



**BOARD OF COUNTY COMMISSIONERS  
SEPTEMBER 14, 2021  
PLANNING CASE #PLN21-054: LOT 25, LEWIS RANCH AT COPPER SUBDIVISION  
GENERAL SUBDIVISION EXEMPTION – CLASS 6  
NEW BUSINESS**

**PROJECT INFORMATION:**

Location: Lot 25, Lewis Ranch at Copper; 50 County Road 1201  
Project/Request: General Subdivision Exemption to replat the building envelope on Lot 25, Lewis Ranch at Copper, a 0.36-acre lot zoned Copper Mountain PUD

**ISSUES:**

None

**PLANNING COMMISSION RECOMMENDATION:**

The Ten Mile Planning Commission does not make a recommendation on General Subdivision Exemptions.

**RESOLUTION STATUS**

Draft Resolution Attached

**STAFF RECOMMENDATION:**

Approval with seven findings and no conditions.

**ATTACHMENTS:**

- A. Vicinity Map
- B. Proposed Plat
- C. Proposed Resolution

## **STAFF REPORT**

**TO:** Board of County Commissioners  
**FROM:** Suzanne Pugsley, Planner I  
**FOR:** Meeting of September 14, 2021  
**SUBJECT:** Planning Case PLN21-054, Lot 25, Lewis Ranch - GSE Bldg Env Re-Plat,  
**APPLICANT:** Jarrett L. Buxkemper, BHH Partners  
**OWNER:** Mark and Karissa Kovner  
**REQUEST:** General Subdivision Exemption to replat the building envelope on Lot 25, Lewis Ranch at Copper, a 0.36-acre lot zoned Copper Mountain PUD

### **APPLICATION MATERIALS:**

Up until a decision is made by the final Review Authority, the Applicant's Submittal Materials can be found at <http://www.summitcountyco.gov/254/Projects-Under-Review> and are hereby incorporated into the official record in their entirety. Once a final decision has been made, the Submittal Materials can be obtained and/or reviewed at the Planning Department.

## **PROJECT DESCRIPTION**

**Location:** 50 County Road 1201  
**Legal Description:** Lewis Ranch at Copper  
**Existing Zoning:** Copper Mountain PUD  
**Proposed Use:** Single Family Residence  
**Total site area:** 0.36 acres  
**Adjacent land uses:**  
**East:** Open Space; The Lewis Ranch at Copper  
**West:** Open Space; The Lewis Ranch at Copper  
**North:** Open Space; The Lewis Ranch at Copper  
**South:** Single Family Residential; Lot 24, The Lewis Ranch at Copper

## **DEVELOPMENT REQUIREMENTS**

	<b><u>Required</u></b>	<b><u>Proposed</u></b>
<b>Density limit:</b>	1 SFR	1 SFR
<b>Building Envelope Size:</b>	5,000 sq. ft.	5,000 sq. ft.

## **BACKGROUND**

The Copper Mountain Resort PUD was originally approved in 1971. In 1993, the PUD was amended to include three properties the Resort acquired from the US Forest Service via the Homestake Land Exchange. One of these properties, the West Parcel, was incorporated into

the PUD as the West Village Neighborhood. On November 2, 2000, the Final Plat for the Copper Mountain West Neighborhood Subdivision was approved, which created Lots 1 and 2. In 2001 the County approved a major amendment to the Copper Mountain PUD, which among other things established a 50 lot subdivision of the West Parcel that divided the approximately 104 acre property into 27 single family lots and 23 duplex lots, and Open Space Parcels A, B, and C. The resubdivision plat was recorded on May 29, 2002 at Reception number 685418 and reflects the density increase of the PUD amendment and the establishment of the lots and building envelopes for the Lewis Ranch at Copper Neighborhood.

The applicant has requested a General Subdivision Exemption for a modification of the existing building envelope on Lot 25. The request will modestly rotate the building envelope counter-clockwise and shift it slightly to the northeast in order to allow better separation of the developable area from the adjacent lot to the south, Lot 24. The southwest corner of the existing building envelope is approximately three feet from the property line shared with Lot 24 and the southeast corner of the envelope is approximately 20 feet from the property line. The proposed envelope will be 10 to 25 feet away from the property line. There will be no change in the building envelope area of 5,000 sq. ft. as the modification will be a slight adjustment to the shape and location, not the size, of the building envelope. Lot 25 is currently vacant.

