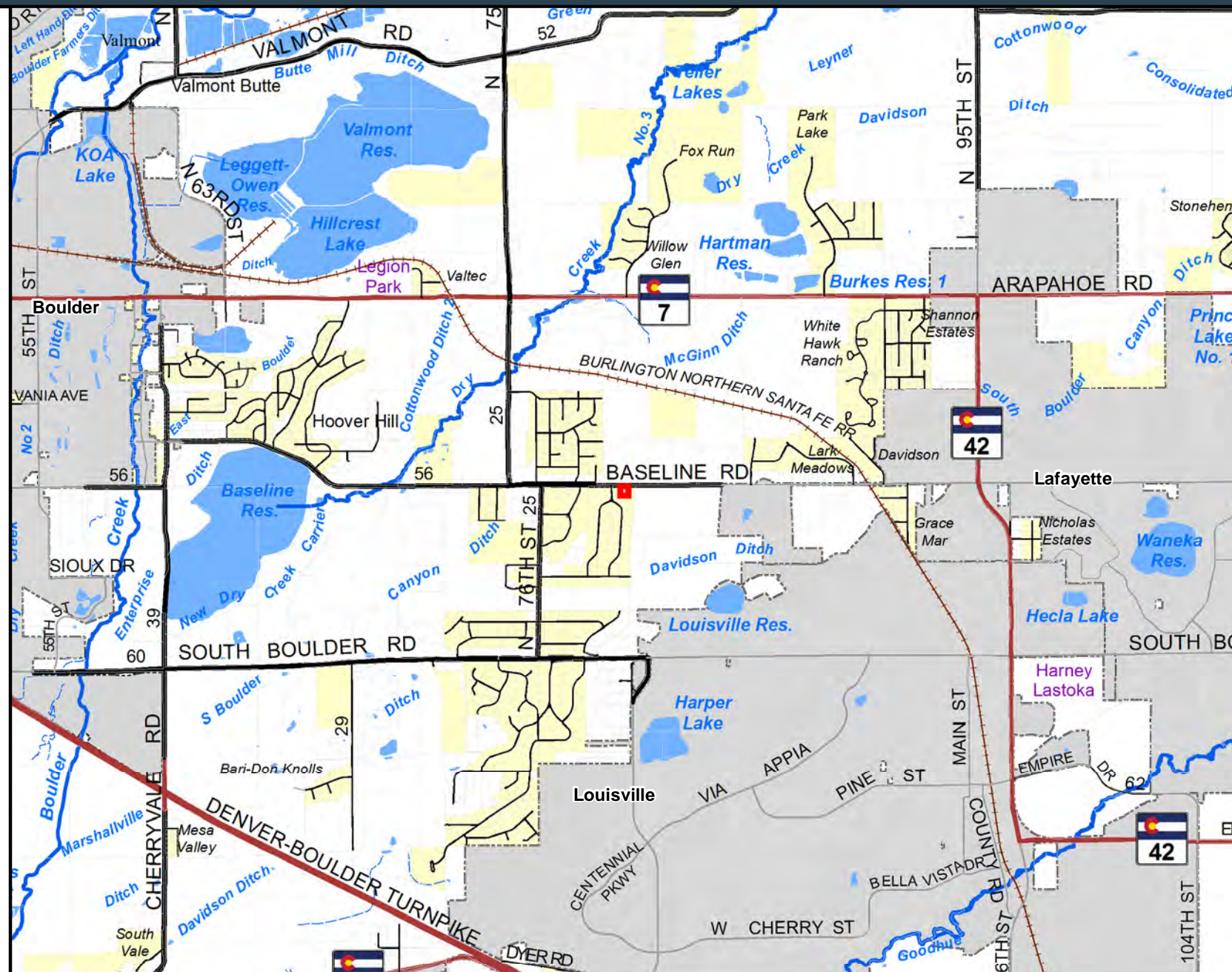
Subdivisions



Area of Detail Date: 3/29/2021



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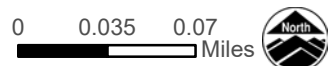
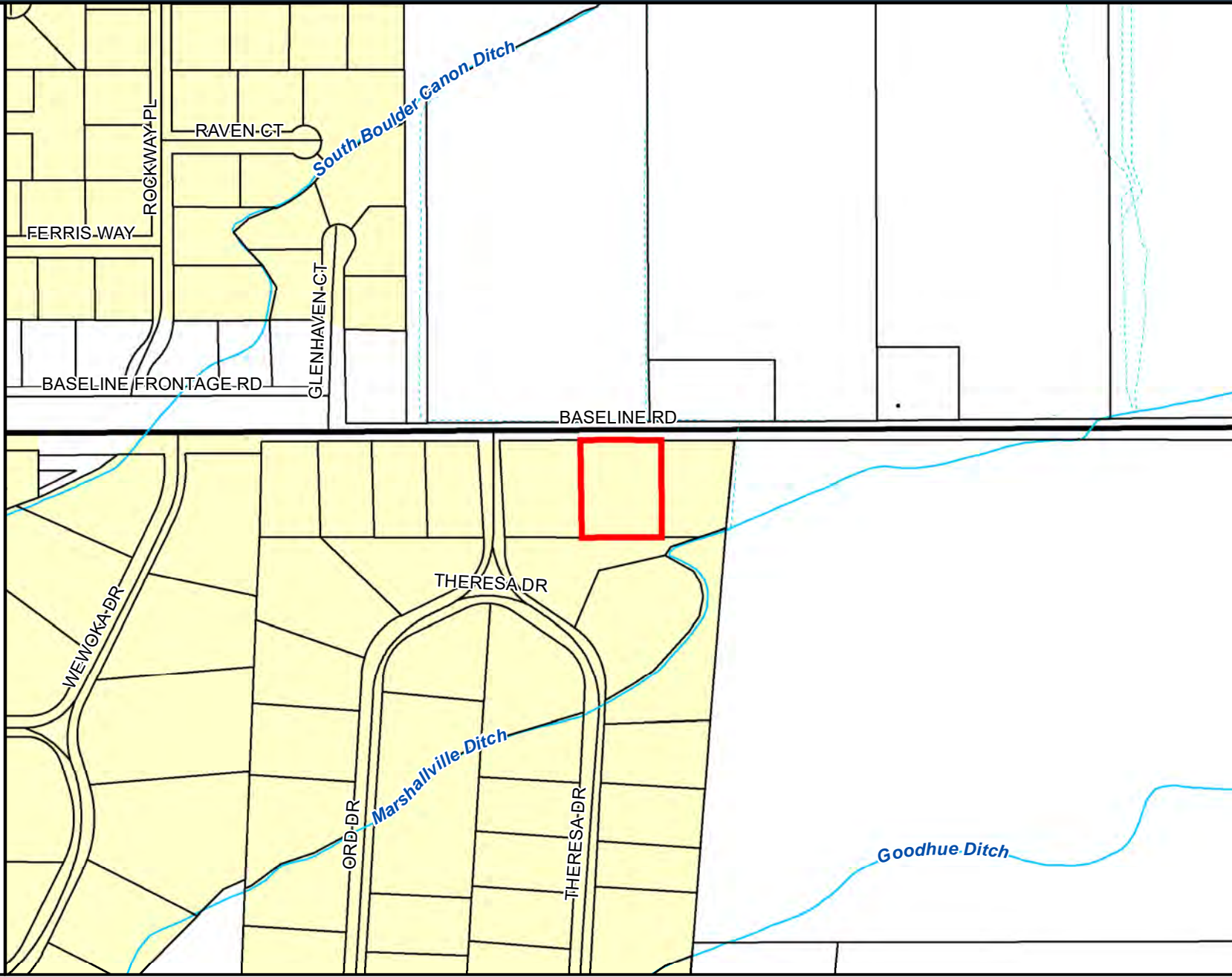
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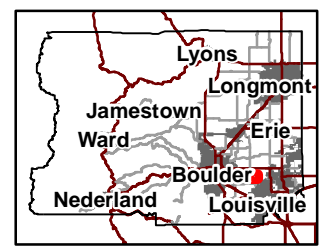
Location

7856 Baseline

-  Subject Parcel
- Subdivisions**
-  Subdivisions



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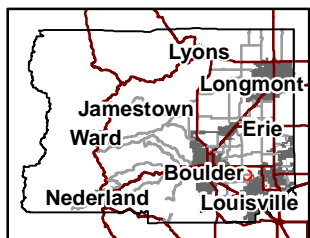
Aerial

7856 Baseline

 Subject Parcel

0 0.0035 0.007 Miles 

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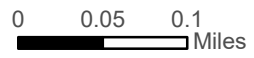


Community Planning & Permitting

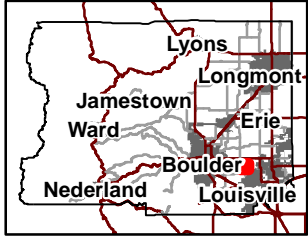
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Aerial
7856 Baseline

