



PLANNING DEPARTMENT

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**UPPER BLUE PLANNING COMMISSION  
AGENDA**

**October 27, 2016 – 5:30 p.m.**

**NOTE: Change of Meeting Location  
Harris Street Library  
103 S Harris Street – Hopefull Meeting Room  
Breckenridge, CO 80424**

**Commission Dinner: 5:00pm**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF SUMMARY OF MOTIONS: July 28, 2016**

**IV. APPROVAL OF AGENDA: Additions, Deletions, Change of Order**

**V. CONSENT AGENDA:**

None

**VI. PUBLIC HEARINGS:**

**PLN16-089 Lot 19 Gold King Placer Unsub**

A Nonconforming Parcel Plan Review for a 9.39 acre parcel zoned A-I to enlarge a previously approved NCPP (PLN07-115) in order to accommodate a proposed detached garage/work area.

**PLN16-095 Country Boy Mine T6S R77W Section 32, Country Boy Mill Site**

A Class 4 Conditional Use Permit for a museum and mining exhibit with accessory uses on 20 acres zoned A-I, Country Boy Mill Site MS#1285, T6S, R77W, Section 32, QTR.

**VII. WORK SESSION ITEMS:**

Update to Upper Blue Master Plan

**VIII. DISCUSSION ITEMS:**

- Suggested Revisions for Consideration in Next Master Plan Update
- Countywide Planning Commission issues
- Follow-up of previous BOCC meeting
- Planning Commission Issues

**IX. ADJOURNMENT**

\* Allowance for Certain Site Plans to Be Placed on the Consent Agenda: Site plan reviews consisting of three (3) to a maximum of 12 multi-family units for the total development parcel or project may be placed on a Planning Commission's "consent agenda", which allows for expeditious review and approval of these smaller projects. Site plans may only be placed on the consent agenda if the recommendation does not include any conditions. Single-family and duplex development that are required to have a site plan review by a Planning Commission due to a plat note, PUD requirement or other regulatory mechanism may also be placed on a Commission's consent agenda. A Planning Commission member may pull such agenda item off the consent agenda to allow staff or the applicant to address issues or questions related to the site plan review criteria for decision prior to taking action.

**UPPER BLUE PLANNING COMMISSION  
SUMMARY OF MOTIONS**

**July 28, 2016 – 5:30 p.m.**

**COMMISSIONERS PRESENT:** David Nelson, Mary Hart, Larissa O’Neil, Drew Goldsmith, Graeme Bilenduke

**STAFF PRESENT:** Don Reimer, Lindsay Hirsh, Sid Rivers, Keely Ambrose

Drew Goldsmith, Chair, called the May 26, 2016 meeting of the Upper Blue Planning Commission to order at 5:35 PM

**Approval of Summary of Motions:** The Summary of Motions for the June 23, 2016 meeting was approved as amended.

**REGULAR AGENDA:**

**PLN16-041 Skiers Edge, Sign Program**

**A sign program for the Skiers Edge property; Skiers edge condo annex, T7S, R78W, Sec 36, 6th P.M., zoned Skiers Edge PUD.**

**MOTION:** Commissioner Nelson moved to approve PLN16-041: A sign program for the Skiers Edge property; Skiers edge condo annex, T7S, R78W, Sec 36, 6th P.M., zoned Skiers Edge PUD, with the following findings and conditions:

Findings

1. The proposed sign program is consistent with the County’s Zoning Regulations and other applicable regulations of this Code and the Skiers Edge PUD because the commercial nature and location of the site warrant a site-specific sign program.
2. The proposed program includes a coordinated color palate, lettering style, and materials for all signs. The provisions proposed for all of the signs require natural or naturally appearing materials and colors.
3. The proposed sign program specifies, as applicable, the type, number, size, method of illumination and location of signs allowed within the development.
4. The proposed sign program generally conforms to the basic sign requirements contained in Section 9100 et seq., and unique circumstances pertaining to the use and location of the site warrant standards that differ from the Sign Regulations of the Code.
5. The proposed sign program prevents visual clutter and the disruption of important scenic corridors or vistas because, all signs are located on private property away from Highway 9.
6. The proposed sign program facilitates communication in a manner compatible with the surrounding environment because, it identifies commercial businesses in an area with few commercial uses.
7. The proposed sign program protects the safety of motorists and pedestrians in a manner compatible with the surrounding environment.
8. The proposed sign program is compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure because, a portion of the proposed signage will be replacing outdated signage.
9. The sign program considers the goals, policies/actions and provisions of the Countywide Comprehensive Plan, the Upper Blue Master Plan, and the Joint Upper Blue Master Plan in that the signs are designed to complement the surrounding environment, avoid wetlands, steep slopes, and other environmental hazards, mitigate adverse impacts of external light, and promote commercial activity to the public.

Condition:

1. Prior to the approval of any sign permit, the Applicant shall ensure that the signs proposed are natural colors, excluding gold, and maintain a closely coordinated color palate, lettering style and materials for all signs. Staff may refer any proposed sign to the UBPC if deemed necessary to ensure such consistency.

Commissioner Bilenduke seconded the motion. Vote: 4-1, with Commissioner Hart having the dissenting vote.

