

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 2023-46

A RESOLUTION APPROVING A PRELIMINARY PLAT AND MAJOR VARIANCE PL20230055, Lot 1 Indian Meadows Filing No. 3.

WHEREAS, on November 17, 2022, Four Points Surveying & Engineering ("Applicant") submitted an application for the approval of a Preliminary Plat and Major Variance PL20230055("Application") to subdivide Lot 1, Indian Meadows, Filing 3, into two lots with a variance to subdivision standards 602.F.2.i and 602.F.2.j ("Project"); and

WHEREAS, the City Council held a public hearing on the Application on August 22, 2023 to consider testimony from the Applicant, staff, and the general public regarding the application; and

WHEREAS, the public hearing was duly noticed in accordance with Section 703 of the City of Steamboat Springs Community Development Code ("CDC") by posting, publication, and mailing to surrounding property owners and to the owners of mineral rights, if any; and

WHEREAS, CDC criteria for approval of the Project are set forth in CDC Section 713.D and Section 719.D; and

WHEREAS, having considered the testimony and evidence presented at the public hearing on August 22, 2023, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated July, 28,2023 that the following criteria have been met:

713.D Criteria for Approval:

1. The Preliminary Plat substantially conforms to all applicable requirements of this CDC, including requirements of the applicable zone district.
2. Each lot in the subdivision that is proposed for development shall be developable. Elements reviewed for developability include a demonstrated ability to meet the requirements of this CDC in terms of zone district standards, development standards, and subdivision standards.
3. The Preliminary Plat conforms to all other applicable regulations and requirements including but not limited to state law, the Steamboat Springs Municipal Code, any capital improvement plan or program, or any Improvements Agreement or Development Agreement for the property.

4. The Preliminary Plat shall be compatible with the character of existing or planned land development pattern in the vicinity and shall not adversely affect the future development of the surrounding area.
5. The land proposed for subdivision shall be physically suitable for development, considering its topography, the presence of steep or unstable slopes, existing natural resource features such as wetlands, floodplains, and sensitive wildlife habitat areas, and any environmental hazards such as avalanche or landslide paths, rockfall hazard areas, or wildfire hazard areas that may limit the property's development potential.

719.D General Criteria for Approval of Major Variance: A request to vary subdivision standards, CDC Sections 602.F.2.i, 602.F.2.j.: to allow a private access easement to provide access to three lots instead of access by a public street and for that easement to exceed 100 feet in length.

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
3. The Variance application meets the following criteria for an acceptable alternative:

Acceptable Alternative: The proposed development provides the following acceptable alternative to the standard:

- The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, THAT:

SECTION 1. The foregoing recitals are incorporated by reference as the findings and determinations of the City Council.

SECTION 2. The City Council hereby approves the Application subject to the following conditions:

1. The following infrastructure shown on the Preliminary Plat shall be constructed and accepted or approved, or an Improvements Agreement shall be executed prior to recording final plat:
 - a. Dedicated Easements for all water and sewer mains (Public Mains) must be noted on the Final Plat
 - b. West access turnaround and sidewalk
 - c. North sidewalk/trail
 - d. East 30' public access easement and associated improvements
2. Prior to issuance of construction permit, addresses shall be approved by City GIS.

3. Prior to approval of Civil Construction Plans, an approved CDOT access permit shall be submitted to the City.
4. Prior to Engineering Final Approval Inspection, a Completion Letter signed and sealed by a Colorado Professional Engineer (Project Engineer) shall be uploaded to the applicable building permit condition.
5. Civil construction plans prepared/signed/sealed by a licensed Colorado Professional Engineer are required to be submitted to the RCRBD with a Building Permit/Grading Permit application for review and approval prior to the start of any construction.
6. Prior to any construction permit issuance, the final signed and sealed drainage study shall be submitted.
7. Record Drawings/CAD Files including drainage, PWQTF(s), and sidewalks shall be submitted prior to Final Engineering Site Inspection.
8. Prior to Building Permit or Grade and Fill Permit issuance, the owner shall receive approval of a Floodplain Development Permit.
9. Prior to approval of any Building Permit for a building that is to be located within the FEMA Special Flood Hazard Area, the applicant shall demonstrate compliance with CDC Section 419, Flood Damage Prevention, by way of a complete "construction drawings" FEMA Elevation Certificate.
10. Prior to approval of Civil Construction Plans or Overlot Grading Plans, the owner shall provide approved final draft documents to the City for the following required easements:
 - a. Drainage easements to accommodate offsite drainage through the project site.
 - b. Drainage and access easement from Public Street related to the storm water quality treatment facility.
 - c. Sidewalk and/or trail easements for public use sidewalks/trails.
 - d. Public access easements for public sidewalks which are not completely within the right-of-way.
 - e. Cross access easement per West/East Steamboat Springs US Highway 40 Access Study.
 - f. Water and sewer easements.

PASSED, ADOPTED, AND APPROVED this 22nd day of August, 2023.

Robin Crossan

Robin Crossan
City Council President

ATTEST:

Julie Franklin, CMC, City Clerk