

**UPPER BLUE PLANNING COMMISSION
SUMMARY OF MOTIONS
January 27, 2022– 5:30 p.m.**

Call To Order: Ric Pocius called the meeting to order at 5:30p.m.

Commissioners Present: Ric Pocius, Keith Gallacher, Allen Fretcher, Jay Beckerman, Steve Holcomb, David Nelson

Staff Present: Jim Curnutte, Keely Ambrose, Robert Jacobs, Paul Geiger, Lindsay Hirsh, Sid Rivers, Suzanne Pugsley

Approval of Summary of Motions: The Summary of Motions for the October 28, 2021 meeting were approved as submitted.

Approval of Agenda: Additions, Deletions, Change of Order – None.

Commissioner Business: Allen Fretcher was selected as a regular member. Keith Gallacher was selected as Vice-Chair of the Commission

NEW BUSINESS

No items

CONSENT AGENDA

No Items

PUBLIC HEARINGS

PLN21-030: Nonconforming Parcel Plan; Nannie Houston Lode MS #6349, Contact Lode MS #6349, Lizzie Lode MS #6349, Germania Lode MS #6349 May Lode MS #6349; TR 7-77, Sec 06, Qtr 4, approx.18.67 acres, zoned A-1.

The Planning Commission had concerns with this proposal. They discussed the amount of disturbance proposed for the driveway and the potential for mitigation of disturbance. They would like to see a site proposed lower on the hillside. Commissioner Beckerman made a motion to continue the meeting to the March 24, 2022 meeting of the Upper Blue Planning Commission. Commissioner Gallacher seconded the motion. Motion passed with a vote 6-0.

PLN21-100: A Preliminary Plat to subdivide an existing single lot, Lot 65,66, into Lot 65R and Lot 66R; Silver Shekel Subdivision #2; a 1.15 acre parcel, zoned R-2. The two proposed lots will be 25,897 and 24,666 square feet size.

Commissioner Gallacher made a motion to recommend approval to the BOCC PLN21-100 with the following findings and conditions:

Findings:

1. The proposed subdivision is consistent with the applicable Zoning Regulations because, without limitation, the subject property meets the density and lot size requirements of the R-2 zoning district.

2. The proposed subdivision is consistent with the Subdivision Regulations applicable to the property because, without limitation: a) fire protection is available; b) there are no geologic hazards or soil issues on site; c) public use area fee shall be paid prior to the recordation of the plat; d) the property has access to the County road system; and e) utilities and services are available to the property.
3. The proposed subdivision is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, the Upper Blue Master Plan, and the Joint Upper Blue Master Plan because, without limitation, the proposal is in general conformance with the goals and policies listed and there are no areas with environmental constraints.
4. The applicant has provided evidence that the Town of Breckenridge will provide water service to the subdivision.
5. The applicant has provided evidence that the Upper Blue Sanitation District will provide sewer services to the subdivision.
6. Evidence has been provided to show that there are no geologic hazards present. The Colorado Geologic Survey has indicated that there are no soil or topographic conditions that would prevent development of the subject property.
7. The applicant has provided evidence that all lots and parcels created by the subdivision will have access to the County road system and to the State highway system in conformance with the State access code.

Conditions:

1. Prior to recordation of Final Plat, the applicant shall pay the Public Use Area Fee of \$1,500.
2. Prior to recordation of Final Plat, a Subdivision Improvements Agreement and full financial guarantee shall be provided for the work associated with the subdivision, including the undergrounding of the utilities.

Commissioner Fretcher seconded the motion and the motion passed unanimously on a 6-0 vote.

PLN21-105 - Class 5: Major Amendment to the Continental PUD pertaining to on-site employee housing, compliance with Section 3809 et. seq. of the Development Code and other clean up items to accomplish the foregoing.

