

**UPPER BLUE PLANNING COMMISSION  
SUMMARY OF MOTIONS**

**July 25, 2019 - 5:30 p.m.**

**COMMISSIONERS PRESENT:** Ric Pocius, Lowell Moore, Jay Beckerman, Keith Gallacher, David Nelson, Larissa O'Neil, Drew Goldsmith, Eli Yoder

**STAFF PRESENT:** Don Reimer, Keely Ambrose, Dan Osborn, Lindsay Hirsh, Cody Horn

Ric Pocius, Chair, called the July 25, 2019 meeting of the Upper Blue Planning Commission to order at 5:30 PM

**Approval of Summary of Motions:** The Summary of Motions for the June 27, 2019 meeting were approved as submitted. Yoder abstained, he was not at the previous meeting.

**WORK SESSION ITEMS:**

None

**PUBLIC HEARING ITEMS:**

1. **PLN18-068:** Location and Extent of Lot 3A and 4A, Block 4; Swan Valley Estates, zoned Swan River Ranch PUD; A request to memorialize and legally separate Lots 3A and 4A, zoned Swan River Valley Estates; Lot 3A is .83 acres and Lot 4A is .77 acres. The platted portions of Lots 3 and 4 were acquired by Summit County Open Space and Trails with the intention to keep the parcels undeveloped.

Commissioner Yoder made a motion to approve PLN18-068 with the following findings and no conditions:

1. The proposal is in conformance with the Countywide, Upper Blue, and Joint Upper Blue master plans, specifically, Open Space elements concerning the maintenance and provision of trailheads in the Golden Horseshoe area at or near Mid-Tiger Road, and the preservation and acquisition of properties for open space protection containing high recreational value and amenities.
2. This proposal does not include any new development and is compatible with the surrounding land uses.
3. There are no concerns regarding adverse environmental impacts on public services or infrastructure as there is no future development proposed or permitted on either lot.
4. The proposal is consistent with the public health, safety, and welfare.

Commissioner O'Neil seconded the motion. Approved 8-0

2. **PLN19-022:** Lot 11, Gold King Placer Unsub, a Non-Conforming Parcel Plan Review (NCPFR). A proposal for a NCPFR on a 9.254-acre parcel zoned A-1.

Commissioner Pocius made a motion to approve PLN19-022 with the following findings and conditions:

Findings:

1. The applicant has provided proof that the size of the parcel did not violate Zoning Regulations when it was created and that the parcel complies with Section 14101.02.F. The parcel was legally created in 1963.
2. The parcel has adequate access, water, sewage disposal and utilities for the intended use as required by the provisions of this Code and public and emergency access has been adequately addressed.

3. There are no known unstable or highly erodible soils, geologic conditions, steep slopes or other potential hazards on the site that would result in a threat to public health, safety or welfare.
4. The location of the proposed single family residence complies with the development standards for the A-1 zone district. The proposed building area has been designated and will meet setback requirements.
5. The applicant has provided a survey of the vacant parcel.
6. The non-conforming parcel plan approval can be granted without substantial detriment to the public health, safety and welfare.
7. The least environmentally damaging building site has been selected and a disturbance envelope has been established for the site.
8. The impacts of development upon adjacent properties have been addressed. The property is surrounded by properties ranging from 1.5 to 10 acres, zoned A-1 and R-1.
9. Uses of the property should be limited to those related to single-family residential in order to limit impacts for development.

