



Community Planning & Permitting

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

BOULDER COUNTY PLANNING COMMISSION PUBLIC HEARING

October 16, 2024 at 1:30 p.m.

Boulder County Courthouse, 3rd Floor,
1325 Pearl Street, Boulder
Virtual and in-person

STAFF RECOMMENDATION

STAFF PLANNER: Sam Walker, Planner II

DATE ISSUED: October 9, 2024

Docket V-24-0001: Kostecki-Keil Right-of-Way Vacation

Proposal: Request to vacate a portion of the Riverside Drive right-of-way to eliminate a structural encroachment into the existing right-of-way boundary
Location: 468 Riverside Drive, approximately .5 miles west of the easternmost intersection of Riverside Drive and SH7 on a .49-acre parcel in Section 34, Township 3N, Range 72
Zoning: Forestry
Owners: Nicholas Kostecki & Amanda Keil

PACKET CONTENTS

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SUMMARY

The applicants request to vacate a section of the Riverside Drive (also known as “Old State Highway 7” right-of-way. Staff recommends approval of the Vacation request because, as conditioned, the request can meet the Vacation Criteria in Article 10 of the Boulder County Land Use Code (the Code).

DISCUSSION

The subject parcel is approximately .49 acres in size, and located on the north side of Riverside Drive approximately .5 miles west of its intersection with State Highway 7 (SH7). In 2023, Community Planning & Permitting staff found that the parcel is not a legal building lot because its record of transfer between owners was not clear enough to determine when the current parcel configuration was first created (See BLD-23-0059, included as Attachment C). In response to the staff determination that the parcel lacked legal building lot status, the owners filed an application for Subdivision Exemption (SE-24-0002 Kostecki-Keil Lot Recognition) in an effort to have the lot recognized as a legal building lot.

As staff reviewed SE-24-0002, they requested a survey of the property because it appeared that a portion of the existing residence on site extended across the southeastern parcel boundary and into the right-of-way (ROW). The survey confirmed several points of encroachment into the Riverside Drive ROW, including a set of wooden stairs, a section of the main residence and associated roof eave, a concrete patio, and part of the septic system drain field.

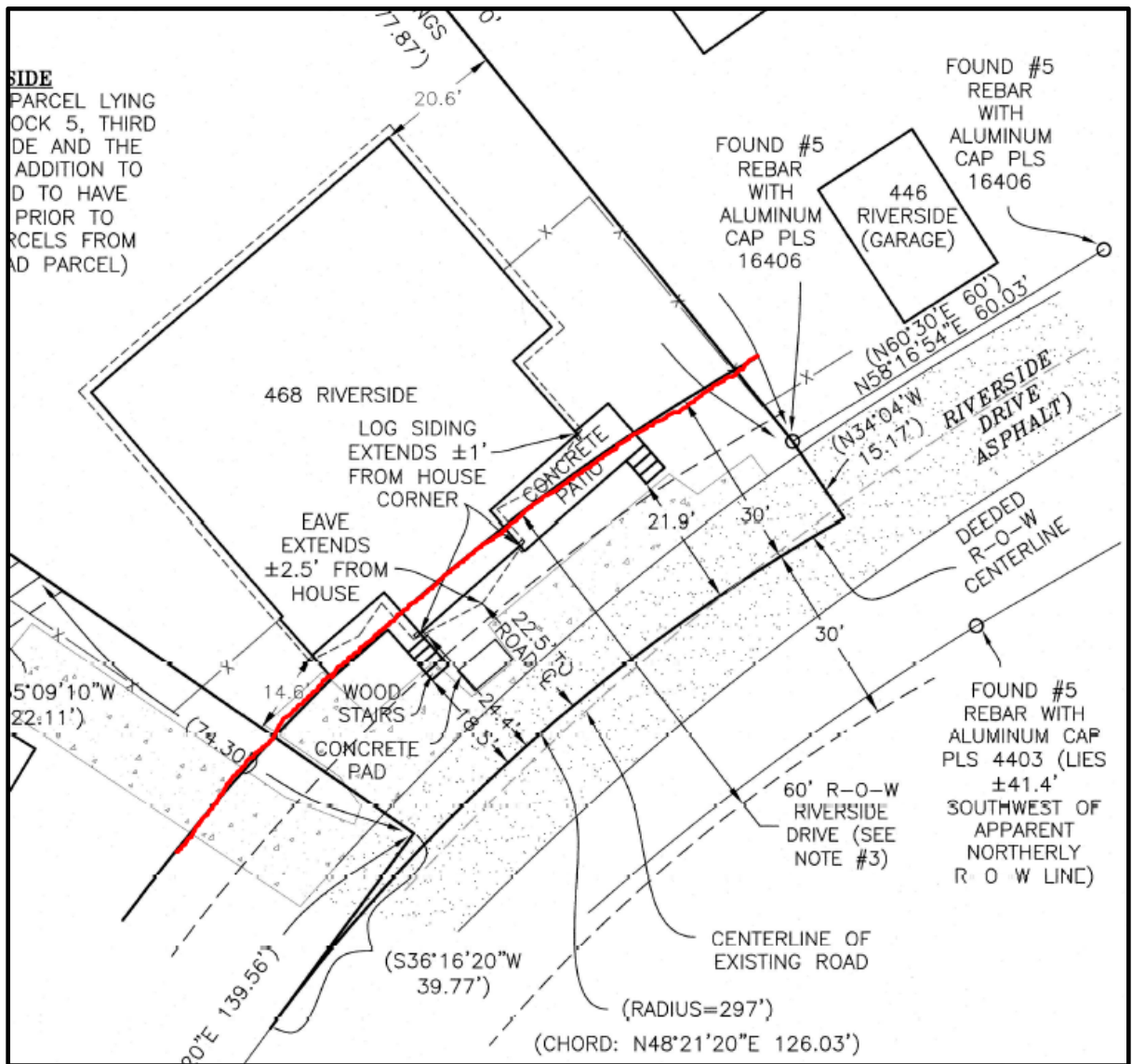


Figure 1: Clip of applicant-provided survey indicating structural encroachments into the ROW (ROW boundary line traced in red). Full survey visible as part of Attachment D.

Staff determined that the encroachments into the ROW must be rectified before the lot recognition request can proceed and SE-24-0002 is currently on hold pending the outcome of the subject Vacation request. The applicants subsequently submitted the subject request that a section of the Riverside Drive ROW be vacated. Assuming that the vacation request is approved, SE-24-0002 will proceed through the normal review process following completion of all applicable Vacation post-approval requirements.

As proposed, the applicants' request would vacate a curved strip of the Riverside Drive ROW that would vary from approximately 18 feet to 22 feet in width along the southeastern parcel boundary of the property. The resulting northern edge of the ROW would be along the edge of the existing asphalt road surface of Riverside Drive as shown in Figures 2 and 3 below.

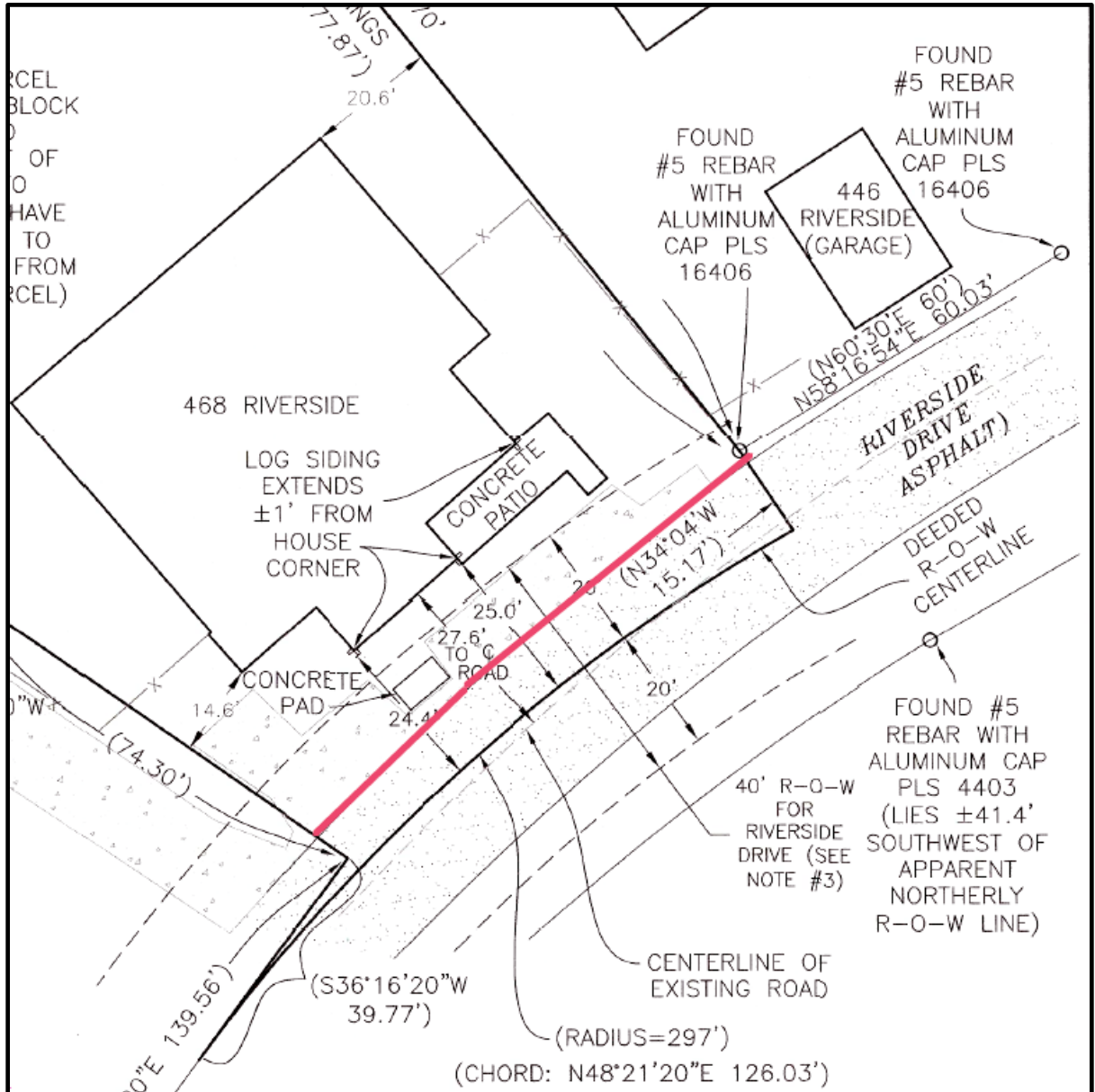


Figure 2: Applicants' plan showing proposed new dividing line between the subject property and Riverside Drive.