Commissioner Beckerman made a motion to recommend approval to the BOCC PLN21-105 with the following findings and conditions:

Findings:

1. The proposed PUD modification is consistent with the efficient development and preservation of the entire PUD. No additional uses or development standards (setbacks, height, etc.) are being requested to be changed, thus the proposed request is consistent with the efficient development and preservation of the entire PUD. The proposed amendment will simply add clarification, flexibility and broaden the PUD with regards to Local Resident Housing.
2. The proposed PUD Modification will not affect, in a substantially adverse manner the enjoyment of land abutting upon or across the street from the PUD or the public interest

as the use already exists and the amendment merely adds clarity and flexibility and broadens Local Resident Housing.

4. The proposed PUD modification is in general conformance with the goals, polices/actions and provisions of the Summit County Countywide Comprehensive Plan, the Upper Blue Master Plan and the Joint Upper Blue Master Plan. Specifically with regards to meeting the Affordable Workforce Housing related goals.
5. The proposed PUD amendment is consistent with all the applicable development standards (i.e. permitted uses, parking, setbacks, height, etc.) that are listed in the PUD and will bring a portion of the existing PUD up to date with current goals, policies and regulations regarding providing affordable workforce housing.
6. The proposed PUD modification is consistent with the County's Rezoning Policies. The proposed PUD amendment will not impact any development constraints, is consistent with the terrain and natural features of the site, and is compatible with existing development in the vicinity. Adequate services (water, sewer, access, and electricity) are in place to accommodate the proposed amendment.
7. The proposal is consistent with the policies constituting the purpose and intent allowing for the establishment of Planned Unit Development, as set forth in §12200.01 of this Code, as well as the policies supporting the purpose and intent of allowing a Major PUD Modification Zoning Amendment, per §12202.01 of this Code.
8. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources because, without limitation: a.) adequate provisions for central water and wastewater treatment is available; b.) legal access exists via a County road; c.) additional site disturbance will be negligible.
9. The applicant has provided evidence of adequate water, sewer, access, utilities and other required infrastructure to serve the intended use.
10. The proposed changes to the PUD Designation will be prepared and suitable for signature by the Chairman upon approval of the requested amendment by the BOCC.

Conditions:

1. Prior to the Board of County Commissioners (BOCC) public hearing for the subject request, the draft Continental Planned Unit Development Designation (PUD) shall be modified to include reference to Goal G. Policy Action 2 of the Joint Upper Blue Master Plan (JUBMP) that requires the County to extinguish density on a 1:2 ratio (i.e., extinguish 1 development right for every 2 housing units permitted to be built), as on-site employee housing units are approved under future site plan requests.
2. Prior to the BOCC public hearing for the subject request, the draft PUD shall be amended to include a blanket Average Median Income (AMI) requirement for any future on-site employee covenants. The AMI requirement shall reference any future Land Use and Development Code (Development Code) AMI requirements for on-site employee housing.
3. Prior to the BOCC public hearing for the subject request, the draft PUD shall be amended to require the right of first refusal language for the on-site employee housing units that offers the use of the units to on-site employees or to other employees located within the PUD, and then to other "Qualified Occupants" working in the County as the term is used/defined in the Development Code. This language shall be incorporated into all future approved on-site employee housing covenants.

Commissioner Fretcher seconded the motion and the motion passed unanimously on a 6-0 vote.

PLN21-109 - Class 4: Temporary Use Permit ("TUP") to allow a maximum of 10 parking

**spaces to be utilized for people using their vehicles as their homes, Zoned Agape
Outpost PUD, Approximately 10 acres, Lot B, Blue River Placer NO 17 MS18461.**

Commissioner Pocius made a motion to continue PLN21-109 to the February 24, 2022 meeting in order to allow additional time for the applicant, the neighbors and staff to redraft applicable conditions of approval. Commissioner Fretcher seconded the motion and the motion passed unanimously on a 6-0 vote.

WORK SESSION ITEMS

No Items

DISCUSSION ITEMS

None

The meeting adjourned at 11:19 pm.

Submitted,
Lindsay Hirsh,
Senior Planner