#### **WORKSESSION:**

**Planning Case PLN16-060, Berlin Placer Development LLC, a work session to consider a rezoning application of a 23.40 acre parcel currently zoned A-1 (Agricultural) to a PUD (Planned Unit Development) to accommodate 10 single family market rate units, 20 duplex market rate units, and 20 deed restricted townhome workforce housing units, an open space tract, bus stop improvements, trail head parking and associated trail easements, T7S, R77W Sec 05, 6th P.M. Mining Claim(s) containing 23.40 acres Berlin Placer MS# 2379 T H Fuller Placer MS# 86.**

Regarding the work session, the Planning Commission had the following comments:

- Too much density, scale down, out of balance;
- Lower ratio of market to affordable units;
- Too much market rate, reduce;
- Good benefits package;
- Relocate trailhead parking, and move the bus stop closer to affordable housing units;
- More restrictions needed on the workforce housing;
- Good layout, more clustering
- Nice reach out with having an open house;
- Create more of a buffer on the east side of the property;
- Trailhead parking will be a parking management nightmare; and
- The County needs workforce housing and it comes with impacts; may want to consider a rental component

#### **DISCUSSION:**

Don Reimer discussed potential upcoming Master Plan updates for all of the County Master Plans.

**ADJOURNMENT:** The meeting was adjourned at 9:05 p.m.

Respectfully Submitted

Lindsay Hirsh, Senior Planner

## **STAFF REPORT**

**TO:** Upper Blue Planning Commission

**FROM:** Sarah Meggison, Planner I

**FOR:** Meeting of 10/27/2016

**SUBJECT:** Planning Case PLN16-089, Lot 19 Gold King Placer Unsub

**APPLICANT:** David Schroeder

**OWNER:** David Schroeder

**REQUEST:** A Nonconforming Parcel Plan Review for a 9.39 acre parcel zoned A-1 to adjust a previously approved NCPP (PLN07-115) in order to accommodate the existing single family dwelling unit as well as a proposed detached garage/workshop area.

## **PROJECT DESCRIPTION**

**Location:** 685 Gold King Way (CR 779)

**Legal Description:** Lot 19 Gold King Placer Unsub

**Existing Zoning:** A-1

**Proposed Use:** Single-family and accessory uses

**Other Uses:** None

**Total site area:** 9.39 acres

**Adjacent land uses:**

**East:** Lot 4, Gold King Placer Unsub (zoned A-1)

**West:** Gold King Way: Lots 18 and 21, Gold King Placer Unsub (zoned A-1)

**North:** Lot 17, Gold King Placer Unsub (zoned A-1)

**South:** Lot 20, Gold King Placer Unsub (zoned A-1)

## **DEVELOPMENT REQUIREMENTS**

	<b><u>Required</u></b>	<b><u>Proposed</u></b>
<b>Density limit:</b>	1 unit/20 acres	1 unit/9.39 acres
<b>Lot size (minimum):</b>	20 acres	9.39 acres
<b>Setbacks:</b>	50 feet all sides	50 feet all sides
<b>Height:</b>	35 feet maximum	21 feet 7 inches proposed

## **BACKGROUND**

The lots in Gold King Placer Unsub were subdivided via deed in the early to mid-1960s, but were never legally platted. The Zoning Designation of A-1 was applied to this area when the County adopted zoning regulations in 1969; however most of the properties in this area do not meet the A-1 zone minimum lot size of 20 acres and are considered to be legal non-conforming parcels. The purpose of a non-conforming parcel review is to provide a development review process for both platted and unplatted parcels that do not conform to the site area requirements contained in the Summit County Land Use & Development Code (“Code”). The applicant previously received approval of a Nonconforming Parcel Plan in 2007 (PLN07-115) to allow for a single-family dwelling and associated uses, approved via Resolution 2008-02. The property owner is now requesting to change the Disturbance and Building Envelopes to accommodate a new, detached garage/workshop on their lot. Consequently, a new non-conforming parcel plan review must be processed and reviewed.

## **CRITERIA FOR DECISION**

Section 12903.02 of the Summit County Land Use and Development Code (“Code”) states that the Planning Commission shall approve a nonconforming parcel plan review for an unplatted parcel only if it meets all relevant County regulations (unless a variance is granted by the BOA) and standards and if it finds:

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, unless a variance has been granted to such requirements.
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 and provided, if necessary.
3. There are no known unstable or highly erodible soils, geologic conditions, steep slopes or other potential geotechnical or other hazards on the site that would result in a threat to public health, safety or welfare and, if such geologic hazard areas or other hazards are present, mitigation has been proposed to the satisfaction of the Review Authority to ensure that the public health, safety and welfare will be protected.
4. The proposed development complies with the County’s Zoning Regulations and the purpose and intent of the County’s Zoning Regulations (unless a variance to such regulations has been granted in accordance with the provisions of Section 12500).
5. The applicant has provided a plat or improvements survey of the parcel. If contiguous parcels have been combined to meet Section 14101.02.F, then either a new deed combining the parcels shall be recorded or a subdivision plat creating an additional parcel as provided for in Section 14101.02.F is or will be recorded.
6. Development of the parcel is not a 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. That the cumulative impacts of development upon the immediately adjacent area and surrounding properties have been addressed and mitigated.