 Subject Parcel



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Comprehensive Plan

7856 Baseline

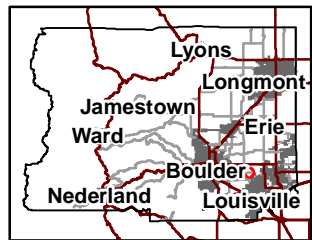
Subject Parcel

Significant Agricultural Land

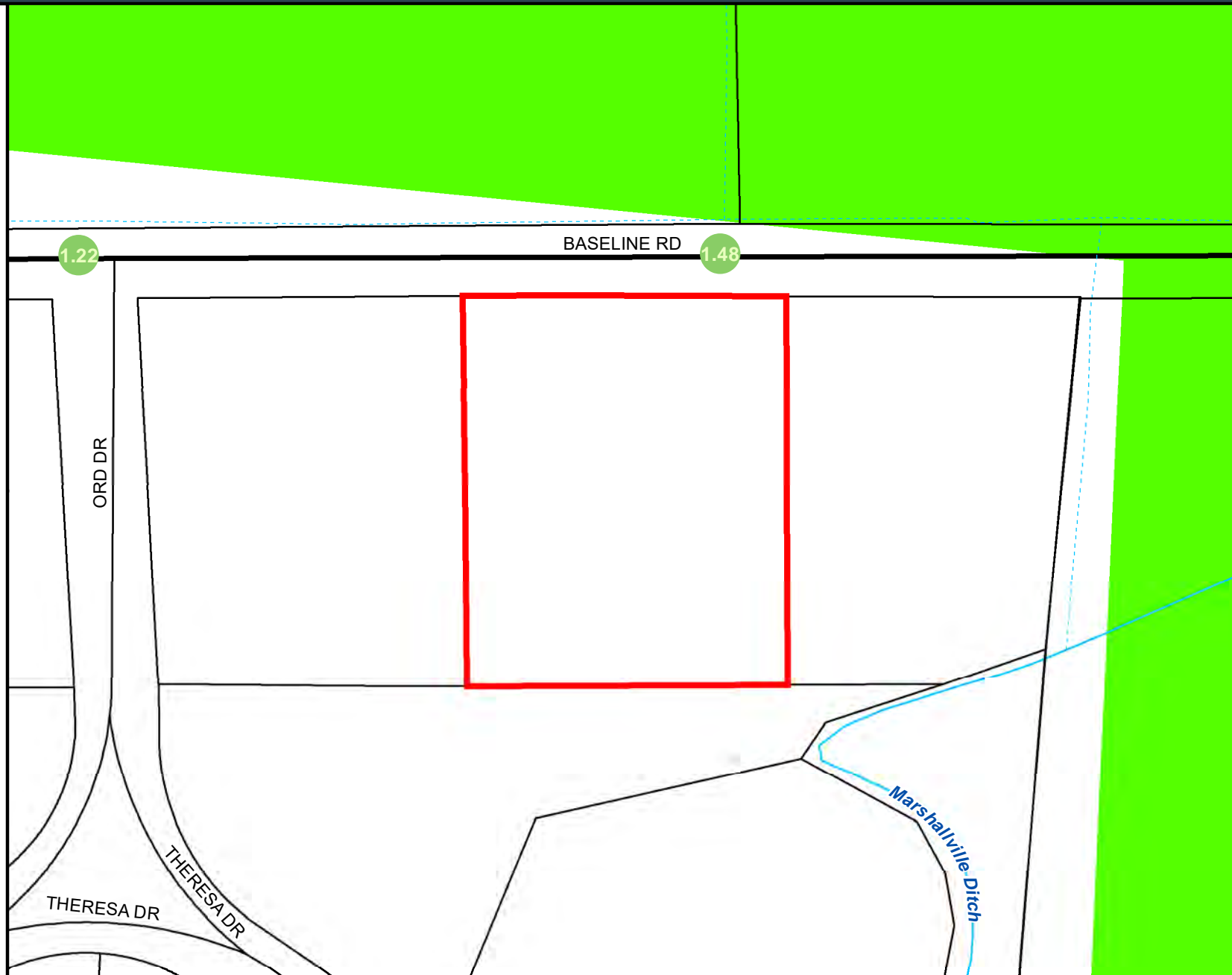
Ag of National Importance

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Elevation Contours

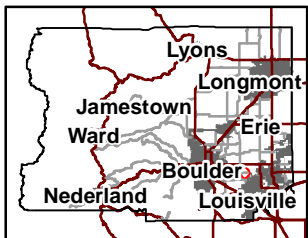
7856 Baseline

 Subject Parcel

