

**BOARD OF COUNTY COMMISSIONERS  
MARCH 12, 2019  
PLANNING CASE # PLN19-011: JOINT UPPER BLUE TDR BANK DENSITY TRANSFER  
AGREEMENT  
CONSENT AGENDA**

**PROJECT INFORMATION:**

Location: Upper Blue Basin

Project/Request: Seeding of the Joint Upper Blue TDR Bank with 2.00 units of density from Jumbo Mill Site MS# 4252 located in T6-R77W-S20 and Open Space Tracts A, B, C, Golden Edge Subdivision; a total of 40.134 acres zoned Backcountry

**ISSUES:**

None

**UPPER BLUE BASIN PLANNING COMMISSION RECOMMENDATION:**

The UBPC does not review TDR transfers

**RESOLUTION STATUS:**

Resolution Not Required

**STAFF RECOMMENDATION:**

Approval

**ATTACHMENTS:**

Attachment A: Density Transfer Agreement and Declaration of Covenants, Conditions, and Restrictions

Attachment B: Property Locator Map



**STAFF REPORT**

**TO:** Board of County Commissioners  
**FROM:** Jessica Potter, Planner II  
**FOR:** Meeting of March 12, 2019  
**SUBJECT:** PLN19-011 - Joint Upper Blue TDR Bank Seeding  
**APPLICANT / OWNER:** Summit County and the Town of Breckenridge  
**REQUEST:** Seeding of the Joint Upper Blue TDR Bank with 2.00 units of density from Jumbo Mill Site MS# 4252 located in T6-R77W-S20 and Open Space Tracts A, B, C, Golden Edge Subdivision; a total of 40.134 acres zoned Backcountry

**SITE DESCRIPTION:**

**Location:** Upper Blue Basin  
**Existing Zoning:** Backcountry  
**Proposed Use:** Open Space  
**Total site area:** 40.134 acres

**BACKGROUND:**

In July 2000, the Town of Breckenridge and Summit County entered into an Intergovernmental Agreement (IGA) concerning transferable development rights. The IGA was amended in April 2007 and accomplishes several purposes, including: allowing development rights on County Sending Areas to be transferred to Town Receiving Areas and authorizing the establishment of a Joint Upper Blue TDR Bank, to be administered by the County with assistance from the Town. The TDR Bank was established to provide a known location where owners of Sending Area properties could go to sell development rights and where owners of Receiving Area parcels could go to purchase development rights. Since its creation, the Joint Upper Blue TDR Program has protected approximately 1,700 acres of backcountry and rural property in the Upper Blue Basin and generated nearly 4 million dollars to supplement the County and Town of Breckenridge's open space programs.

**REQUESTED ACTION**

The subject application proposes to transfer 2.00 development rights from 40.134 acres of identified TDR sending area properties into the Joint Upper Blue TDR Bank. All properties are owned jointly by Summit County and the Town of Breckenridge. Open Space Tracts A, B, and C, Golden Edge Subdivision were platted in conjunction with the County and Town's acquisition of these properties on the side of Bald Mountain in January 2019. A condition of approval of PLN18-089, the General Subdivision Exemption that platted these open space tracts, is that these properties are subsequently rezoned to Open Space. Transferring the density off of these

properties and into the Joint Upper Blue Bank is the first step in this process. The Jumbo Mill Site was mistakenly shown as a TDR Neutral Property - Development Rights Extinguished; however Staff has confirmed that this was an error and is a TDR Sending Area. The development rights have not yet been extinguished from this property, but will be with this request. All properties are zoned Backcountry; the minimum lot size in these zone districts is 1 unit per 20 acres. The following table provides additional detail regarding the sending area properties. A map showing the location of the TDR sending sites is attached for the BOCC's reference (Attachment B).

<b>Upper Blue Basin TDR Sending Site - Property Information</b>				
Property Name	Acreage	TDR Value (Dev. Rights)	PPI #	Acquisition Year
Open Space Tracts A, B, C; Golden Edge Subdivision	37.134	1.85	*	2019
Jumbo MS #4252; T6-R77W-S20	3	0.15	2211-2030-00-012	2009
<b>TOTAL</b>	<b>40.134</b>	<b>2.00</b>		

\*At the time of the preparation of this report, PPIs for the Golden Edge Subdivision have not yet been created by the Assessor's Office.

The Density Transfer Agreement and Declaration of Covenants, Conditions and Restrictions (Attachment A) is the mechanism being used to transfer the density off of the TDR sending sites and into the Joint Upper Blue TDR Bank. The attached Density Transfer Agreement and Declaration of Covenants, Conditions and Restrictions is consistent with the restrictive covenant that has historically been utilized to transfer density into the Joint Upper Blue TDR Bank. The agreement will effectively eliminate all density on the TDR sending site, and will restrict the use of the property to open space uses. The agreement will be recorded upon approval by the BOCC.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners approve PLN19-011, the seeding of the Joint Upper Blue TDR Bank with 2.00 units of density from Jumbo Mill Site MS# 4252 located in T6-R77W-S20 and Open Space Tracts A, B, C, Golden Edge Subdivision; a total of 40.134 acres zoned Backcountry; and authorize the Chair to sign the agreement included in Attachment A.

cc: Jim Curnutte, Summit County Community Development Director  
 Brian Lorch, Summit County Open Space and Trails Director  
 Mark Truckey, Town of Breckenridge Assistant Community Development Director