

**BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 8, 2020
SUPPLEMENTAL STAFF REPORT FOR PLN 19-125
MELODY LODGE CABINS M INOR PUD AMENDMENT**

PROJECT INFORMATION:

Location: The Melody Lodge Cabins Planned Unit Development is located at 33 CR 1602 or, more generally, on the southwest side of Green Mountain Reservoir near the intersection of Heeney Road and State Highway 9 in the Lower Blue River Basin.

Project/Request: A Minor Amendment to the Melody Lodge Cabins PUD to remove the length of occupancy restrictions on Cabins 1 & 2 and replace the occupancy restriction with a restrictive housing covenant to provide affordably priced housing for low-to-moderate-income persons on a permanent basis.

REQUEST FOR SUPPLEMENTAL INFORMATION:

On August 25, 2020, the BOCC considered the application for a minor PUD amendment to the Melody Lodge Cabins PUD and continued the public hearing to September 8, 2020. During the hearing, the BOCC requested that the applicant and staff provide additional information on the topics noted below. Staff has worked with the applicant and done additional research to obtain this information for consideration by the BOCC.

The BOCC requested additional analysis related to the location of the proposed workforce housing, specifically any location criteria that might apply and information on policy discussions related to workforce housing in this area. In addition, staff has addressed other commission questions related to master plan compliance, AMI limits in the covenant and their relationship to the PUD.

In September 2008, in response to an undersupply of affordable housing, the BOCC determined that it was a priority for each basin planning commission to update their respective master plan in an attempt to identify properties in the unincorporated County suitable for affordable workforce housing. This resulted in the adoption of the Lower Blue Master Plan in March of 2010. The new Plan provided an overview of the existing inventory of affordable housing units and made location and policy recommendations for the development of new affordable workforce housing. The potential properties identified include the Ballfields and Split Creek areas south of I-70 near base of the Dillon Reservoir dam, Smith Ranch that was later annexed into the Town of Silverthorne, and in the Wilderndest area through subdivision, redevelopment and infill projects. In determining whether a property may be appropriate for affordable workforce housing, the Plan outlines policy considerations that may include, but not limited to existing use, proximity to employment centers, availability of infrastructure, adequate access, access to mass transit, neighborhood compatibility, development constraints, and ability to create a quality community at the site.

At the time the Plan was adopted, no specific sites were identified south of the Smith Ranch property in central Silverthorne and the others were clustered near Wilderndest. This fact did not preclude sites in the developed area around Heeney. The Plan deferred affordable workforce housing decisions to the Heeney/Green Mountain Reservoir Subbasin Plan, which is contained within the Lower Blue Master Plan. In this plan, even though no specific policies or locations have been identified or mapped, it determined that there could be properties not identified that exhibit characteristics that would make them good sites for affordable workforce housing. If a property were presented for consideration, the property's suitability would be determined by the appropriate review authority on a case-by-case basis.

In making the recommendation of approval to the BOCC, staff considered the existing Lower Blue Master Plan and the Heeney/Green Mountain Reservoir Subbasin Plan outlined in the staff report, as well as the more recent Final Report - Summit County Housing Needs Update of March 2020. The Final Report indicates that although the Lower Blue is currently a “net supplier” of housing for other areas, it is projected that Lower Blue will have a “net gap” of 290 units by 2023 and will no longer supply units to other areas. The Final Report indicates that Grand County, our neighbor to the north, currently has a surplus of available housing and likely contributes to a large portion of the 63% of the workforce that commutes into the County. It would follow that in-commuters would provide demand for affordable workforce housing in the northern portions of the Lower Blue, thus reducing the need to commute further from Grand County for work in Summit County. Additionally, the location of the cabins south of Heeney proper and close to State Highway 9, reduces the commute time. Overall, an owner of a Melody Lodge unit would expect a 15-20 minute average commute from the unit to the I-70/Highway 9 interchange. This drive time is similar to a commuter traveling between other basins.

In March of 2007, the applicant entered into a Residential Housing Restrictive Covenant and Notice of Lien for Cabin #4, Melody Lodge Cabins PUD. This covenant was recorded at Reception Number 849578 on March 13, 2007. Cabin #4 is an owner-occupied affordable workforce unit and monitored in compliance with the County’s affordable housing programs. Cabin #4 is directly adjacent to Cabins # 1 and 2, and the addition of affordable units in the area promotes an affordable workforce housing community in the historically underserved portions of the northern Lower Blue Basin.

