



PLANNING DEPARTMENT

970.668.4200
www.SummitCountyCO.gov

0037 Peak One Dr. | PO Box 5660
Frisco, CO 80443

**LOWER BLUE PLANNING COMMISSION
AGENDA**

JUNE 1, 2023 – 5:30 P.M.

**This meeting will be conducted in person at:
Buffalo Mountain Room
County Commons
0037 Peak One Dr.
Frisco, CO 80443**

The public is welcome to attend in person or via Microsoft Teams by using the following information:

To join from your computer or laptop:

<https://events.teams.microsoft.com/event/29cefdea-868a-429e-ae6e-241016b0c087@6fe210fb-c133-4ace-8c88-21cb41bf0710>

Meeting ID for computer or laptop: 268 523 398 301

Passcode for computer or laptop: Z6JPFt

If you are joining from your computer or laptop, you will need to register by following the above link. Once registered, you will receive an email with the link to join.

Unless you have the Teams app, please click *Join from Browser* to avoid having to download the app.

**To Join the Meeting from your phone, dial
(719) 501-2619**

Meeting ID for call-in only: 722 294 880#

To raise your hand in the meeting to be granted permission to speak, press *5; to unmute, press *6

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF SUMMARY OF MOTIONS:** October 6, 2022
- IV. APPROVAL OF AGENDA:** Additions, Deletions, Change of Order
- V. NEW BUSINESS**
 - No items
- VI. CONSENT AGENDA**
 - No Items
- VII. PUBLIC HEARINGS**
 - PLN23-024: Class 5: Preliminary rezoning of a 19.26 acre lot zoned Natural Resources-2 (NR-2) to Agricultural-I (A-1)
- VIII. WORK SESSION ITEMS**
 - No Items
- IX. DISCUSSION ITEMS**

X. ADJOURNMENT

* Allowance for Certain Site Plans to Be Placed on the Consent Agenda: Site plan reviews consisting of three (3) to a maximum of 12 multi-family units for the total development parcel or project may be placed on a Planning Commission's "consent agenda", which allows for expeditious review and approval of these smaller projects. Site plans may only be placed on the consent agenda if the recommendation does not include any conditions. Single-family and duplex development that are required to have a site plan review by a Planning Commission due to a plat note, PUD requirement or other regulatory mechanism may also be placed on a Commission's consent agenda. A Planning Commission member may pull such agenda item off the consent agenda to allow staff or the applicant to address issues or questions related to the site plan review criteria for decision prior to taking action.

LOWER BLUE PLANNING COMMISSION

MEETING MINUTES

October, 10, 2022

LOWER BLUE PLANNING COMMISSION MEMBERS PRESENT: David Domzal, Rajeev Malik, James Donlon, Ashley Smith, Michael Good, Christina Waters, Joe Newhart, Maggie Hillman, and John Longhill.

STAFF PRESENT: Jim Curnutte, Planning Director, Jessica Potter, Brandi Timm, Jen Uhler

CALL TO ORDER:

David Domzal, Chair called the meeting of the Lower Blue Planning Commission to order at 5:30 pm.

APPROVAL OF SUMMARY OF MOTIONS: Michael Good moved to approve the Summary of Motions from the 4/7/22 meeting, with a minor correction. The motion was seconded by Maggie Hillman. The Summary of Motions was approved by a unanimous vote of 6-0. (Rajeev Malik and Christina Waters were not there)

APPROVAL OF AGENDA: The agenda was approved and submitted.

NEW BUSINESS - None

CONSENT AGENDA - None

PUBLIC HEARINGS - None

WORK SESSION ITEMS PLN22-060 & PLN22-061: Discussion of proposed revisions to the Short-Term Rental (STR) Regulations and Ordinance.

DISCUSSION ITEMS

ADJOURNMENT:

Jim Donlon made a motion to adjourn the meeting. The motion was seconded by Ashley Smith. The motion was approved by a unanimous vote of 8-0. The meeting was adjourned at 9:0 pm.