### **SIZE OF PARCEL UPON CREATION**

The subject property was created on October 24, 1960, as evidenced by the deed on record in the County Clerk and Recorder's Office and recorded in Book 157, Page 6. The deed was recorded prior to adoption of zoning or subdivision regulations by Summit County, thus the parcel did not violate zoning regulations when it was created.

### **ADEQUATE ACCESS, WATER, SEWAGE DISPOSAL, AND UTILITIES**

Access to the parcel is via Gold King Way. The existing house is located near the road in a relatively flat area, and the proposed garage/workshop is to be constructed south of the home, thus there should be no problem with the extension of the existing driveway meeting the maximum grade requirements. Well permit No. 276084 was issued for the property on November 28, 2007. The septic system was approved under OWS07-4881, for a four (4) bedroom home. The proposed garage/workshop will not add any additional bedrooms or impact the septic system.

### **AVOIDANCE OF AREAS WITH GEOTECHNICAL HAZARDS**

There are no areas of geologic hazards, such as avalanche paths or run out zones, floodplains or areas subject to rock fall or mudflows. Steep slopes (over 30%) do exist on the property, but the applicant has proposed that new disturbance envelope avoids the majority of the steep slopes. The original building and disturbance envelope was created on the northwesterly corner of the lot, and this proposal is to extend it to the southwestern corner of the lot (see attachments B & C).

### **COMPLIANCE WITH ZONING REGULATIONS**

Setbacks on A-1 property are 50-feet from all property lines. The applicant's new proposed building envelope meets all setbacks. The disturbance envelope surrounds the building envelope, including the driveway and other landscaping in the front and side setbacks of the lot. The existing home meets all



requirements of the code and was reviewed and finalized under Building Permit B08-0125. The proposed garage/workshop is designed to meet the maximum height of 35-feet allowed as measured by the Summit County Land Use & Development Code (“Code”). The proposed height will be 21-feet 7-inches. New landscaping is proposed around the structure, which will help to tie it into the natural surroundings. The code requires natural colors and materials to be used on all single-family structures, as well as full cut-off luminaries for exterior light fixtures. See Attachment F for the colors chosen for the proposed structure. All of these requirements will help to reduce any perceived visual impacts. The proposed garage will not be visible from adjacent properties except from Gold King Way. The photo above shows the subject property from the southwestern property corner looking towards the existing house and the building site. The structure will not be visible from the valley floor, Highway 9, or the Town of Breckenridge.

The applicant has proposed to adjust the originally approved building and disturbance envelope to include the southwestern corner of the lot for the construction of a new garage/workshop. While a specific size requirement for disturbance envelopes has not been established in the Code, the Board of Adjustment (“BOA”) through their previous review of Minimum Lot Size Variances found that it was typically appropriate to allow a disturbance envelope to be 10% of the lot size. However, each application reviewed by the BOA was reviewed under its own merits, and therefore precedence was not set with decisions rendered on those applications. The property is 9.39 acres and therefore a disturbance envelope equating to 10% of the lot size would be 40,902 square feet, or just under one acre. The applicant has proposed a disturbance envelope of 42,400 square feet, which is 0.97 acres, which equates to just over 10% of the total lot size. The original disturbance envelope was 29,932 square feet equating to 6.8% of the lot. This adjustment would increase the disturbance envelope by 3.2% of the total lot area.

Since slopes over 30% do exist on the property, the applicant has carefully chosen the location of the disturbance envelope to only include a minimal portion of these steep slopes. Just off of Gold King Way, the proposed expanded disturbance envelope is relatively flat and is the only likely place to accommodate a garage/workshop on the lot. When the current building permit (B16-0203) was submitted, the Building Department as well as the Engineering Department reviewed the submittal and approved it based on their standards. Staff does feel that the minimal overall disturbance to the slopes over 30% can be supported.

All improvements, including the structures, well, septic tank, and leach field are proposed to be included in the disturbance envelope with the exception of the portion of the driveway as it comes off of Gold King Way. A 60-foot access easement for Gold King Way crosses the subject property. That portion of the driveway which is in this easement is not included in the disturbance envelope, however, any portion of the driveway outside of the easement is included in the disturbance envelope. The disturbance envelope also allows for construction of berms and landscaping between the garage and Gold King Way to mitigate the visual impact of the garage/workshop building.

The applicant has also included a building setback at least 10-feet from the disturbance envelope and setback 50-feet from all property lines. This building envelope helps to ensure there is adequate room for grading and excavation around the structure and within the disturbance envelope. The applicant feels that the proposed disturbance and building envelopes can reasonably accommodate construction of the proposed structure or any modifications made during the design process.

Staff supports the proposed disturbance envelope because approximately 90% of the lot will be protected from disturbance, trees on the property will be protected, as well as the majority of the steep slopes on the property. Thus, Staff recommends a condition that states:

“No disturbance shall be allowed outside of the disturbance envelope except for; a.) the removal of trees infested with Mountain Pine Beetle; b.) the 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.) the removal of trees for fire mitigation, upon the approval of the wildfire mitigation officer; d.) planting of trees; and e.) the portion of the driveway located within the 60-foot easement for Gold King Way as it crosses the subject property. All other improvements, including but not limited to, any portion of the driveway outside of the 60-foot easement for Gold King Way, structures, the septic system, the well, and associated grading and improvements are required to be located within the disturbance envelope.”