Staff has recently visited the site to assess the condition of the building and duplex units, which were built in 2000. After reviewing the MLS listings and site visit, the condition of the building appeared adequate. Specifically, the interior appears serviceable and similar to other recent affordable housing stock. However, some areas of snow damage to the exterior siding appear to need repair and maintenance. Staff would recommend that the seller engage a property inspection company to further assess the site prior to approval of the qualified buyer as determined by the Summit County Housing Authority.

Staff has clarified the AMI qualifications limits within the covenant to ensure sale to a qualified buyer. The applicant has agreed to offer the units at no more than 80 percent of AMI as well as sell them for no more than 80 percent AMI. The homes will be available to those making up to 100% of AMI. This is in-line with local market conditions in the area and the actual sales price will likely be even less than the 80 percent AMI threshold. References to the AMI restrictions are limited to the covenant and are not included in the PUD as the covenant is the governing document used by the housing department for compliance purposes, as well as the appropriate legal document to accomplish the stated goals. Staff believes the 80 percent AMI sales price and limitation on appreciation will be attractive to those individuals who meet the criteria and perhaps desire to live outside of the more urbanized areas in the county. The housing market in Summit County is continuing to outpace expectations, and the market for lower priced units continues to be extremely tight.

In addition to the information provided to the BOCC above, staff did an exhaustive search of previous land use cases related to the Melody Lodge Cabins PUD and found that there has been no recent case since 2007. Staff therefore believes that the discussion of the Melody Lodge Cabins and affordable workforce housing referenced by the commissioners may in fact have been generated by more generalized conversations related to comprehensive planning and/or workforce housing policy discussion. In any case, staff does believe that, based upon

the aforementioned considerations and existing conditions, this is an appropriate location of affordable workforce housing today.

**BOARD OF COUNTY COMMISSIONERS
AUGUST 25, 2020
PLANNING CASE #PLN19-125: MELODY LODGE CABINS PUD
MINOR PUD AMENDMENT
PUBLIC HEARING**

PROJECT INFORMATION:

Location: The Melody Lodge Cabins Planned Unit Development is located at 33 CR 1602 or, more generally, on the southwest side of Green Mountain Reservoir near the intersection of Heeney Road and State Highway 9 in the Lower Blue River Basin.

Project/Request: A Minor Amendment to the Melody Lodge Cabins PUD to remove the length of occupancy restrictions on Cabins 1 & 2 and replace the occupancy restriction with a restrictive housing covenant to provide affordably priced housing for low to moderate-income persons on a permanent basis.

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Lower Blue Planning Commission does not review minor PUD amendments.

RESOLUTION STATUS

Resolution to be drafted subsequent to BOCC decision.

STAFF RECOMMENDATION:

Approval with seven findings and one condition.

ATTACHMENTS:

1. Draft Melody Lodge Cabins PUD and Existing Exhibits
2. New Restrictive Housing Covenant and Notice of Lien and Exhibits



STAFF REPORT

TO: Board of County Commissioners
FROM: Dan Osborn, Senior Planner
FOR: Meeting of August 25, 2020
SUBJECT: PLN19-125 - Melody Lodge Cabins PUD - Minor PUD Amendment
APPLICANT: Dale and Debra Mitchener

REQUEST: A Minor Amendment to the to the Melody Lodge Cabins PUD to remove the length of occupancy restrictions for Cabins # 1 and # 2 in favor of a restrictive covenant providing affordably priced housing for low to moderate-income person on a permanent basis.

PROJECT DESCRIPTION:

Location: The Melody Lodge Cabins Planned Unit Development is located at 33 CR 1602 or, more generally, on the southwest side of Green Mountain Reservoir near the intersection of Heeney Road and State Highway 9 in the Lower Blue River Basin.

