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Kathleen Neel - Summit County Recorder

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RESOLUTION NO. 2016 - 50

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION APPROVING PLN16-029, A MINOR AMENDMENT TO THE KEYSTONE PUD TO MODIFY CERTAIN DEFINITIONS ASSOCIATED WITH THE ANNUAL EMPLOYEE HOUSING REPORT IN SECTION 6 OF THE KEYSTONE PUD TO FACILITATE THE ALLOWANCE OF ADDITIONAL BEDS IN THE EXISTING TENDERFOOT EMPLOYEE HOUSING BUILDINGS, AND OTHER MISCELLANEOUS MODIFICATIONS TO ACCOMPLISH THE FOREGOING, KEYSTONE PUD; LOTS 1-3, TENDERFOOT SUBDIVISION #4 (Applicant: Summit Vail Resorts, Inc.); and,

WHEREAS, Summit Vail Resorts, Inc. has submitted an application to the Board of County Commissioners ("BOCC") for a Minor Amendment to the Keystone PUD to modify certain definitions associated with the annual employee housing report in Section 6 of the Keystone PUD to facilitate the allowance of additional beds in the existing Tenderfoot Employee Housing buildings, and other miscellaneous modifications to accomplish the foregoing; Keystone PUD; Lots 1-3, Tenderfoot Subdivision #4 and,

WHEREAS, the Planning Department did review the application and recommends approval of the application to the Board of County Commissioners, subject to certain findings and conditions; and

WHEREAS, the Board of County Commissioners has held a public hearing, with public notice as required by law, on May 24, 2016, June 14, 2016 and June 28, 2016, and has considered all relevant testimony and evidence; and,

WHEREAS, in light of such considerations, the Board of County Commissioners of Summit County, Colorado finds that:

1. The proposed PUD amendment will not affect, in a substantially adverse manner, the enjoyment of land abutting upon or across the street from the are being impacted by this modification, or the public interest because, without limitation (i) the boundaries of the PUD are not changing; (ii) the purpose and intent of the PUD will not be impacted by the proposed minor changes, and the PUD will still result in providing on a temporary basis additional seasonal employee housing opportunities that will further the development of a year round resort; and, (iii) key PUD provisions are not being impacted.
2. The PUD amendment is not granted solely to confer a benefit upon any one person because, without limitation, the PUD amendment will facilitate the ability for the applicant to temporarily increase its opportunities to meet their employee housing needs.
3. The proposed PUD amendment is in general conformity with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan ("Comprehensive Plan") and the Snake River Master Plan ("Subbasin Plan") primarily due to the fact that both plans fully support the notion of providing and increasing affordable/employee housing. The proposed amendment will further fulfill the employee housing obligations set forth in the PUD designation that must be met by VSR and all developers of land located within the boundaries of the PUD.
4. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations because, without limitation modification is consistent with the purpose and intent of the County's Zoning Regulations because, without limitation: (i) Areas subject to environmental constraints, including but not limited to wetlands and steep slopes, are being protected; (ii) natural

features are being protected; and (iii) the requirements of the PUD designation will ensure adequate provisions are made for access, parking, landscaping, open space and other necessary design requirements as mandated by the PUD, the Summit County Land Use and Development Code and the Subbasin Plan.

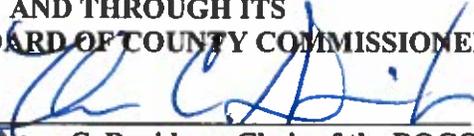
5. The proposed PUD amendment is consistent with the County's Rezoning Policies because no new density is proposed and the modifications will not affect the PUD provisions in place which ensure that land with development constraints are avoided, that new development is compatible with existing development, that there is adequate infrastructure, and that wildfire hazards are mitigated due to the fact that the proposed language simply affords the applicant the opportunity to temporarily provide additional beds into an existing employee housing project.
6. With compliance with the conditions of approval, the proposed PUD amendment is consistent with the public health, safety and welfare due to there will be no substantive impacts to the public health, safety and welfare associated with this minor PUD amendment as the application requests to increase the supply of employee housing beds for a specific limited period of time (2015-2016 and 2016-2017 and 2017-2018 ski seasons) and as such will only be temporary in nature until such time more employee housing is likely to be developed. In addition, the proposal furthers the efficiency and economy use of land and its resources because the modification continues to ensure that there will be adequate employee housing available for employees within the PUD without creating more development.
7. The proposed PUD amendment is not substantial and conforms to the intent of the original PUD as the purpose of the application is to increase the supply of employee housing beds for a specific limited period of time (2015-2016, 2016-2017 and 2017-2018 ski seasons) and as such will only be temporary in nature until such time more employee housing is likely to be developed. The intent of the proposed PUD amendment is clearly not to create this increase in occupancy for the Tenderfoot units in perpetuity and will facilitate the supply of additional employee beds which is consistent with the intent of the original PUD designation. The PUD amendment has been determined to be a minor amendment in accordance with Section 12202.04 of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT a Minor Amendment to the, Keystone PUD to modify certain definitions associated with the annual employee housing report in Section 6 of the Keystone PUD to facilitate the allowance of additional beds in the existing Tenderfoot Employee Housing buildings, and other miscellaneous modifications to accomplish the foregoing, Keystone PUD; Lots 1-3, Tenderfoot Subdivision #4 is hereby approved with the following conditions:

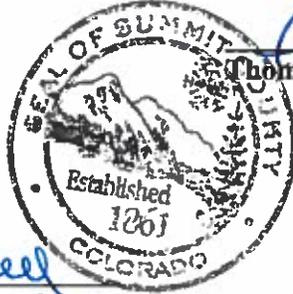
1. The applicant shall provide sufficient parking for the additional occupants of the Tenderfoot Housing Project through the implementation of the approved Parking Management Plan and by providing additional parking spaces elsewhere in the Resort. By December 25, 2016, applicant shall provide one of the following: cleared space on the upper storage lot, sufficient parking at the Powerline Lot (H Lot), or sufficient parking elsewhere in the PUD.
2. Prior to installation of any additional beds as permitted by this amendment, the applicant shall pay such amounts as are determined to be due for tap fees or EQRs to the Snake River Water District and the Snake River Wastewater Utility under their respective rules and regulations in connection with the beds actually added.
3. Staff and the applicant shall add language to the PUD, Section 6(A), providing for comprehensive review and approval of the changes associated with this PUD amendment by the BOCC prior to utilization of the additional beds for the 2017-2018 season.
4. Prior to the commencement of the 2016-2017 season, the applicant shall provide information regarding the license fees charged to employees for Tenderfoot beds and indicating that such fees are a substantial reduction from the rates charged for single occupancy rooms.

ADOPTED THIS 28th DAY OF JUNE 2016.

COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS



Thomas C. Davidson, Chair of the BOCC



ATTEST:



Kathleen Neel, Clerk & Recorder