The applicant has agreed to this proposed condition, which is consistent with the condition from the originally approved NCPP in 2008.

### **PLAT OR IMPROVEMENTS SURVEY**

The applicant has provided a survey of the property, which includes topography of the lot and the existing single family home, as well as the outline of the proposed garage/workshop. The survey was prepared by Range West on 8/17/2016.

### **IMPACT ON THE PUBLIC HEALTH, SAFETY, AND WELFARE**

Granting an approval for the nonconforming parcel plan review for the subject property should not negatively impact the public health, safety and welfare. Safe and adequate access is available to the site and the driveway will be able to maintain the maximum grade allowed. A septic permit was issued and the system was installed in 2007. Adequate light and air between structures will be available since the structure is proposed to meet the required 50 foot setback from all property lines.

### **LEAST ENVIRONMENTALLY DAMAGING BUILDING SITE**

The applicant has carefully chosen the location of the disturbance envelope to avoid slopes over 30% to the greatest extent practicable. A minimal amount of slopes over 30% do exist in the disturbance envelope, but due to the natural topography of the site, it is not practical to design a disturbance envelope that completely avoids all slopes over 30%. The disturbance envelope constitutes 10% of the lot. A small pond exists on the property, but is not located in the vicinity of the proposed disturbance

envelope. There are no other environmental features on this property. Staff feels that with the establishment of the proposed disturbance envelope, minimal disturbance will be associated with the construction of the workshop and garage and associated improvements, and therefore the least environmentally damaging building site has been chosen.

### **IMPACTS OF DEVELOPMENT UPON THE IMMEDIATELY ADJACENT AREA AND SURROUNDING PROPERTIES**

The surrounding properties range in size from 5 to 10 acres. All of the surrounding lots are within the Gold King Placer Unsub and are all zoned A-1. With the structure proposed to be located close to the existing residence and Gold King Way, and with the establishment of a disturbance and building envelope, Staff does not feel that there will be any significant negative impacts to adjacent properties. Site disturbance will be that which is reasonably necessary to accommodate the structure and related improvements on the property. The Code requires natural colors and materials and fully cut-off exterior light fixtures, which will help to mitigate any visual impacts associated with the structure. Berms and other landscaping measures are proposed to help mitigate the impact as shown in Attachment E.

### **STAFF RECOMMENDATION**

Staff recommends the Upper Blue Planning Commission approve Planning Case PLN16-089, a request for a Nonconforming Parcel Plan Review to allow for a single family dwelling and proposed garage/workshop on a 9.39 acre parcel zoned A-1 with the findings and conditions listed in the draft resolution of approval.

#### **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 1960.
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 garage/workshop complies with the development standards for the A-1 zone district. The proposed building area, as shown in Exhibit C, will meet setback requirements.
5. The applicant has provided a plat or improvements survey of the 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 cumulative impacts of development upon the immediately adjacent area and surrounding properties have been addressed. The property is surrounded by properties ranging from 5 to 10 acres, also with A-1 zoning. The proposed building site is not highly visible from Highway 9 or the valley floor and will mitigate other visual impacts to neighboring properties through landscaping.