Respectfully submitted,

Jim Curnutte, Planning Director



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STAFF REPORT

TO: The Lower Blue Planning Commission (“LBPC”)
FROM: Simon Corson, Planner II
FOR: Meeting of June 1, 2023
SUBJECT: PLN23-024: Class 5: Preliminary rezoning of a 19.26 acre lot zoned Natural Resources-2 (NR-2) to Agricultural-I (A-1)
APPLICANT: Summit County Planning Department
OWNER: Summit County Board of Commissioners
REQUEST: Preliminary rezoning of a 19.26 acre lot zoned Natural Resources-2 (NR-2) to Agricultural-I (A-1)

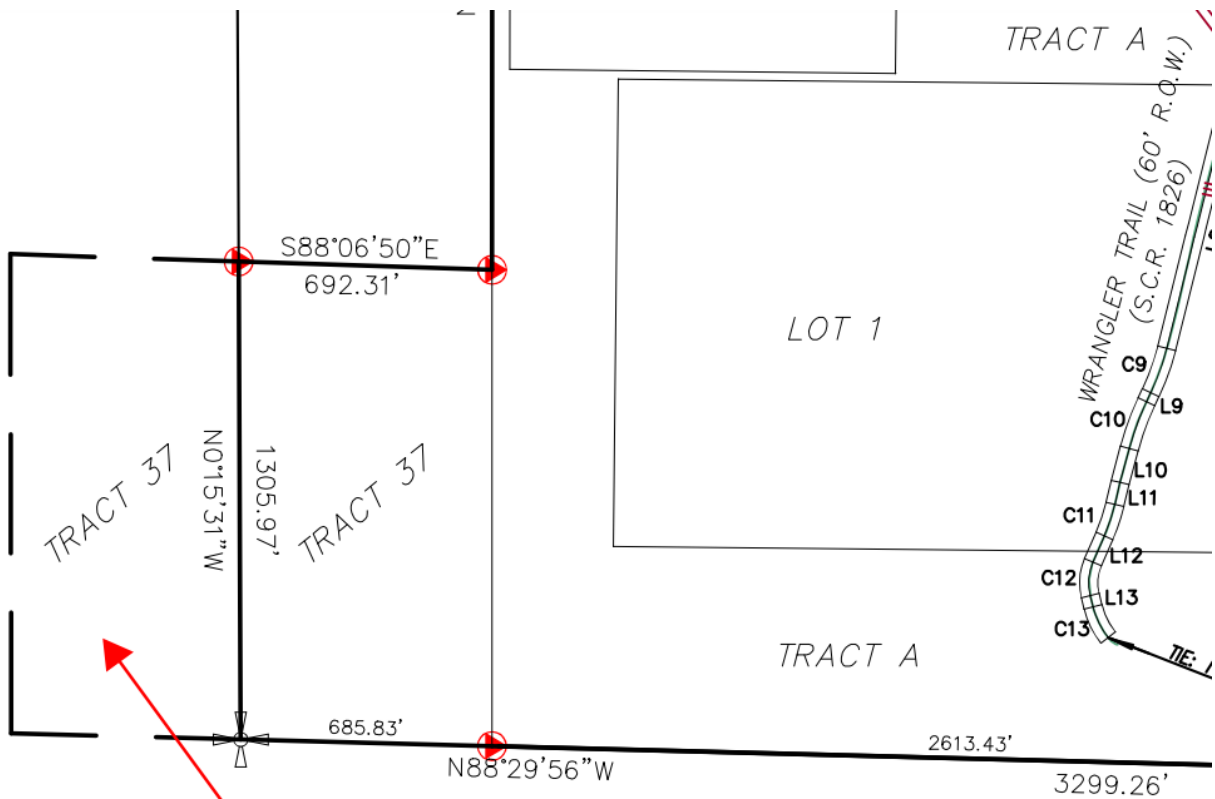
PROJECT DESCRIPTION

General Location: Southwest of the Spring Creek Ranch PUD
Legal Description: TR 2-81 Sec 13 Qtr 4 Acres 19.2600 AKA PART OF GOV TR37 IN SE1/4
Proposed Use: Agricultural
Total site area: 19.23 acres
Adjacent land uses:
East: Shadow Creek Ranch I (zoned A-1)
West: USFS lands (zoned NR-2)
North: USFS lands (zoned NR-2)
South: USFS lands (zoned NR-2)

