

BOARD OF COUNTY COMMISSIONERS

JULY 14, 2020

PLANNING CASE #PLN20-009:

**CLASS 6: TRAILS AT BERLIN PLACER - GENERAL SUBDIVISION EXEMPTION PLAT TO
DIVIDE A 23.4 ACRE PARCEL INTO 7 SEPARATE TRACTS OF LAND.**

NEW BUSINESS

PROJECT INFORMATION:

Location: 0106 Sallie Barber Road

Project/Request: General Subdivision Exemption plat to divide a 23.4 acre parcel into 7
separate tracts of land.

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Upper Blue Planning Commission does not act on General Subdivision Exemptions

RESOLUTION STATUS

Proposed Resolution Attached

STAFF RECOMMENDATION:

Approval

.

ATTACHMENTS:

- A. Applicant's Narrative
- B. Proposed Plat
- C. Proposed Resolution



STAFF REPORT

TO: Board of County Commissioners (“BOCC”)

FROM: Lindsay Hirsh, Senior Planner

FOR: Meeting of July 14, 2020

SUBJECT: PLN20-009 - General Subdivision Exemption plat to divide a 23.4 acre parcel into 7 separate tracts of land.

APPLICANT: Jeff Francis, Berlin Placer Development LLC

OWNER: Andy Hayhurst, Lange Berger LLC

REQUEST: General Subdivision Exemption plat to divide a 23.4 acre parcel into 7 separate tracts of land.

APPLICATION MATERIALS: Up until a decision is made by the final Review Authority, the Applicant’s Submittal Materials can be found at <http://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: 0106 Sallie Barber Road

Legal Description: 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.

Existing Zoning: Trails at Berlin Placer PUD

Existing Use: Vacant

Proposed Use: Up to 22 deed restricted units, 14 single family units and several public and private open space parcels

Total site area: 23.4 acres

Adjacent land uses:

East: Woodmoor at Breckenridge Subdivision, (R-4 with Plan)

West: Baldy Road and Juniata Subdivision, (Juniata PUD)

North: Country Boy Subdivision, (Juniata PUD, unplatted Mining Claims (A-1))

South: Baldy Road and Gold Point Condominiums, (R-4 with Plan)

BACKGROUND:

The subject property was rezoned from A-1 (Agricultural) to Trails at Berlin Placer PUD via PLN17-013, approved by the BOCC on August 22, 2017 and recorded on April 22, 2020 under Reception #1224491. The PUD allows for 22 deed-restricted Workforce Housing Units (1 of which is a Habitat for Humanity Unit and 1 of which is an on-site employee housing unit), and 14 market rate units for a total of 36 units of residential housing.

The subject property is currently an unplatted 23.4-acre parcel. The proposed General Subdivision Exemption Plat ("GSE") will divide the property into seven tracts with the acreages and permitted uses as listed below:

Tract A: 2.457 ac; 17 Workforce Housing Units

Tract B: 1.171 ac; 4 Workforce Housing Units

Tract C: 5.144 ac: Public Open Space Dedicated to Summit County

Tract D: 0.810 ac: Private Open Space / Common Area for Trails at Berlin Placer Community

Tract E: 0.241 ac: Trash and Recycling, 1 Workforce Housing Unit incorporated into HOA bldg

Tract F-N and F-S: 10.493 ac; 14 Single-family Market Rate Dwelling Units

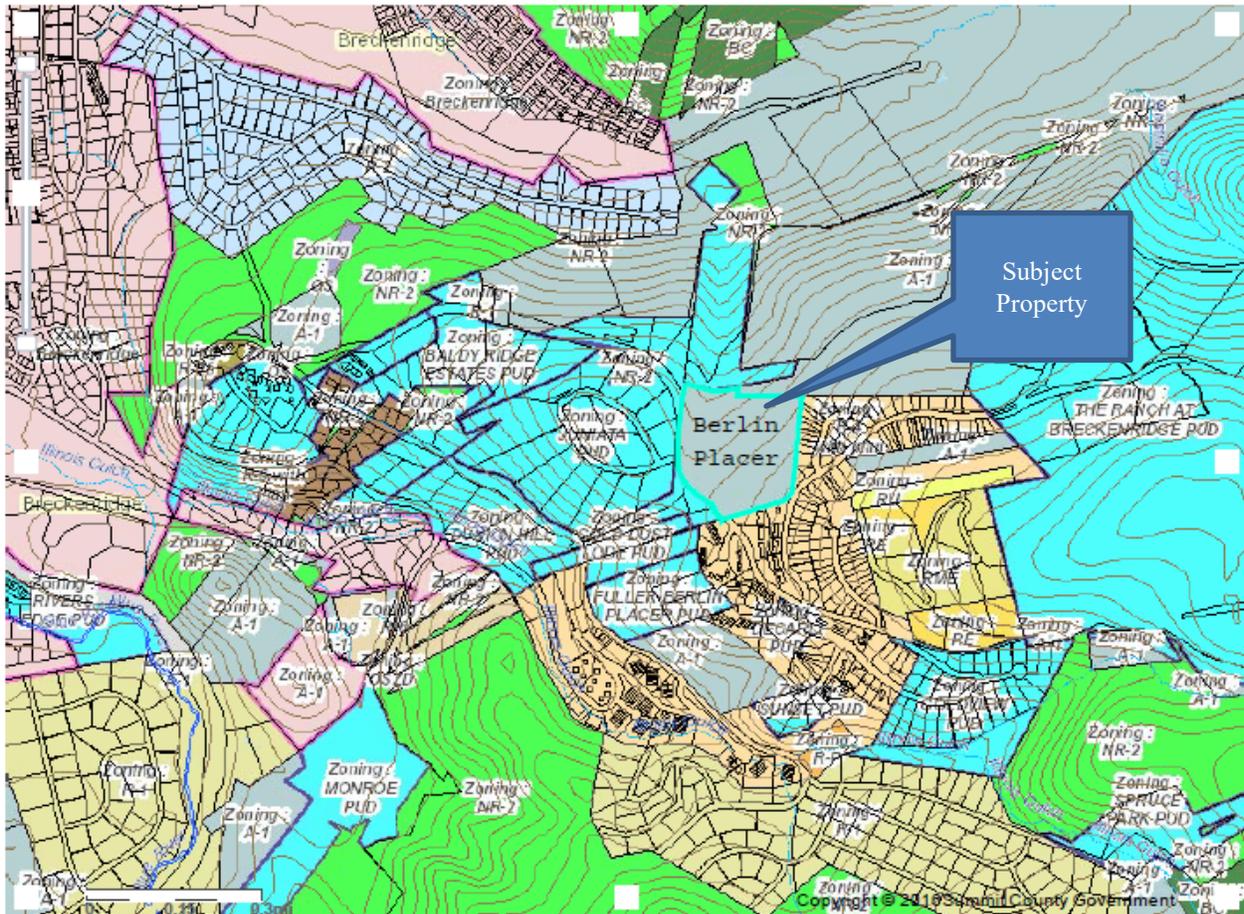
ROW: 3.095 ac: Rights-of-way

It is important to note that no aspect of this GSE Plat will provide for any sale of, or development activity for, any residential lots or structures. In order for any such sales or development to occur, the County must first conduct the appropriate development review of the pertinent applications. Once the deed-restricted workforce housing is under construction, townhome plats will need to be prepared and submitted to the County for approval prior to them being saleable to qualified buyers. The Berlin Placer PUD is a comprehensive zoning document laying out the uses, density, timing of development, public benefits, and organization of this mixed affordable and market rate housing project. The PUD is the product of an intensive review and analysis on every aspect of the development, including the appropriateness of the density to the area, the provision of water and sewer service, dedication of public areas, preservation of open space, mitigation of impacts, and location of development outside of environmental hazards. Each aspect of the development is laid out in detail in the PUD, and is further documented and governed by a development agreement that ensures the careful planning and timing of the development will be followed and all requirements complied with.