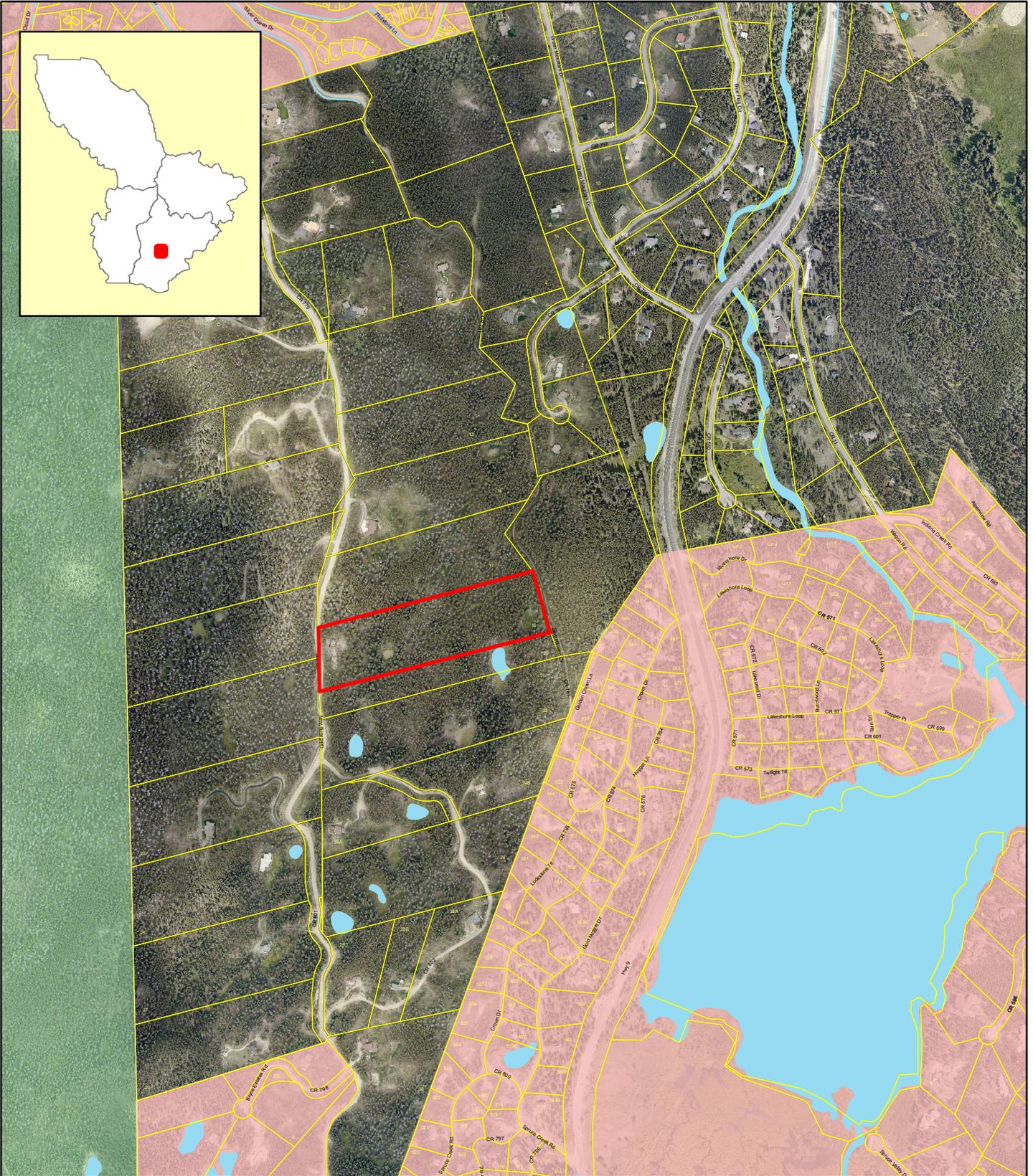
**Condition:**

- I. No disturbance shall be allowed outside of the disturbance envelope except for; a.) the removal of trees infested with Mountain Pine Beetle; b.) the 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.) the removal of trees for fire mitigation, upon the approval of the wildfire mitigation officer; d.) planting of trees; and e.) the portion of the driveway located within the 60-foot easement for Gold King Way as it crosses the subject property. All other improvements, including but not limited to, any portion of the driveway outside of the 60-foot easement for Gold King Way, structures, the septic system, the well, and associated grading and improvements are required to be located within the disturbance envelope.

**ATTACHMENTS**

- A. Vicinity Map
- B. Existing Disturbance & Building Envelope
- C. Proposed Disturbance & Building Envelope
- D. Elevations of Proposed Garage
- E. Proposed Landscaping Plan
- F. Color Chart
- G. Property Owner Narrative
- H. Draft Resolution

# Attachment A- Vicinity Map



PLN16-089: Gold King Placer Unsub  
Nonconforming Parcel Plan Review

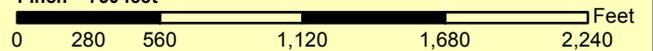
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Not necessarily accurate by surveying  
standards, and does not comply with  
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1 inch = 750 feet