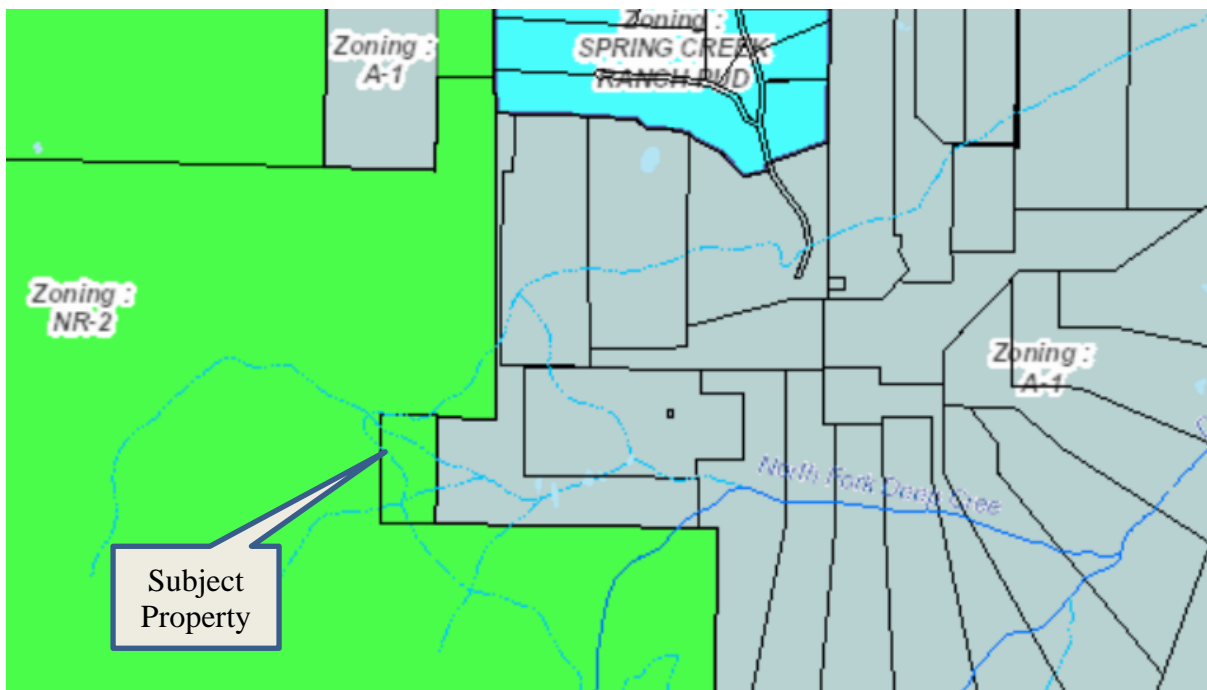
Background:

The subject property is 19.26-acre parcel currently zoned NR-2. The property was acquired by the Summit County Board of County Commissioners by Treasurer’s Deed on February 16, 2016, and recorded under Reception number #1104760. The background to this acquisition begins with a resurvey by the General Land Office which resulted in a portion of the Shadow Creek Ranch Owners Association’s (“Association”) property becoming a separate parcel as shown below (Note, the portion of Tract 37 owned by the Association has since become part of Tract A.). The General Land Office resurvey was not recorded in the Summit County Clerk and Recorder records and the western portion of Tract 37 was not accordingly described in any deeds to the Association Property. The Association and the County agree that the subject property should be transferred to the Association and re-zoned as A-1 like the rest of the Association owned property. However, the property will be conveyed by the County with a conservation easement that will prohibit any dwelling units or structures on the property.