As detailed in the PUD approval documents, which are incorporated herein by reference and with which the BOCC is very familiar, the Berlin Placer PUD furthers a number of important policy goals laid out in the Code and the applicable Master Plans, including goals related to affordable housing, open space, transportation, and transferable development rights. While the development of the Berlin Placer PUD has been delayed due to litigation, the applicants have been diligent in pursuing and accomplishing the needed steps to get to this point, including securing the required TDRs and recording the PUD.

The current application to split the parcel into development tracts is the next step in the development process; however actual development on any tract is governed by the PUD and development agreement and must go through additional approvals prior to any dirt disturbance. Due to the complex nature of the development, the PUD triggers, development agreement, and conditions are designed to time each phase of development with each mitigation measure and dedication requirement, carefully balanced with the financial viability of the development plan.

Vicinity Map



CRITERIA FOR DECISION

Per Section 8402.01.A of the County's Land Use & Development Code ("Code"), general subdivision exemptions shall comply with the following Criteria for Approval:

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: Application is not within the purposes of the State Subdivision Regulations.

This application will not circumvent the intent of the State Subdivision Regulations. During the rezoning process, the GSE process was contemplated as an initial step and is specifically identified in the Trails at Berlin Placer PUD. Development allowances are not being created by this process; each of the seven tracts created with this plat will require additional future review to fulfill the development plans as presented in the PUD and Development Agreement.

Criterion 2: Compliance with County Zoning Regulations

This GSE is in compliance with the Summit County Zoning Regulations. The 23.4 acre property was rezoned from A-1 to the Trails at Berlin PUD which is a comprehensive zoning document that contains not only all the applicable development standards (i.e. specific uses, setback/disturbance envelopes, height), but a relatively complex development trigger based system. It is the PUD document which requires the site disturbance envelopes to be shown for Tracts A and B, as depicted on the proposed plat. The proposed GSE plat is an organizational mechanism by which the other specific triggers for the development of the property can occur. The subject plat meets all applicable requirements of the Trails at Berlin PUD and the County's Land Use and Development Code.

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

As no new density or building sites are being created by the proposed subdivision exemption plat, the proposed subdivision exemption meets the intent of the Subdivision Regulations.

For informational purposes, during the time of consideration of the PUD approval, it was ensured the property could be served by adequate infrastructure and utilities being brought to the property, and all applicable access requirements have been met and reviewed by the County Engineering Department.

The County's Engineering Department reviewed the subject application and initially requested additional information and revisions related to the Existing Conditions Survey, Engineered Site Plans, Preliminary Drainage Report, Wetlands Delineation and Disturbance Plan, and Preliminary Geotechnical Engineering Study. The applicant has addressed all of the Engineering Department's concerns through subsequent revisions to the various plans and reports. The only outstanding issue is related to an area located on proposed Tract C that was historically hydraulically mined. The issue stems from erosion from this area of the property, which the applicant will dedicate to the County as required by the PUD. This plat does not dedicate the tract, but creates the tract. With this in mind, Staff and the applicant have mutually developed and agreed upon the following condition to address this concern:

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.

Staff has put the condition in the draft resolution for the BOCC's consideration.

Lastly, Planning and Engineering staff recommend the following items be added as conditions of approval of the GSE plat in an effort to ensure they are clear and not missed at a later date, including the following:

2. *Prior to recordation of the plat, add a plat note stating 'drainage improvements are allowed outside of disturbance envelopes'.*
3. *Prior to recordation of the plat, depict all drainage easements on the plat (Tracts B & C).*
4. *Prior to recordation of the plat, add a plat note 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".*

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

This criterion was thoroughly reviewed and evaluated with the rezoning application and subsequent public hearings. The proposed GSE Plat, which does not create any additional density or building sites, is in general conformance with the Countywide Comprehensive Plan, the Joint Upper Blue Master Plan and the Upper Blue Master Plan. More specifically, all three plans address the provision of creating more affordable housing opportunities, and open spaces and trails for enjoyment by residents and visitors alike. The proposed General Subdivision Exemption Plat will facilitate the creation of Tracts A and B which will be the first step in providing up to 22 new affordable workforce housing units. In addition, the GSE creates the tracts identified in the PUD as open space to be dedicated to the County, and is the first step in constructing a new and improved parking area and trailhead at Sallie Barber Road.

Criterion 5: Compliance with Soil or Topographical Conditions

There are no soil or topographical conditions present on the subject properties that would preclude the approval of this Subdivision Exemption. This issue was thoroughly reviewed and analyzed with the rezoning application. The applicant has provided a preliminary Geotechnical Engineering Study, Pavement Thickness Design and Geological Hazards Evaluation for the entire Trails at Berlin Property has been prepared by HP Kumar. The County's Engineering Department reviewed the submitted information and with the condition listed above is satisfied with all soil and topographical issues.

Criterion 6: Taxes Paid

The applicant has submitted Tax Certificates indicating that taxes have been paid for the subject property.

Criterion 7: The plat is drawn in accordance with the standards in the Code and is suitable for recordation

Staff and the County Surveyor have reviewed the proposed plat and confirm that it meets all applicable requirements of Section 8700 of the County's Land Use & Development Code and is suitable for recordation.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN20-009, a General Subdivision Exemption plat to divide a 23.4 acre parcel into 7 separate tracts of land with the following findings and one condition:

FINDINGS:

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.).

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.

CONDITIONS:

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'.

**TRAILS AT BERLIN PLACER
GENERAL SUBDIVISION EXEMPTION PLAT**

PROJECT NARRATIVE

November 26, 2019

On behalf of the entire development team for the Trails at Berlin Placer, including Lange Berger, LLC (“Owner”) and Berlin Placer Development LLC, (“Applicant”), please accept this project narrative for the General Subdivision Exemption Plat (“GSE Plat”) stage for this project.

Background

The Berlin Placer property is a 23.4 acre parcel located on the north side of Baldy Road straddling Sallie Barber Road to the east and west. On August 22, 2017, the Board of County Commissioners (BOCC) approved the Trails at Berlin Placer Planned Unit Development (“PUD”) and Development Agreement for the property. That PUD zoning designation will allow for the construction of 20 deed restricted affordable workforce housing units, one Habitat for Humanity home, one on-site employee housing unit, 14 single family market rate homes, and extensive public improvements on the property. The accompanying Development Agreement contained the specific development requirements for Berlin Placer. (The PUD was renewed for 18 months on February 22, 2019 under PLN19-014.)

Trails at Berlin Placer will protect and enhance the recreational opportunities within the Upper Blue Basin through the dedication of 5.14 acres to the County as public open space, an additional 0.81 acres via a public open space easement, and by the dedication of several key trails for public recreational uses. Important trails/trail connections such as the Sallie Barber Trail and the pivotal connector trail for the Barney Ford and Juniata trails are planned for public dedication. The Sallie Barber trailhead area will not only be dedicated, but also improved with 20 public paved parking spaces. The parking spaces will be constructed by the Applicant and maintained with snow plowing/removal in the winter. (Per the terms of the PUD, an area sized to accommodate 10 additional public parking spaces near Lot 6, Tract F, will also be offered to the County prior to the platting of Lot 6 should the County decide additional public parking spaces are needed.) A Summit Stage bus stop and bus shelter will also be relocated from another site to a safer location adjacent to the property and constructed by the Applicant for public use.