Legal Description: Part of Lot 2 of Section 33 and part of Lot 5 of Section 34, Twp 2 S, R. 79 W. of the 6th P.M., more particularly described as follows:

Beginning at a point on the section line common to said Sections 33 and 34, at the Southeast corner of Lot 2 of said Section 33, which is also the Southwest corner of Lot 5 of said Section 34; thence, with the South line of said Lot 2 North 89° 53' West, 300.0 feet; thence due North 681.02 feet; thence South 47° 26' East, 407.34 feet to a point on said section line; thence continuing South 47° 26' East, 192.9 feet; thence South 63° 41' East 226.0 feet; thence South 49° 29' East 269.0 feet to the South line of said Lot 5; thence with said South line, North 89° 47' West, 548.3 feet to the point of beginning and containing 5.79 acres, more or less, together with improvements thereon.

Existing Zoning: Melody Lodge Cabins PUD
Existing Uses: The property contains a fee-simple market-rate lodge building, a series of small fee-simple market-rate cabins and a deed-restricted affordable rental unit in addition to various outbuildings.

Adjacent land uses:
East: USFS, Davis Springs Campground
West: Agricultural, zoned A-1
North: USFS, Davis Springs Campground
South: Agricultural, zoned A-1.

BACKGROUND:

The applicant and owner, Melody Lodge, Inc., have submitted this request for a Minor PUD Amendment to modify the current length of stay occupancy restrictions on vacation Cabin #1 and Cabin #2 described in the approved PUD and corresponding “Restrictive Covenant for the Sale and Use of Vacation Cabin Units”. Cabins # 1 & 2 are a connected duplex and have been previously subdivided. The duplex cabins are subject to restrictions that limit their occupancy to six (6) consecutive months and eight (8) cumulative months in any calendar year. Melody Lodge, Inc., has owned the duplex since the original PUD was approved in 2006 (PLN06-023). During this time, the owner has been unable to sell the properties, consistently receiving feedback from buyers that the occupancy restrictions are unappealing. In addition, the operations of Melody Lodge have slowed and it no longer operates as a seasonal resort, primarily from lack of demand and changing consumer preferences. Therefore, in combination with the existing occupancy limitations and declining seasonal demand, the owners indicate they are struggling to realize a financial benefit from the duplex and are unable to sell them out-right as market-rate units. For this reason, they are requesting that the BOCC approve the removal of the occupancy limitations in exchange for converting the restrictive covenant to an affordable housing restriction acceptable to the Summit County Housing department and Summit County Housing Authority. The application has been reviewed by both the Housing department and the Summit County Housing Authority, which have both determined that the intent of the PUD amendment as well as deed restriction comply with the recently adopted Summit County Affordable Workforce Housing Deed Restriction Guidelines. As discussed more fully below, because the request complies with these regulations and the County Land Use and Development Code regarding transferable development rights, the request is exempt from the requirement to bring additional density to the project. Staff has included a condition of approval requiring the applicant to record the amended PUD concurrently with the deed restriction.

While staff is generally supportive of the request to add an affordable workforce housing restriction, this property has had a complex land-use history for which staff provides the following timeline for the Boards consideration.

In 1957, a parcel split was approved creating a 5.79-acre parcel where the existing Melody Lodge Cabins are located. The parcel when originally approved was bisected by the old Highway 9 right-of-way (now Heeney Road); however, the subject site is considered one parcel. The original Melody Lodge cabins were located on the eastern portion of the subject site and constructed in the late 1930’s. In the late 1990’s, additional cabins were approved for the western portion of the property (PLN97-02 and PLN98-207). These cabins have been constructed, two of which, cabins #1 and #2, are the subject of this request.

The prior owners of the property applied for a minimum lot size variance in 1984 to allow for an expansion of the long-standing resort/dude ranch use on the property. On March 8, 1984, the Board of Adjustment received a letter from the Planning Department staff explaining the reason that the minimum lot size variance request by the owners of Melody Lodge was pursued rather than a rezoning request before the Planning Commission. The letter in essence stated that the variance application was before the Board based on an interpretation by the Planning Director that the Melody Lodge fit the definition in the Summit County Development Code (“Code”) of a **resort/dude ranch**. The definition of such a use at that time was:

“A facility for receiving guests which for remuneration provides lodging, food or cooking facilities and other services which may include but not be limited to the following: pack trips, horse riding, jeep trips, hiking, fishing, hunting, and other recreational activities.”

