

**LOWER BLUE PLANNING COMMISSION
SUMMARY OF MOTIONS**

June 3rd, 2010

COMMISSION MEMBERS PRESENT: George Resseguie, Derrick Fowler, Amy Mastin, Marguerite Ritchey, Tom Smith, John LeCoq, Helen Barker, Peter Foley

STAFF PRESENT: Kristin Dean, Lindsay Hirsh

Tom Smith, Chair, called the meeting of the Lower Blue Planning Commission to order at 5:30 p.m.

Approval of Summary of Motions: The Summary of Motions from the March 4th, 2010 Lower Blue Planning Commission was approved as submitted.

REGULAR AGENDA:

PLN10-032 Spring Creek Ranch

A Major PUD Amendment to the Spring Creek Ranch PUD: a.) establish the density at 14 single-family units; b.) to reconfigure the PUD development plan to closely resemble the court-ordered land survey plat but also allow for adjustments to certain lot sizes and lot boundaries; c.) update the permitted, conditional, and accessory uses in the PUD along with other development standards to reflect more current County policies for development in PUD's; d.) to allow for a caretaker unit on each lot subject to the acquisition of adequate water rights; e.) to clarify the agricultural operations allowed in the PUD; and f.) other miscellaneous modifications to accomplish the foregoing in the Spring Creek Ranch Subdivision which is comprised of approximately 335 acres.

MOTION: Commissioner Mastin made a motion to recommend approval of Planning Case PLN10-032, a major PUD amendment to the Spring Creek Ranch PUD, with the following findings and conditions:

Findings:

- A. The modification is consistent with the efficient development and preservation of the entire PUD because, without limitation, a.) the density does not exceed 1 unit per 20 acres; b.) the PUD includes a development plan with building envelopes on any lot greater than 5.5 acres; and c.) agricultural uses will continue to be allowed on the property.
- B. Based on the significant reduction in density and the continued opportunity for agricultural operations, the PUD modification will not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest.
- C. This PUD modification is not granted solely to confer a special benefit upon any person because it is necessary to correct inappropriate and outdated zoning on the 335 acres that constitute the Spring Creek Ranch subdivision and the PUD will establish the density at 14 single-family units while allowing for various agriculturally and residentially related land uses.
- D. The proposed PUD modification is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and the Lower Blue Master Plan because, without limitation; a.) the PUD will maintain an overall density not to exceed 1 unit per 20 acres which was the density limitation under the original PUD; b.) the PUD will allow for residential and agricultural uses; c.) with the proposed density and permitted uses set forth in the PUD, the intent and goals of the "Residential" and "Rural

- Residential” land use designations will continue to be met; d.) the location of the building envelopes avoids areas of steep slopes and there are no jurisdictional wetlands or wetlands as defined by Summit County within the subdivision; e.) the PUD includes a “Policy for Fire Mitigation” which includes many of the same goals indorsed in the “Summit County Community Wildfire Protection Plan” and which will help to mitigate potential forest fires while promoting a healthy forest; and f.) the PUD will further the County’s goals in providing local work-force housing by allowing for restricted caretaker units, should adequate water rights be obtained.
- E. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations because through the limitations on density, permitted uses, building locations, building height, exterior lighting, colors, materials, landscaping, fencing and overall site disturbance, the PUD will be functional, exhibit good design and aesthetics and protect the County's natural resources and scenic beauty.
- F. The proposed PUD modification is consistent with the County’s Rezoning Policies because, without limitation, a.) Spring Creek Ranch is relatively flat and contains virtually no development constraints; b.) access, water, septic, and other utilities are available within the subdivision; c.) density will be comparable to that permitted by the A-1 zoning district and not exceed one unit per twenty acres; d.) the subdivision is compatible with the surrounding Shadow Creek Ranch, which is a working ranch zoned A-1, and the White River National Forest; e.) the proposed PUD modification complies with the applicable master plan policies set forth in the Lower Blue Master Plan and the Countywide Comprehensive Plan; f) the PUD Modification maintains the original intent of the density, which is to not exceed one unit per twenty acres, therefore the rezoning is not considered an upzoning and TDR’s are not required; g.) wildfire hazards will be mitigated via the provisions set forth in the Spring Creek Ranch Policy for Wildfire Mitigation and through compliance with the County’s fire mitigation policies; and h.) per the PUD and the subdivision covenants, provisions have been made for parking, landscaping, open space, snow storage, drainage and all other land use requirements within the boundaries of the subdivision.
- G. The proposal furthers the policies constituting the purpose and intent allowing for the establishment a of Planned Unit Development, as set forth in §12200.01 of this Code, as well as the policies supporting the purpose and intent of allowing a Major PUD Modification Zoning Amendment, per §12202.01 of this Code because, without limitation; a.) the development relates to and preserves, to the extent practical, the natural features of the site and avoids areas having development constraints; b.) the designation of building envelopes will allow for the preservation of private open space, the location of the building envelopes will allow for more cost effective and efficient extensions of infrastructure such as access, water, septic/sewer to promote the public health, safety and welfare; c.) the proposed PUD Modification ensures that development on the site reflects a logical land use pattern, in consideration of: compatibility with the site's natural features, natural topography and terrain, the amount of environmental disturbance that would result, avoidance of areas subject to environmental hazards and development constraints to the extent practicable, and the availability of services and infrastructure; d). the proposed PUD Modification ensures that development on the site further promotes the public health, safety, integrity and general welfare, by means of addressing any increase or modifications to the demand upon existing infrastructure, including both cumulative and prospective impacts on public services and infrastructure, and furthering the overall public benefit realized by the proposed development in light of and to counterbalance such increased burdens and demands.
- H. Upon compliance of the condition set forth below, adequate access and infrastructure are available to serve the proposal, in light of the both the existing and reasonably anticipated demands on such access and infrastructure based on the fact that there is legal access to the

property, Spring Creek Ranch Road and Blue Spruce Road meet County Road and Bridge standards, available water rights in the Water Court Decree, the existing water supply system, the contaminate ponds, and the allowance for on site wastewater treatment systems.

- I. The proposed PUD Modification furthers the public health, safety, integrity, and general welfare in that density will be formally reduced, adequate services are available for access, water, and sewer/septic, potential fire hazards will be mitigated via the Spring Creek Ranch Fire Protection Policy and the County's fire mitigation requirements, and the potable water supply is required to be tested on a consistent basis.
- J. Upon compliance with the conditions set forth below, the applicant has provided final evidence of adequate water, sewer, access, utilities and other required infrastructure. The Commission supports that the additional extensions of utility lines be allowed above ground.
- K. The Review Authority has reviewed and approved the PUD text and any revised exhibits, and, for the BOCC's review, and any required revisions, the PUD will be suitable for the Chairman's signature and recordation.

Conditions:

1. Prior to the recordation of the PUD, all outstanding taxes shall be paid.
2. Prior to the recordation of the PUD, the applicant shall submit for the County's review and approval and shall record the reciprocal access easement, fire tank easement, water tank easement on Lot B. include MPEI's language in the reciprocal easement.

Commissioner Resseguie seconded the motion which passed on a unanimous vote of 8-0.

DISCUSSION:

- **Election of Officers:** The commission voted to retain Tom Smith as the Chair and Amy Mastin as the Vice-Chair.
- **Planning Commission Issues:**
 - Commission would like an update at campground
 - Commission inquired about the priority of goals /policies in Master Plan discussion with BOCC.
 - When would the BOCC like to meet with the Commission?

ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Kristin Dean
Senior Planner