Overall, all aspects of the design of the subject tracts, the infrastructure, the open space (private and public) and all other aspects of this GSE Plat, are designed strictly in accordance with the very detailed specific plans reflected in the PUD. This GSE Plat only aligns and creates the future development parcels for the Berlin Placer project, in accordance with the PUD Conceptual Development Plan. The GSE Plat will merely allow the various aspects of the project, particularly including the locals housing element, to proceed.

Request

Unfortunately, unanticipated legal challenges have delayed the project from moving forward. We have already received favorable rulings from the district court and are awaiting a decision on a limited appeal of that case. While the timing for this decision is unknown, we are confident that such a ruling will not have a substantive effect on the GSE plat we now propose. After all these long delays, in order not to lose the upcoming 2020 construction season, we would like to continue with the project as expeditiously as possible. Thus, we now submit our application for a GSE Plat to shape the property into six distinct parcels each serving distinct functions. These functions include public open space, private open space, affordable workforce housing, and future development.

The GSE Plat will divide the property into six tracts to facilitate future development. Tracts A and B will be created for the affordable workforce/Habitat for Humanity homes, Tract C will be created for public open space uses, Tract D will be designated as private open space but encumbered by a Public Open Space Easement across its entirety, Tract E will be private open space/common area for the Homeowner Association, and Tract F will be created for the future 14 market rate lots planned in the PUD.

No aspect of this GSE Plat will provide for any sale or development activity for any residential lots or structures without further County development application review—namely preliminary and final subdivision for the market rate lots, and site plan and townhouse platting for the affordable units. Accordingly, no individual residential lots will be created with the GSE Plat—only the six tracts. After the deed restricted workforce housing homes are under construction, townhome plat(s) will be formally submitted to the County for review/approval creating these units so that they may be sold to qualified locals. Two independent homeowner associations will be formed for this development, one for the affordable workforce units and one for the market rate lots, as well as a master homeowner association for both associations with limited authority and responsibility for the development as a whole. As mandated by the PUD and the Development Agreement, as part of these future processes, the County will also have final review authority for the Declarations for the associations, as well as final review and approval of an Agreement for Preservation of Association Maintenance Responsibilities.

The Tracts to be created by this GSE Plat are as follows:

| <u>Tract</u> | <u>Size /Acres</u> | <u>Land Use</u> |
|--------------|--------------------|---|
| A | 2.457 | Affordable Workforce Housing |
| B | 1.171 | Affordable Workforce Housing |
| C | 5.144 | Public Open Space |
| D | 0.810 | Private Open Space/HOA common area with a Public Open Space Easement |
| E | 0.241 | Private Open Space/HOA common area/HOA building and one (1) on-site employee housing unit |
| F | 10.493 | 14 single family lots |
| ROW | 3.095 | Rights-of-way |

Per the terms of the PUD, site disturbance envelopes have been shown on Tracts A and B to contain potential site disturbance.

Moreover, if requested by Planning, we are happy to have some notation on the plat itself, via plat note or otherwise, which acknowledges that all such tracts are future development tracts subject to further development review and approval.

Access

Access to the property will be taken from Baldy Road via Sallie Barber Road. Per the request of the Engineering Department, a 20' easement will be dedicated to the County along the Baldy Road right-of-way for access, drainage, utility and snow storage purposes. Sallie Barber Road will also be improved to County design standards. Berlin Placer Road will be constructed to serve the future workforce housing, common area/homeowner association building, and single family homes on Tracts A, E and F.

Although the driveways serving the future single family market rate homes are not shown on the plat, common driveways are planned to access the future home sites as much as possible to minimize disturbance. The particular details of that driveway plan will be provided in the platting process for Parcel F, which is much more appropriate. We would note that per the access plan of the PUD, future single family Lots 8 and 9 will access from Berlin Placer Road and/or its hammerhead/turnaround area; Lot 10 will access directly off of Sallie Barber Road; and Lots 12 and 13 may utilize a bridge type design to access the future homes on those lots.

A traffic study was prepared by Felsburg, Holt and Ullevig and was reviewed/approved by the Engineering Department with the PUD/Rezoning request. The analysis indicated that in general, the existing roadway system emanating from Sallie Barber Road onto Baldy Road has sufficient capacity to accommodate the projected increase in traffic with the Berlin Placer development. A drainage report and engineered road and driveway plans were also submitted to the Engineering Department for review, and were found to meet all applicable Road and Bridge standards of the Development Code. Civil plans have also been provided with this submittal containing all required roadway, driveway, grading, drainage and utility information. All roads, driveways and associated improvements will meet all applicable requirements of the Development Code. Sallie Barber Road and Berlin Placer Road will be dedicated as public rights-of-way, but maintained by the Owner/Developer. As shown on the proposed plat, an easement for a portion of the Sallie Barber Road crosses through Tract A and will be vacated by a separate document. This portion of the road easement is unnecessary and does not contain any utilities. (Please refer to the proposed plat for details.)

As previously mentioned, the existing bus stop will be relocated adjacent to the property in the Baldy Road right-of-way for safety purposes. (This is a safer location than currently exists based on sight distances, grades and additional waiting area on Baldy Road.) The location and the design of the bus stop and stop shelter have been specified by Summit Stage. Summit Stage has required the use of their standard bus shelter for safety and maintenance reasons. As dictated by the PUD, the bus stop, sidewalks and shelter foundation will be constructed, and the shelter placed, by the Owner/Developer within 18 months of the County's request to do so.

Open Space and Trails

Tracts A and B are wooded with Lodgepole pines, sub-alpine fir and a scattering of spruce trees. All areas disturbed by construction will be revegetated with a Summit County native grass seed mix.

Important trails and trail connections such as the Sallie Barber Trail, and the pivotal connector trail for the Barney Ford and Juniata trails are located within the Berlin Placer property, but currently, public trail easements do not exist for all of them. Per the terms of the PUD, all trails will be dedicated to the County for public non-motorized/passive recreational use; approximately 5.14 acres of open space will be dedicated to the County as public open space; and an additional 0.81 acres will be encumbered by a public open space easement for public recreational uses. All trail easements will be dedicated to the County at the time of Final Subdivision for any portion of the property via the plat itself, or a separate dedication document. Per the PUD and Development Agreement terms, the open space will be formally dedicated in the future no later than at the platting of the 5th market rate lot on nearby Tract F, and likely well before that point in time. A temporary Open Space Easement will be provided to allow for the public's use of the open space and trails until the recordation of that plat.

Many of the trails are unsustainable and in need of repair and/or relocation. Thus, the trails will be relocated as needed by the Owner/Developer in cooperation with the Open Space and Trails Department. (The new trails will meet all County trail design specifications.) As required by the PUD, a minimum 10' separation will be maintained between the trails and the proposed homes, and up to 20' wide trail easements (10' on each side from centerline of the trail) will be dedicated to the County.

Trail improvements are also planned for the Sallie Barber trailhead area that is on Tract C. The parking area will be improved with 20 paved parking spaces that will be designed and located in cooperation with the Open Space and Trails Department and the County Engineer. (We have also agreed to provide for 10 additional spaces adjacent to Tract F if the County determines they are needed sometime in the future.) The Owner/Developer will maintain the parking area with snow plowing and removal in the winter months, and the County will maintain the trailhead for all other purposes and any other trailhead improvements that they install. The parking improvements will also be constructed and dedicated prior to the recordation of the above mentioned plat.

All present trails on the entire Trails at Berlin Placer property will be open during construction, subject only to temporary closure or possible re-routes for periods of necessity. A plan will be developed in cooperation with the Open Space and Trails Department so that construction and recreational use conflicts will be minimized as much as possible.