Vicinity & Zoning Map



PORION OF TRACT 37 OMITTED FROM SHADOW CREEK RANCH OWNERSHIP



Criteria for Decision:

Section 12104.03 of the Code states that the Planning Commission may recommend approval of a preliminary zoning amendment, and the BOCC may approve such a preliminary zoning amendment, only if the application meets all relevant County regulations and standards and provided the Review Authority makes the following findings:

- A. The proposed rezoning is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
- B. The proposal is consistent with the purpose and intent of the County's Zoning Regulations.
- C. The proposal is consistent with the County's Rezoning Policies.
- D. The proposed rezoning is compatible with present area development and will not have a significant, adverse effect on the surrounding area.
- E. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- F. The proposed rezoning is justified either by the fact that the original zoning was in error, there have been changes in conditions in the vicinity or there have been changes in the County's overall development policy.

General Conformance with Master Plan Goals and Policies

The County's master plans are advisory documents and contain recommendations of the vision for the community in a number of different areas (e.g., envisioned use of land) and such goals or policies do not have the force and effect of law. Nevertheless, the Development Code makes "general conformance" with the provisions of master plans a requirement for certain development applications. The BOCC and planning commissions have the authority to consider and even require compliance with these plans and certain goals and policies contained therein in particular applications (i.e. rezonings, PUDs, subdivisions, CUPs and regulatory revisions).

When using and applying a master plan, a Review Authority (i.e. BOCC, Planning Commission or Staff) is entitled to discretion in evaluating whether there has been "general conformity" and compliance with the County's master plans and assigning weight to particular goals and policies in the plans on a case-by-case basis. Accordingly, Chapter 15 of the Development Code defines general conformance as:

"When a development application is evaluated regarding its general conformance with applicable master plans, the Review Authority shall evaluate the application against the entirety of the goals, policies and actions contained in the master plans and need not require compliance with every provision contained therein. Nonetheless, the Review Authority may require that an applicant satisfy any particular goal, action or policy if such compliance is deemed necessary to attain general conformance."

The Countywide Master Plan (Comprehensive Plan), Lower Blue Master Plan (Master Plan), each have policies that are applicable to this application. This application presents an opportunity for the Commission to consider the relative weight of particular goals and policies for this particular proposal, as intended under the scope of determining "general conformity".

Staff believes that this proposal is in conformance with Summit County Countywide Comprehensive Masterplan as well as the Lower Blue Master Plan. The Countywide Master Plan contains Land Use Goals for rural areas such as, "Goal B. Future land use decisions in rural areas should be consistent and harmonious with the rural character of the land." This Goal is supported in part by Policy/Action 3, which

states that, “rural area should have low residential densities that serve to minimize conflicts with traditional uses (e.g., ranching, recreation, resource extraction) and maintain compatibility with existing uses.” This rezoning helps to keep residential densities low by not allowing residential dwellings on the property and permits the traditional use of ranching to continue undisturbed.

This rezoning would not change the character of the Lower Blue Basin as there are hundreds of acres of land with A-I zoning located to the east of this property and the existing property into which this parcel will be integrated is currently zoned A-I. Given that the acreage of the subject property is 19.26-acres, i.e., nonconforming with respect to the minimum lot size in the A-I zoning district, the Planning Department can make the finding that no additional residences will be possible as a result of this proposed rezoning. The conservation easement will also prohibit additional density and residential structures on this parcel. The Lower Blue Master Plan articulates that most of the Basin outside of the urbanized area around the Town of Silverthorne should retain its existing development patterns and seek to limit future subdivision potential. The rezoning proposal is consistent with the goals of the Lower Blue Master Plan because the continuation of the haying operation on this parcel matches the rural character of the Basin.