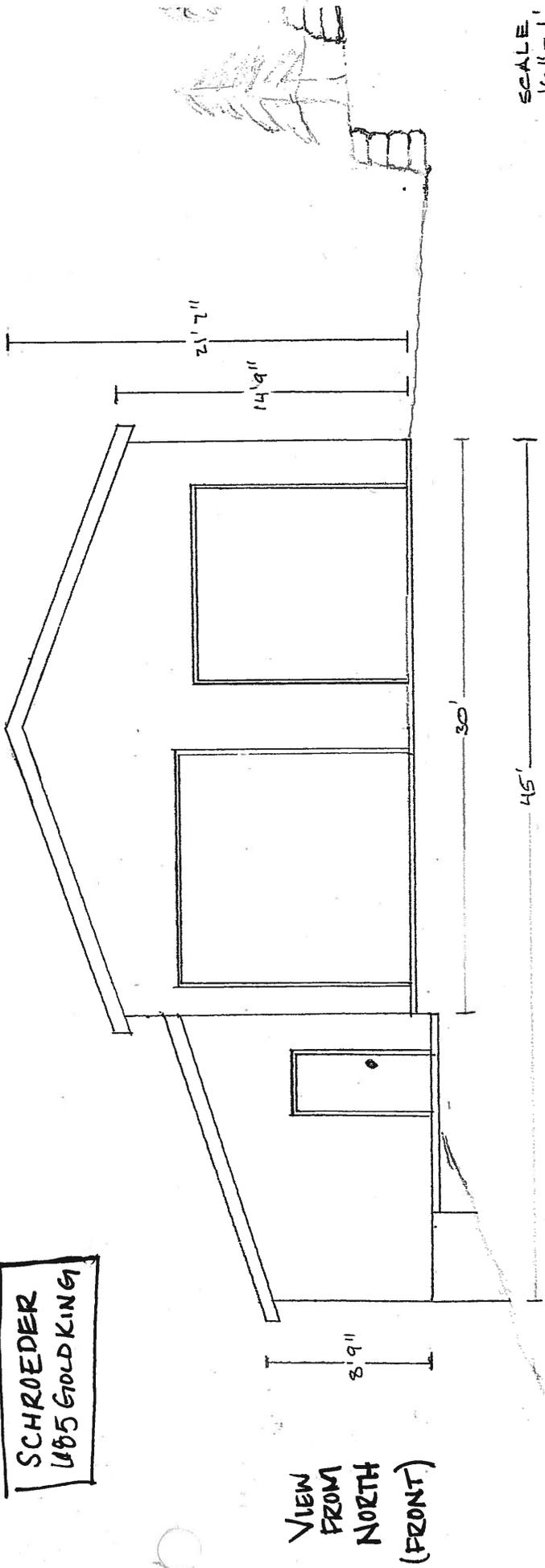






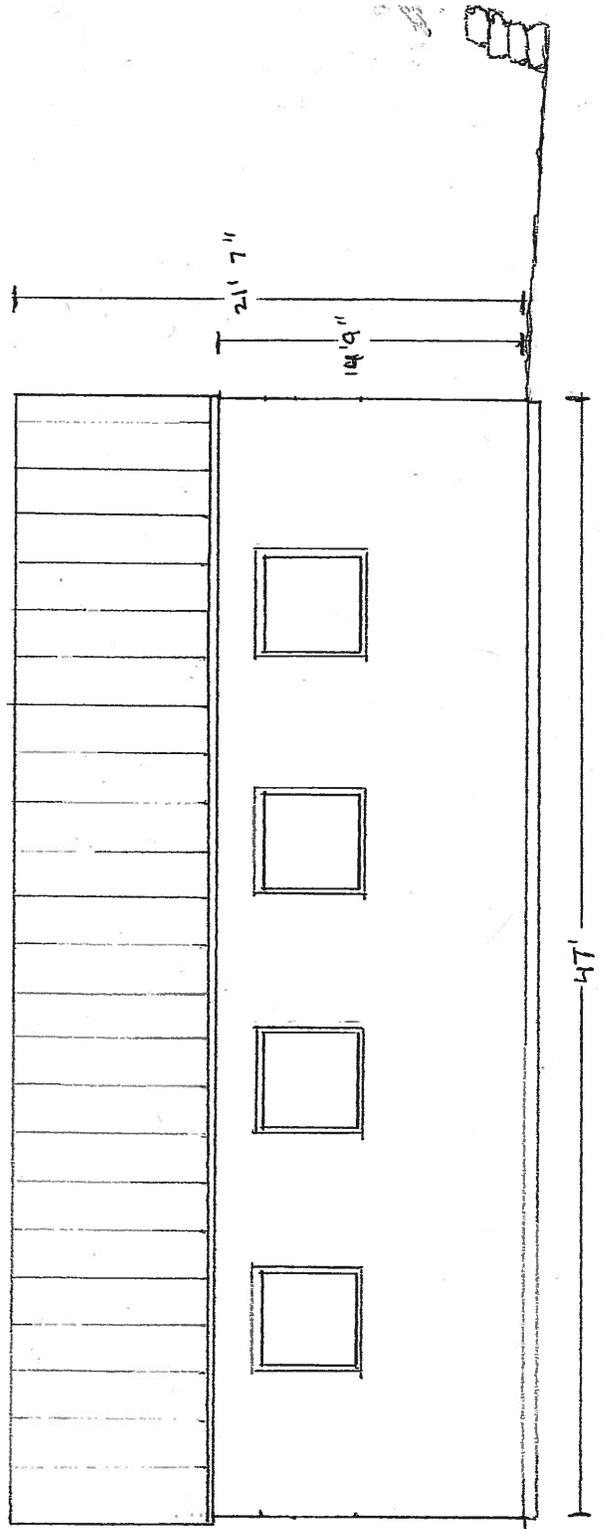
Attachment D - Elevations of Proposed Garage

SCHROEDER  
485 GOLD KING



VIEW FROM  
NORTH  
(FRONT)

SCALE  
1/8" = 1'