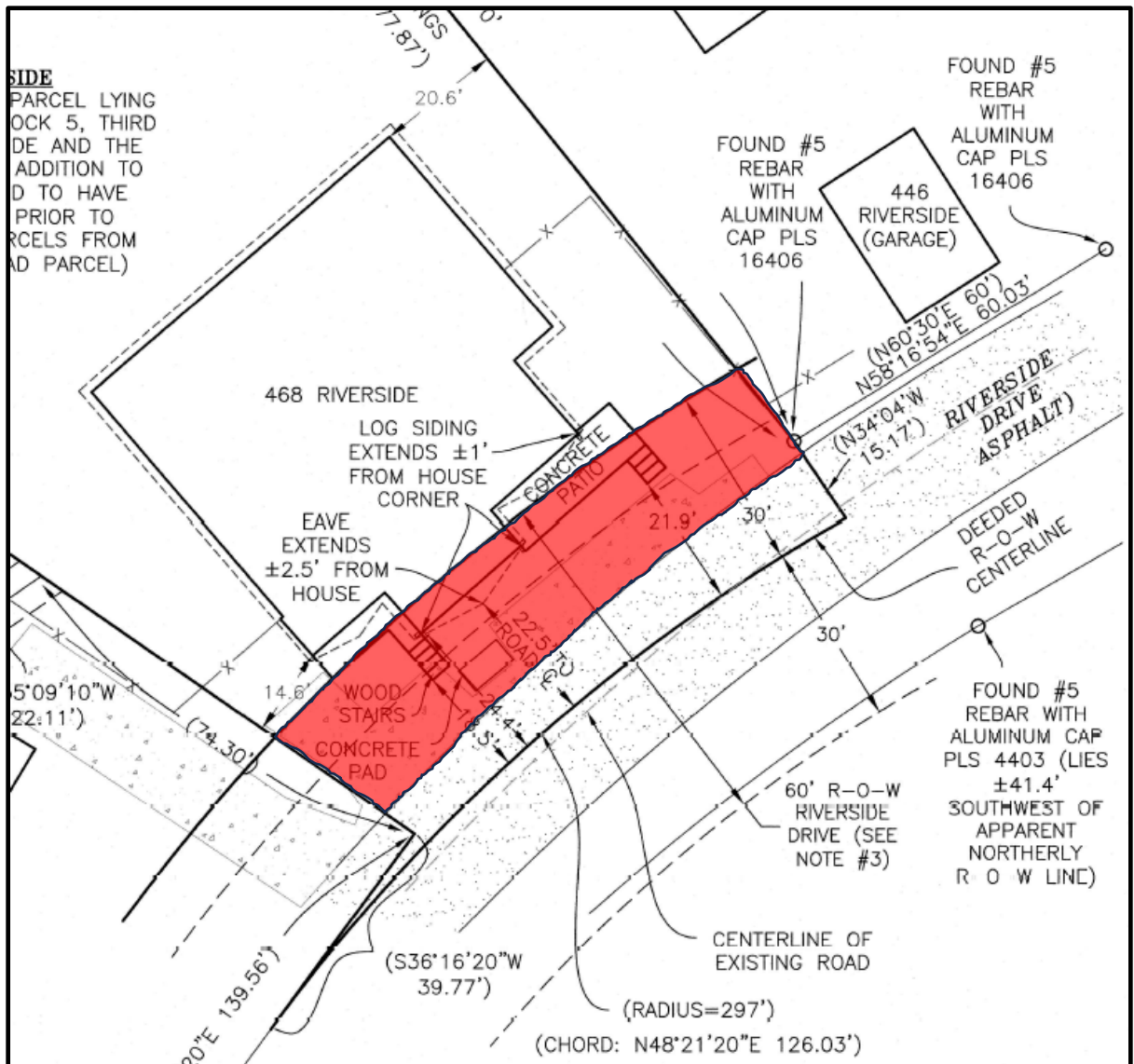


Figure 3: Staff illustration of total area proposed to be vacated by the applicants, shaded red.

Staff are not concerned with the idea of the proposal, which is intended to eliminate an existing structural encroachment into the county-held ROW. However, staff are concerned that the proposed area to be vacated would create issues with road maintenance, limit pedestrian useability of the ROW, privatize a parking area that is currently public, hinder stormwater drainage and utility placement, and lead to the creation of a patchwork of public and private land were similar proposals to be approved in the future.

Staff recommend vacation of an approximate 10-foot strip of the 60-foot ROW that presently exists. This will remove most of the structural encroachment issues while lessening the potential for issues listed above. Such a vacation would also align the ROW boundary with an existing mapped 40-foot ROW line that was held by the County prior to the dedication of a 60-foot ROW by the State of Colorado as described in the Development Review Team – Access & Engineering referral response. See Figure 4 below for an illustration of the staff proposal.

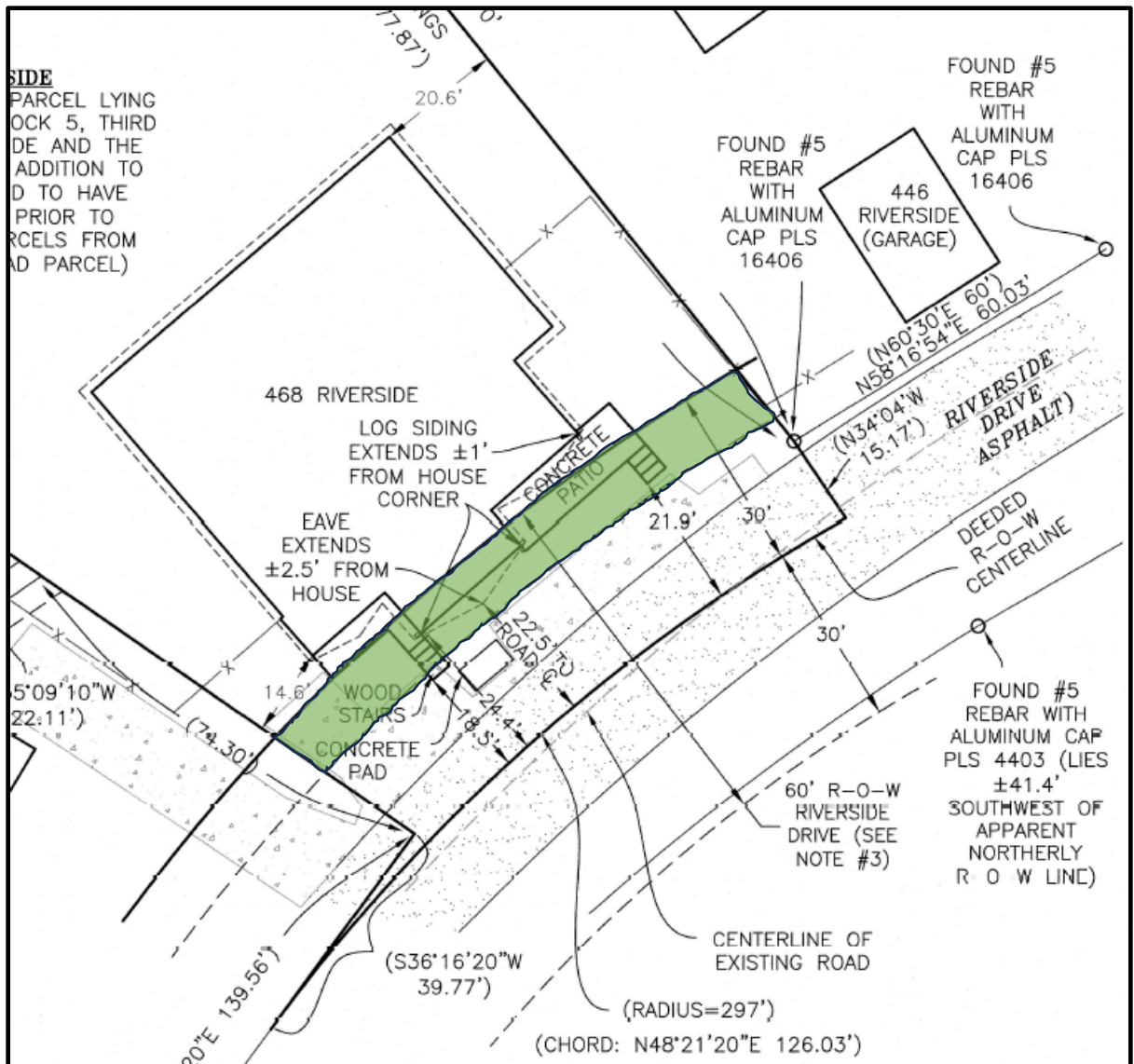


Figure 4: Staff recommended area to be vacated, shaded green

REFERRALS

This application was referred to the typical agencies, departments, and adjacent property owners. The deadline for agencies and departments to respond was October 7, 2024. Responses received by staff are summarized below.

Boulder County Public Health (BCPH): BCPH noted that an Onsite Wastewater Treatment System (OWTS) major repair permit was issued and approved for the property in 2001, and that the installation records indicate that the OWTS may be partially located within the area to be vacated. BCPH indicated that a survey will be required to establish the extent of the OWTS relative to the adjusted property line, with additional requirements that Boulder County Public Works be notified if the OWTS is within 10 feet of the property line, and that a license agreement be completed if the OWTS will still be within the ROW.

Development Review Team – Access & Engineering (DRT A&E): The DRT A&E referral response noted that legal access to the property is demonstrated by adjacency to the Riverside Drive ROW, and that there are two ROW overlays that coexist in the Riverside area, one being a 60-foot ROW related to the former route of SH 7 and the other being a 40-foot ROW dedicated on the

Riverside Block 5 3rd Addition plat. DRT A&E expressed concerns with the impacts on ROW uses if the vacation were to be approved as proposed, but indicated support for the vacation of a section of the 60-foot ROW such that the new ROW line would only be along the 40-foot ROW described in the Riverside plat. DRT A&E noted that this difference in the vacated area would likely leave sections of a low retaining wall and steps up to the front of the house within the public ROW, but that the remaining encroachments should be addressed with a revocable license agreement.

Agencies that responded with no conflict: Boulder County Historic Preservation Team, Building Safety & Inspection Services Team.

Agencies that did not submit a response: Boulder County Long Range Planning, Boulder County Wildfire Mitigation Team, Boulder County Assessor, Boulder County Attorney's Office, Boulder County Real Estate Team, Boulder County Parks & Open Space Natural Resource Planner, Boulder County Sheriff, Boulder County Treasurer, Boulder County Public Works, Boulder County Surveyor, St. Vrain & Left Hand Water District, Estes Park Power & Communications, Boulder Valley & Longmont Conservation Districts, US Fish and Wildlife Service, Allenspark Fire Protection District.

Adjacent Property Owners: Notices were sent to 67 property owners and staff did not receive any comments in response.

VACATION REVIEW

Section 10-100 of the Code sets the standards for Vacations of Public Roads, Alleys, and Easements. Staff has reviewed the criteria and finds the following:

- (A) **Public roads, alleys, and easements may be vacated after consideration at a public hearing by both the Planning Commission and the Board of County Commissioners.**

This docket will be heard by Planning Commission on October 16, 2024. After the Planning Commission makes a recommendation on the vacation request, the Board of County Commissioners will hold their own hearing for the proposal (currently scheduled for October 29, 2024).

Therefore, staff finds this criterion can be met.

- (B) **Unless otherwise noted, the portions of the road or alley vacated will be divided down the centerline and added to the respective adjacent property.**

The applicants propose that only a portion of the ROW adjacent to their property be vacated in order to remove an existing structural encroachment into the ROW area, namely an 18-22-foot-wide strip between the existing asphalt road surface of Riverside Drive and the existing northern edge of the ROW.

However, staff are concerned that the proposed vacation would privatize a public parking area, impede pedestrian travel along the roadway, increase the difficulty of future road maintenance, and lead to an inconsistent pattern in the ROW along the road. In order to remove the structural encroachment but avoid the problems posed by vacating all of the ROW that currently exists between the structure and the asphalt surface of Riverside Drive, staff recommend that only a 10-foot wide strip of the ROW be vacated and added to the applicants' property, such that the new southeastern parcel boundary is aligned with the northern boundary of the 40-foot Riverside Drive ROW dedicated in the plat for Riverside Block No. 5, 3rd Addition (as shown in Figure 4 above and described in the DRT A&E referral response attached to this recommendation).

Staff recommend that only the recommended area be vacated and added to the applicants' parcel, as the remainder of the Riverside Drive ROW is currently used to access many other parcels both east and west of the subject property.

Therefore, as conditioned, staff finds this criterion can be met.

(C) Application and processing requirements for vacations are included in Article 3.

The submitted application materials meet the requirements found in Article 3. In accordance with Article 3, staff referred the application to applicable referral agencies and all property owners within 1,500 feet of the subject property. The application will be heard at a public hearing before the Planning Commission on October 16, 2024, and thereafter by the Board of County Commissioners on October 29, 2024. Public testimony will be taken at both hearings.

Therefore, staff finds this criterion can be met.

(D) Following approval or conditional approval of a Vacation, the applicant shall submit to the Community Planning & Permitting Department all necessary documents.

The BCPH referral response described several requirements for the OWTS and its relationship with the new parcel boundary following approval of the proposed vacation. Staff recommend a condition of approval requiring that, prior to finalization of the vacation, a survey be conducted to determine the distance between the OWTS and the new parcel boundary. If the survey finds that the OWTS is within 10 feet of the new parcel boundary, the applicants must provide formal notice to the Boulder County Public Works Department. If the OWTS still extends into the ROW, the applicants must complete a license agreement with Boulder County Public Works. The applicants shall otherwise comply with all conditions of approval.

Therefore, as conditioned, staff finds this criterion can be met.

(E) The Vacation becomes effective upon recordation of the Board's resolution of approval with the Boulder County Clerk and Recorder's office.

- 1. Prior to recordation, the applicant must comply with and complete all conditions of approval.**
- 2. The Land Use Department staff shall record the Commissioner's resolution of approval with the Clerk and Recorder's office within 1 year of the Commissioners' approval unless otherwise specified.**

If the vacation is approved by the Board of County Commissioners, upon completion of post approval requirements, Community Planning & Permitting staff will record a copy of the Board's Resolution of Approval with the Boulder County Clerk & Recorder.