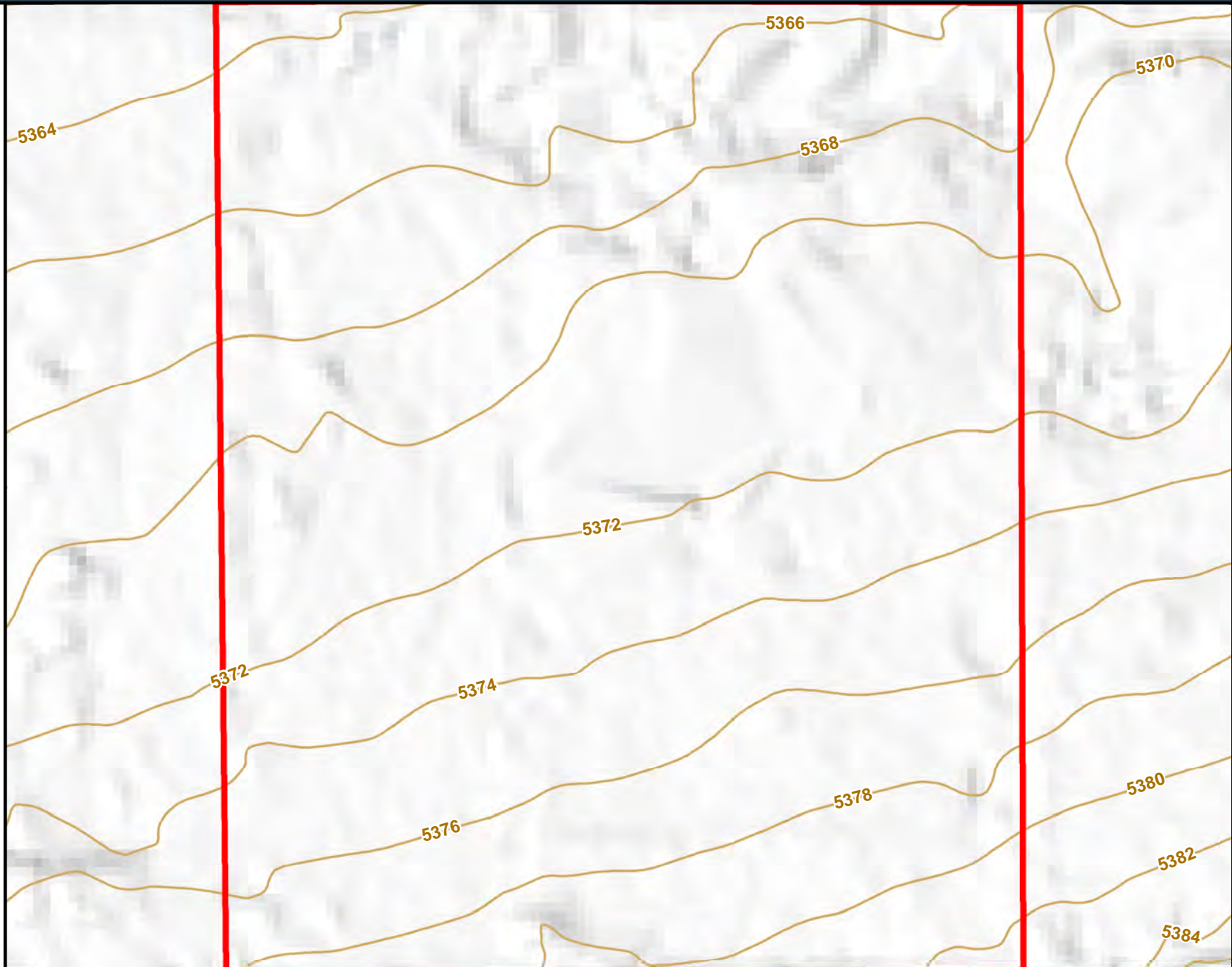
 Contours 2'

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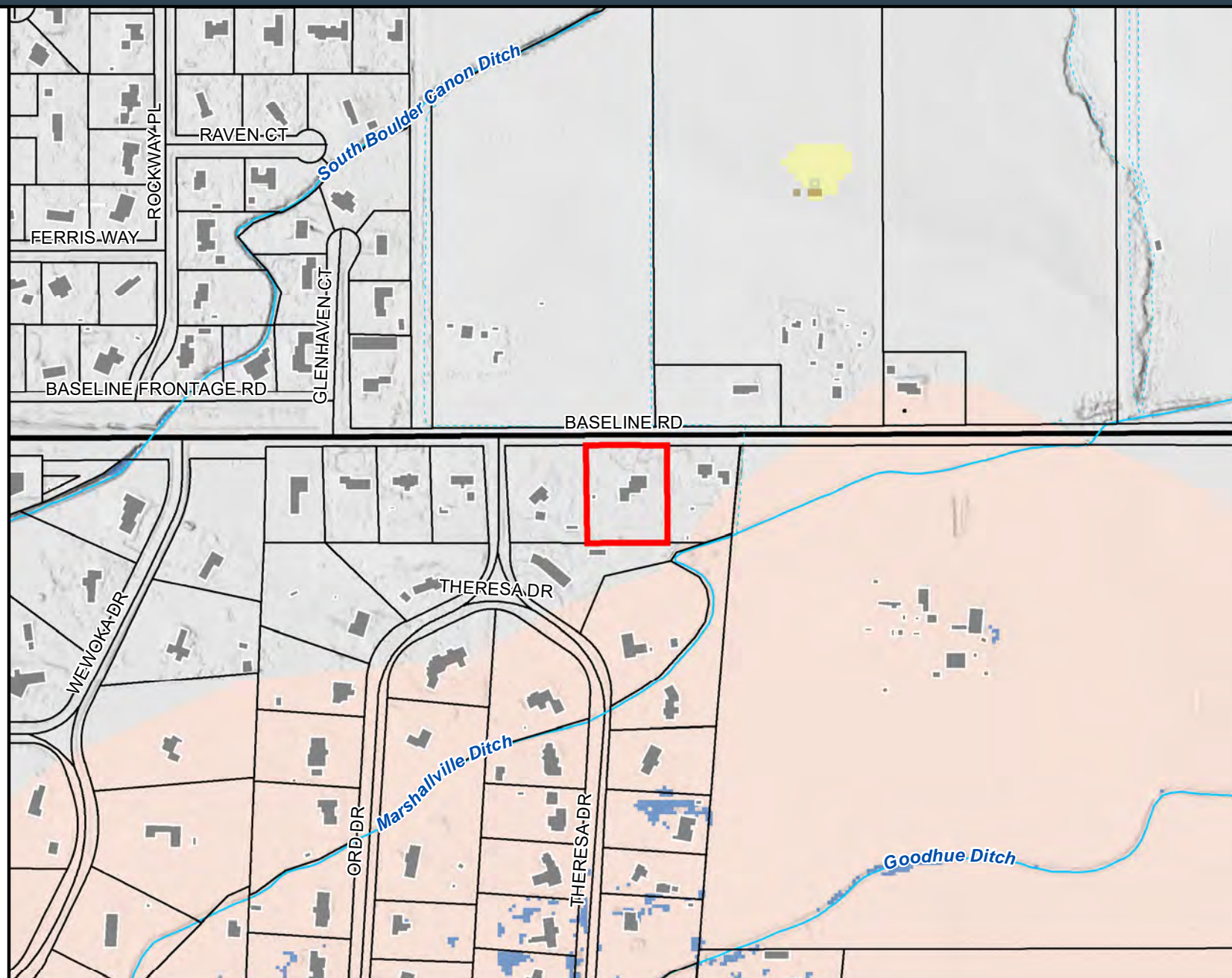
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Geologic Hazards