Thus, with the proposed open space and trail improvements and dedications of the PUD, we believe that no additional public open space or public use area fee is required, particularly at this level of development, when no actual units are being created. This is particularly so in light of the nature of the GSE Plat presently proposed, which, again, does not create any parcels that can be developed or sold without further County reviews and approvals.

Forest Management

A Fuel Modification/Defensible Space Plan has been prepared by Ceres Landcare in order to improve the overall forest health, improve wildlife habitat and reduce the potential for wildfire. The Trails at Berlin property was found to have the “lowest” Wildfire Risk Rating and Wildfire Threat Rating based upon the property’s fuels, topography and weather. As suggested, defensible space around each future home will be created in order to further reduce the intensity of any wildfire—whether the ignition source is within or outside of the property boundaries. The defensible space requirements of Summit County and the Red White and Blue Fire Protection District will be followed. (Please see the attached plan for details.)

Water Supply, Sanitation Disposal and Other Utility Providers

Water will be provided by the Town of Breckenridge for all development on the property. The water supply will serve all indoor and outdoor uses. A letter has been provided from the Town indicating that water is available to serve the project, and per the terms of the PUD and Development Code, a will serve letter will be provided at the time of preliminary plat application. We are currently working with the Town on an Out of Town Water Service Agreement. We understand that we are responsible for all costs associated with providing water to the property.

The Upper Blue Sanitation District (“District”) has the capacity to serve the Trails at Berlin property, and a “will serve” letter from the District has also been provided. All formal measures to provide service to the property will be provided per the Development Code and the District’s regulations. We understand that the Owner/Developer is responsible for all costs associated with bringing wastewater disposal service to the property.

A “will serve” letter from Xcel Energy has also been provided indicating their willingness and ability to provide gas and electric services to the entire Trails at Berlin Placer property. All improvements will be installed per Xcel and Summit County regulations. We understand that we are responsible for all costs associated with bringing gas and electricity to the property.

All new utility lines will be located underground. (There are no existing overhead power lines running through the property.)

Criteria for Decision

Section 8402.01 contains the criteria that must be met in order for the Board of County Commissioners (BOCC) to approve a GSE Plat request. We believe that this request meets the criteria well and have elaborated on each of them as noted below.

- 1. The division of land created by the subdivision exemption is not within the purposes of the State subdivision statutes (C.R.S. section 30-28-133 et. Seq.)*

The proposed division of land is not within the purposes of the Colorado subdivision statutes. As noted, not a single development allowance, without further significant County review, is being created by this process. This GSE Plat merely creates six distinct parcels that are already slated

for distinct purposes and separate means of development review per the PUD and Development Agreement. This approach has been utilized in the County previously. If the County would like us to do so, we will be glad to provide a plat note expressly stating that the property is not amenable to development without additional County development review.

2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.

The Trails at Berlin Placer GSE Plat meets the purpose and intent of the County's Zoning Regulations. The purpose and intent of the County's Zoning Regulations is to ensure that land is developed in a logical, safe and environmentally sensitive manner. The regulations seek to protect the public by ensuring compatibility of adjacent land uses, prohibiting development of environmentally hazardous areas and protecting the natural environment.

The proposed six tracts have been carefully located so that all future development will avoid environmentally sensitive areas and blend into the natural landscape. A Geotechnical Engineering Study, Pavement Design, and Geological Hazards Evaluation has been prepared by HP Kumar. HP Kumar analyzed the property and found the only environmentally hazardous areas to exist are the 30%+ slopes on Tract C and a portion of Tract B that are associated with the historic hydraulic mining activities on the property. These areas will not be developed. Per their recommendations, all buildings will be set back a minimum of 25' from these areas through the use of site disturbance envelopes, and any soil disruption in the 25' will follow the fill/compaction and/or retaining recommendations of the KP Kumar report. (The report was reviewed/approved by the County with the PUD/Rezoning request and is attached to the PUD Designation as Exhibit D. We have included a copy of the report in this GSE Plat application package.)

The future workforce housing units will be clustered together on the south/eastern portion of the site near Baldy Road, and share an integrated design with the single family homes. Those future single family residential lots are consistent with the nearby residential land use patterns., as is the workforce housing Site disturbance envelopes and shared driveways will be used to minimize disturbance as much as possible for the future homes.

Finally, as noted, there are not actually any lots being created, only parcels for future development, and only developed after subsequent County development review.

3. The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).

The purpose of the County's Subdivision Regulations is to ensure the health, safety and welfare of the public and to protect the County's natural resources. The regulations seek to ensure that land is created and developed with adequate utilities and roadway infrastructure, and that development in hazardous areas is prevented.

Adequate infrastructure and utilities exist, or will be brought to the property, per the requirements of the PUD and the Development Code. As mentioned above, water will be provided by the Town of Breckenridge and wastewater disposal will be provided by the Upper Blue Sanitation District.

Both of these entities have already indicated they have the capacity to serve the residential units. We are currently working with the Town on an Out of Town Water Service Agreement and with the District on the District Line Extension Agreement. We understand that all application fees and costs associated with bringing these utilities to the property are our responsibility.

The only hazardous area is the old hydrologic mining area/ 30+% slopes on future Tract C and a portion of Tract B. This area has been avoided and all proposed structures will be setback a minimum of 25' from it.

The proposed GSE Plat for the Trails at Berlin Placer residential community is compatible with the surrounding land uses. No negative impacts to the general public are expected with this development. As mentioned above, the property is an infill development—surrounded by existing residential development of varying sizes. A traffic analysis has been conducted and found that the proposed development will not significantly affect the Level of Service for the community. In fact, the public will benefit numerous ways from the development—Baldy Road and Sallie Barber Road will be improved, 5.14 acres of open space will be dedicated to the County for public recreational uses, another 0.81 acre public recreational easement will be granted to the County, numerous public trail easements will be granted to the County, and a bus pull out area and bush shelter will be constructed by the Owner/Developer for the public's use.

Thus, the application complies with the County's applicable Subdivision Regulations and furthers the public's health, safety and welfare.

4. The proposed subdivision exemption is in general conformance with the advisory goals, policies, and provision of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.

The GSE Plat and the Trails at Berlin Placer community are in general conformance with the Countywide Comprehensive Plan, the Joint Upper Blue Master Plan and the Upper Blue Master Plan. The project meets numerous goals, policies, and recommendations of these master plans relating to land use, housing, open space, trails, forest management, transportation and design and visual resources.

Specifically, the Countywide Comprehensive Plan and Joint Upper Blue Master Plan Land Use elements both recommend locating new development in existing urban areas to the maximum extent practical. The Trails at Berlin Placer property has been designated as an urban area and adequate infrastructure is/will be available to serve the project. The property is essentially an infill site as it is surrounded by varying degrees of development. The layout of the Trails at Berlin Placer community proposed on the GSE Plat has been carefully considered so that hazardous areas are avoided, site disturbance will be minimized, and the rural mountain character of the Upper Blue Basin is preserved. The Trails at Berlin Placer community complements the natural environment, and blends in well with the surrounding neighborhoods.

Housing for locals is important to the overall health, economy and vibrancy of Summit County. The Countywide Comprehensive Plan, Joint Upper Blue Master Plan and Upper Blue Master Plan all contain Housing and Affordable Workforce Housing elements that call to ensure an adequate

and diverse supply of local resident and affordable workforce housing in the County. As mentioned before, homes for locals will be provided in the Trails at Berlin Placer community through the construction and deed restriction of 20 affordable workforce housing units, one Habitat for Humanity Home and one on-site employee housing unit.