Therefore, as conditioned, staff finds this criterion can be met.

RECOMMENDATION

Staff have determined that the proposal, as conditioned below, can meet all the applicable criteria of the Boulder County Land Use Code for Vacation of Public Roads, Alleys, and Easement. Therefore, staff recommend that the Planning Commission recommend that the Board of County Commissioners

approve docket V-24-0001: Kostecki-Keil Right-of-Way Vacation with the following conditions and post-approval requirements:

1. Only a 10-foot wide strip of the existing right-of-way is to be vacated and incorporated into the adjacent parcel at 468 Riverside Drive, such that the new dividing line between the private parcel and the public right-of-way matches the northern boundary of the 40-foot right-of-way described on the Riverside Plat Block No. 5 3rd Addition, recorded June 21, 1924 at Reception No. 90204849.
2. Prior to the recordation of the Boulder County Commissioners' Resolution, the applicants must submit a new survey of the subject parcel's new configuration. The survey must include the full extent of the onsite wastewater treatment system and its setbacks to the updated parcel boundaries. The following requirements must also be met prior to recordation of the Resolution:
 - a. If the onsite wastewater septic system is located within 10 feet of a property line, the applicants must notify Boulder County Public Works.
 - b. If the onsite wastewater septic system extends beyond the updated parcel boundary and into the right-of-way, the applicants must complete a license agreement with Boulder County Public Works.
3. The applicant shall meet all the post approval requirements within one year after the date of the Board of County Commissioners' Resolution approving this vacation. This Resolution and associated documents shall also be recorded by Community Planning & Permitting Staff with the County Clerk and Recorder's Office within this one-year timeframe. This vacation approval shall not be considered final or effective until this recordation. Finally, this vacation approval shall expire if recordation does not occur within the required one-year timeframe (unless an extension is granted).
4. The applicant shall be subject to the terms, conditions, and commitments of record and in the file for docket **V-24-0001: Kostecki-Keil Right-of-Way Vacation**.



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 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) 468 Riverside Dr. Lyons, CO 80540			
Subdivision Name TR, NBR 961 ST VRAIN AREA			
Lot(s) 7	Block(s) 5	Section(s) 34	Township(s) 03N
Range(s) 72	Area in Acres .41	Existing Zoning F	Existing Use of Property 2nd Home
Number of Proposed Lots	Proposed Water Supply Shared Well	Proposed Sewage Disposal Method Septic System	

Applicants:


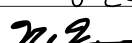
Applicant/Property Owner Amanda Keil and Nicholas Kostecki		Email Address nkostecki1@gmail.com	
Mailing Address 4961 Little Cub Creek Rd.			
City Evergreen	State CO	Zip Code 80439	Phone 760-333-2906
Fax		Applicant/Property Owner/Agent/Consultant	
Email Address		Mailing Address	
City	State	Zip Code	Phone
Fax		Agent/Consultant	
Email Address		Mailing Address	
City	State	Zip Code	Phone
Fax		Agent/Consultant	
Email Address		Mailing Address	
City	State	Zip Code	Phone
Fax		Agent/Consultant	

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 	Printed Name Amanda Keil	Date 9/5/2024
Signature of Property Owner 	Printed Name Nicholas Kostecki	Date 9/5/2024

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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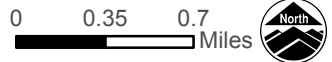
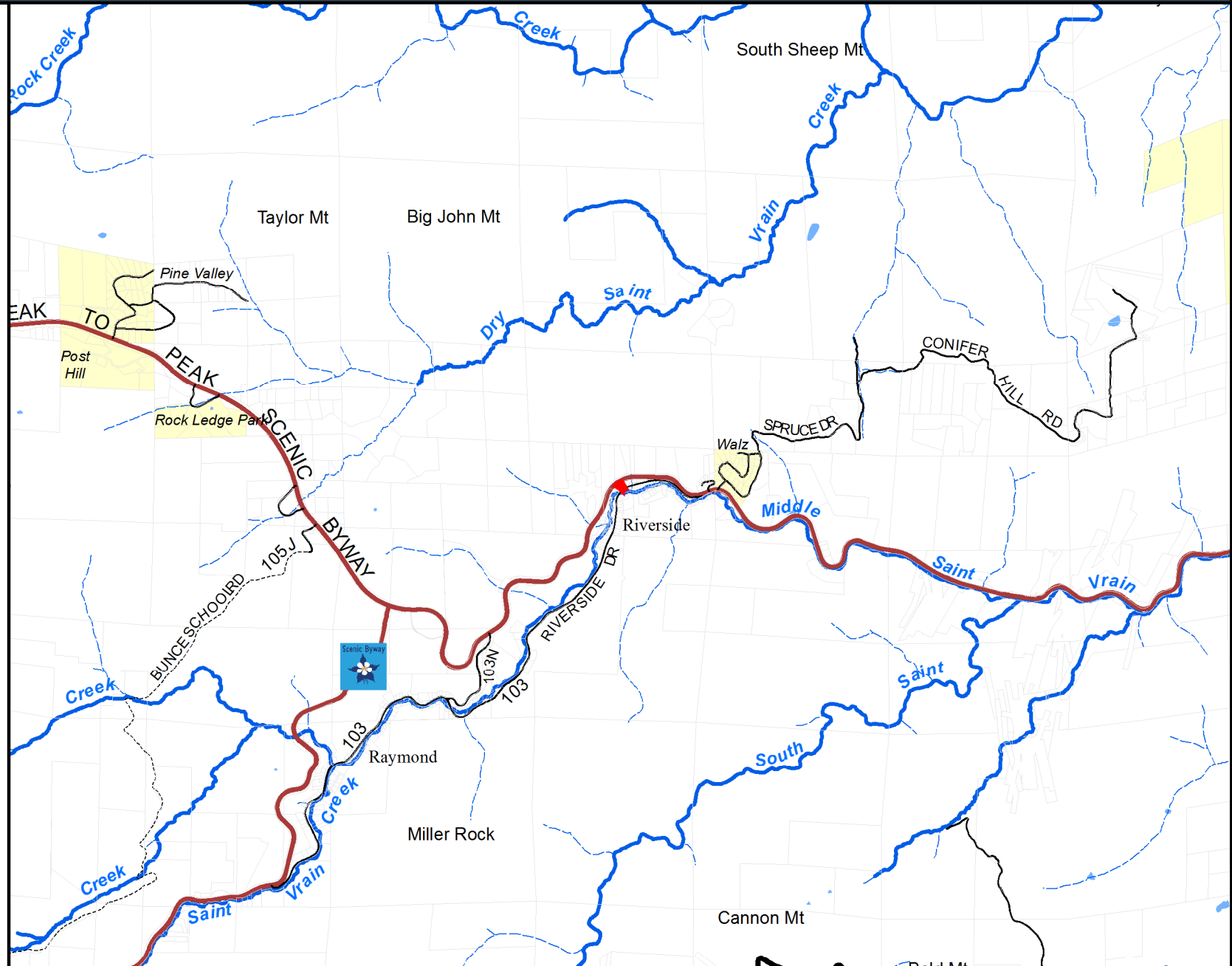
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468 RIVERSIDE DR

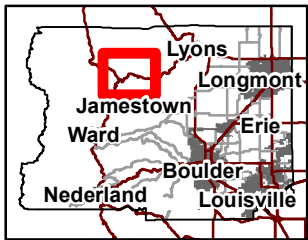
Subject Parcel

Subdivisions

Subdivisions



Area of Detail Date: 8/14/2023



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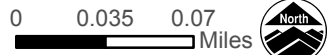
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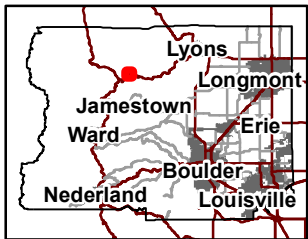
Location

468 RIVERSIDE DR

 Subject Parcel



Area of Detail Date: 8/14/2023



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Aerial

468 RIVERSIDE DR

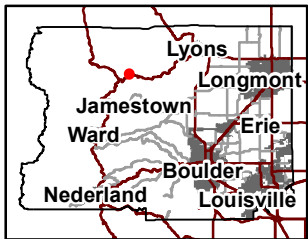
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Area of Detail Date: 8/14/2023



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Aerial

468 RIVERSIDE DR

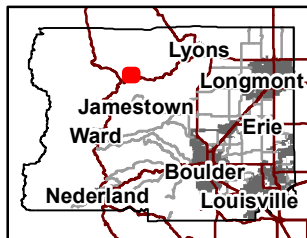
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Area of Detail Date: 8/14/2023



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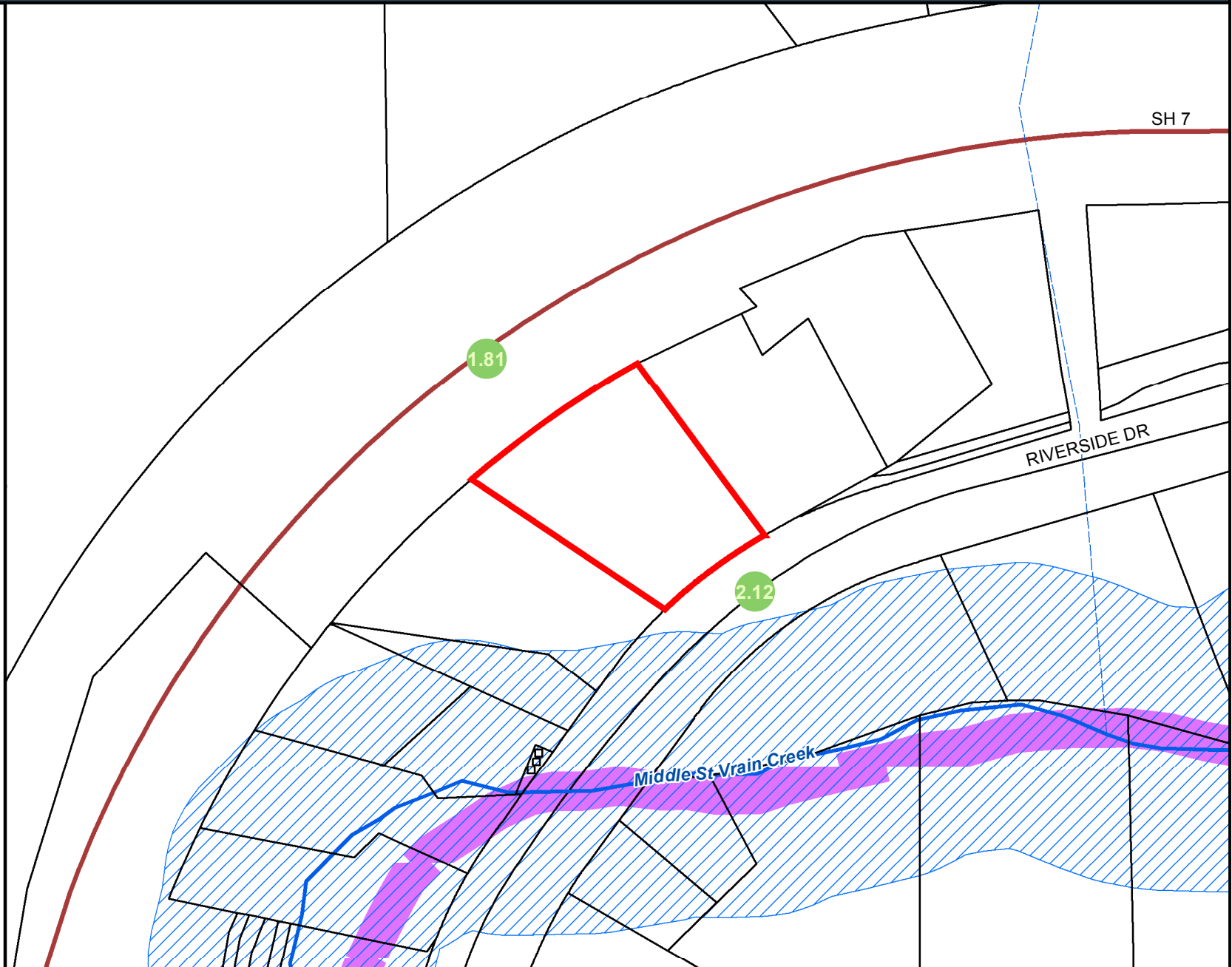
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Comprehensive Plan

