

RESOLUTION NO. 2020-

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

A RESOLUTION APPROVING PLANNING CASE #PLN20-009, A GENERAL SUBDIVISION EXEMPTION TO DIVIDE A 23.4 ACRE PARCEL INTO 7 SEPARATE TRACTS OF LAND, ZONED TRAILS AT BERLIN PLACER PUD, T7S, 77W SEC 05 QTR. 1, 6TH P.M., MINING CLAIM(S) CONT. 23.4 ACRES BERLIN PLACER, MS# 2379 TH FULLER PLACER, MS# 86, (APPLICANT JEFF FRANCIS, BERLIN PLACER DEVELOPMENT LLC); AND

WHEREAS, Jeff Francis, Berlin Placer Development LLC has applied to the Board of County Commissioners for a General Subdivision Exemption to divide a 23.4 acre parcel into 7 separate tracts of land, Zoned Trails at Berlin Placer PUD, T7S, 77W Sec 05 Qtr. 1, 6th P.M., Mining Claim(s) cont. 23.4 acres Berlin Placer, MS# 2379 TH Fuller Placer, MS# 86; and

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

WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing held on July 14, 2020, with public notice as required by law and considered the evidence and testimony presented at the hearing; and

WHEREAS, the Board of County Commissioners finds as follows:

1. This GSE will not circumvent the intent of the State Subdivision Regulations. The proposed division of land is not within the purposes of the Colorado subdivision statutes. The GSE process is contemplated as an initial step in the rezoning process to facilitate the dedication of required open space and provide a basis for the phased development of the property. No new development allowances are being created by this process.
2. This GSE is in compliance with the Summit County Zoning Regulations. The subject plat meets all applicable requirements of the Trails at Berlin PUD and the County's Land Use and Development Code.
3. This subdivision exemption meets the intent of the Subdivision Regulations. Adequate infrastructure and utilities will be brought to the property, per the requirements of the PUD and the Development Code.
4. The proposed subdivision exemption is in general conformity with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, Upper Blue Master Plan, and the Joint Upper Blue Master Plan. The proposed plat will facilitate the development of a PUD that speaks to multiple elements in each of the master plans including but not limited to: affordable housing, transportation, recreation and trails, and open space supporting general conformity with the master plans.
5. With the addition of the condition listed below, the applicant has provided evidence that there are no areas of the soil or topographical hazards present on the site.
6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes for years prior to the year in which approval is under consideration.
7. The general subdivision exemption plat has been drawn according to Development Code regulations and is suitable for recording.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT a General Subdivision Exemption to divide a 23.4 acre parcel into 7 separate tracts of land, Zoned Trails at Berlin Placer PUD, T7S, 77W Sec 05 Qtr. 1, 6th P.M., Mining Claim(s) cont. 23.4 acres Berlin Placer, MS# 2379 TH Fuller Placer, MS# 86 is approved subject to the following condition:

1. Prior to the County accepting the proposed open space Tract C, the unstable areas identified in the Geotechnical Engineering Study, Pavement Thickness Design and Geological Hazards Evaluation dated April 9, 2020 and revised on April 27, 2020 by Kumar and Associates shall be remediated to the satisfaction of the County Engineer. The work associated with this remediation must be included in the SIA Exhibit A.
2. Prior to recordation of the plat, a plat note will be added stating ‘drainage improvements are allowed outside of disturbance envelopes‘.
3. Prior to recordation of the plat, the plat shall be revised to depict drainage easements on the plat (Tracts B & C).
4. Prior to recordation of the plat, a plat note will be added stating ‘a maintenance agreement must be finalized prior to the dedication of Tract C to Summit County as Open Space’.
5. Prior to recordation of the plat, add a plat note stating ‘tracts cannot be sold separately’.

ADOPTED THIS 14TH DAY OF JULY 2020.

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

Karn Stiegelmeier, Chair

ATTEST:

Kathleen Neel, Clerk & Recorder