7856 Baseline

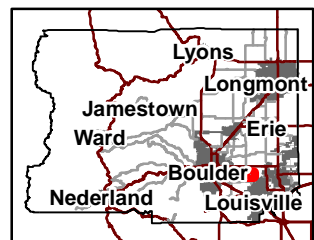
-  Subject Parcel
-  Debris flow susceptibility area
-  Rockfall susceptibility area
-  Landslide high susceptibility area
-  Moderate Swelling Soil Potential



0 0.035 0.07 Miles



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Planning Areas

7856 Baseline

Subject Parcel

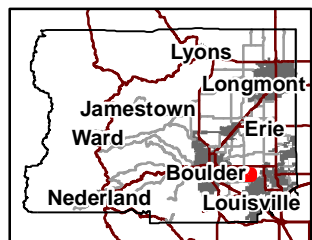
Active IGA
Boundary

**Active IGA
Designation**

BVCP

0 0.035 0.07
Miles

Area of Detail Date: 3/29/2021



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Public Lands & CEs

7856 Baseline

 Subject Parcel

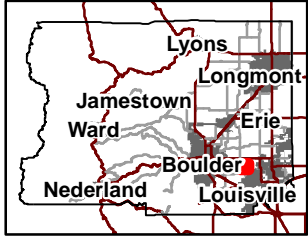
Boulder County Open Space

- County
-  Conservation Easement
-  OSMP Properties

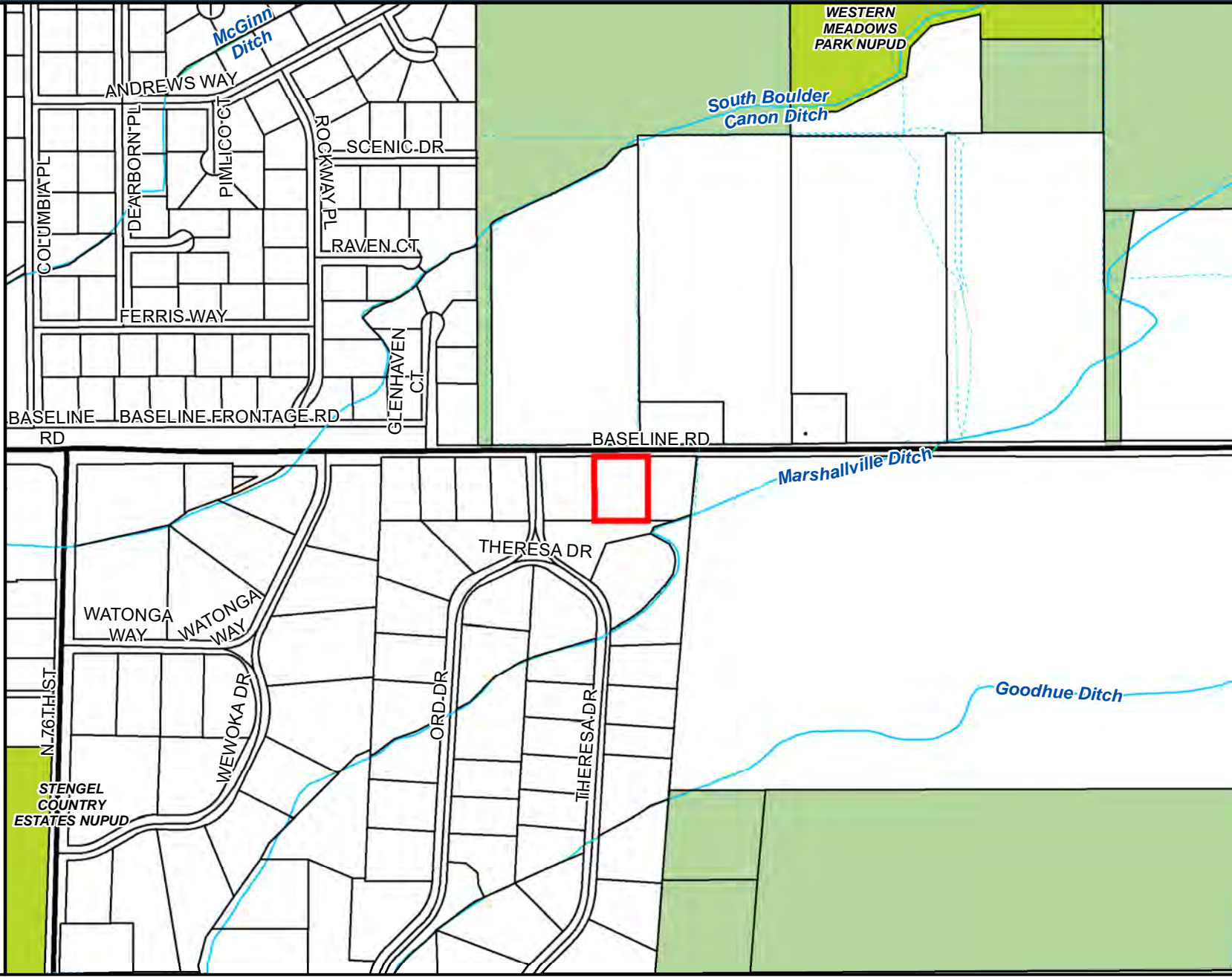
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Zoning