468 RIVERSIDE DR

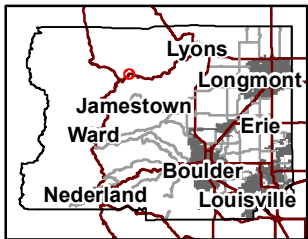
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-  Riparian Areas
-  Riparian Habitat Connectors



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Area of Detail Date: 8/14/2023



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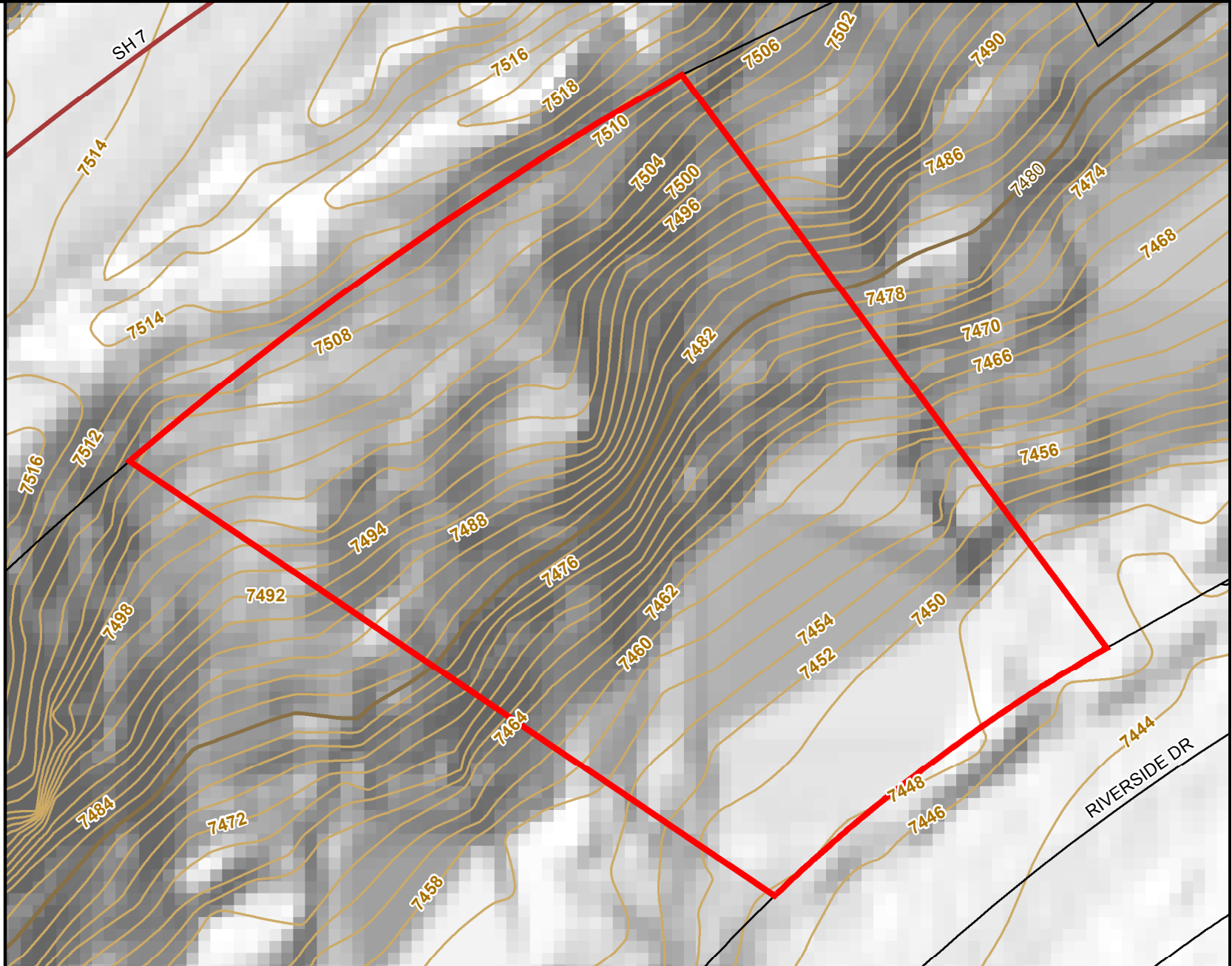
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Elevation Contours

468 RIVERSIDE DR

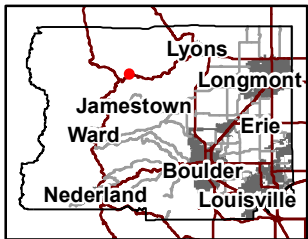
-  Subject Parcel
-  Contours 40'
-  Contours 2'



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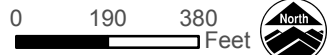
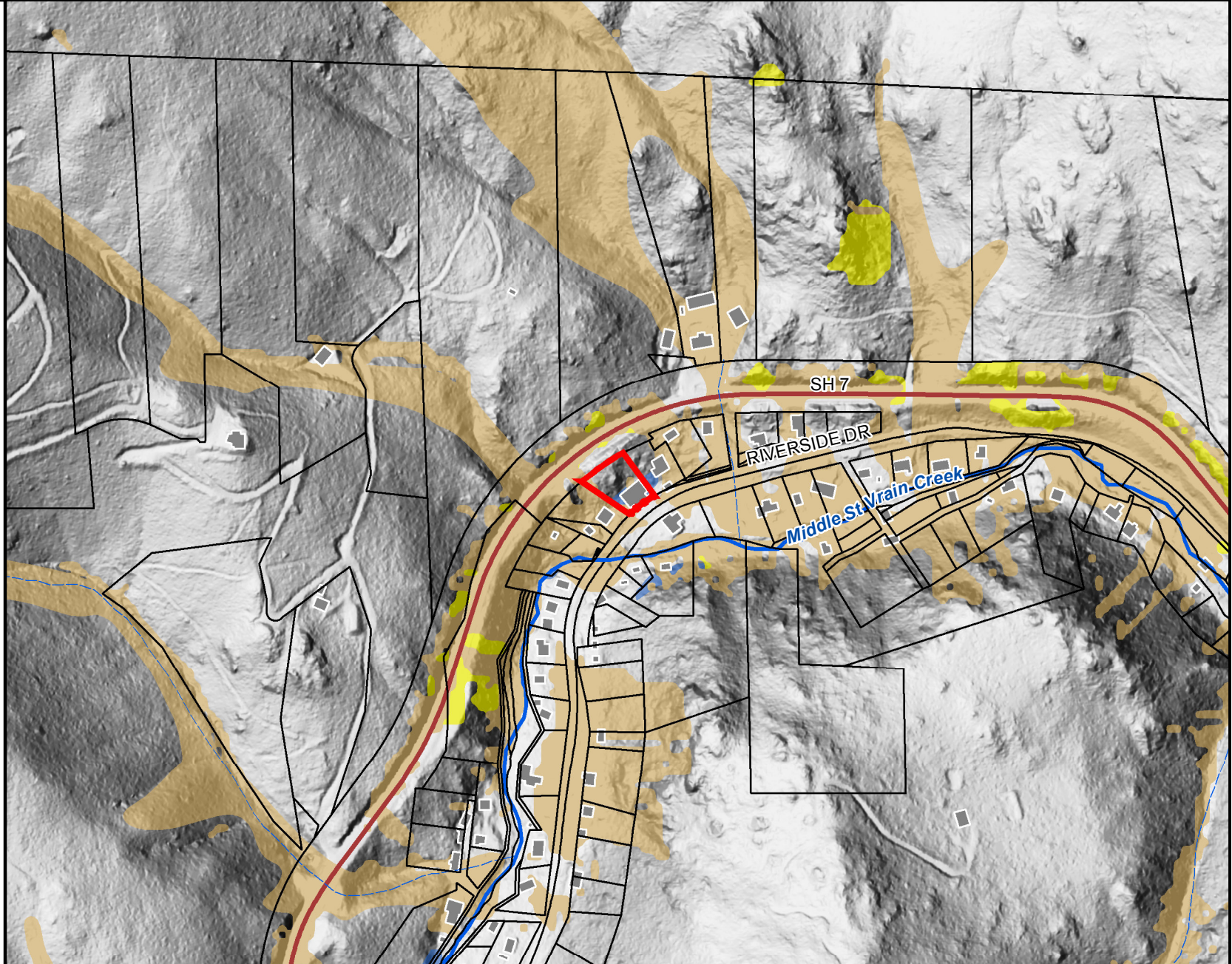
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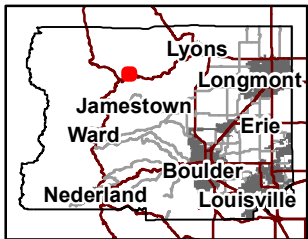
Geologic Hazards

468 RIVERSIDE DR

 Subject Parcel



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Prebles

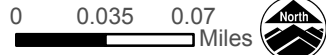
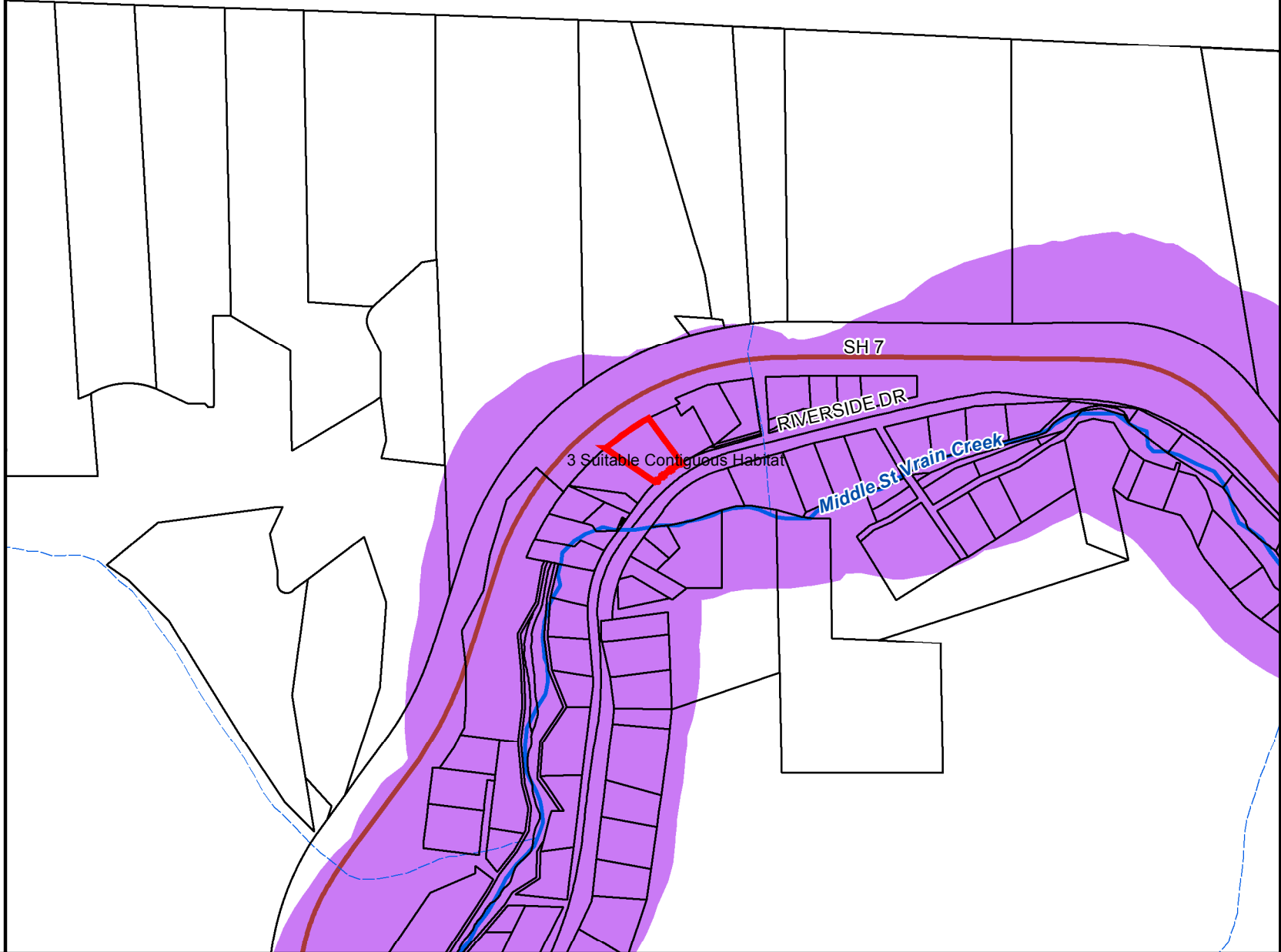
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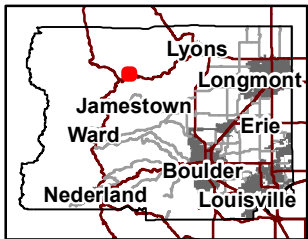
Note: This map's legend shows all Preble's Priority Zones as mapped by Boulder County. The subject property may not contain all zones. Refer to the USFWS Memo dated 9/17/03 to determine when projects require review by USFWS for Preble's.

