

RESOLUTION NO. 2018- 11  
BOARD OF COUNTY COMMISSIONERS  
OF RIO BLANCO COUNTY,  
COLORADO

BOOK 594 PAGE 210

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
RIO BLANCO COUNTY, COLORADO, APPROVING THE NIESLANIK REZONE PRZ-0001-18 IN  
RIO BLANCO COUNTY, COLORADO**

WHEREAS, Joseph Nieslanik and Ellen Nieslanik (“Applicants”) are requesting a Rezone (PRZ-0001-18) of a 39 acre parcel, owned by them located at 211 County Road 6 in Section 21 & 28, Township 1 North, Range 93 West, of the 6<sup>th</sup> Principal Meridian, specifically PIN # 141128100185 in Rio Blanco County, Colorado (the Property); and

WHEREAS, the Applicants are proposing to rezone the Property from Agricultural to Rural Residential to be consistent with the surrounding zoning and be in compliance with the Rio Blanco County Land Use Regulations; and

WHEREAS, the Planning Commission, at their March 15, 2018 meeting, voted 6 for / 0 against to recommend to the Board of County Commissioners of Rio Blanco County, Colorado (Board) approval of the Rezone PRZ-0001-18; and

WHEREAS, the Board has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Regulation (LUR), the materials submitted by Applicants Joseph Nieslanik and Ellen Nieslanik, the materials submitted by members of the public at the hearing, the Planning Commission recommendations, and upon notice duly given conducted its own hearing on the Application in Meeker, Colorado on April 9, 2018;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

- A. The application is complete;
- B. The public hearing before the Board of County Commissioners was extensive and complete, pertinent facts, matters, and issues were submitted, and any interested parties were given an opportunity to be heard at the hearing;
- C. The record is complete;
- D. The proposed Rezone is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO:

- A. The Nieslanik Rezone PRZ-0001-18, is hereby approved.
- B. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more


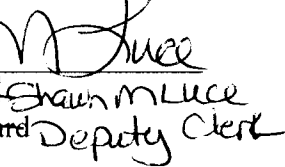


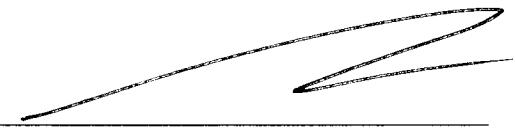
sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

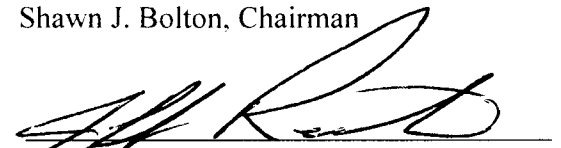
D. Approval of this Rezone constitutes approval of a site specific development plan which establishes a vested property right, as provided by §24-68-101 C.R.S., et.seq. This vested right is valid for a period of 3 years from the date of publication of this approval. The Planning Department of Rio Blanco County, Colorado, will publish notice of this approval and vested right in the Meeker Herald as soon as possible.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 9<sup>th</sup> DAY OF APRIL, 2018.

THE BOARD OF COUNTY COMMISSIONERS OF  
RIO BLANCO COUNTY, COLORADO

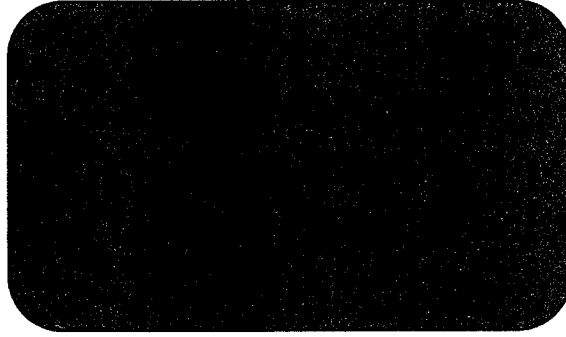
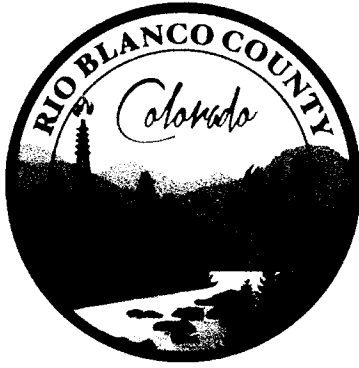
ATTEST:  
  