All three master plans also contain policies calling for public open space and trails for the benefit of all guests and residents of Summit County. The Trails at Berlin Placer will protect and enhance the recreational opportunities in the Basin through the dedication of 5.14 acres of public open space to the County, 0.81 acres of private open space covered by an public open space easement, the construction of 20 paved public parking spaces at the Sallie Barber Trailhead, and the dedication of numerous important trails/trail connections such as the Sallie Barber, Barney Ford and the Juniata trails to the County for public recreational purposes.

The Trails at Berlin Placer also implements many other goals and policies regarding transportation, forest management and design and visual resources. Please see the list of the various master plans' goals and policies that are met following the discussion of these seven criteria.

- 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.*

A preliminary Geotechnical Engineering Study, Pavement Thickness Design and Geological Hazards Evaluation for the entire Trails at Berlin Property has been prepared by HP Kumar. The only hazardous area is that associated with the old hydraulic mining pit on the northwest portion of the site—proposed Tract C and a portion of Tract B. These areas also contains slopes in excess of 30%. (Please see attached slope analysis for location details.) No development will take place in this area. As recommended by the study, all structures will be located a minimum of 25' away from these slopes through the uses of site disturbance envelopes and all other recommendations of the study will be followed.

- 6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for the years prior to the year in which approval is under consideration, have been paid.*

Please find attached certification from the Treasurer's Office that all ad valorem taxes for the property have been paid as required.

- 7. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.*

We believe that the proposed exemption plat is drawn in accordance with the Subdivision Regulation standards of Chapter 8 and is suitable for recordation. We will be glad to revise the plat with any comments or suggestions the County may have.

Master Plan Conformance

As mentioned in Criteria 4 above, the GSE Plat and the Trails at Berlin Placer community are in general conformance with the Countywide Comprehensive Plan, the Joint Upper Blue Master Plan and the Upper Blue Master Plan. The following is a list of the various master plan vision statements, and policies/actions that are specifically met.

Countywide Comprehensive Plan

Land Use Element

Vision: Guide future land use decisions to ensure that growth occurs in appropriate locations and that our rural mountain character is maintained.

Urban Land Use

Goal A: Focus development within existing urban areas.

Policy/Action 2: Future urban development should be focused within existing urban areas.

Policy/Action 5: Encourage infill, redevelopment and adaptive reuse in urban areas.

5.1: Develop appropriate incentives (e.g., density increases, variances from certain development standards) that encourage infill and redevelopment.

Policy/Action 8: Public spaces, open space, and environmentally sensitive areas should be maintained within urban areas to provide connection to the outdoor environment.

Policy/Action 9: Encourage mixed residential densities to create a diversity of housing types and sizes.

General Land Use

Goal C: Maintain the current level of density in Summit County.

Policy/Action 1: Rezoning, PUDs, or PUD modifications that would result in higher residential densities or increased intensity of uses (e.g., increased vehicle trips, increased square footage) compared to that allowed by existing zoning is not allowed in the County, except as allowed by the Development Code and when one of the following is proposed:

1.1: Transferable Development Rights (TDRs) are used to move density to the site proposed for rezoning.

1.2: The higher density is allocated to deed restricted affordable workforce housing units.

Policy/Action 3: Rezoning and subdivisions should, to the extent practicable, be designed to avoid the following:

- Environmentally sensitive areas*
- Agricultural lands*
- Visually prominent landscapes*

3.1: To the extent practicable, retain healthy trees and forested areas while providing protection of the resources listed above and while allowing for forest management practices necessary for forest health and wildfire prevention.

Environment Element

Environmentally Sensitive Areas

Goal A: Protect and preserve environmentally sensitive areas.

Policy/Action 3: Development in environmentally sensitive areas should be avoided to the maximum extent possible. Minimize and mitigate impacts where site conditions preclude the ability to avoid all environmentally sensitive areas.

3.1. While respecting underlying zoning and density and according to established County design standards and regulations, require that new development employ design and construction techniques that, to the maximum extent practicable, utilize sensitive site design of lots and building envelopes to minimize disturbances to environmentally sensitive areas and provide infrastructure most efficiently.

Policy/Action 6: The County should work cooperatively with homeowner groups and the State and Federal Forest Service to promote healthy and naturally diverse forests while reducing wildfire hazards.

Noise and Light

Goal K: Mitigate the adverse impacts of noise and light.

Policy/Action 1: Encourage site design that uses landscaping and natural buffers to absorb excess noise.

Conservation

Goal L: Promote alternatives that reduce resource consumption in Summit County.

1.5: Support of enhanced public transportation options.

Policy/Action 3: Development in environmentally sensitive areas should be avoided to the maximum extent possible. Minimize and mitigate impacts where site conditions preclude the ability to avoid all environmentally sensitive areas.

3.1. While respecting underlying zoning and density and according to established County design standards and regulations, require that new development employ design and construction techniques that, to the maximum extent practicable, utilize sensitive site design of lots and building envelopes to minimize disturbances to environmentally sensitive areas and provide infrastructure most efficiently.

Noxious Weeds

Goal M: Support the County's weed control program.

Policy/Action 1: Support, sustain, and promote efforts to eradicate noxious weeds from the County.

Policy/Action 2: Work with developers and homeowners to ensure that revegetation and landscaping is weed-free.

Transportation Element

Vision: Maintain and develop a comprehensive, safe, and efficient transportation system, with an emphasis on promoting viable alternatives to the automobile.

Goal B: Promote and develop mass transit programs that are consistent with community values and the rural mountain character.

Policy/Action 1: Work to increase effectiveness of transit service for residents, employees, and visitors.

Housing Element

Vision: Provide for the diverse housing needs of all residents, workers, and guests in the County.

Market Rate Housing

Goal A: Summit County will have a mix of housing that supports visitors, second homeowners, and current and future local residents as their housing needs and conditions change over time.

Local Resident/Affordable Workforce Housing

Goal B: Maintain and ensure an adequate and diverse supply of local resident and affordable workforce housing in the County.

Density

Policy/Action 1: Continue to allow deed restricted affordable housing units, created in conjunction with an up zoning, to be exempted from the need to transfer in development rights.

Design, Diversity, Resource Conservation & Energy Efficiency

Policy/Action 15: Design employee and affordable housing that is compatible with the surrounding neighborhood, complements community character and is of good quality.

Policy/Action 17: Affordable workforce housing developments should provide diversity, including:

- *A range of housing prices for local residents (using the affordability mix set forth in the affordable workforce housing regulations in the Development Code).*
- *A diverse mix of building types to create variety in architecture and diversity among residents (i.e. a mixture of detached single family homes, duplexes, townhouses, etc.).*
- *A variety of home sizes, floor plans and bedroom configurations (i.e. 1bedroom, 2bedroom, and 3bedroom units) to serve a diverse mix of households.*
- *Variety in architecture by using different façade treatments on buildings with similar floor plans.*
- *For development projects that include both market rate residential units and deed restricted affordable workforce housing units, the range of housing types and bedroom configurations for the affordable workforce housing units should be similar to the range of housing types and bedroom configurations for the market rate units in the development. In addition, the affordable workforce housing units shall be constructed with building materials having a compatible exterior style to the market rate units in the development.*

Private Sector Development of Local Resident Housing Regulatory Requirements and Incentives

Policy/Action 19: Provide more local resident housing through a combination of regulatory requirements, incentives, and other strategies/ programs/ measures that are in the community's interest to increase the supply of affordable housing.

