

## Lot 3, Aspen Springs Subdivision Filing #2

### Project Narrative

#### 1.0 Introduction

The property owner and project proponent, Bozena Witek, proposes to modify Lot 3 of the Aspen Springs PUD to accommodate an additional building envelope on the northwest corner of the property. A PUD Modification Work Session was held on October 28, 2006 (Planning Case Number 06-083) with the Upper Blue Planning Commission to relocate an existing disturbance envelope and add a new disturbance envelope to accommodate overflow trailhead parking for the Quandary Trail. Since that time, the property owner has decided to pursue a PUD Modification to add a unit of density as opposed to relocating the density as previously presented to the Summit County Planning Department and the Upper Blue Planning Commission.

#### 2.0 Proposal

Lot #3 is 24.609 acres in size. Currently, a platted disturbance envelope (4.477 acres) is located on the southeast corner of Lot. The remainder of the lot (20.132 acres) is platted as “private open space.” The Aspen Springs PUD Designation stipulates that, “No more than 50% of the area of disturbance envelope indicated for Lots 2 and 3 on the Aspen Springs Filing #2 subdivision map shall be disturbed as the result of construction improvements on each Lot” (PUD, B.2).

The Aspen Springs Subdivision currently maintains a Transfer of Development Rights (TDR) designation of “Receiving” on the *Official Upper Blue Basin Transfer of Development Rights Sending and Receiving Areas Map*, adopted March 27, 2009. Therefore, the project proponent will seek to purchase a TDR from the bank, if available, or acquire a mining claim to use as a TDR. The project proponent requests to subdivide the parcel and add one unit of density to the Aspen Springs PUD. The added unit of density is proposed to be located on the northwest corner of the property (refer to the Proposed Conditions Plan attached). With the added unit of density, the project proponent proposes to re-plat the existing disturbance envelope from 4.477 acres to approximately 0.75 acres in size and propose the added disturbance envelope be approximately 0.75 acres in size. Each disturbance envelope would maintain consistency with the current PUD stipulation to disturb no more than 50% of the disturbance envelope. Once subdivided, Lot 3 would be approximately 9.45 acres and Lot 3A would be approximately 14.2 acres.<sup>1</sup>

The project proponent also proposes to provide a 0.25 acre tract to Summit County Board of County Commissioners to be maintained by Summit County Open Space and Trails as an overflow trailhead for the Quandary Trail. This would be located on the west side of McCullough Gulch Road, approximately

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<sup>1</sup> Due to mapping inaccuracies the subdivided lot acreages do not add up to what is shown in the table below.

across the road from Tract B. The area of land provided to Summit County would be located to avoid impacts to waters of the U.S., including wetlands.

Therefore, with all of the proposed modifications, the current acreage of private open space (20.132) would be increased in size within the PUD to 22.859 acres. The following table clarifies project acreages by use.

Land Use/Disturbance Type	Acreage (ac)		Land Use Percentage (%)	
	Existing	Proposed	Existing	Proposed
Disturbance Envelope	4.477	1.5	18	6
<i>Building Envelope<sup>1 2 3</sup></i>	<i>2.24</i>	<i>0.75</i>	<i>9</i>	<i>3</i>
Private Open Space	20.132	22.859	82	93
Trailhead Overflow Parking	0	0.25	0	1
<i>Total</i>	<i>24.609</i>	<i>24.609</i>	<i>100</i>	<i>100</i>

<sup>1</sup> Per PUD, building envelope is no more than 50% of disturbance envelope

<sup>2</sup> Building envelope acreage is not included in overall total as it is a subset of the disturbance env.

<sup>3</sup> The proposed building envelope for each lot would be 0.375 acre

The two residential units would be log construction between 2,500 and 4,000 square feet. The floor plans and renderings of example structures are attached.

## 2.1 Access

Access to the existing disturbance envelope in the southeast corner of Lot 3 is provided via Blue Lakes Road (CR850).

Access is currently provided to the proposed disturbance envelope in the northwest corner of Lot 3 via Blue Lakes Road (CR 850) to Monte Cristo Road (CR 853) to a Forest Service Road. The Forest Service Road currently provides access to two adjacent properties (Kramp - TR 8-78 Sec 01 Qtr 2 Mining Claim(s) cont 28.565 acres WARREN MS# 1130 Acres 5.160 COMSTOCK MS# 1131 Acres 5.160 ALMA MS# 1132 Acres 5.160 MONTE CRISTO MS# 1133 Acres 5.160 GOLD BANK & SUPPORTER MS# 16845 Acres 7.930; and Pierce - MC DILL PLACER MS# 4120 Acres 6.000 Mining Claim(s) cont 6.000 acres TR 8-78 Sec 01 Qtr 2), both of which are not in the Aspen Springs PUD.