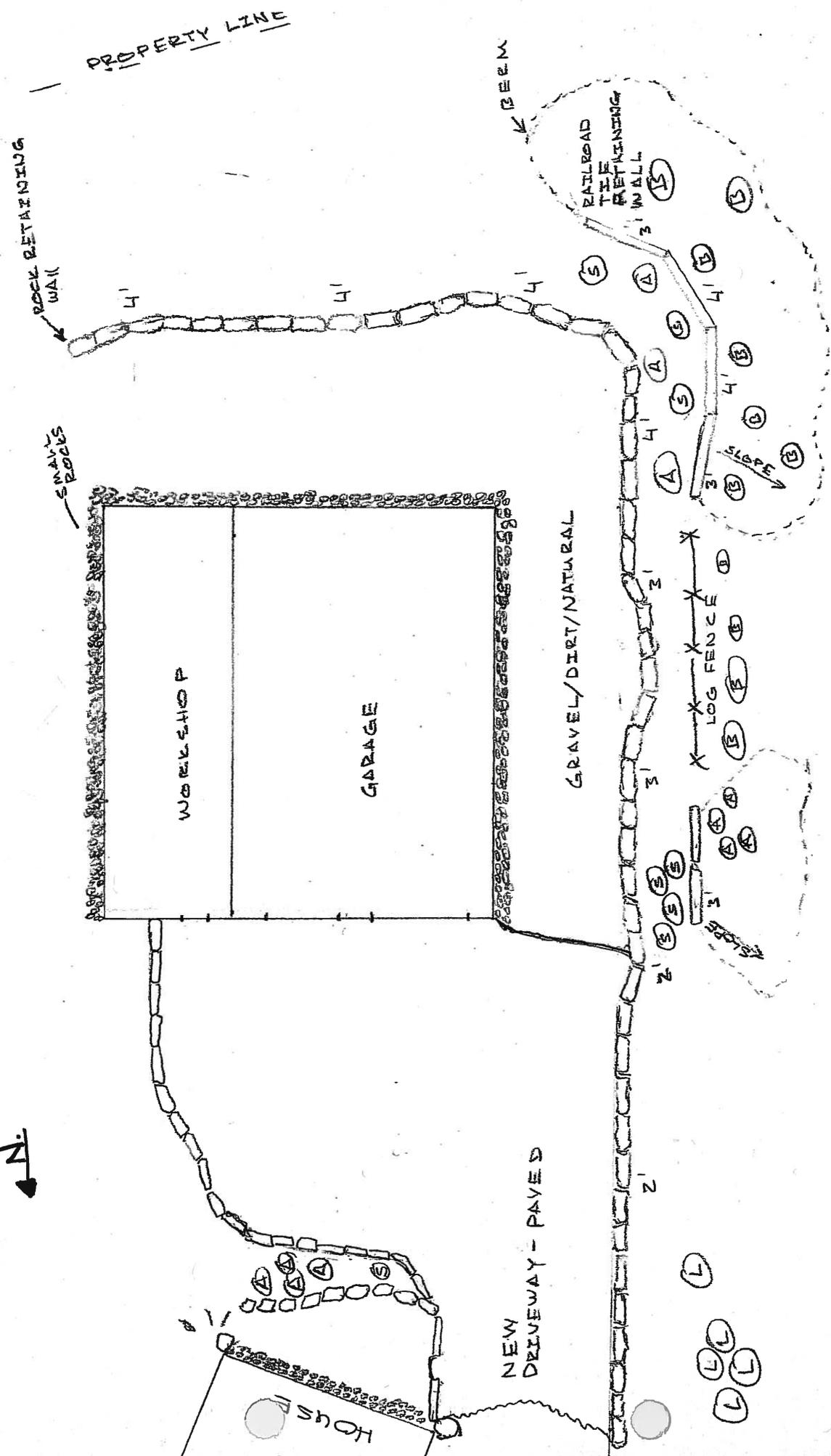


VIEW FROM  
ROAD  
(SIDE)

SCALE  
1/8" = 1'

SCHROEDER  
685 GOLD KING  
AERIAL

Attachment E - Proposed Landscaping Plan



- (L) = LODGEPOLE
- (A) = ASPEN
- (S) = SPRUCE
- (B) = BUSH

PROPERTY LINE

SCALE  
1/16" = 1'

# ARMSTRONG COLORS

## Colors

are proven exterior finish, agricultural

ding by effects of acidity and

od color by sun, rain

upon



Galvalume

Polar White

Brilliant White

Hunter Green



Colony Green



Crimson Red



Rustic Red



Burgundy



Gallery Blue



Hawaiian Blue



Light Stone



Desert



Charcoal



Gray



Burnished Slate



Brown



Tan



Copper Metallic\*\*

ROOF  
WINDOW  
TRIM

WALLS





## Attachment G - Property Owner Narrative

### Nonconforming Parcel Plan Review

#### Schroeder Property

685 Gold King Way / Lot 19, Gold King Placer

#### Project Narrative:

- **Description of development and key components of such development**
  - Our lot is 9.39 acres and is zoned A-1
  - We are seeking approval to build a one storey detached garage / workshop.
  - Our property is rectangular in shape. The top portion (where our house is), is mostly flat, but it then drops off on a steep hill. We would like to position the garage in the upper portion of the lot where it is flat. Access to all other areas on the lot is too steep, so this is the only place the garage can be positioned. In order to minimize the steep hills in the building envelope, we have located the structure as close to the required 50' set-backs as possible.
  - Shown on the updated survey is a wood shed that was built several years ago next to a fire pit. This is a 3 sided shed with no floor / foundation. It measures 8' wide, 4' deep and 7' high. This is a non-permanent structure.
  - To access the new garage / workshop, our existing driveway will be extended for a short distance and then widen to allow for parking and access to the garage.
  - We will use dirt and rocks from the excavation to build landscaping berms on the south and west sides of the structure (between the road and the adjacent property). New trees and plants will be installed on and around the berms. The goal with these features will be to create multiple layers of vegetation to create privacy and block the view of the building from the road.
  - We have selected siding and roofing colors designed to blend in with the natural surroundings and the existing home.
  - The original nonconforming parcel plan defined the building and disturbance envelopes to an area just big enough to build the house. We did not fully understand the restrictions that defining the envelopes in this way would place on our ability to add further improvements to the lot. We are seeking this variance to accurately define the areas of our land for improvement and landscaping.
- **Total development area**
  - The total disturbance envelope for the driveway, parking, structure and landscaping will be approximately 42,400 square feet (10% of lot size).
  - The total building envelope for structures will be approximately 18,700 square feet (4.4% if lot size).
- **Land uses proposed, and total area devoted to each use, and percentage of total project area devoted to each use**
  - Structure: The footprint of the new building is 47' x 45' (2115 square feet / 5% of the disturbance envelope)
    - Garage Space: The building will contain an unheated area for vehicle

