

RESOLUTION NO. 2020-__

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

A RESOLUTION APPROVING PLANNING CASE#19-129, ISSUANCE OF A TDR CERTIFICATE VALUED AT ONE (1) DEVELOPMENT RIGHT FROM A WETLAND LOT QUALIFIED AS A TDR SENDING SITE. IN EXCHANGE, TITLE TO THE PROPERTY SHALL BE CONVEYED JOINTLY TO SUMMIT COUNTY AND THE TOWN OF BRECKENRIDGE; LOT 6, BLOCK 2, QUANDARY VILLAGE SUBDIVISION #2, A 0.50 ACRE PARCEL ZONED R-2 (Applicant: Hightail Land & Cattle L.L.C. / David Dempsey):

WHEREAS, the applicant is requesting the issuance of a TDR Certificate in exchange for transferring title of the property to Summit County and the Town of Breckenridge. This request is pursuant to the Amended Intergovernmental Agreement between County of Summit and the Town of Breckenridge Concerning Transferable Development Rights (dated April 10, 2007); and

WHEREAS, it has been determined that the subject property is covered by wetlands of high quality or wetlands of concern by at least fifty percent; and

WHEREAS, as a result of the significant and high quality wetland coverage the subject properties are considered to be Sending Areas under the Land Use and Development Code (“Code”); and

WHEREAS, the Applicant has requested that the Town and County take title to the Property in exchange for the issuance of one (1) TDR certificate valued at one (1) development right; and

WHEREAS, the Planning Department has reviewed the request and recommended that it be approved; and

WHEREAS, the Board of County Commissioners has reviewed the application at a public meeting on January 14, 2020 and considered the evidence provided at the meeting, and finds that the proposal is consistent with the County TDR Regulations set forth in Section 3506 et. seq. of the Summit County Land Use and Development Code.

WHEREAS, the Board of County Commissioners finds as follows:

1. The Sending Area is a legal parcel in accordance with all the applicable provisions of this Code. It was platted via the Quandary Village Subdivision Filing #2 plat recorded at Reception Number 102620.

2. The applicant has ownership interest in the property sufficient to proceed with the transfer of title since the property is owned via a warranty deed and a title report was provided to the County for review.
3. No significant environmental or other liabilities exist on the property that would preclude the transfer of title. The County Open Space Department is prepared to accept and manage the property as open space in perpetuity.
4. The wetlands on the property meet the criteria in the Code to be categorized as wetlands of “concern” since a wetland delineation and report were provided and sent to the Army Corps of Engineers for their official concurrence. The property is covered 70% by wetlands of “concern.”

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, THAT the requested issuance of one TDR certificate valued at one (1) development right to the property owner is hereby approved subject to the following conditions:

1. Prior to the issuance of the TDR certificate, title to the sending area property shall be conveyed jointly to Summit County and the Town of Breckenridge. Upon conveyance of the title to the property, the TDR certificate shall be issued.
2. Concurrent with the conveyance of the sending area properties, the County shall record a “Density Transfer Agreement and Declarations of Covenants, Conditions, and Restrictions” against the properties which will effectively extinguish the density on the property and transfer the development rights to the property owner through the issuance of a TDR Certificate.
3. Prior to issuance of the TDR certificate, all ad valorem taxes for 2019 shall be paid.

ADOPTED THIS 14TH DAY OF JANUARY, 2020.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

Karn Stiegelmeier, Chair

ATTEST:

Kathleen Neel, Clerk & Recorder