The Planning Director thus reasoned that the variance request was the proper venue to

"legitimize" the existing facility given the current zoning on the site (A-1); that resort/dude ranch was a permitted use in the A-1 zoning district at that time; and that the only item that created the non-conforming status for the site was the minimum lot size of the A-1 zoning district of 20 acres.

The disposition of the property as a resort/dude ranch over the years is exhibited in the procedural history of the various Planning cases pertaining to the property, as follows:

PLN84-02 - On March 14, 1984, the Board of Adjustment approved a minimum lot size variance request by the owner of the property to allow a resort/dude ranch in the A-1 zoning district on a substandard lot (the zoning district requires a minimum lot size of 20 acres). In approving the minimum lot size variance request, the Board of Adjustment in their motion limited the allowed uses to the following:

- 4,800 sq. ft. main lodge with six lodging bedrooms, an owner's residence, a small retail space, and a bar/restaurant;
- 2 one-bedroom rental cabins;
- 2 two-bedroom rental cabins;
- 1 three-bedroom rental cabin; and
- a stable (limited to a maximum of eight horses).

With the exception of the stable, all of these uses, and any supporting/accessory structures, were to be located on the 1½ acre portion of the property on the east side of Heeney Road (CR 30) [as noted, Heeney Road still bisects the 5.79 acre parcel]. Under this proposal, it was anticipated that at full occupancy the Melody Lodge facility could accommodate 60 guests at the bar/restaurant, 30 overnight guests, an unspecified number of employees, and the owners.

PLN89-48 - On June 1, 1989, the Lower Blue Planning Commission heard a preliminary rezoning request to change the zoning from A-1 to PUD (Planned Unit Development) for the Melody Lodge facility. The request to rezone the property to PUD would allow for the same uses approved with the minimum lot size variance approval (see PLN#84-02 list of uses above). The preliminary rezoning request was never followed up as the applicant apparently was not the property owner at the time and the PUD rezoning never was completed.

December 5, 1996 Lower Blue Planning Commission Discussion Item - The Lower Blue Planning Commission, under Discussion Item, heard a presentation by Dale and Debra Mitchner about a potential rezoning request to allow four (4) new buildings (3 one-bedroom cabins and 1 two-bedroom duplex cabin (2 two-bedroom units within one structure) on the west side of Heeney Road (CR 30) in exchange for eliminating the bar/restaurant from the main lodge, not enlarging the existing main lodge or existing cabins, and not converting the existing garage into living quarters. The Lower Blue Planning Commission indicated at the meeting that, at that point in time, there was little support for expanding the total number of bedrooms available for lodging purposes or for any increase in the total number of guests. At that meeting, the Lower Blue Planning Commission did recommend that the Mitchners develop a proposal for a change in use of the property that would not increase the intensity over that which was then allowed under the minimum lot size variance approval. To change the allowed uses on the property the owners had two options, either (1) rezone the property or (2) amend the existing variance to allow the new uses. Both the Planning Director and the Lower Blue Planning Commission indicated that the most appropriate review process to address the Mitcheners' desire to expand the resort/dude ranch use would be to pursue an amendment to the existing variance. This determination was based upon the concern that a similar rezoning application would have had significant inconsistencies with the Lower Blue Master Plan, and no new commercial uses were

to be allowed in that portion of the Basin.

PLN97-02 - On April 6, 1997, the Board of Adjustment heard a request by the Mitchners to amend the 1984 minimum lot size variance to delete the allowed bar/restaurant use and permit the expansion of the facility to include four new lodging units (3 one-bedroom cabins not to exceed 700 square feet in size and one duplex cabin consisting of 2 two-bedroom units not to exceed 2,200 square feet in size). The request was continued to the May 21, 1997 Board of Adjustment meeting to allow the Lower Blue Planning Commission to review and provide comments about the proposal in regard to the long term lodging (proposed by the applicants) versus short term lodging (as required per the definition of resort/dude ranch in the County Development Code); on-site parking concerns; visual impact concerns; and recreational vehicle storage concerns. On April 21, 1997, the Lower Blue Planning Commission reviewed the request to amend the 1984 minimum lot size variance at the request of the Board of Adjustment and forwarded the following comments:

