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Taryn Power - Summit County Recorder

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RESOLUTION NO. 2023-25

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

A RESOLUTION APPROVING PLANNING CASE #PLN23-013, A MAJOR PUD AMENDMENT FOR A 0.75 ACRE PARCEL, ZONED SODA CREEK AT LAKE DILLON, IN ORDER TO ACCOMMODATE FIVE DEED-RESTRICTED AFFORDABLE HOUSING UNITS; TRACT B BLOCK 1 SODA CREEK AT LAKE DILLON #3 (Applicant: Summit Habitat for Humanity); and,

WHEREAS, Summit Habitat for Humanity has applied to the Board of County Commissioners for a Major PUD Amendment for a 0.75 acre parcel, zoned Soda Creek at Lake Dillon PUD, in order to accommodate a five deed-restricted affordable housing units; and,

WHEREAS, the Snake River Planning Commission reviewed the application at their meeting on March 16, 2023, and recommended approval of the application to the Board of County Commissioners, subject to certain findings and conditions; and

WHEREAS, the Board of County Commissioners has reviewed the application at a public meeting held on March 28, 2023, and considered the evidence and testimony presented at the meeting; and,

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

1. The modification is consistent with the efficient development and preservation of the entire PUD because the PUD modification will not hinder nor physically alter any other property within the PUD. The boundaries of the PUD are not changing, nor are any of the provisions of the PUD significantly changing. This project would provide much needed affordable housing using cohesive architectural design, protecting the natural environment, and create a minimal impact on traffic patterns. Thus, this application meets the goal of the PUD which is to have zoning that preserves the natural environment while promoting a responsible, high quality community growth plan.
2. With the provision set forth in the PUD, the modification does not affect the enjoyment of land abutting upon or across a street from the planned unit development or the public.
3. The modification is not being granted solely for the special benefit upon any person. The proposal will benefit numerous Summit County residents who are in need of affordable housing.
4. With the provisions set forth in the PUD, the modification is consistent with the findings for final PUD approval listed in Section 12206.05. Specifically, the modification helps to achieve the intent of the Countywide Comprehensive Plan and the Snake River Master Plan by addressing their housing elements and providing for additional affordable housing units in the County. Moreover, the applicant does not need to transfer any development rights into the site because of the affordable component of the request.
5. The site of the proposed PUD modification can be served by services and facilities, such as water, sewer, and access. There are no development constraints such as wetlands being impacted by the proposed development. The development within the Soda Creek PUD has preserved important natural features through the large tracts of open space.

6. The site of the proposed PUD modification has the ability to provide for improvements as required by the Development Code, including but not limited to landscaping, lighting, parking, access, snow storage and drainage.
7. The proposed units are compatible with present area development, will not have a negative impact on the surrounding development, will not hinder the public health, safety, and welfare, and are the most efficient and economical use of land.
8. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations.
9. The proposed PUD amendment is consistent with the County's rezoning policies due to the fact that no development constraints are present to prohibit the proposed uses, the uses are/can be designed in a manner consistent with the terrain and natural features of the property, and due to the size of the lots the potential improvements can be viewed as being compatible with existing development in the vicinity.
10. The proposal is consistent with the policies constituting the purpose and intent allowing for the establishment of the PUD, as set forth in §12200.01 of the 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.
11. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources because, without limitation; a.) adequate provisions are available for the intended use; b.) legal access exists via a County road; c.) site disturbance will avoid steep slopes, wetlands and wetland buffers.
12. The applicant has provided evidence of adequate water, sewer, access, utilities and other required infrastructure to serve present demands, and adequate access and infrastructure is also available to serve reasonably anticipated future demands.
13. The proposed changes to the PUD Designation will be prepared and suitable for signature by the Chairperson upon approval of the requested amendment by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT for a request for a Major PUD Amendment to allow for five deed-restricted housing units on a 0.75 acre parcel, zoned Soda Creek at Lake Dillon, is approved with the following conditions:

Conditions:

1. The five additional deed-restricted affordable housing units shall be built on Tract B within Block. This change is reflected in Permitted Uses table in the amended Soda Creek at Lake Dillon PUD.
2. A maximum building height of 30 feet is established for Tract B, Block 1. This change is reflected in the amended Soda Creek at Lake Dillon PUD.
3. The resolution and amended Soda Creek at Lake Dillon PUD resulting from this application shall be recorded prior to applying for any Building Permit for Tract B, Block 1.

ADOPTED THIS 28th DAY OF MARCH 2023.

COUNTY OF SUMMIT
STATE OF COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS



Joshua Blanchard

Joshua Blanchard, Chair of the BOCC

ATTEST:

Taryn Power

Taryn Power, Clerk & Recorder