7856 Baseline

Subject Parcel

NCO

NCO

Major Road
Setbacks

110 feet

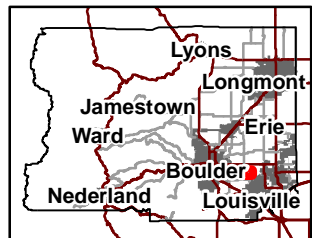
Zoning Districts

Estate Residential

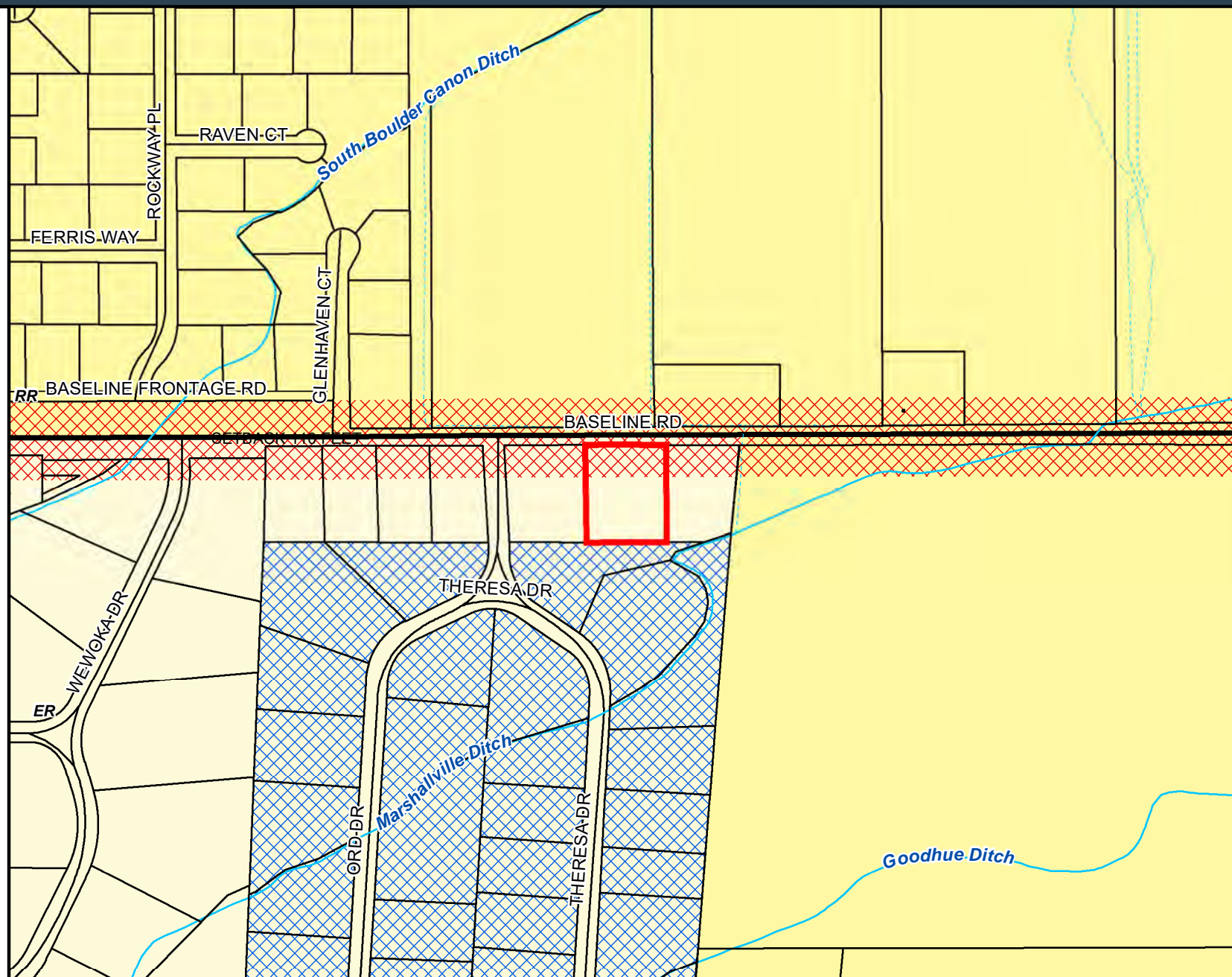
Rural Residential

0 0.035 0.07
Miles

Area of Detail Date: 3/29/2021



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Walker, Samuel

From: Derek Schreck <schreck.derek@gmail.com>
Sent: Wednesday, March 23, 2022 5:42 PM
To: Walker, Samuel
Subject: Re: [EXTERNAL] 7856 Baseline Rd
Attachments: EP map.pdf; Exemp Plat - App.pdf

Hi Sam,

So sorry about the delay. Had a family thing come up. At any rate, attached please find the application form for the Exemption Plat for the property located at 7856 Baseline Rd, Boulder, CO 80303, as well as the required map based on the County map provided. The additional materials - title/deed, fee agreement - have been provided through the Variance & SPRW paperwork. Below is the project narrative:

Narrative:

Seeking an Exemption Plat for the real property located at 7856 Baseline Rd, Boulder, CO 80303 to reflect the actual western property line. 7856 Baseline Rd. is composed of Lot 22 and the Eastern 1/2 of Lot 23 of Fairview Estates. At some point in the 1960s, Lot 23 was divided between my property and my neighbors on Lot 24, increasing our respective lot sizes. However, the incorporation was improperly filed or recorded and so the western boundary of my property is still being reflected as 1/2 acre narrower than it actually is - ie. the original boundary of Lot 22 only (Shown in grey on the accompanying map). Because of this, I am unable to utilize that entire section of my property until the lot line is properly reflected. I'm seeking an exemption plat to do just that, meaning to have the western property line of my home accurately reflected in the county records (shown in red on accompanying map.)

Thank you for your help with this, Sam.

One more thing, could you please send me the updated information for the upcoming Variance hearing? I only have the e-paperwork for the old date in March.

Best,
 Derek

On Mon, Mar 14, 2022 at 3:58 PM Walker, Samuel <swalker@bouldercounty.org> wrote:

Derek,

Attached is the map we discussed on the phone. Please edit as you see fit and send it back to me along with the project narrative reflecting the request for an Exemption Plat.