- Visual impacts - The Lower Blue Planning Commission felt that the trade-off of losing the bar/restaurant use would justify the expansion of the commercial lodging units on the west side of Heeney Road (CR 30) and that the potential visual impacts created by the increase in density could be mitigated by conditions through the Site Plan Review process;
- Long term versus short term lodging - per the discussion that occurred during the April 21st Planning Commission meeting, the consensus appeared to be that the Mitchners' proposed winter lodging would not exceed five (5) months and therefore the Lower Blue Planning Commission felt that the extended winter lodging proposed by the Mitchners was adequately covered in the Development Code's definition of short term rentals, which restricts the use of a rental unit on a continuing basis to less than six (6) months. By taking this approach, the Lower Blue Planning Commission wanted it clearly understood that the winter lodging would not be interpreted as allowing multi-family residential uses on the property in direct conflict with the Lower Blue Master Plan and establish a precedent for other properties in the area to request similar treatment;
- On-site parking - The Lower Blue Planning Commission recommended that the Board of Adjustment limit the number of on-site parking spaces on the west side of Heeney Road (CR30) to a maximum ratio of 1.5 spaces per lodging bedroom (allowing for a maximum of eleven (11) parking spaces on the west side of the property and limit the east side of the property to a maximum of the existing ten (10) spaces for a total on-site parking capacity of 21 spaces; and
- Recreational Vehicle (RV) storage -The Lower Blue Planning Commission recommended to the Board of Adjustment that the property owner's RVs, boats, utility trailers, etc., should comply with the Development Code Section 3815.05 et, seq. standards for RV storage. The parking of the guests' RVs, boats, utility trailers, etc. should be limited to a maximum of one (1) week (seven consecutive days). The storage of RVs, boats, utility trailers, etc., not owned by the Mitchners should be prohibited.

The Board of Adjustment approved the amendment to the 1984 minimum lot size variance including as conditions of approval the recommendations of the Lower Blue Planning Commission from their April 21, 1997 meeting and adding another condition requiring a

limitation on the number of horses permitted on-site to those of the property owner as per Development Code Section 3802, et. seq., due to the limited area available on-site and lack of access to adjoining areas of open space and/or public lands suitable for a commercial horse riding operation. The variance amendment allowed for a maximum of three (3) one- bedroom commercial lodging cabins not to exceed 700 square feet each; a new duplex (each half being a maximum of two-bedrooms) commercial lodging cabin not to exceed 2,200 square feet and elimination of the bar/restaurant allowed under the 1984 minimum lot size variance. The Board of Adjustment used the following findings in their decision to approve the variance request:

Due to the unique nature of this application to amend a grandfathered variance granted in 1984,

the question of whether or not the strict application of the County's Zoning Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner in the development of the property because of special circumstances applicable to the property such as size, shape, topography or other extraordinary or exceptional physical conditions is not applicable in this case.

With compliance with the conditions set forth in this resolution the proposed amendment to the existing Melody Lodge variance granted in 1984 should pose no significant threat to the public health, safety, or welfare due to the fact that adequate access is available and an adequate water supply and sewage disposal will be provided.

The requested variance amendment is consistent with the purpose and intent of the County's Zoning Regulations due to the fact that additional lodging cabins not exceeding four in number and/or 4,300 sq. ft. of development will not be incompatible with the neighboring Forest Service or agricultural lands, represents a better designed, more efficient and economical use of land and its resources because it will redistribute the allowed uses on the property, minimize visual impacts along the CR #30 view corridor, and facilitate proper sewage disposal in an effort to protect the water quality of Green Mountain Reservoir.

While the 1984 approval probably constitutes a grant of special privilege under the County's current Land Use & Development Code, the proposed amendment does not increase the disparity between what is normally approved for property owners of such non-conforming parcels and as such is not inconsistent with the criteria established under Section 12505.04(A)(4) of the Summit County Land Use & Development Code.

The proposed amendment constitutes a more reasonable use of the property than does some of the uses currently allowed under the variance granted in 1984.

This parcel was created in 1957 and as such constitutes a legal parcel for the purposes of Section 12505.04(A)(6) of the Code.

PLN98-207 - On January 7, 1999, the Lower Blue Planning Commission approved a site plan review request by the Mitchners for Melody Lodge for the 3 one-bedroom cabins and 1 duplex cabin not to exceed a total of 3,556 square feet on the west side of the property that reflected the approved 1997 amendment to the 1984 minimum lot size variance (PLN#97-02).