A parallel process to the PUD modification will be special use authorization from the U.S. Forest Service to use the Forest Service Road. SE Group has been in contact with Paul Semmer with the Dillon Ranger District to understand the authorization process. The Forest Service has indicated that since there is currently a road in place that maintains appropriate grades and condition and is utilized by other landowners the special use authorization could be accommodated through a Categorical Exclusion. A benefit of this PUD Modification and special use authorization for the Forest Service would be perfect access issues existing homeowners have that use the Forest Service Road. Currently, the Forest Service

does not have a record of authorization for the current use of the road. Should special use authorization be granted, this would provide the bookkeeping necessary for those adjacent lots.

Per §5107.03 of the Development Code, driveways connect public roads to no more than four single-family residences. Since this driveway is greater than 200 feet in length, it will have a minimum width of 14 feet. The existing road meets this minimum width with the exception of a few locations that can be improved. In addition, the existing Forest Service road that will serve as a driveway to the upper (northwest) disturbance envelope will meet the maximum grade requirements of eight percent and will maintain proper drainage to prevent erosion.

Consistent with the National Environmental Policy Act (NEPA), the White River National Forest may consider categorically excluding this access to the proposed project from further analysis in an environmental assessment or environmental impact statement. In order to categorically exclude a proposed action, it must fit one of the categories identified in Forest Service NEPA regulations (36 CFR 220.6) and have no extraordinary circumstances related to the proposed action. This project complies with authorization direction found in Forest Service Handbook 1909.15, Chapter 30, Section 31.2, subpart 3: *“Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.”* That section of the Forest Service Handbook provides *“approving the installation of a driveway”* as an acceptable use of this particular category. As indicated above, a road currently exists for the entire length necessary to reach the upper disturbance envelope. The U.S. Forest Service management prescription per the White River National Forest Land and Resource Management Plan is 3.31 Backcountry Recreation, Year- Round Motorized. Issuance of a special use authorization is consistent with the Forest’s management prescription.

## **2.2 Proposed Phasing**

If approved, this project would be constructed in summer/fall 2010. The access road (driveway) to the upper disturbance envelope currently exists and may require minimal upgrades. The Forest Service special use authorization process will parallel the PUD Modification process (discussed in more detail below).

## **2.3 Commitments for Preservation of Natural Features and Open Space**

Waters of the U.S., including wetlands on the property were delineated and a report was prepared by Walt Schultz in 2005 indicating the location of wetlands on the western half of the project area. The proposed disturbance and building envelope on the northwestern corner of the property avoids wetlands. In addition, the existing building envelope on the southeastern corner of the lot avoids wetlands. Based on field observations in October 2009, the proposed overflow trailhead parking area could also avoid wetlands. Therefore, wetland and stream channel function and values would be maintained with the proposal to subdivide and add a unit of density.

The current platted open space on Lot 3 is 20.132 acres. This proposal includes reducing the size of the existing disturbance and building envelopes and including a small additional disturbance and building

envelope. With the proposal, private open space within the PUD would increase by 2.73 acres. This would be a substantial public benefit of the proposal.

The Countywide Comprehensive Plan states that, "...open space needs should be evaluated in all future development proposals." The Comprehensive Plan includes goals to meet open space needs.

**Goal A. Preserve and protect the County's open space and minimize the negative impacts on open space associated with development.**

**Goal B. Protect open space in Summit County through acquisition of property interests in addition to other incentive-base and regulatory techniques.**

The proposal to increase "private open space" within the PUD helps achieve these Comprehensive Plan goals. The increase in one unit of density would not detrimentally affect the existing open space due to the existence of road to access the disturbance envelope, the proposed size of the structure and the concept to route utilities to the site (discussed below). The overall reduction in the size of the disturbance envelope and building envelope, again, would increase the acreage of private open space. In addition, the proposal to dedicate 0.25 acre to Summit County Open Space and Trails would also help achieve both Countywide Comprehensive Plan and Upper Blue Master Plan goals.

#### **2.4 Commitments for Providing Trails**

The proposal does not include providing additional recreation trails, but does include providing 0.25 acre of land on the east side of the property for overflow trailhead parking for the Quandary Trail. This would be a land dedication to Summit County – Open Space and Trails. SE Group spoke with Open Space and Trails on December 15, 2009 to discuss this proposal. This land dedication would be in lieu of public use area fees. Open Space and Trails is in general acceptance of this proposal pending recommendations. A component of the 2003 PUD was the dedication of Tract B (0.1 acre) to Summit County Board of Commissioners. Tract B now includes a trailhead kiosk and parking for approximately 10 vehicles. This proposal would increase the current trailhead parking capacity by 30 vehicles or 300%. This public benefit would help achieve the Upper Blue Master Plan:

**Goal E. Maintain and improve recreational and trail access throughout the basin.**

Policy/Action 1. Ensure that access to significant trails and trailheads as identified on the Significant Summer and Winter Route Maps is secured and maintained.

The Quandary Trail and its trailhead are identified as a significant non-motorized trail on the Summer and Winter Routes Map (see attached). Dedicating 0.25 acre of land to Summit County would ensure an increase in trailhead parking capacity to accommodate this increasingly popular trailhead and trail. This would help the County achieve the goal to improve trail access at this location.