Boots Campbell  
Clerk to the Board  
  
Shawn M. Luce  
Deputy Clerk

By:   
Shawn J. Bolton, Chairman

  
Jeff Rector, Commissioner

  
Si Woodruff, Commissioner





**Rio Blanco County Community Development Department  
Planning Division**

Historic Courthouse  
555 Main St., 1<sup>st</sup> floor  
Post Office Box 599  
Meeker, CO 81641  
Phone: 970-878-9580  
Website: [www.rbc.us](http://www.rbc.us)

Rio Blanco County  
Reference File Number: PRZ-0001-18  
PSUB-0001-18  
Assigned Staff:  
Rachel Gates – Planning Director

Staff Report Date: April 9, 2018

DATE: April 9, 2018 Board of County Commissioners Meeting

REQUEST: Re-Zone from Agricultural to Rural Residential and creation of Minor Subdivision

ASSESSOR’S PARCEL NUMBER: 1411-281-00-185

PROJECT: Nieslanik Re-zone from Agricultural to Rural Residential and creation of Minor Subdivision

PROPERTY OWNER: Joe and Ellen Nieslanik

AUTHORIZED AGENT: (N/A)

LOCATION: 64 & 85 S: 21 & 28 T: 1N R: 93W A PARCEL OF LAND LYING IN TRACTS 64 AND 85 IN SECTIONS 21 & 27, T1N, R93W. 6th P.M., Rio Blanco County, CO, containing 39 acres more or less.

PROPERTY SIZE: 39 Acres +/-

ACCESS: Rio Blanco County Road 6

EXISTING ZONE DISTRICT: Agricultural (A)

OUTSTANDING TAXES OR LEINS:  
There are no outstanding tax liens on the property.

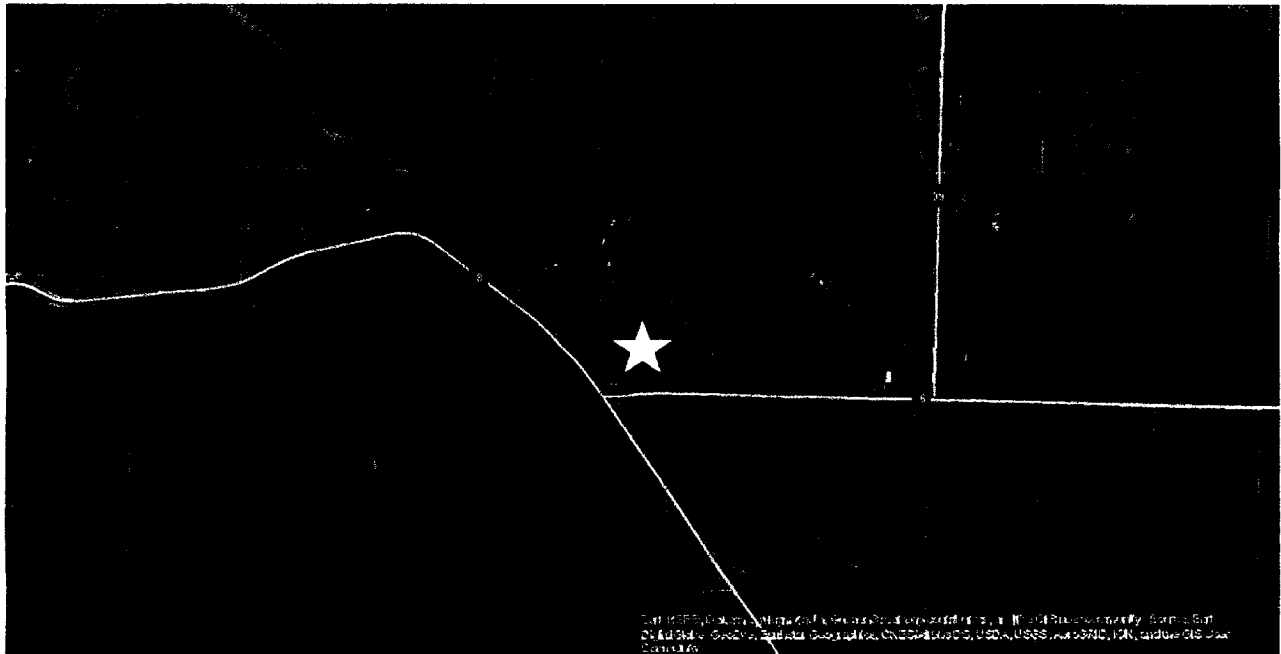


**I. GENERAL PROJECT DESCRIPTION**

The Applicant is seeking approval from Rio Blanco County to rezone the acreage from Agriculture to Rural Residential then complete a minor subdivision process to create one lot with a current single family home and one future lot.