- Policy/Action 20: Explore the feasibility and potential effectiveness of adopting and implementing regulatory requirements to further encourage the provision of local resident housing within the County.*
- Policy/Action 21: Encourage the provision of deed restricted affordable housing units in negotiations for discretionary land use decisions, such as PUDs.*
- Policy/Action 22: Revise development standards, procedures or fee structures that are unnecessary inhibitors to the free market development of local resident housing.*
- Policy/Action 24: As part of an affordable workforce housing proposal, a range of strategies and incentives shall be thoroughly evaluated to determine what will be the most effective given the current circumstances (e.g., construction, land or infrastructure costs, AMI, interest rates, waived building fees, etc.). Market rate density (density exempt from TDR requirements) may be allocated as part of an overall affordable workforce housing project to make the project economically viable. The amount of market rate density allocated shall be negotiated on a project specific basis and shall not be a substantial or significant portion of the project.*

Design and Visual Resources Element

Goal B: Ensure that new development is designed in a visually sensitive manner, complementing the surrounding natural environment.

- Policy/Action 3: Mitigate visual impacts by requiring the following, where appropriate: the use of building materials, building design (e.g., building mass, size, and height), colors, location of structures, and landscaping, so that structures blend into the natural landscape.*
- Policy/Action 4: Require the preservation of significant trees, where feasible, while allowing for forest management practices necessary for forest health and wildfire prevention.*
- Policy/Action 5: Amend the Land Use and Development Code to require the undergrounding of new utility lines for new development.*
- Policy/Action 6: The placement of new utilities should be done in a visually acceptable manner, maintaining existing vegetation and landscapes to the maximum extent possible.*
- Policy/Action 7: Require building envelopes and/or disturbance envelopes to be established when necessary in new subdivisions to minimize visual and environmental impacts.*
- Policy/Action 8: Preserve and protect existing significant natural features, such as distinctive landforms (rock outcrops).*
- Policy/Action 9: Larger development projects (12 units or more) should provide a usable outdoor place, to provide a focal point for the site that is readily accessed by residents of the project.*
- Policy/Action 10: Orient buildings to fit with the natural topography, clustering buildings when appropriate so that natural features and usable outdoor spaces are maintained and solar access is maximized.*

Open Space Element

Vision: Preserve, protect, and enhance our County's open space.

Goal A: Preserve and protect the County's open space and minimize the negative impacts on open space associated with development.

Policy/Action 4: Designate a portion of land in new developments for open space purposes, when critical open space is documented.

Recreation and Trails Element

Vision: Develop an integrated recreation system within the County that provides diverse, developed and undeveloped, recreational opportunities for all residents and visitors while protecting unique scenic and natural areas.

Trails

Goal B: Maintain, preserve, and where appropriate, enhance trail management through providing for character, design, access, parking guidelines and protection of environmentally sensitive areas.

Policy/Action 1: Secure trail easements in efforts to carry out community visions, implement basin or subbasin master plans, and create a complete network of interconnected trails.

Policy/Action 2: Maintain the character of existing trails and trailheads using the following guidelines:

2.1: Promote trail design and construction standards, which preserve buffers between trails and developed areas, protect the natural terrain, provide for natural vegetative screening, and have minimal environmental impact.

2.2: Locate buildings and other improvements in a manner that retains the character of the trails and avoids road and driveway crossings (e.g., utilizing setbacks from roads and buildings).

Policy/Action 3: Design trails or trailheads using the following guidelines:

3.5: Design and build trailheads with the use type, volume of use, and capacity of the resource in mind.

3.6: Ensure adequate capacity is provided at trailheads to meet the needs of both recreational use parking and property owners.

Policy/Action 4: Acquire property for trails and trailheads using the following guidelines:

4.1: Work proactively to secure trail easements before or during the development process.

4.2: Negotiate, develop incentives, and work with property owners and developers to provide easements.

Policy/Action 6: Where appropriate, provide for adequate parking to accommodate trailhead needs in a manner which is compatible with surrounding land uses.

Policy/Action 7: Provide for new trail construction in environmentally appropriate areas.

Goal C: Continue to develop and manage a complete network of interconnected and multiuse trails in cooperation with other public and private entities.

Policy/Action 5: Develop/negotiate incentives and work with property owners and developers in acquiring and providing trail easements and access to significant summer and winter routes.

Goal D: Develop a unique set of strategies to handle the impacts associated with urban interface areas and the national forest in order to manage impacts from high density recreational use.

Policy/Action 1: Create functional trail networks in current urban interface areas that accommodate higher concentrations of use.

Policy/Action 2: Formalize existing social trails, where appropriate and sustainable, in urban interface areas to connect neighborhoods to regional trail systems, and to ensure compatibility with existing land use and natural resource values.

Joint Upper Blue Master Plan

Land Use

Goal A: Future land use decisions should advance an urban/rural development pattern and not increase overall density in the Basin.

Policy/Action 1: Locate new development within existing urban areas to the maximum extent possible.

Policy/Action 3: No new density (beyond that currently zoned) shall be approved or allocated to any parcel within the Basin unless such density is transferred to the proposed development site in accordance with the guidelines established in basin transferable development rights (TDR) programs and the Towns and County Development Codes.

- *An exception to the density cap shall be allowed for deed-restricted affordable workforce housing units, as described in the Affordable Workforce Housing section.*

Policy/Action 4: Rezoning or other actions which increase density beyond the level currently zoned should require a transfer of development rights in accordance with established TDR program regulations. Exceptions to the transfer requirements include community facilities and institutional uses and affordable housing as identified in the Affordable Workforce Housing section.

Policy/Action 7: Individual sites should be developed within the limitations of site specific constraints and overall infrastructure and service capacities within the Basin.

Affordable Workforce Housing

Goal F: Consistent with demand studies, increase the supply of affordable workforce housing within the Basin by pursuing the goals, policies and implementation strategies set forth in the County's Countywide Comprehensive Plan Housing Element, Upper Blue Master Plan Housing Element, Joint Summit County Housing Strategy, and Town of Breckenridge 2008 Workforce Housing Action Plan.

Policy/Action 1: Affordable workforce housing should be located within urban areas of the Basin or within close proximity to employment centers, and should be sited to allow convenient access to public transit, to ensure the efficient provision of infrastructure and utilities (i.e., minimize required extension of services into rural, outlying areas) and to provide opportunities for infill and redevelopment within the existing urban area.

Policy/Action 4: The local governments should provide appropriate incentives such as land, density, and, to the extent possible, financing, fee waivers and tap fees to facilitate the development of affordable workforce housing within the Basin by the private sector.

- Incentives and other measures, which seek to provide adequate supplies of affordable workforce housing, shall not be pursued at the expense of other important master plan policies or development standards that would otherwise limit development (e.g., regulations intended to protect wetlands or other environmentally sensitive areas from development).*

Forest Management

Goal J: Continue to design, fund and implement projects in the Basin that will:

- Protect the public safety at the homeowner level, the subdivision level and the community level.*
- Protect the public infrastructure.*
- Protect healthy forests.*
- Incentivize reforestation.*
- Restore forest health and maintain the health of the surrounding ecological structure...*

Policy/Action 3: Support individual property owners in: creating defensible space; reducing fuels on their properties; using firewise plant materials; and using fire resistant exterior building materials and construction methods. At the same time, work with home owners to retain and replant visual buffers wherever feasible.

Open Space and Trails

Goal L: The County and Town of Breckenridge should continue to work cooperatively to jointly acquire and protect open space and improve the trail network in the Basin.

Policy/Action 1: A rich and varied trail network that provides a variety of recreational opportunities should be preserved and enhanced. This network shall also provide for easy accessibility from residential neighborhoods and the core area of Breckenridge to public lands, trails, water and other recreation areas.