PLN00-33 - on March 10, 2000, the Code Administrator approved a minor site plan review modification to PLN#98-207 to allow for 3 one-bedroom commercial lodging/short term rental cabins with dimensions of 24 feet by 24 feet and a 28 foot by 33 foot garage to be constructed beneath the approved duplex cabin located on the west side of Heeney Road (CR 30) subject to

the conditions of approval in PLN#98-207 and PLN#97-02 and three additional conditions:

- The garage cannot exceed 1,000 square feet and can only be used as a garage (cannot be converted into any other use, such as another living unit);
- A landscaping plan is required for review and approval by the Planning Department prior to issuance of a building permit for the commercial lodging cabins; and

PLN0-025 - On June 2, 2005, the Lower Blue Planning Commission approved a site plan review modification request by the Mitchners to remove certain landscaping requirements. The applicants requested that the Lower Blue Planning Commission exempt them from completion of the landscaping and irrigation plans approved as a part of the January 7, 1997 site plan review approval. The exemption was requested due to the associated costs, reduced construction impact to the existing native vegetation, and reduced water delivery from upstream users during a drought.

PLN05-103 - A Planning Commission and Board of County Commissioners work session application to consider rezoning the parcel from A-1 to PUD to allow for the potential conversion of existing short-term rental units and accessory commercial uses to 10 residential dwelling units and accessory commercial uses. On January 5, 2006, the Mitcheners presented plans to convert the existing cabins and rental unit located in the main lodge from a commercial short-term unit to a free-market for-sale residence along with the primary dwelling unit on the property. Staff recommended that the work session not be granted as it did not meet the criteria for a work session and the application was withdrawn.

PLN06-023 - On May 23, 2006, the Board of County Commissioners approved a request to rezone approximately 5.79 acres from A-1 (Agriculture) to PUD (Planned Unit Development) to allow for the conversion of the existing short-term commercial lodging cabins, associated main lodge building (consisting of both retail commercial use and a duplex living quarters), and accessory uses into eight (8) for-sale, fee-simple, market-rate units with deed-restricted occupancy limitations, two (2) deed-restricted affordable units, and related accessory uses.

PLN06-085 - On October 24, 2006, a Class 6 PUD modification request was approved to amend the continuous occupancy limitations for the fee-simple market-rate vacation cabins from “six (6) consecutive months or less and six (6) cumulative months in any calendar year” to “six (6) consecutive months or less”.

CRITERIA FOR DECISION

Section 12203.02 of the Summit County Land Use and Development Code (“Code”) states that the BOCC may approve a minor PUD modification zoning amendment, only if the application meets all relevant County regulations and standards and provided the BOCC makes the following findings:

- A. The proposed PUD modification is consistent with the efficient development and preservation of the entire PUD.
- B. The proposed PUD modification does 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. The proposed PUD modification is not granted solely to confer a special benefit upon any person.
- D. The proposed PUD modification is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
- E. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies.
- F. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- G. The proposed PUD modification amendment is not substantial and conforms to the intent and integrity of the original PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

The Proposed PUD Modification is Consistent with the Efficient Development and Preservation of the Entire PUD

The minor PUD modification will not adversely alter the character of the Melody Lodge Cabins PUD nor will it impede efficient development. Since its original approval in 2006 (PLN06-023), the PUD has allowed a variety of lodge units as well as fee-simple, occupancy limited seasonal cabins. The conversion of two units, Cabin #1 and #2, to year-round restricted affordable housing are similar in nature and will provide needed housing in the Lower Blue basin.

The Proposed PUD Modification Does 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

This minor PUD amendment will not affect the use of the lot or the adjacent lots in the area. The development within the Melody Lodge PUD is similar in nature and does not increase density. Because the proposed units meet the County's affordable housing guidelines and Code requirements found in Section 3809, they do not require TDR's or additional development rights.

The properties within the Melody Lodge Cabins PUD are further controlled by the Covenants, Conditions and Restrictions for the Melody Lodge Cabins (CC&R). This document provides for access, maintenance and other HOA responsibilities typically found within a PUD. County staff have reviewed these documents and found them to be acceptable.