**II. LOCATION- SITE DESCRIPTION**

The subject parcel is 39 acres in size and is located at 211 CR 6 Meeker, CO. Adjacent properties are zoned Agricultural. Below is the following mapping of the area:



**III. PUBLIC COMMENTS AND REFERRAL AGENCY COMMENTS**

Public notice was provided in accordance with the Rio Blanco County Land Use Regulations. The following public comments and referral agency comments have been received and are attached to this report:

Colorado State Forest Service-comments attached

CDOT Dan Roussin-no comment

RBC Assessor's Office-Renae Neilson-no comment RBC Treasurer-Karen Arnold-taxes good standing

**IV. STAFF COMMENTS AND ANALYSIS**

In accordance with the Rio Blanco County Land Use Regulations (RBCLUR), the Applicant has provided detailed responses to the Submittal Requirements and applicable Minor Sub-Division Sections 4-207 and 5-202.

Access to a public road (5-402.A.3.g)

The Applicant's access is from County Road 6.

Weed Management Plan (5-402.A.3.j and 4-301.B.5)

The Applicant provided a weed management plan and the text is attached under the Narrative on document: "Nieslanik Minor Subdivision #2".





7-101: Zone District Regulations

The proposed use demonstrates general conformance with applicable Zone District provisions contained in the RBCLUR and Section 3-101.A. standards for Rural Residential Zone Districts.

Sections 7-104 and 5-402.A.3.h. - Water Supply

The project does not require an additional water supply.

Section 7-106- Adequate Public Utilities/ Section 7-306 Utility Easement Standards

The project does not require either public utilities or new utility easements. Applicant has existing home on Lot #1 with water supply and septic system.

Section 7-108- No Significant Risk from Natural Hazards/Section 7-207 Natural Hazards and Geologic Hazards

Determination has been made that the proposed use is not subject to significant natural hazard risks. Jeff Kummer reviewed the flood plain map for the parcel and it appears that the mapped floodplain is very close to the property line, but did not see it as being much of an issue.

Areas Subject to Wildfire Hazards (7-206)/ Fire Protection 7-404

The project is located within the Meeker Fire District. There are no new buildings or structures associated with the project. Proposed project is located in a low wildfire hazard area. Please see comments from Colorado State Forest Service attached.

7-102: Compliance with the Rio Blanco County Master Plan and Intergovernmental Agreements

The location and proposed project is in general conformance with the Rio Blanco County Master Plan goals. There are no executed intergovernmental agreements that effect this property.

Wastewater Disposal (5-402.A.3.i and Article 17- On-site wastewater Treatment Regulations)

The project does not require a new on-site wastewater treatment system.

Agricultural Lands (7-201)

Determination has been made that the project will not be detrimental to agricultural lands.

**WAIVED BY RBC OR NOT APPLICABLE TO PROJECT:**

Protection of Water Quality from Pollutants (7-202), Erosion and Sedimentation (7-203), Drainage (7-204) and Grading and Drainage Plan (4-301.B.3.h)

Off-Street Parking and Loading Standards (Table 7-302A)

Air Quality (7-205)

Traffic Study (4-301.B.4.13)

Reclamation (7-208)

Landscape Plan (4-301.B.3.i)

Impact Analysis (4-301.B.4)

Impact Fees (4-301.B.8)



Impact fees are not currently being assessed by Rio Blanco County

Section 4-301.B.4.10- Improvements Agreements and Section 4-301.B.4.12- Calculation of

On-site and Off-site improvements and fees.

Section 7-103- Compatibility/Section 7-301- Compatible Design

**Staff Recommendation:**

Approval of Nieslanik Re-Zone and Minor Subdivision

**V. SUPPLEMENTAL AND ADDITIONAL STAFF ANALYSIS**

The Applicant has not provided any supplemental materials.

