

**UPPER BLUE PLANNING COMMISSION**  
**SUMMARY OF MOTIONS**  
**May 25, 2023– 5:30 p.m.**

**Call To Order:** Chair, Keith Gallacher, called the meeting to order at 5:30p.m.

**Commissioners Present:** Keith Gallacher, Dan Cleary, Steve Holcomb, Christine Murphy, Ric Pocius, Emily Lawless, Richard Holcroft

**Staff Present:** Steve Greer, Keely Ambrose, Dylan Graves, Paul Geiger

**Approval of Summary of Motions:** The Summary of Motions for the April 19, 2023, meeting was approved.

**Approval of Agenda:** Additions, Deletions, Change of Order – The agenda was modified to move PLN23-023 to the top of the public hearing section of the agenda ahead of PLN23-019.

**NEW BUSINESS:** No items

**CONSENT AGENDA:** No Items

**PUBLIC HEARINGS:**

**PLN23-023: A request for a Class 4 Nonconforming Parcel Plan Review (NCPFR) for a single-family residence at 634 Spruce Creek Rd, a total of 3.000 acres zoned A-1; located at TR 7-77 Sec 18 Qtr 2 Mining Claim(s) cont 3.000 acres LOUISE PLACER MS# 13898.**

Commissioners moved to table the project until such a time that the applicant provided a complete application. The materials were not ready for the meeting so the commission could not hear the case. The motion to table was approved by a 7-0 vote.

**PLN23-019: A request for a Class 4 Conditional Use Permit for a Bed and Breakfast at Lot 7, Block 2, Shadows Sub; Located at 106 Protector Cir (CR 907), zoned R-2.**

This item was continued from the April 19, 2023, UBPC meeting to give the applicant and Staff the opportunity to revise the request to better address concerns that commissioners had about the application and the use within a residential neighborhood. After hearing testimony from Staff, the applicant, and public comment, the Planning Commission made a motion to approve the request and the request was approved by a vote of 4-1. Emily Lawless and Richard Holcroft abstained because they were not present at the April 19 meeting and had not listened to the meeting recording prior to this meeting.

The request was approved with the following conditions:

1. The existing driveway and parking areas must be improved to meet County standards in accordance with the provided SPIA. All parking is required to meet County standards. Operations shall commence only once all proposed parking can be accommodated on Code compliant graveled or paved parking areas and driveways.
2. A grading and excavating (“G&E”) permit must be issued for the required driveway work. Prior to issuance of a G&E permit, the financial guarantee associated with the SPIA for driveway work must be received.

3. The total occupancy approved is ten, including all lodging guests, the owners, and any other on-site residents. Prior to operating as a bed and breakfast approved for three lodging rooms and an occupancy of ten overnight occupants, the property shall receive CO on building permit B23-0048 to officially approve a fourth bedroom in the home. Until evidence is provided that the building permit has received CO and adequate water and sewer has been provided for the fourth bedroom, the property may only operate with two lodging rooms and a total occupancy of 8.
4. Approval of this CUP is granted for a five-year period from the date of approval. A new CUP must be approved prior to the five-year expiration date to maintain continuous operations.
5. The property must maintain a valid short-term rental license throughout the duration of the CUP approval. Failure to maintain a short-term rental license in good standing may result in forfeiture of the present CUP approval. Should the short-term rental license be revoked, the operation of a bed and breakfast on the property shall cease.
6. On-site operations are subject to the Operating Plan included as Exhibit A to this resolution. Failure to maintain compliance with the agreed upon Operating Plan may result in forfeiture of this CUP approval.
7. The Operating Plan for the property shall be modified to allow professional maintenance staff vehicles on-site on a temporary basis without counting towards the approved outdoor parking allowance. The 5 approved outdoor parking spaces shall refer to overnight parking on-site.

The project was approved by a vote of 4-1, with 2 abstentions.

**WORK SESSION ITEMS: None**

**DISCUSSION ITEMS:**

The commission discussed the need to ensure that the B&B regulations in the Code do not allow for loopholes or exploitation of the intent of the Code.

The meeting adjourned at 7:53 pm.

Respectfully,  
Dylan Graves, Planner II