Prebles

 Zone 3 Suitable Contiguous Habitat



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Public Lands & CEs

468 RIVERSIDE DR

Subject Parcel

Boulder County Open Space

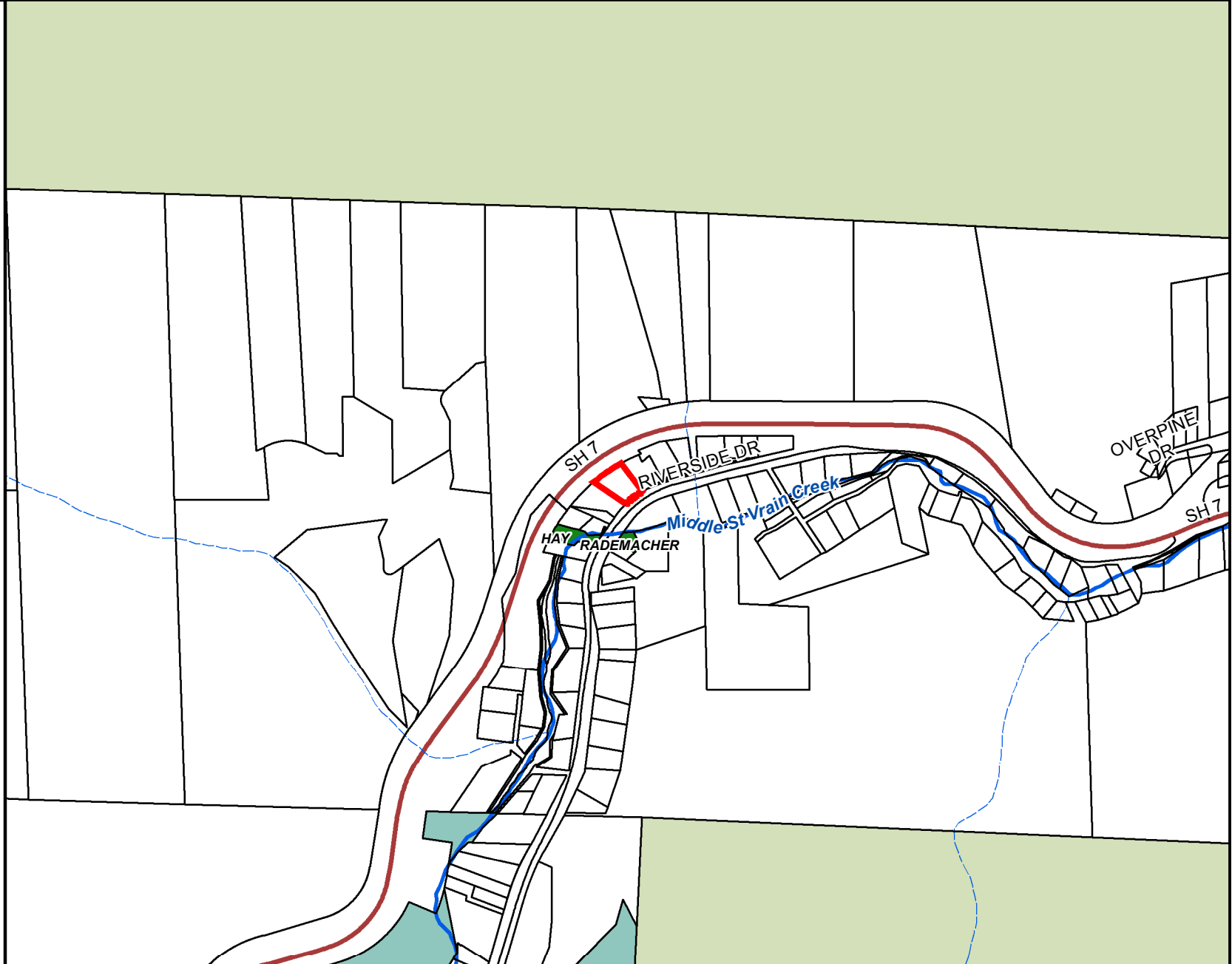
County Open Space

Federal Lands

USFS Land

Private

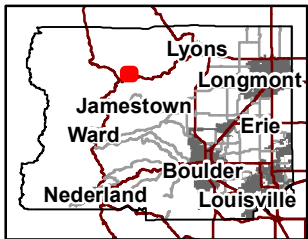
Conservation Easements



0 0.05 0.1 Miles



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Zoning

468 RIVERSIDE DR

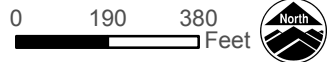
Subject Parcel

Zoning Districts

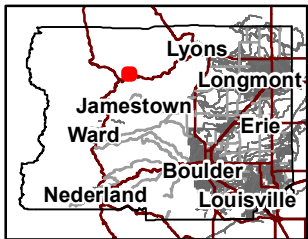
Forestry

Major Road Setbacks

55 feet



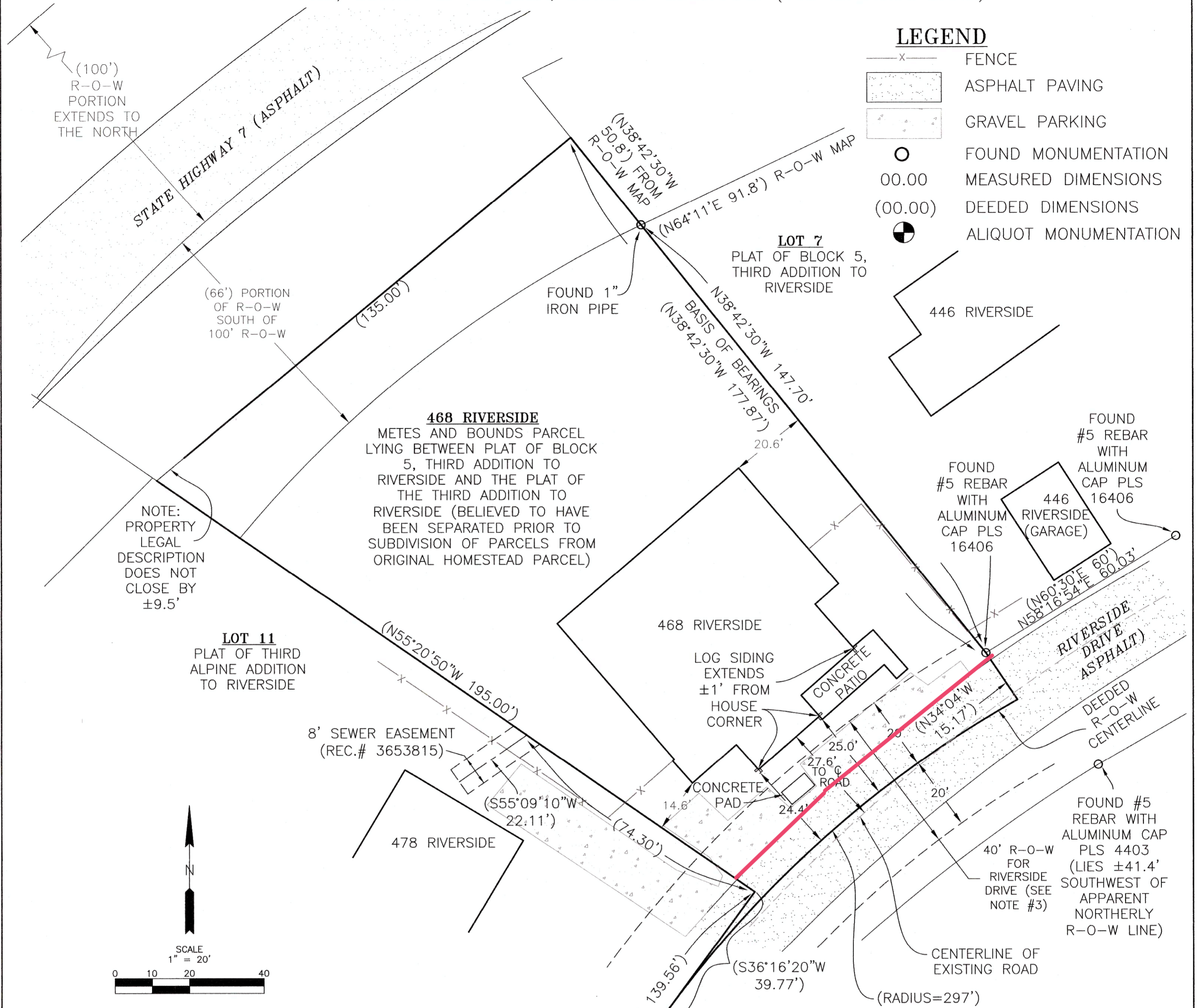
Area of Detail Date: 8/14/2023



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SITE PLAN

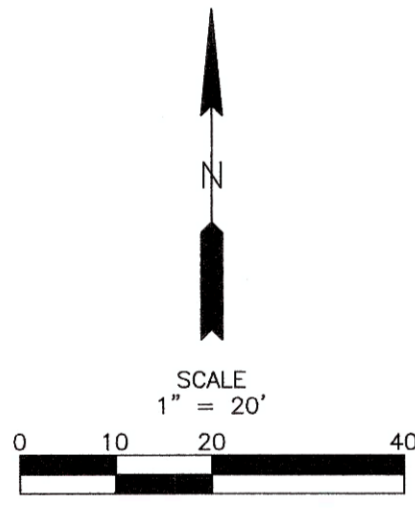
A PORTION OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 72 OF THE 6th P.M., COUNTY OF BOULDER, STATE OF COLORADO. (468 RIVERSIDE DRIVE)



LEGEND

- x— FENCE
- [Pattern] ASPHALT PAVING
- [Pattern] GRAVEL PARKING
- FOUND MONUMENTATION
- 00.00 MEASURED DIMENSIONS
- (00.00) DEEDED DIMENSIONS
- ⊙ ALIQUOT MONUMENTATION

NOTE: PROPERTY LEGAL DESCRIPTION DOES NOT CLOSE BY ±9.5'



From the Owner Nicholas KostECKi and Amanda Keil

NOTES:

1. THIS SITE PLAN IS REPRESENTATIONAL ONLY AND SHOULD NOT BE RELIED UPON AS A BOUNDARY SURVEY NOR IMPROVEMENT SURVEY.
2. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTHEAST LINE OF THE SUBJECT PROPERTY TO BEAR N38°42'30"W, BEING MONUMENTED ON THE NORTHWEST END BY A 1" IRON PIPE WITH NO CAP AND ON THE SOUTHEAST END BY A #5 REBAR WITH ALUMINUM CAP STAMPED PLS 16406.
3. THE PURPOSE OF THIS SITE PLAN IS TO DELINEATE THE SOUTHERLY R-O-W ADJACENT TO THE PROPERTY. THE ORIGINAL DEED DOES NOT CONTAIN ANY WIDTH OF THE R-O-W, BUT DOES SPECIFY THE GEOMETRY OF THE CENTERLINE OF OLD HIGHWAY 7 (ALSO KNOWN AS RIVERSIDE DRIVE). THE SUBDIVISION PLAT TO THE EAST DESCRIBES THE R-O-W AS 40' IN WIDTH AND THE SUBDIVISION PLAT TO THE WEST DOES NOT DESCRIBE ANY R-O-W GEOMETRY. NO R-O-W GEOMETRY FROM THE COUNTY OR STATE HAS BEEN KNOWN TO THIS SURVEYOR. SOME OTHER PLATS ALONG RIVERSIDE DIMENSION AND/OR CALL OUT 66' OF WIDTH FOR THE R-O-W, BUT NO REFERENCE TO COUNTY R-O-W DOCUMENTS ARE KNOWN TO EXIST. DIMENSIONS FROM THE DEED LOCATION OF THE CENTERLINE OF THE R-O-W TO THE HOUSE IS DELINEATED HEREON AS WELL AS THE DISTANCE FROM THE EXISTING HOUSE TO THE PAINTED CENTERLINE OF ROAD (APPROXIMATELY 27.6').
4. THE RESULT OF THIS SURVEY SHOWS THAT THE EXISTING HOUSE (NOT INCLUDING THE EAVES) IS LOCATED 25.0' FROM THE DEEDED CENTERLINE OF RIVERSIDE DRIVE AND 27.6' FROM THE CENTERLINE OF THE PHYSICAL PAVED ROAD. IF THE LEGAL R-O-W WIDTH OF RIVERSIDE DRIVE IS GREATER THAN 50' WIDE (25' ON EACH SIDE OF THE ROAD CENTERLINE) THE HOUSE WOULD BE LOCATED WITHIN THE R-O-W.
5. NO UTILITY LOCATES WERE PERFORMED FOR THIS SITE PLAN.