- storage that is 30' x 47' (1410 square feet / 3% of the disturbance envelope)
- Workshop Space: The building will also have an area that is 15' x 47' that will be used as a personal workshop and for storage (705 square feet / 2% of the disturbance envelope)
- Driveway and Parking:
  - The new area designed for driveway, parking, and access to the garage will be approximately 1800 square feet / 4.25% of the disturbance envelope
- Landscaping:
  - The area to be graded to provide proper drainage away from the structure will be approximately 1900 square feet / 4.5% of disturbance envelope
  - The remaining area in the disturbance envelope will be reserved for landscaping / returned to a natural state once the development is completed (This will be approximately 34,470 square feet / 81.3%)

**RESOLUTION NO. 2016-**

**UPPER BLUE PLANNING COMMISSION  
OF THE  
COUNTY OF SUMMIT  
STATE OF COLORADO**

**A RESOLUTION APPROVING PLANNING CASE #PLN16-089, A NONCONFORMING PARCEL PLAN REVIEW FOR A 9.39 ACRE PARCEL ZONED A-1 TO ADJUST A PREVIOUSLY APPROVED NCPP (PLN07-115) IN ORDER TO ACCOMMODATE THE EXISTING SINGLE FAMILY DWELLING UNIT AS WELL AS A PROPOSED DETACHED GARAGE/WORKSHOP AREA. (applicant: David Schroeder); and,**

**WHEREAS,** David Schroeder has applied to the Upper Blue Planning Commission for a Nonconforming Parcel Plan Review for a 9.39 acre parcel zoned A-1 to adjust a previously approved NCPP (PLN07-115) in order to accommodate the existing single family dwelling unit as well as a proposed detached garage/workshop area; and,

**WHEREAS,** the Planning Department reviewed the application and recommended approval of the application to the Upper Blue Planning Commission, subject to certain findings and conditions; and

**WHEREAS,** the Upper Blue Planning Commission has considered the application at a meeting held on October 27, 2016, and has considered all relevant testimony and evidence; and,

**WHEREAS,** in light of such considerations, the Upper Blue Planning Commission of Summit County, Colorado finds that:

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 1960 prior to adoption of zoning by Summit County.
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 garage/workshop complies with the development standards for the A-1 zone district. The proposed building area, as shown in Exhibit C, will meet setback requirements.
5. The applicant has provided a plat or improvements survey of the 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 cumulative impacts of development upon the immediately adjacent area and surrounding properties have been addressed. The property is surrounded by properties ranging from 5 to 10 acres, also with A-1 zoning. The proposed building site is not highly visible from

Highway 9 or the valley floor and will mitigate other visual impacts to neighboring properties through landscaping.

**NOW, THEREFORE, BE IT RESOLVED BY THE UPPER BLUE PLANNING COMMISSION OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT** a Nonconforming Parcel Plan Review for a 9.39 acre parcel zoned A-1 to adjust a previously approved NCPP (PLN07-115) in order to accommodate the existing single family dwelling unit as well as a proposed garage/workshop, is hereby approved subject to the following condition:

1. No disturbance shall be allowed outside of the disturbance envelope except for; a.) the removal of trees infested with Mountain Pine Beetle; b.) the 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.) the removal of trees for fire mitigation, upon the approval of the wildfire mitigation officer; d.) planting of trees; and e.) the portion of the driveway located within the 60-foot easement for Gold King Way as it crosses the subject property. All other improvements, including but not limited to, any portion of the driveway outside of the 60-foot easement for Gold King Way, structures, the septic system, the well, and associated grading and improvements are required to be located within the disturbance envelope.

**ADOPTED THIS 27<sup>TH</sup> OF OCTOBER, 2016.**

**COUNTY OF SUMMIT  
STATE OF COLORADO  
BY AND THROUGH ITS  
UPPER BLUE PLANNING COMMISSION**

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**Drew Goldsmith, Chair**

**ATTEST:**

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**Kathleen Neel, Clerk & Recorder**



## PLANNING DEPARTMENT

970.668.4200  
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0037 Peak One Dr. PO Box 5660  
Frisco, CO 80443

### MEMORANDUM

Date: October 27, 2016  
To: Upper Blue Planning Commission  
From: Lindsay Hirsh, Senior Planner  
Subject: PLN16-095: A Class 4 Conditional Use Permit for a museum and mining exhibit with accessory uses on 20 acres zoned A-1, Country Boy Mill Site MS#1285, T6S, R77W, Section 32, Qtr 4, 6<sup>th</sup> P.M.

#### Planning Commissioners:

Staff is requesting that the Planning Commission table the subject application. As such, the application will be re-noticed as per all applicable requirements in the County's Land Use and Development Code ("Code"). This request is to facilitate additional time to process a Code amendment to address a land use oriented conflict with the subject application and the Code. Staff anticipates hearing the subject request in the next couple of months.