Conditions:

1. The disturbance envelope for the property shall not exceed 10% of the parcel size, or 40,310 square feet.
2. The applicant shall submit for a G&E permit to remedy and reclaim the areas disturbed outside of the proposed disturbance envelope. The submittal shall include a report from a certified forester or arborist outlining the work that occurred, including the roughed in access off of Silver Queen, and recommending steps that should be taken to return the areas to a natural, well-vegetated, and stable condition. This G&E permit will also resolve the access off Silver Queen and the submittal shall outline the steps taken to close off and reclaim the Silver Queen access.
3. A second G&E permit associated with the building permit submittal shall address any disturbance existing and proposed within the proposed disturbance envelope, including either closing off or utilizing the existing access from Gold King Way.
4. If additional tree cutting outside of the disturbance envelope is desired, a forest management plan shall be required; this plan must be submitted and approved prior to any tree cutting taking place.
5. The applicant shall provide to the County, via easement, with language acceptable to the County Attorney releasing the only the applicant's property owner's interest to the County. The easement for a sixty (60) foot wide right-of-way for the existing Gold King Way (thirty (30) feet either side of the centerline). The easement dedication shall be made prior to the issuance of a certificate of occupancy.
6. The property owner shall provide a wetlands delineation and report acceptable to the County Engineer detailing the location of any wetlands and the necessary remedial actions required to restore disturbed areas to a natural, well vegetated, and stable functional condition as part of the application for the G&E permit. Any disturbance envelope must meet required setbacks from identified wetlands.
7. Prior to issuance of a certificate of occupancy, the applicant shall provide a written commitment to dedicate a trail easement for the "Orange Dot" trail at the time the trail is formalized with the adjacent property owners.
8. The uses, as listed in Exhibit A to the draft resolution and attached hereto, shall be excluded from the Non-Conforming Parcel Plan for lot 11, Gold King Placer UnSub.

Commissioner Goldsmith seconded the motion. Approved 7-0. Yoder abstained.

3. **PLN19-047**: Nonconforming Parcel Plan Review for a single family dwelling unit on a 5.17

acre parcel zoned A-1, Plowboy MS 2986, T6S, R77W, Section 30

Commissioner Beckerman made a motion to approve PLN19-047 with the following findings and conditions:

Findings:

1. The applicant has provided proof that the size of the parcel did not violate Zoning Regulations when it was created and that the parcel complies with Section 14101.02.F. The parcel was legally created in 1909.
2. The parcel has adequate access, water, sewage disposal and utilities for the intended use as required by the provisions of this Code and public and emergency access has been adequately addressed.
3. There are no known unstable or highly erodible soils, geologic conditions, steep slopes or other potential hazards on the site that would result in a threat to public health, safety or welfare.
4. The location of the proposed structure complies with the development standards for the A-1 zone district.
5. The applicant has provided a plat or improvements survey of the parcel. The property is not subject to the County's merger requirement based on previous ownership records.
6. The non-conforming parcel plan approval can be granted without substantial detriment to the public health, safety and welfare.
7. A minimal disturbance envelope has been established for the site to address the issue of limiting impacts on soil disturbance and steep slopes.
8. The cumulative impacts of development upon the immediately adjacent area and surrounding properties have been addressed. The property is primarily surrounded by properties of similar size, also with A-1 zoning. The proposed structure will minimally be visible from the valley floor, Highway 9, and the Town of Breckenridge and will likely be more than what the visual simulations illustrate once fire mitigation is done on the property. The overall disturbance area of approximately 11.82% of the lot area serves to minimize visibility from adjacent properties.

Conditions:

1. No disturbance shall be allowed outside of the disturbance envelope except for; a.) removal of trees infested with Mountain Pine Beetle; b.) removal of trees for forest health, upon the submittal of documentation from a certified forester or wildfire mitigation officer and upon approval from the Planning Department; c.) removal of trees for fire mitigation, d.) planting of trees; e.) driveway/ retaining wall and improvements. All other improvements, including but not limited to the septic system (10% maybe located outside of disturbance envelope), the well, and associated grading and improvements are required to be located within the disturbance envelope.

Commissioner Gallacher seconded the motion.

Approved, Vote 8-0

**DISCUSSION ITEMS:**

The Planning Commission was updated on the Short Term Rental regulations and permitting process.

**ADJOURNMENT:** The meeting was adjourned at 7:45 p.m.

Submitted,

Cody Horn Planner I