## **CRITERIA FOR DECISION**

### **8402.01.A: Criteria for Approval**

According to Section 8402.01.A of the Summit County Land Use and Development Code "Code", a request for a General Subdivision Exemption shall meet the following criteria, to be approved by the Summit County Board of County Commissioners "BOCC":

1. The division of land created by the subdivision exemption is not within the purposes of the State subdivision statutes (C.R.S. §30-28-133 et seq.).
2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.
3. The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).
4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
5. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
7. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.

### **Criterion 1: Will Not Circumvent State Subdivision Regulations**

This application is for a general subdivision exemption to modify the building envelope of Lot 25, Lewis Ranch at Copper Subdivision, to allow better separation from the adjacent property for the construction of a single-family home. No additional building sites will be created. The proposed subdivision exemption is not within the purposes of the State subdivision statutes.

**Criterion 2: Compliance with County Zoning Regulations**

This subdivision exemption is in compliance with the Zoning Regulations in the Copper Mountain PUD and the Land Use and Development Code. The new building envelope will be the same size as the current platted building envelope and will provide better separation of the developable area from the adjacent lot to the south. No changes will be made to the permitted uses or density for the subject property. The subject parcel remains zoned for a single-family structure.

**Criterion 3: Compliance with County Subdivision Regulations and Standards (Chapter 8)**

This subdivision exemption meets the intent of the Subdivision Regulations. The lot lines of Lot 25 will not be changed. This application will modify the location and shape of the existing building envelope while maintaining the existing 5,000 sq.ft. size. The subject property will have adequate access, fire protection, water supply, and sewer service at the time of development. This modification will not adversely affect drainage, trails, fire protection, or any other regulation found within the subdivision regulations in Chapter 8 of the Land Use and Development Code.

**Criterion 4: Compliance with County Comprehensive Plan & Basin Master Plan**

The request is in conformance with the applicable master plans including the goals, policies and actions in the Countywide Comprehensive Plan, the Ten Mile Master Plan, and the Copper Mountain Sub Basin Plan as determined at the time the PUD was approved. The proposed building envelope does not extend into steep slopes or any areas with development constraints.

**Criterion 5: Compatibility with Soil or Topographical Conditions**

No portion of the proposed building envelope will include slopes of 30% or greater. A Wetland Letter of Findings and a corresponding delineation was provided by Best Ecological Design Group showing wetlands on the adjacent Tract 1, thus establishing a 25-foot setback from the wetlands. This setback is located within the eastern portion of the subject property and shown on the proposed plat. Although the proposed building envelope avoids the wetland setback area, the southeast corner of the envelope meets the setback line. The Engineering Department has reviewed the application and will require a chain link fence along the 25-foot wetland setback prior to any disturbance. Grading or building permit submittals will be reviewed for compliance with wetland regulations.

**Criterion 6: Ad Valorem Taxes**

The Treasurer's Office has confirmed that taxes for the subject property have been paid through the end of calendar year 2020. Assuming the applicant records the plat prior to December 31, 2021, no new taxes will be due; however, should the applicant record the plat in the 2022, all taxes due in 2021 shall be paid prior to the Treasurer signing off on the plat.

**Criterion 7: Compliance with Plat Standards and Suitable for Recordation**

The plat is drawn to County standards and is suitable for recordation and has been reviewed by the alternate County Surveyor.

**STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners approve PLN21-054; a General Subdivision Exemption to modify the building envelope on Lot 4, The Lewis Ranch at Copper, a 0.36-acre parcel zoned Copper Mountain PUD, with the following findings:

**Findings:**

1. This subdivision exemption is not within the purposes of the State Subdivision Statutes. This application will result in a re-plat of the existing building envelope and will not result in any additional building sites.
2. This subdivision exemption is in compliance with the Zoning Regulations found in the Land Use and Development Code and the Copper Mountain PUD.
3. This subdivision exemption is in compliance with the Subdivision Regulations found in Chapter 8 of the Land Use and Development Code.
4. This subdivision exemption is in general conformance with the advisory goals, policies, and provisions of the Countywide Comprehensive Plan, the Ten Mile Master Plan, and the Copper Mountain Sub Basin Plan; the request will only slightly modify the configuration of the building envelope and will not impact areas subject to development constraints.
5. There are no areas of geologic hazard or soil conditions applicable to the request.
6. All ad valorem taxes for the subject properties have been paid in full.
7. The general subdivision exemption plat has been drawn according to the standards found in the Land Use and Development Code and is suitable for recordation.