The Proposed PUD Modification is not Granted Solely to Confer a Special Benefit Upon Any Person

The intent of the request is to facilitate the efficient development of this parcel and to provide additional affordable housing in the Lower Blue Basin. Therefore, this PUD modification intends to serve the larger Summit County community and will not solely benefit any one person.

The Proposed PUD Modification is in General Conformance with the Goals, Policies/Actions and Provisions of the Summit County Countywide Comprehensive Plan and any Applicable Basin Master Plans

Conformance with the Countywide Comprehensive Plan

Land Use Element:

- Goal C: Maintain the current level of density in Summit County.
- Goal D: Guide the appropriate development of land through the County's master plans and development regulations.

Conformance with the Lower Blue Master Plan and Heeney/Green Mountain Reservoir Subbasin Plan:

- Goal A: Allow for development in a manner that preserves the existing residential character, peace and quiet, and the rural and resort environment of the Heeney community and the area around the Green Mountain Reservoir.
- Policy/Action 10: No specific properties or site have been identified or mapped as potential locations for affordable workforce housing in the Heeney/Green Mountain Reservoir Subbasin Plan. However, there could be properties not identified that exhibit characteristics that would make them good sites for affordable workforce housing. If there is a situation when such a property in the subbasin plan area is proposed for affordable workforce housing, the property's suitability shall be determined by the appropriate review authority, in conjunctions with any proposed development application, on a case-by-case basis.

This minor PUD amendment does not alter the approved number of units and specifically preserves the existing residential character of the area and of the Melody Lodge Cabins PUD. Further, the PUD amendment is in accordance with the intent of the Melody Lodge Cabins PUD and maintains the character of the area. In reviewing the application, staff has considered the existing use, proximity to employment centers, access, and transportation in addition to the lack of affordable housing in the area and determined that the proposed amendment is in general conformance with the Goals, Policies/Actions and Provisions of the applicable Master Plans. The proposal will provide needed affordable housing to a historically underserved area of ranching and agricultural uses.

The Proposed PUD Modification is Consistent with the Purpose and Intent of the County's Zoning Regulations and Rezoning Policies

Upon original adoption and subsequent amendments, the Melody Lodge Cabins PUD has been found to comply with the intent of the County zoning regulations and rezoning policies, and this proposed PUD modification is not changing the intensity of use or the development plan of the PUD, so the proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and rezoning policies.

The Proposed PUD Modification is Consistent with Public Health, Safety and Welfare, as Well as Efficiency and Economy in the Use of Land and its Resources

This PUD modification does not compromise any health or safety standards. This PUD modification will continue the efficient use of the subject parcel by allowing the applicant to develop the site in accordance with the Melody Lodge Cabins PUD and applicable Master Plan policies.

The Proposed PUD Modification Amendment is Not Substantial and Conforms to the Intent and Integrity of the Original PUD and the PUD Modification Has Been Determined to be a Minor Amendment in Accordance with Section 12202.04

This PUD modification is minor in nature, maintains the intent of the original Melody Lodge Cabins PUD, does not increase the number of units in the PUD, does not change the permitted uses of the PUD, or decrease the amount of open space within the PUD.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN19-125, A Minor Amendment to the Melody Lodge Cabins PUD to remove the length of occupancy restrictions on Cabins 1 & 2 and replace the occupancy restriction with a restrictive housing covenant to provide affordably priced housing for low to moderate-income persons on a permanent basis, with seven findings and one condition.

FINDINGS:

1. The proposed PUD modification is consistent with the efficient development and preservation of the entire Melody Lodge Cabins PUD. The modification will comply with the standards as listed in the PUD.
2. The proposed PUD modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the Melody Lodge Cabins PUD or the public interest.
3. The proposed PUD modification is not granted solely to confer a special benefit upon any person.
4. The proposed PUD modification is in general conformance with the goals, policies/actions and provisions of the Land Use elements pertaining to density in the Summit County Countywide Comprehensive Plan, and the Lower Blue and Heeney Master Plans.
5. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies. This amendment does not allow for additional units within the PUD.
6. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
7. The proposed PUD amendment is not substantial and conforms to the intent and integrity of the original Melody Lodge Cabins PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

CONDITION:

1. The Melody Lodge Cabins PUD shall be recorded concurrently with the restrictive housing deed restriction.