The Countywide Comprehensive Plan includes Recreation:

**Goal B. Maintain, preserve, and where appropriate, enhance trail management through providing for character, design, access, parking guidelines and protection of environmentally sensitive areas.**

- Policy/Action 4. Acquire property for trails and trailheads...
- Policy/Action 6. Where appropriate, provide for adequate parking to accommodate trailhead needs in a manner which is compatible with surrounding land uses.

**2.5 Design Criteria**

Section 3505: Building and Site Design Standards and Section 8104: Lots and Blocks of the Summit County Land Use and Development Code provide design criteria applicable to this proposal.

§3505: Building and Site Design Standards

§3505.02: Density

The current density limit for the Aspen Springs PUD is four dwelling units. The PUD does not specify a floor area limit. This proposal includes increasing the density by one dwelling unit.

§3505.05: Building Architectural Design Standards

The proposed homes for each building envelope will be log construction that will blend with the surrounding environment. Materials will be compatible with the mountain setting of the area and will harmonize with the surroundings. Attached are floor plans for the upper and lower site. The homes will be designed and constructed to have variations in wall planes, roof lines and roof forms to draw interest to the development.

Attached are renderings of the proposed homes. These renderings depict the materials and anticipated coloration. Colors will be natural to blend with the surrounding environment.

The proposed upper disturbance envelope is within an area not designated “Highest Visual Importance” based on the Visually Important Lands Map. The proposed upper disturbance envelope is located in an area that is visible from 1 to 10 points (see attached map). The building envelope is located on a relatively flat slope and is surrounded by spruce trees approximately 50-60 feet in height. It is anticipated that minimal overstory removal would need to occur and the structure would not be visible from Highway 9.

§3505.06: Height Limit

The proposed homes that would occupy the upper and lower building envelopes would be compliant with the Development Code and the PUD (i.e., the structures would be less than 35 feet in height).

§3505.07: Lighting Regulations

All exterior lighting will be full cut off fixtures. Examples of lighting fixtures will be provided in a future development submittal.

§3505.10: Open Space

The current Aspen Springs PUD states that at least 50 percent of the disturbance area should be maintained as open space, free of disturbance. This criterion would be maintained with the proposed PUD Modification as only 0.375 acre of the 0.75 acre disturbance envelope would include building disturbance. The PUD also stipulates Designated Open Space Areas: "Areas outside of designated disturbance envelopes shall remain open and free from all improvements and disturbance except landscaping and utility work, and except for access uses within platted access easements." This PUD modification proposes to increase Designated Open Space Areas by 2.73 acres.

§3505.13: Setbacks

The setbacks for Lot 3 in the Aspen Springs PUD is reference in the paragraph above that refers to 50 percent of the disturbance area should be maintained as open space.

3505.14: Site Area

Site area is addressed above in the proposed disturbance envelopes.

3505.15: Site Coverage

Site coverage is addressed above in the proposed building envelopes

3505.16: Street, Driveway and Parking Areas

Driveway design and development is addressed above in the Access section.

3505.17: Walls and Fences

No retaining walls or fencing is proposed at this time. Should retaining walls or fencing be proposed in the future when further site planning and design is performed, the proponent will comply with Development Code standards.

8104: Lots and Blocks

8104.01: Design Criteria for Lots and Blocks

- A. Area and Dimensions:
  - 1. The proposed subdivided lots (Lot 3 and Lot 3A) site area and dimensions will conform with Zoning Regulations.
  - 2. Each lot will have a land area sufficient for a building envelope. Refer to the table above for lot area and buildable area.

### Water Supply

The lower (southeast) building envelope located on the southeast corner of the property would connect to the Upper Blue Water and Sanitation District as the connection point is in Blue Lakes Road immediately adjacent to the building envelope.

The upper (northwest) building envelope located on the northwest corner of the property would necessitate the establishment of a well. The proponent will apply for a well permit with the Colorado Division of Water Resources. In addition, the proponent will apply with the Summit County Water Lease Program for residential use for the upper home site.

<u>Use</u>	<u>Wastewater Treatment</u>	<u>AF Consumptive Use (Per Summit County 95CW122 Augmentation Plan)</u>	<u>Annual Well Demand (AF)</u>	<u>Daily Demand (Gallons)</u>
Lower Site	Connection to Central Sanitation	0.016	0.32	286
Upper Site	Septic	0.031	0.31	277

### Sewage Disposal

The lower building envelope would connect to the Upper Blue Water and Sanitation District.

The upper building envelope has been determined to be of a distance from the current connection point that it would be unfeasible to connect (comm. between R. Pyzel and D. Hendershott). Therefore, the upper site proposes onsite wastewater system (OWS). By doing an OWS, this would avoid the impact (vegetation removal and resulting visual impact) of installing a sewer line. The proponent will obtain an ISDS permit for the upper site.

### Provisions of Other Utilities

Power – burial

Phone – burial

### Wetlands

Wetlands were delineated on the site in 2005. Proposed disturbances should avoid all waters of the U.S., including wetlands on the site and maintain the 25 foot water quality setback. The wetlands report is attached to this submittal.