The RED LINE - is the area we would like Boulder County to vacate

LEGAL DESCRIPTION: (FROM WARRANTY DEED AT REC #03965499)

PARCEL A: A PORTION OF THE SOUTH 1/2 OF S34, T3N, R72W OF THE 6th P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 34; THENCE N5°29'05"W A DISTANCE OF 1202.56'; THENCE N36°16'20"E A DISTANCE OF 139.56' TO THE TRUE POINT OF BEGINNING; THENCE S36°16'20"W, A DISTANCE OF 39.77' TO THE CENTERLINE OF OLD STATE HIGHWAY NO. 7; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID HIGHWAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 297' AND WHOSE CHORD BEARS N48°21'20" E A DISTANCE OF 126.03'; THENCE N34°04'W A DISTANCE OF 15.17' TO THE SW CORNER OF LOT 7 AS IT EXISTS TO THE SOUTHEASTERLY R-O-W LINE OF NEW STATE HIGHWAY NO. 7; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY R-O-W LINE OF SAID HIGHWAY 135', MORE OR LESS, TO A POINT WHICH IS N55°20'50"W, A DISTANCE OF 195', MORE OR LESS, FROM THE TRUE POINT OF BEGINNING; THENCE S55°20'50"E, 195', MORE OR LESS, TO THE TRUE POINT OF BEGINNING, EXCEPT THAT SOUTHEASTERLY PART OCCUPIED BY OLD STATE HIGHWAY NO. 7 FOR ROAD RIGHT OF WAY PURPOSES. (SEE DEED FOR PARCEL B, AN EASEMENT OVER ADJACENT PARCEL LEGAL DESCRIPTION).

LONNIE A. SHELDON
CO PE. & LS. #26974

SHEET	1	PROJECT	468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	DATE	REVISION	BY
	1					
DATE	JUNE 5, 2024	PROJECT	468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	DATE	REVISION	BY
SCALE	1" = 20'	PROJECT	468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	DATE	REVISION	BY
CHECKED BY	TAS	PROJECT	468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	DATE	REVISION	BY
DRAWN BY	TJB	PROJECT	468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	DATE	REVISION	BY
PROJECT	468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	PROJECT	468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	DATE	REVISION	BY

VAN HORN ENGINEERING AND SURVEYING
1043 FISH CREEK RD. • ESTES PARK, COLORADO 80517
PHONE: (970) 586-9388 • EMAIL: INFO@VANHORNENGINEERING.COM



Public Health

Environmental Health Division

October 4, 2024

TO: Staff Planner, Community Planning and Permitting

FROM: Carl Job, Environmental Health Specialist

SUBJECT: V-24-0001: Kostecki-Keil Right-of-Way Vacation

OWNER: KEIL & KOSTECKI

PROPERTY ADDRESS: 468 RIVERSIDE DRIVE

SEC-TOWN-RANGE: 34 -3N -72

The Boulder County Public Health (BCPH) – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS:

1. BCPH issued an OWTS major repair permit for the installation of an absorption bed system on 10/24/2001. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 2-bedroom house. BCPH approved the installation of the OWTS on 12/27/2001.
2. BCPH installation records indicate that the OWTS may be situated in the area proposed to be vacated.
3. The applicant must survey the location of the OWTS soil treatment area and determine its distance to the updated property lines. Documentation showing the location of the OWTS and its distance from the adjusted property lines must be submitted to Boulder County Public Health before the right-of-way vacation will be approved.
4. If the distance to the adjusted property line is less than ten feet, the applicant must notify Boulder County Public Works. If the OWTS falls within the right-of-way, the applicant must complete a license agreement with Boulder County Public Works.

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on the OWTS application process and regulations, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to contact HealthOWS@bouldercounty.gov.

Cc: OWTS file, owner, Community Planning and Permitting



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.gov

Building Safety & Inspection Services Team

MEMO

TO: Sam Walker, Planner II
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: September 24, 2024

RE: Referral Response, V-24-0001: Kostecki-Keil Right-of-Way Vacation: Request to vacate a portion of the Riverside Drive right-of-way to eliminate a structural encroachment into the existing right-of-way boundary.

Location: 468 Riverside Drive

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 us at (720) 564-2640.



Community Planning & Permitting

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303-441-3930 • www.BoulderCounty.gov

October 7, 2024

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

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

SUBJECT: Docket # V-24-0001: Kostecki-Keil Right-of-Way Vacation– 468 Riverside Drive

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

1. The subject property is accessed by Riverside Drive, a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Local. Legal access has been demonstrated by adjacency to this public ROW.
2. The ROW history in the Riverside area is complex, however, the relevant information for this application is that Boulder County recognizes two ROW overlays that coexist. One is a prescriptive 60-foot ROW at Riverside Drive at the site that was the former Highway 7 ROW. It is noted in Road Book C, Page 29L. There is also a 40-foot ROW from the Plat of Block No. 5 3rd Addition Riverside plat, recorded on June 21, 1924 at Reception # 90204849.
3. ROWs are real property interests held by the County for public use. Aside from being used for roads, ROWs provide space for parking, pedestrian access, maintaining and repairing the road, stormwater drainage, and placing utilities, such as water, sewer, gas and power lines.
4. The applicants are requesting an uneven vacation of ROW that results in approximately 10.25 feet of ROW from the existing centerline at the southeast corner of the subject property and approximately 11.5 feet of ROW from the existing centerline at the southwest corner of the subject property; roughly corresponding with the edge of paved road.
5. While the Public Works Department and the County Engineer do not support a vacation of ROW to the edge of paved road, they do support a vacation to a 40-foot ROW line based on the existing centerline of Riverside Drive. This roughly corresponds to the location of the retaining wall, though some portions of the as well, as the steps to the house, appear to be within this proposed 40-foot ROW. These encroachments should be addressed with a revocable license agreement.

This concludes our comments at this time.



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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.BoulderCounty.org

Wildfire Mitigation Team

MEMO

TO: Sam Walker, Planner II
FROM: Kyle McCatty, Senior Wildfire Mitigation Specialist Supervisor
DATE: October 7, 2024
RE: Referral Packet for Docket V-24-0001: Kostecki-Keil Right-of-Way Vacation at 468 Riverside Drive

Thank you for the referral. We have the following comments for the applicants:

Wildfire mitigation is not required for this vacation because it does not increase the overall risk of loss of life and property in wildfire. The effectiveness of the defensible space is already reduced by the distance from the existing residence to the property boundary.



Community Planning & Permitting

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

MEMO TO: Referral Agencies, FPD and Adjacent Property Owners
 FROM: Sam Walker, Planner II
 DATE: September 20, 2024
 RE: Docket V-24-0001

Docket V-24-0001: Kostecki-Keil Right-of-Way Vacation

Request: Request to vacate a portion of the Riverside Drive right-of-way to eliminate a structural encroachment into the existing right-of-way boundary.

Location: 468 Riverside Drive, approximately .5 miles west of the easternmost intersection of Riverside Drive and SH7 on a .49-acre parcel in Section 34, Township 3N, Range 72W.

Zoning: Forestry (F) Zoning District
 Applicant/
 Owners: Amanda Keil and Nicholas Kostecki

A Vacation (V) may be requested in order for public rights of way to be conveyed to adjacent property owners. The Vacation process includes a public hearing before the Planning Commission and Board of County Commissioners. All adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department via mail (PO Box 471, Boulder, CO 80306) or email to planner@bouldercounty.gov. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.gov to request more information. If you have any questions regarding this application, please contact me at 720-564-2738 or email swalker@bouldercounty.gov to request more information.

Please return responses to the above address by **October 7, 2024**.

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed  PRINTED Name Jessica Fasick

Agency or Address CP&P Historic Review

Date 9/20/24

Walker, Samuel

From: George, Donna L <Donna.L.George@xcelenergy.com>
Sent: Friday, October 4, 2024 12:05 PM
To: Walker, Samuel
Subject: [EXTERNAL] RE: questions RE: Agenda for Planning Commission Hearing on October 16, 2024

Thanks for this, Sam. Yea, the overhead electric lines are on the other side of the road so no issues here.

Donna George

Right of Way and Permits Referral Processor
 Electric & Gas Distribution, Gas Transmission

1123 West 3rd Avenue, Denver, CO 80223

E: Donna.L.George@xcelenergy.com

Direct Supervisor: adam.r.pena@xcelenergy.com

From: Walker, Samuel <swalker@bouldercounty.gov>
Sent: Thursday, October 3, 2024 3:31 PM
To: George, Donna L <Donna.L.George@xcelenergy.com>
Subject: RE: questions RE: Agenda for Planning Commission Hearing on October 16, 2024

EXTERNAL - STOP & THINK before opening links and attachments.

Hi Donna,

My apologies for not including Xcel with the referral, I was trying to work quickly to get this referral out and overlooked it.

They're actually trying to vacate a strip of the right-of-way that varies from roughly 18-22 feet in width. The edge of the ROW currently goes through the front façade of the residence, and they're requesting to shift that line to the edge of the asphalt road surface. The attached survey doesn't specifically note their proposal, but should make it clear where everything is. Let me know if that changes the Xcel response to the proposal.

Sam Walker

Planner II | Boulder County Community Planning & Permitting

2045 13th Street, Boulder, CO 80302

Ph: 720-564-2738

swalker@bouldercounty.gov

From: George, Donna L <Donna.L.George@xcelenergy.com>
Sent: Tuesday, October 1, 2024 6:47 AM
To: Morgan, Heather <hmorgan@bouldercounty.gov>; Walker, Samuel <swalker@bouldercounty.gov>
Subject: [EXTERNAL] RE: questions RE: Agenda for Planning Commission Hearing on October 16, 2024

Thanks, Heather. Sam, since the width of the ROW to be vacated appears to be a sliver (1-foot maybe? – there is no legal description included), I don't think we have any issue with this vacation.

Donna George

Right of Way and Permits Referral Processor
 Electric & Gas Distribution, Gas Transmission

1123 West 3rd Avenue, Denver, CO 80223
 E: Donna.L.George@xcelenergy.com
 Direct Supervisor: adam.r.pena@xcelenergy.com

From: Morgan, Heather <hmorgan@bouldercounty.gov>
Sent: Tuesday, October 1, 2024 6:37 AM
To: George, Donna L <Donna.L.George@xcelenergy.com>; L'Orange, Pete <plorange@bouldercounty.gov>
Cc: Walker, Samuel <swalker@bouldercounty.gov>
Subject: RE: questions RE: Agenda for Planning Commission Hearing on October 16, 2024

EXTERNAL - STOP & THINK before opening links and attachments.

Hi Donna,

Xcel Energy was not listed as a referral agency for V-24-0001, however, you are welcome to review all materials for this docket at www.boco.org/V-24-0001.

For your questions about SD-23-0003, the Staff Planner, @L'Orange, Pete, has been copied here and will be able to answer those for you.

Thank you,
 Heather Morgan | Lead Administrative Technician
 Boulder County Community Planning & Permitting

From: George, Donna L <Donna.L.George@xcelenergy.com>
Sent: Monday, September 30, 2024 6:53 AM
To: Morgan, Heather <hmorgan@bouldercounty.gov>
Cc: Walker, Samuel <swalker@bouldercounty.gov>; L'Orange, Pete <plorange@bouldercounty.gov>
Subject: [EXTERNAL] questions RE: Agenda for Planning Commission Hearing on October 16, 2024
Importance: High

Hi Heather,

I never received the case for V-24-001 Kostecki-Keil ROW Vacation. Do you have the documents for this so that I can review this ASAP?