Sam Walker

Planner II | Boulder County Community Planning & Permitting

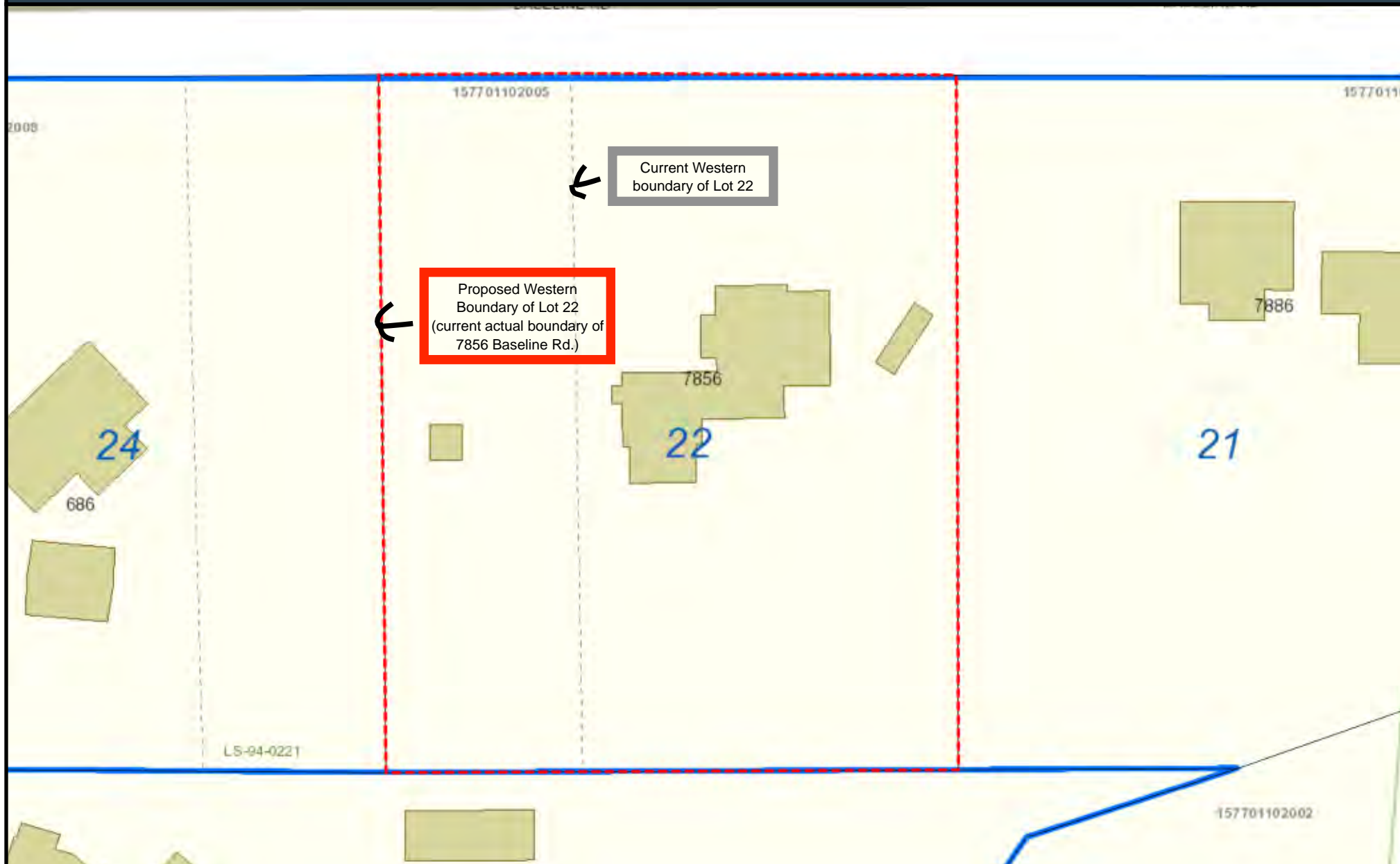
2045 13th Street, Boulder, CO 80302

Ph: 720-564-2738

swalker@bouldercounty.org

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157701102005



Approx. 1 inch = 50 feet

3/14/2022
C:\Users\swalker\AppData\Local\Temp\3a90c27a-0bad-46c1-b8ed-e47d7bf25357.pdf

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Walker, Samuel

From: LuAnn Penfold <lpenfold@mvfpd.org>
Sent: Thursday, May 5, 2022 8:14 AM
To: Walker, Samuel
Subject: [EXTERNAL] EP-22-0001

We have no objections to the exemption plat and lot line adjustment at 7856 Baseline Road.

Thank you for including us in the planning process.

LuAnn Penfold, Fire Prevention Specialist

Mountain View Fire Rescue

3561 N. Stagecoach Road, Longmont, CO 80504

720-678-9890 | lpenfold@mvfpd.org | www.mvfpd.org



**Right of Way & Permits**

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

May 19, 2022

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Sam Walker

Re: Schreck Barn Setback Lot Merger, Case # EP-22-0001

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the documentation for **Schreck Barn Setback Lot Merger** and has **no apparent conflict**.

No resubmittals necessary.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303-441-3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.BoulderCounty.org

May 18, 2022

TO: Sam Walker, Planner II; Community Planning & Permitting,
Development Review Team - Zoning

FROM: Jennifer Severson, Principal Planner; Community Planning & Permitting,
Development Review Team – Access & Engineering

SUBJECT: Docket # EP-22-0001: Schreck Lot Merger
7856 Baseline Road

The Development Review Team – Engineering staff reviewed the above referenced docket and has the following comments:

1. The subject property is accessed via Baseline Road, a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Minor Arterial. Legal access has been demonstrated via adjacency to this public ROW.
2. Staff has no concerns about the proposed lot merger as the areas to be combined are under the same ownership.
3. There is no evidence of an existing Access Permit for either of the existing two points of access to Baseline Road. An Access Permit will be issued for each of the existing access points prior to recordation of the amended plat. The applicant must contact the Development Review Team- Access & Engineering staff to obtain the Access Permits.

This concludes our comments at this time.

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner



Community Planning & Permitting

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Building Safety & Inspection Services Team

MEMO

TO: Sam Walker, Planner II
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: May 4, 2022

RE: Referral Response, EP-22-0001: Schreck Lot Merger. Request for an Exemption Plat to merge Lot 22 and the eastern half of Lot 23 of the Fairview Estates subdivision into one parcel.

Location: 7856 Baseline Road

Thank you for the referral. We have reviewed the proposal and have no conflicts with it.

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at building@bouldercounty.org