Policy/Action 2: Public access to public lands and water should be retained wherever it exists and should be obtained wherever feasible where it does not currently exist.

Policy/Action 5: Improve and develop trail heads in order to facilitate easy public access to trails and minimize potential user conflicts.

Infrastructure and Community Service

Policy/Action 1: Development should be located adjacent to existing communities, when consistent with desired land use patterns, and designed so as to minimize the need for expansion of services.

Policy/Action 2: New growth should be responsible for funding the capital improvements which it requires. The developers of new residential or commercial density should be responsible for all necessary capital improvements.

Other Significant Basin Issues

Goal J: Continue to design, fund and implement projects in the Basin that will:

- Protect the public safety at the home owner level, the subdivision level and the community level.*
- Protect the public infrastructure.*
- Protect healthy forests.*
- Incentivize reforestation.*
- Restore forest health and maintain the health of the surrounding ecological structure.*
- Maintain the aesthetic qualities of the Basin wherever feasible by striking an appropriate balance between aesthetics and what is necessary to protect the public safety and infrastructure.*

Policy/Action 3: Support individual property owners in: creating defensible space; reducing fuels on their properties; using firewise plant materials; and using fire resistant exterior building materials and construction methods. At the same time, work with home owners to retain and replant visual buffers wherever feasible.

Policy/Action 7: Incentivize and increase reforestation efforts including reseeding, weed control, and replanting of trees and shrubs to promote forest and habitat regeneration, watershed protection and species and age diversification.

Redevelopment

Goal R: Plan for infill and redevelopment of properties within the urban areas of the Basin, to guide such development activities in a manner that is consistent with the vision of this Plan and desired community character.

We feel that the manner in which these policies are satisfied, and in fact fostered, by this project, speak for themselves. We would be happy to elaborate on the particular manner in which these policies apply in person, or in a separate addendum to this narrative, if requested. We would also emphasize that these policies, and the applicable master plans, were meticulously addressed and considered during the PUD review process. That PUD manifests the very extensive master plan compliance related to this overall Trails at Berlin Placer project. This GSE Plat is based strictly off the PUD design and concept, thus it naturally follows that the GSE Plat reflects this same master plan conformity that the BOCC already readily found to exist at the PUD stage.

Upper Blue Master Plan

Land Use Element

Goal A: Future land use should be consistent with a land use pattern that focuses growth in existing urban areas and seeks to maintain the character of rural areas in the basin.

Affordable Workforce Housing Element

Goal B: Increase the supply of affordable workforce housing in the Upper Blue Basin through promoting or facilitating opportunities, strategies and proposals that guide, plan for and provide affordable workforce housing.

Policy/Action 1: Support the Countywide Comprehensive Plan goals and polices / actions regarding affordable workforce housing (e.g., deed-restricted affordable workforce housing units should be exempt from requirements to transfer density).

Policy/Action 2: The following sites or general locations (as identified in Table 4 and/or on the Upper Blue Basin Affordable Workforce Housing Map) have been identified as potentially appropriate for affordable workforce housing (in addition to other possible identified land uses). The general guidelines, when applicable, should be used to shape possible proposals on these sites / properties.

Recreation and Trails Element

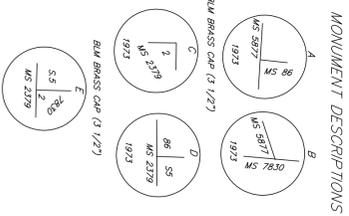
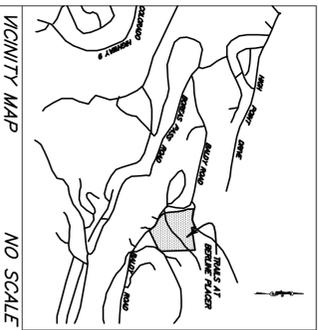
Goal E. Maintain and improve recreational and trail access throughout the Basin.

Policy/Action 1: Ensure that access to significant trails and trailheads as identified on the Significant Summer and Winter Route Maps is secured and maintained.

Policy/Action 5: Secure easements, property interests, or other agreements to retain winter public recreational access including, but not limited to, the following locations...

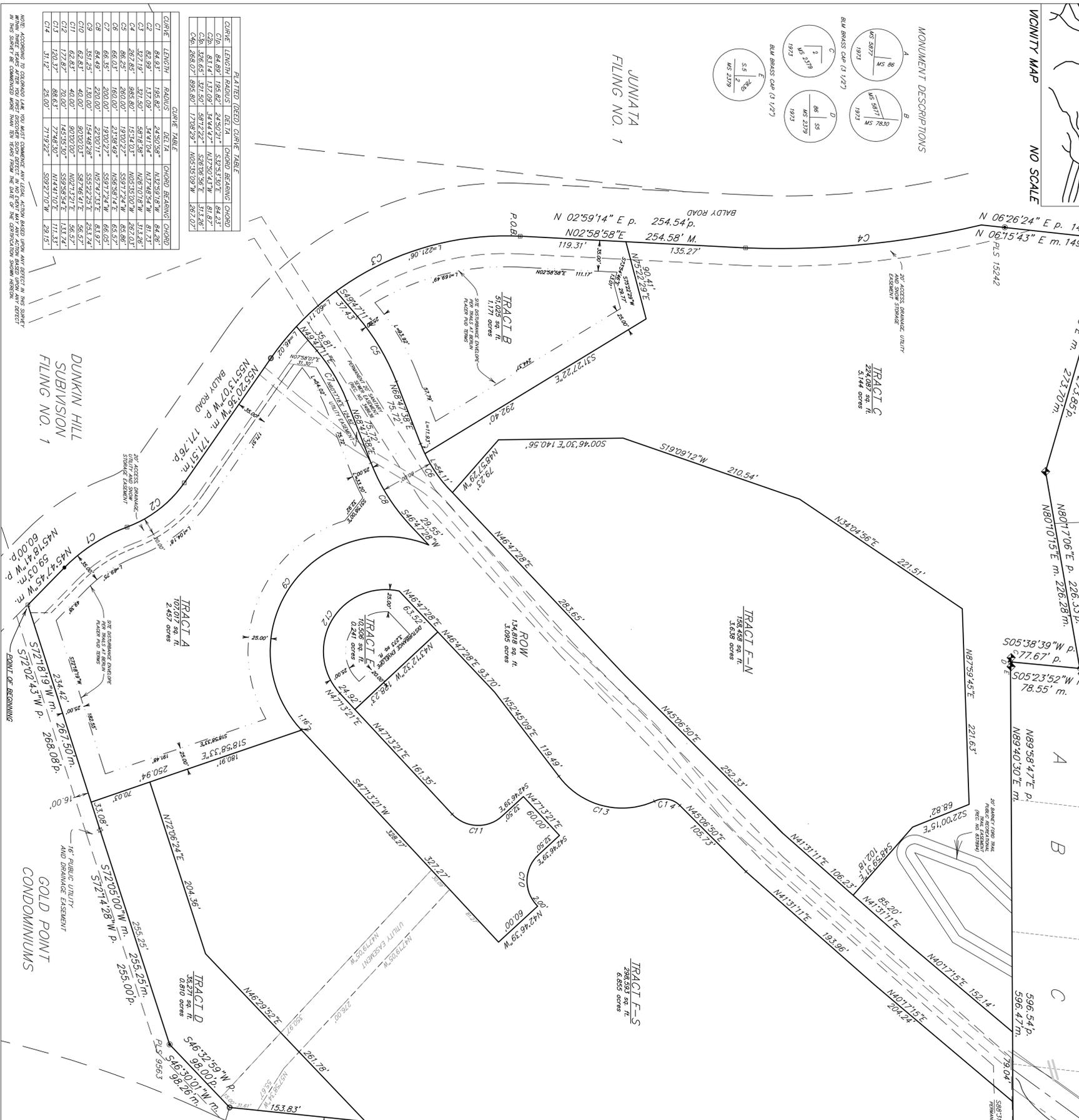
Conclusion

We believe that the proposed GSE Plat is in accordance with the Subdivision Standards, and is in conformance with the Countywide Comprehensive Plan, the Joint Upper Blue Master Plan and the Upper Blue Master Plan. The GSE Plat meets all of the review/approval criteria of section 8402.01 well. As envisioned by the PUD and Development Agreement, the proposed plat is the first step in facilitating the development of the Trails at Berlin Placer community, and most importantly, the timely construction of the affordable workforce housing units on Tracts A and B.