Also, was the potential conflict on "[Docket SD-23-0003: Rodriguez TDR/PUD](#)" addressed?

Thank you,

Donna George
 Xcel Energy | You. Us. Together.
 Right of Way and Permits Referral Processor
 Electric & Gas Distribution, Gas Transmission
 1123 West 3rd Avenue, Denver, CO 80223
 O: 303-571-3306
 E: Donna.L.George@xcelenergy.com
 Direct Supervisor: adam.r.pena@xcelenergy.com

XCELENERGY.COM
 Please consider the environment before printing this email.

From: Morgan, Heather <hmorgan@bouldercounty.gov>
Sent: Thursday, September 26, 2024 2:19 PM
To: #CPPAll <CPPAll@bouldercounty.org>; !LongRange <longrange@bouldercounty.gov>; Historic

historic@bouldercounty.gov; #AssessorReferral <AssessorReferral@bouldercounty.org>; #CAreferral <CAreferral@bouldercounty.gov>; Skufca, Erika <eskufca@bouldercounty.gov>; Oehlkers, Jason <joehlkers@bouldercounty.gov>; Allshouse, Alycia <aallshouse@bouldercounty.gov>; Kiepe, Bob <bkiepe@bouldercounty.gov>; McKeehan, TJ <tjmckeehan@bouldercounty.gov>; Kelly, Allison <akelly@bouldercounty.gov>; Stadele, Lee <leestadele@bouldercounty.gov>; crossbill@boulderaudubon.org; ysorokin@watershed.center; jstruble@northernwater.org; bflockhart@northernwater.org; morgan@pvrea.coop; Steve Buckbee <sbuckbee@lefthandwater.org>; chrissmith@lefthandwater.org; ReferralsXcelDistribution <ReferralsXcelDistribution@xcelenergy.com>; Renee.Hester@lumen.com; Relocations@Lumen.com; djhindman1229@q.com; tlongseth@msn.com; feula_heidi@svvsd.org; kragerud_ryan@svvsd.org; willits_brendan@svvsd.org; Vanessa McCracken <bldrvalleyandlongmontcds@gmail.com>; submittals@udfcd.org; CGS_LUR@mines.edu; hc_filesearch@state.co.us; sarah.brucker@state.co.us; Shera.Sumerford@state.co.us; drogers@brfr.org; Ranglos, Chris <ranglosc@bouldercolorado.gov>; bonnellj@bouldercolorado.gov; CollinsB@bouldercolorado.gov; pedruccim@bouldercolorado.gov; Atherton-Wood, Justin <jatherton-wood@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Huebner, Michelle <mhuebner@bouldercounty.gov>; Sanchez, Kimberly <ksanchez@bouldercounty.gov>; Transportation Development Review <TransDevReview@bouldercounty.gov>; West, Ron <rowest@bouldercounty.gov>; Stadele, Lee <leestadele@flagstaffsurveying.com>; !LongRange <longrange@bouldercounty.gov>; Historic <historic@bouldercounty.gov>; #WildfireMitigation <WildfireMitigation@bouldercounty.org>; #AssessorReferral <AssessorReferral@bouldercounty.org>; #CAreferral <CAreferral@bouldercounty.gov>; Oehlkers, Jason <joehlkers@bouldercounty.gov>; Allshouse, Alycia <aallshouse@bouldercounty.gov>; office@svlhwcd.org; scott.griebing@svlhwcd.org; tboles@estes.org; aedwards@estes.org; jlockhart@estes.org; Vanessa McCracken <bldrvalleyandlongmontcds@gmail.com>; coloradoes@fws.gov; lauren.kryszczuk@usda.gov; info@allensparksfire.com; Atherton-Wood, Justin <jatherton-wood@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Huebner, Michelle <mhuebner@bouldercounty.gov>; Morgan, Heather <hmorgan@bouldercounty.gov>; Sanchez, Kimberly <ksanchez@bouldercounty.gov>; Skufca, Erika <eskufca@bouldercounty.gov>; Transportation Development Review <TransDevReview@bouldercounty.gov>; West, Ron <rowest@bouldercounty.gov>; !Security <security@bouldercounty.gov>; #Cereferal <CEreferral@bouldercounty.gov>; #LandUseFP <LandUseFP@bouldercounty.org>; Adamson, Stephanie <sadamson@bouldercounty.gov>; Barber, Brianna <bbarber@bouldercounty.gov>; Blanchard, Gwendolyn (Wendy) <gblanchard@bouldercounty.gov>; Cook, Curry <ccook@bouldercounty.gov>; CPP Communications <cppcommunications@bouldercounty.gov>; Halpin, Barbara <bhalpin@bouldercounty.gov>; Hershman, Dan <dhershman@bouldercounty.gov>; Hoefler, Gabi <ghoefler@bouldercounty.gov>; Hughes, David <dhughes@bouldercounty.gov>; Larremore, Liana <llarremore@bouldercounty.gov>; McKinley, Brooke <bmckinley@bouldercounty.gov>; Northrup, Elizabeth (Liz) <enorthrup@bouldercounty.gov>; Perez, Martha <mperez@bouldercounty.gov>; Peterson, Cathy <cpeterson@bouldercounty.gov>; Ramos, Matthew <mramos@bouldercounty.gov>; Riley, Anita <ariley@bouldercounty.gov>; Robb, Chris <crobb@bouldercounty.gov>; Rogers, Erica <erogers@bouldercounty.gov>; Smith, Jeremie <jsmith@bouldercounty.gov>; Springett, Natalie <nspringett@bouldercounty.gov>; Strenge, Ernst <estrenge@bouldercounty.gov>; Valdez, Robin A. <ravaldez@bouldercounty.gov>; Wagner, Heidi <hwagner@bouldercounty.gov>; Webster, Dave <dwebster@bouldercounty.gov>; West, Phil <pwest@bouldercounty.gov>; Yslas, Jon <jyasl@bouldercounty.gov>; Buckles, Kristina <kbuckles@bouldercounty.gov>; Burke, Kate A. <kaburke@bouldercounty.gov>; Case, Dale <dcase@bouldercounty.gov>; Peterson, Cathy <cpeterson@bouldercounty.gov>; Churchill, Jennifer <jchurchill@bouldercounty.gov>; Fasick, Jessica <jfasick@bouldercounty.gov>; Gracia, Bonnie <bgracia@bouldercounty.gov>; Grimm, Denise <dgrimm@bouldercounty.gov>; Hippely, Hannah <hhippely@bouldercounty.gov>; Nelson, Rachel <rnelson@bouldercounty.gov>; Leadens, Nicole <nleadens@bouldercounty.gov>; Sandoval, Kathy <ksandoval@bouldercounty.gov>

Subject: Agenda for Planning Commission Hearing on October 16, 2024

EXTERNAL - STOP & THINK before opening links and attachments.

Hello all,

Please click [here](#) to access the agenda for the Planning Commission Hearing on October 16, 2024 starting at 1:30 p.m.

Thank you,

Heather Morgan | Lead Administrative Technician – Planning Division

Boulder County Community Planning & Permitting

P.O. Box 471, Boulder, CO 80306 | Courthouse Annex—2045 13th St., Boulder, CO 80302

hmorgan@bouldercounty.gov | (720) 864-6510 | www.boco.org/cpp

My working hours are Tuesday – Friday from 6:00 a.m. to 4:30 p.m.



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

August 3, 2023

Nicholas Kostecki and Amanda Keil
 4961 Little Cub Creek Rd
 Evergreen, CO 80439
nkostecki1@gmail.com

LAND USE DIRECTOR'S DETERMINATION THAT PROPERTY IS NOT A LEGAL BUILDING LOT UNDER THE BOULDER COUNTY LAND USE CODE

Dear Nicholas Kostecki and Amanda Keil:

On behalf of the Director of the Boulder County Land Use Department (the "Director"), I have examined the deeds and other information you submitted and the Boulder County Land Use Code (the "Code."). As a result, I have determined that the land parcel of approximately 0.49 acres, in Section 34, T3N, R72W, as further described in this letter, is not eligible for designation as a building lot under the Code. This parcel is identified as Assessor ID R0053647 and Assessor Parcel Number 119934300013 and owned by you. It is currently described on the Warranty Deed recorded 6/2/2022 at reception number 3965499. The parcel is in the Forestry Zoning District and includes a structure the Assessor dates to 1920. It has been known as the Riverside Lodge. Based on this determination, the County cannot issue building permits on the parcel for structures and uses that require a legal building lot under the Code.

The parcel is not a legal building lot because it did not meet the minimum lot size when it came into its current configuration. The best I can tell, the legal description for the subject parcel changed between 1933 and 1957. When the parcel's legal description changed in 1957, the minimum lot size in this zone district was 1 acre and the subject parcel was less than 1 acre. Here is the timeline with relevant deeds.

- 1934: E.H. Hancock acquires a 110' x 150' parallelogram from J.G. Kirkpatrick and Glenn E. Barnes (recorded 9/1/1934, at reception #(90)309619).
- 1936: E.H. Hancock records a Deed of Trust with Jacob S. Schey (7/3/1936, #(90)328131). In this document, we learn that E.H. Hancock is the same person as Elizabeth H. Hancock and Elizabeth H. Hancock Warner. This Deed of Trust has the same legal description as the 1934 deed. It looks like the purpose of this document was to use the subject property as collateral for a loan. Ms. Hancock must have repaid the loan because there are no deeds showing Mr. Schey ever owned the subject parcel.
- 1957: Elizabeth H. Warner seems to convey the subject parcel to H.B. Lewis and Florence G. Lewis. The legal description in this deed is "*All of the South Half of Section 34, T. 3N., R. 72 West of the 6th P.M., saving, exception and reserving all of those certain tracts of land which are more accurately described in the public record in the Office of the County Clerk and Recorder of said Boulder County in Books...*" and then it goes on to list book and page citations as well as platted townsites. Staff assumes the subject parcel is included in this legal description (7/15/1957, #(90)596736).

- 1964: Florence G. Lewis conveys “everything but” to Henry W. Fry and Ruth K. Fry in 1964 (4/22/1964, #(90)754182). On that very same day, Henry W. Fry and Ruth K. Fry convey the same legal description to Riverside Lodge, Inc (4/22/1964, #(90)754184). This is another difficult deed to decipher and it is assumed the subject parcel is included in the legal description of this deed. It might be the only parcel included in this deed. But the deed is too complex for this department to map unless you were willing to pay our GIS Specialists to do this work for you. A surveying company or possibly a title company could do this work as well.
- 1964: Riverside Lodge, Inc. applies for a building permit and describes the area of the lot as 120’x160’. The description on the permit states “*This permit is to allow restoration from fire loss.*” (BP-64-7412)
- 1965: Riverside Lodge, Inc. applies for a building permit and describes the area of the lot as 150’x300’ (BP-65-8341). The legal description provided is “Lot 8 Block 5 3rd Addition Riverside.” There is no Lot 8 in Block 5 of this plat. They applied for another building permit in 1965 to repair flood damage (BP-65-8341). On this permit, the area of the lot is stated as 125’x80’. Again, the legal description provided is Lot 8 Block 5 3rd Alpine Addition to Riverside.
- 1966: The Frys seem to have defaulted on their Deed of Trust with Ms. Lewis because a Notice of Election & Demand for Sale is filed (12/09/1966, #(90)834369).
- 1969: Ms. Lewis owns the property once again and now sells to Richard B. Busted and John M. Rodgers (2/19/1966, #(90)905465). The deed is still an “everything but” deed and seems to be selling the same property that was conveyed in 1964. That same day, Ms. Lewis files another deed conveying another round of “everything but” in the south half of section 35, 3N, 72W to Richard B. Busted and John M. Rodgers (2/19/1966, #(90)905466). Again, a surveying company, a title company, or this department (for a fee) could map this deed for you.
- 1970: Busted and Rodgers create a new legal description to convey the property to John H. Holcomb III and B. Louise Holcomb. This is the first time we see this legal description. It includes the original parallelogram plus adjacent unplatted property (8/5/1970, #(90)950533). At this point it is also known as Tract 3965.
- 1973: The Holcombs sell to Patricia A. Jones (6/29/1973, #71660).
- 1982: Patricia and Willard Jones quit claim the parcel to Golden State Bank (3/25/1982, #488245). Later than year, Golden State Bank sells the property to Edward J. Hummer and Kristine M. Hummer (12/20/1982, #524957).
- 2018: The Hummers sell to Ronny K. Burgin, Beth A. Burgin, Robert Lawrence Braun, and Tobye Beasley Burgin (5/4/2018, #3653815).
- 2022: Amanda Keil and Nicholas Kostecki purchase the property from Ronny K. Burgin, Beth A. Burgin, Robert Lawrence Braun, and Tobye Beasley Burgin (6/6/2022, #3965499).

