

**BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

BOCC Hearing Date: September 27, 2018

To: County Commissioners

Date: September 24, 2018

Prepared by: Jennifer Gannon, Planning Technician

Subject: Guffey Right-of-Way Vacation

Request: Vacation of Main Street between Blocks 13 and 36, and part of the alley in Block 36, Guffey, and consolidation with adjacent property owned by the Southern Park County Fire Protection District.

Application Summary:

Applicant:	Eugene Farmer for the Southern Park County Fire Protection District
Owner:	Southern Park County Fire Protection District (SPCFPD)
Location:	Blocks 35 and 36 in Guffey, addressed as 1745 County Road 102
Zone District:	Mixed Use (MU)
Surrounding Zoning:	Mixed Use (MU to the West, South and East, Agricultural (A) and Residential (R) to the North. A Zoning Map is Attachment 1.
Lot Size:	0.20 acres to be vacated. Consolidated parcel will total 1.54 acres.
Existing Use:	Guffey Fire Station
Public Comment:	None received at this time.

Background:

The subject properties lie on the north edge of the Town of Guffey, on the west edge of County Road 102. The Southern Park County Fire Protection District obtained Lots 5-7, Block 36 in 1987 and Lots 11-20 in Block 13 in the early 1990s. In 1991, the County vacated the portion of Main Street between Lots 5-9, Block 36 and 11-15, Block 13. In 2003, after Lots 8 and 9, Block 36 were obtained from the County, the plat was recorded that consolidated the vacated road and all adjacent lots. The Guffey Fire Station was then built in 2003. In 2014, the SPCFPD acquired Lots 1-4, 16 and 17, Block 36. The 1991 Resolution for the road vacation and the 2003 Lot Consolidation Plat are included in the application for this ROW Vacation. A Vicinity Map and Site Map are included as Attachments 2 and 3, respectively.

The SPCFPD will be installing a 29,990-gallon water storage system this year. In order to do so, they need to vacate the northern most part of Main Street and the alley, located in Block 36 between their lots and six lots owned by Park County, and then consolidate all of the lots they own.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a Right-of-Way Vacation (LUR Section 6-1003, page 50) is addressed, as summarized below.

A. The vacation of the right-of-way is not contrary to the public interest.

The part of Main Street being vacated has been cut off from public access since the southern part between Blocks 13 and 36 was vacated in 1991. The lots on the west side of the alley being vacated are owned by the County. These rights-of-way are not currently used by the public.

B. The proposed right-of-way vacation would not create or result in any adverse impact to neighboring properties or the public health, safety, or welfare.

This right-of-way vacation will not create any adverse impacts, as the public does not currently use, or would have any future use for, either the alley or the northernmost part of Main Street.

C. The proposed right-of-way vacation does not leave any land without access to another public road.

No other properties will be left without access. All adjacent properties within Guffey have access from Canon St., Main St., Water St. and First St., as platted. The large property to the North has access off County Road 102, north of Guffey.

D. The proposed right-of-way vacation substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such advisory provisions do not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or the BOCC to decide that the dedication meets or fails to meet such goal or policy.

This proposed Right-of-Way Vacation does not conflict with Park County Land Use Regulations and does work towards Goal 9.4 of the 2016 Strategic Master Plan: *Support fire districts' efforts to provide fire and emergency services.*

Staff does not find the Right-of-Way Vacation to be contrary to any of the Guiding Principles of the Strategic Master Plan.

Impact Analysis:

No impact is anticipated to traffic, roadways, schools, parks, storm drainage facilities, or utilities.

Planning Commission:

The Planning Commission reviewed this rezoning application at their September 11, 2018 meeting and unanimously recommended approval of the application with no conditions. No public comments regarding this application had been received at the time of report preparation.

Recommendation:

Staff recommends that this Right-of-Way Vacation be approved with no conditions. The Board's options are to authorize the County Attorney to prepare a resolution to:

- Approve the application with no conditions;
- Approve the application with newly identified conditions; or
- Deny the application.

Alternatively, the case can be continued so that the applicant or staff can provide additional information.