JUNATA
FILING NO. 1

A SUBDIVISION EXEMPTION PLAT OF
TRAILS AT BERLIN PLACER
AND THE T.H. FULLER PLACER (M.S. NO. 86)
LOCATED IN SECTION 5, T7S, R7W OF THE 6TH P.M.
SUMMIT COUNTY, COLORADO



| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD |
|-------|--------|---------|-----------|---------------|--------|
| C1A | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1B | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1C | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1D | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1E | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1F | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1G | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1H | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1I | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1J | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1K | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1L | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1M | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1N | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1O | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1P | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1Q | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1R | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1S | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1T | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1U | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1V | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1W | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1X | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |
| C1Y | 84.91' | 196.82' | 24.50/58° | N42°59'18"W | 84.26' |
| C1Z | 84.91' | 196.82' | 24.50/58° | S42°59'18"E | 84.26' |

NOTE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN FIVE (5) YEARS FROM THE DATE OF THE CERTIFICATION SIGNATURE HEREON.

DUNKIN HILL
SUBDIVISION
FILING NO. 1

GOLD POINT
CONDOMINIUMS

WOODMOOR AT
BRECKENRIDGE
BLOCK 1

PARCEL 2, V3 RANCH



SURVEYOR'S CERTIFICATE:
I, ROBERT R. JONES, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS CONDUCTED AND THE DATA THEREON WAS OBTAINED AND UNDER MY SUPERVISION AND THAT BOTH ARE ACCORDING TO THE BEST OF MY KNOWLEDGE.
DATED THIS _____ DAY OF _____, 20____.
SIGNATURE: _____
ROBERT R. JONES, P.L.S.
COLORADO REGISTRATION NO. 26292

DEDICATION:
KNOW ALL PERSONS BY THESE PRESENTS THAT LANCE BERGER, LLC BEING THE OWNER OF THE LAND DESCRIBED AS FOLLOWS:
A PARCEL OF LAND BEING A PORTION OF THE BERLIN PLACER (M.S. 2379) AND A PORTION OF THE T.H. FULLER PLACER (M.S. 86) LOCATED IN SECTION 5, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWESTERLY CORNER OF GOLD POINT CONDOMINIUMS (REC. NO. 298334), THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BALDY ROAD (CO. RD. NO. 520), FOR 1) 149.4749' W A DISTANCE OF 59.03 FEET;
2) 84.83 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 132.09 FEET, A CENTRAL ANGLE OF 24.5058° AND A CHORD WHICH BEARS N42°59'18"W 84.26 FEET;
3) 82.29 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 121.50 FEET, A CENTRAL ANGLE OF 34.9104° AND A CHORD TO THE RIGHT HAVING A RADIUS OF 121.50 FEET;
4) 155.2056' W A DISTANCE OF 171.51 FEET;
5) 127.19 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 121.50 FEET, A CENTRAL ANGLE OF 59.0358° AND A CHORD WHICH BEARS N42°59'18"W 84.26 FEET;
6) 102.5859' E A DISTANCE OF 254.58 FEET; TO THE LEFT HAVING A RADIUS OF 965.80 FEET, DISTANT TO A POINT ON THE RIGHT-OF-WAY LINE FOR SAID BALDY ROAD;
THENCE ALONG THE FOLLOWING 5 COURSES:
1) N07°15'43"E A DISTANCE OF 149.39 FEET;
2) N89°40'30"W A DISTANCE OF 228.28 FEET;
3) N89°40'30"W A DISTANCE OF 228.28 FEET;
4) S02°23'52"W A DISTANCE OF 78.55 FEET;
5) N89°40'30"E A DISTANCE OF 596.47 FEET TO THE NORTHWEST CORNER OF BLOCK 1, WOODMOOR AT BRECKENRIDGE (REC. NO. 198911); TO THE NORTHERLY BOUNDARY LINE OF SAID GOLD POINT CONDOMINIUMS, THENCE ALONG SAID NORTH BOUNDARY LINE FOR THE FOLLOWING 3 COURSES:
1) S45°30'17" W A DISTANCE OF 96.26 FEET;
2) S27°19'19" W A DISTANCE OF 267.50 FEET TO THE POINT OF BEGINNING, CONTAINING 23.407 ACRES, MORE OR LESS.

TREASURER'S CERTIFICATE:
I, THE UNDERSIGNED DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF TAXES AND ASSESSMENTS DUE AND PAYABLE AS OF _____ UPON ALL PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.
DATED THIS _____ DAY OF _____, 20____.
SIGNATURE: _____
SUMMIT COUNTY TREASURER

TITLE COMPANY CERTIFICATE:
THE COMPANY DOES HEREBY CERTIFY THAT IT HAS EXAMINED THE TITLE TO ALL LANDS AS SHOWN HEREON AND TITLE TO SUCH LANDS IS IN THE DONOR'S FREE AND CLEAR OF ALL LIENS, TAXES, AND ENCUMBRANCES, EXCEPT AS FOLLOWS:
DATED THIS _____ DAY OF _____, 20____.
AGENT: _____

BOARD OF COUNTY COMMISSIONERS' APPROVAL:
THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, DOES HEREBY APPROVE THIS SUBDIVISION EXEMPTION PLAT AT A MEETING _____ AND HEREBY ASSISTS IN THE DEDICATION OF PUBLIC RIGHTS-OF-WAY, UTILITY EASEMENTS AND OTHER PUBLIC AREAS AS SHOWN HEREON. ACCEPTANCE OF PUBLIC RIGHTS-OF-WAY FOR STREETS OR ROADS DOES NOT CONSTITUTE ACCEPTANCE FOR MAINTENANCE OF ROADS CONSTRUCTED THEREIN. THE PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS CONCERNING THE DEDICATION OF PUBLIC RIGHTS-OF-WAY SHALL BE ADOPTED IN LETS OF THE SUMMIT COUNTY ROAD & BRIDGE DESIGN AND CONSTRUCTION STANDARDS.

RECORDER'S ACCEPTANCE:
THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDED ON THIS _____ DAY OF _____, 20____ AND FILED FOR RECORD AT _____ M., UNDER RECEPTION NUMBER _____
SIGNATURE: _____ BY: _____
SUMMIT COUNTY CLERK AND RECORDER

| | | |
|---------------|-----------------|---------------|
| Drawn DPB/RRU | Dwg 21728SUB | Project 21728 |
| Checked RRL | Date 03/04/2020 | Sheet 1 of 1 |

R-A-N-G-E-W-E-S-T, INC.
ENGINEERS & SURVEYORS
P.O. Box 589
Silverthorne, CO 80498 970-468-6261

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 of the BOCC

ATTEST:

Kathleen Neel, Clerk & Recorder