If you or a title company can locate a deed recorded after 1933 but prior to March 3, 1954 (when the 1 acre minimum lot size was established), that describes the parcel in its current configuration and show that the 1957-1969 deeds were describing only the subject parcel and nothing else adjacent to it, we can recognize the parcel as a legal building lot.

This determination is based upon the Code in effect at the time of the determination, and any prior County land use regulation affecting the legality of the parcel's creation and its resulting building lot status. If the County amends the Code in the future or additional information becomes available that could alter this determination, the owner/applicant may request another review.

If you disagree with this determination, you may appeal it to the Boulder County Board of Adjustment under Article 4-1200 of the Code. An appeal must be in writing, accompanied by a statement of the basis for the appeal and the required appeal fee. In addition, you must file the appeal *with the Director no later than 30 days after the date of this determination*. The County will consider this determination final if it is not timely appealed.

You may also apply for a subdivision exemption to have the subject parcel approved as a legal building lot under Article 9-100 (Subdivision Exemptions) of the Code. A subdivision exemption application is a request that the County create a legal building lot for the parcel under the Code. You may file a subdivision exemption application with the Land Use Department at any time following a pre-application conference with the Land Use Department staff (see Articles 3-201 and 3-202 of the Code). The Board of County Commissioners decides whether to approve a subdivision application based upon subdivision exemption criteria in the Code (see Article 9-102 of the Land Use Code).

A current version of the Code is online at <https://bouldercounty.gov/property-and-land/land-use/planning/land-use-code/>. You may also obtain a paper copy of the Code at the Land Use Department. If you have questions about this determination or about the processes listed above, please contact me – planner@bouldercounty.gov.

Sincerely,

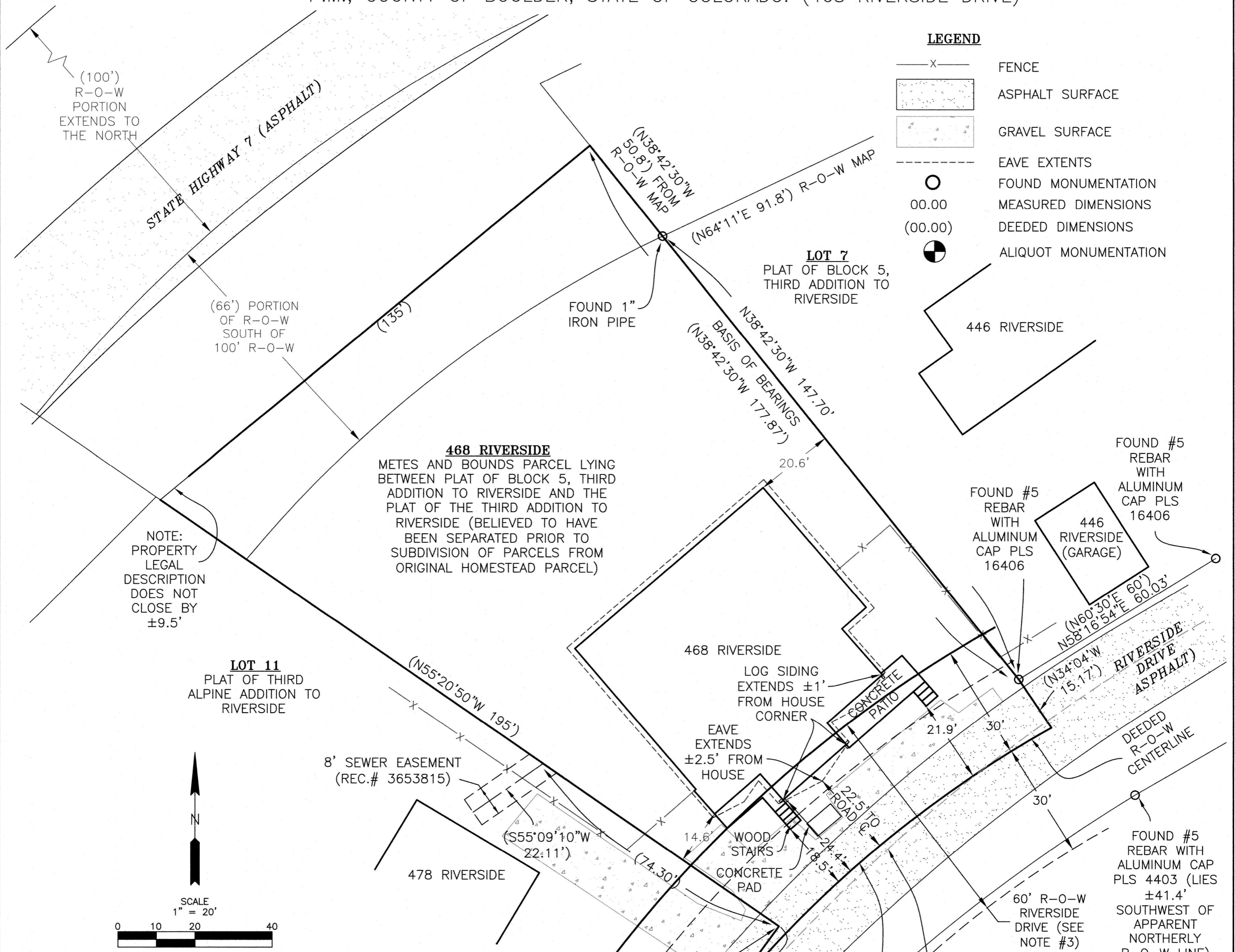


Abby Shannon, AICP
On-Call Planner

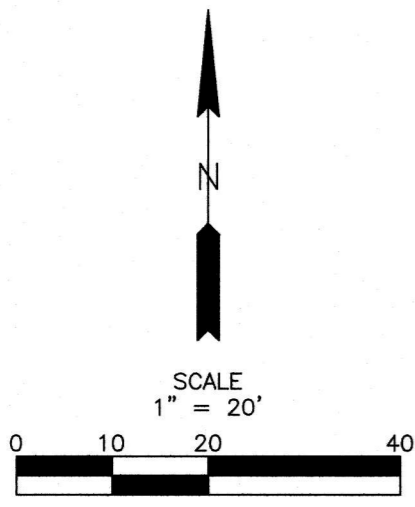
cc: S34 T3N R72W, Assessor, BLD-23-0059

SITE PLAN

A PORTION OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 72 OF THE 6th P.M., COUNTY OF BOULDER, STATE OF COLORADO. (468 RIVERSIDE DRIVE)



NOTE: PROPERTY LEGAL DESCRIPTION DOES NOT CLOSE BY ±9.5'



NOTES:

1. THIS SITE PLAN IS REPRESENTATIONAL ONLY AND SHOULD NOT BE RELIED UPON AS A BOUNDARY SURVEY NOR IMPROVEMENT SURVEY.
2. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTHEAST LINE OF THE SUBJECT PROPERTY ASSUMED TO BEAR N38°42'30"W, BEING MONUMENTED ON THE NORTHWEST END BY A 1" IRON PIPE WITH NO CAP AND ON THE SOUTHEAST END BY A #5 REBAR WITH ALUMINUM CAP STAMPED PLS 16406.
3. THE PURPOSE OF THIS SITE PLAN IS TO DELINEATE THE SOUTHERLY R-O-W ADJACENT TO THE PROPERTY. THE ORIGINAL DEED CONTAINS SPECIFIC GEOMETRY FOR THE CENTERLINE OF OLD HIGHWAY 7 (ALSO KNOWN AS RIVERSIDE DRIVE), BUT DOES NOT DELINEATE ANY R-O-W. A DRAWING OF THE ROADWAY FROM ROAD BOOK C PAGE 29L SPECIFIES ROAD INFORMATION OVER THE AREA OF THE PROPERTY (NEAR STATION 137), BUT DOES NOT GIVE ANY LOCATION INFORMATION OR GEOMETRY. SAID BOOK C PAGE 29L INDICATES THAT THE WIDTH IS NOT STATED THE DOCUMENT, BUT MENTIONS THE COUNTY AGREED TO FURNISH 60' OF R-O-W FOR THE 1923 PROJECT. THE DEED FOUND IN BOOK 324 PAGE 355 CONTAINS INFORMATION ABOUT A TOLL ROAD, BUT DOES NOT SPECIFY R-O-W WIDTH. IT APPEARS BY THESE ACCOUNTS THAT A R-O-W FOR THE ROAD EXISTS AND IS 60' IN WIDTH. SINCE NO GEOMETRY IS GIVEN THE GEOMETRY FROM THE DEED HAS BEEN USED TO LOCATE THE CENTERLINE OF THE R-O-W, WHICH FITS THE PAINTED CENTERLINE FAIRLY WELL.
4. THERE ARE SEVERAL IMPROVEMENTS ON THE PROPERTY THAT LIE WITHIN THIS 60' WIDE R-O-W. THE HOUSE AND EAVES, WOODEN STAIRS AND CONCRETE PATIO ARE ALL ATTACHED TO THE HOUSE AND LIE WITHIN THE R-O-W. THE LOCATION OF THESE ITEMS FROM THE R-O-W CENTERLINE ARE DELINEATED HEREON.
5. THE RESULT OF THIS SITE PLAN SHOWS THAT THE EXISTING HOUSE (INCLUDING THE LOG SIDING) IS LOCATED 24.4' FROM THE DEEDED CENTERLINE OF RIVERSIDE DRIVE, THE EAVES LIE 22.5' FROM THE CENTERLINE, THE CONCRETE PATIO AND STAIRS LIE 21.9' FROM THE CENTERLINE AND THE WOODEN STAIRS LIE 18.5' FROM THE DEEDED CENTERLINE OF THE ROAD.
5. NO UTILITY LOCATES WERE PERFORMED FOR THIS SITE PLAN.

LEGAL DESCRIPTION:(FROM WARRANTY DEED AT REC #03965499)
 PARCEL A: A PORTION OF THE SOUTH 1/2 OF S34, T3N, R72W OF THE 6th P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 34; THENCE N5°29'05"W A DISTANCE OF 1202.56'; THENCE N36°16'20"E A DISTANCE OF 139.56' TO THE TRUE POINT OF BEGINNING; THENCE S36°16'20"W, A DISTANCE OF 39.77' TO THE CENTERLINE OF OLD STATE HIGHWAY NO. 7; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID HIGHWAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 297' AND WHOSE CHORD BEARS N48°21'20"E A DISTANCE OF 126.03'; THENCE N34°04'W A DISTANCE OF 15.17' TO THE SW CORNER OF LOT 7 AS IT EXISTS, THENCE TO THE SOUTHEASTERLY R-O-W LINE OF NEW STATE HIGHWAY NO. 7; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY R-O-W LINE OF SAID HIGHWAY 135', MORE OR LESS, TO A POINT WHICH IS N55°20'50"W, A DISTANCE OF 195', MORE OR LESS, FROM THE TRUE POINT OF BEGINNING, THENCE S55°20'50"E, 195', MORE OR LESS, FROM THE TRUE POINT OF BEGINNING, EXCEPT THAT SOUTHEASTERLY PART OCCUPIED BY OLD STATE HIGHWAY NO. 7 FOR ROAD RIGHT OF WAY PURPOSES.
 (DEED ALSO CONTAINS "PARCEL B" WHICH IS AN EASEMENT OVER ADJACENT PARCEL LEGAL DESCRIPTION, SAID IS EASEMENT IS SHOWN HEREON TO THE EAST OF THE SUBJECT PARCEL, BUT NOT INCLUDED HERE FOR SPACE CONSIDERATIONS).

Lonnie A. Sheldon
 CO PE. & LS. #26974

SHEET 1	DATE JULY 3, 2024	SCALE 1"=20'	CHECKED BY LMS	DRAWN BY TMB	PROJECT 468 RIVERSIDE DRIVE UNINCORPORATED BOULDER COUNTY	DATE	REVISION	BY

VAN HORN ENGINEERING AND SURVEYING
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