Consistency with the Purpose and Intent of the County’s Zoning Regulations

Staff believes that the proposed rezoning is consistent with the County’s Zoning Regulations because the proposed change from NR-2 zoning to A-I zoning better matches the agricultural and ranches uses taking place on this property, as well as the hundreds of acres to the east of this property. These adjacent lands are owned by the Shadow Creek Ranch Owner’s Association. The subject parcel’s ownership would be transferred to the Association following the conclusion of the rezoning process.

A-I (Agricultural-I)

“It is the intent of the Agricultural Zoning District to preserve agricultural and ranching uses. The uses, densities and standards established for this zoning district are intended to protect existing agricultural character, while providing for low intensity use of natural resources, limited residential and recreational development and other compatible uses. Residential densities are limited to no more than one (1) primary dwelling unit/20 acres unless greater densities are allowed through a rural land use subdivision (see Section 8420 et seq.). With the exception of approved rural land use subdivisions, each primary dwelling unit shall be located on a separate lot of at least 20 acres.”

Once the subject property is deeded to the Association, it will become subject to an existing conservation easement between the Association and the County regarding the property known as Shadow Creek Ranch Subdivision. The Summit County Attorney’s Office and the Open Space and Trails Department are working with the Association to incorporate the subject parcel into the conservation easement boundary. The property will be restricted to “Open Space” as defined in the conservation easement. These efforts are taking place concurrently with this rezoning application that has been prepared by the County’s Planning Department.

This proposal seeks to rezone this 19.26-acre parcel from the presently held Natural Resources-2 (NR-2) zoning designation to Agricultural-I (A-I) zoning. Once conveyed to the Association, the subject property will be used for haying operations and other ranching and agricultural purposes as well as the preservation of open space. The Planning Department supports this application because A-I zoning is the most appropriate zoning designation for how this property will be utilized. This rezoning would not change the character of the Lower Blue Basin as there are hundreds of acres of land with A-I zoning located to the east of this property and the existing property into which this parcel will become part of is currently zoned A-I. NR-2 zoning is intended for conservation land owned by the Federal government or the State of Colorado. The NR-2 zoning designation allows for lands to be used for public outdoor recreation and

for natural resource preservation. While the agricultural use on the subject property is viewed as an environmentally sound use of natural resources, it is acknowledged that the A-I zoning designation is a better match for the activities taking place on this property as compared with the current NR-2 zoning designation. A-I zoning is intended for agricultural and ranching uses, which is consistent with the objectives of Shadow Creek Ranch Owner's Association. The residential density of an A-I zoned parcel is one residential dwelling per a minimum of 20 acres. Given that the acreage of the subject property is 19.26-acres, the Planning Department can make the finding that no additional residences are possible as result of this proposed rezoning. The conservation easement will also prohibit additional density and residential structures on this parcel.

Consistency with the County's Rezoning Policies (Section 3200 Et. Seq.)

Summit County has established policies (referred to herein as "Rezoning Policies") that apply whenever a zoning amendment (rezoning) is proposed in the unincorporated area of the County (Section 3200 et seq.). These Rezoning Policies are intended to ensure that land with development constraints is avoided in accordance with the policies contained herein and is designed in a manner consistent with the terrain and natural features of the site and is compatible with existing development in the vicinity. The Rezoning Policies are also intended to ensure that there is adequate infrastructure to accommodate a proposed zoning amendment, a project can accommodate the necessary improvements and wildfire hazards are mitigated. The Rezoning Policies in Section 3202 et seq. shall be applied by the Review Authority to all zoning amendment applications.

In determining appropriate densities for a particular property, the Review Authority shall take into account:

- the property's physical characteristics;
- the location of the property relative to available infrastructure, including but not limited to roads, water, sewer and other utility services, police protection and fire protection;
- the degree and intensity of development in the vicinity;
- the character of the surrounding neighborhood; and
- applicable master plan and TDR policies (e.g. preserving backcountry areas, preserving land with development constraints, or protecting water quality).

Staff believes that this proposal is consistent with the County Rezoning Policies. This determination was made through an analysis of the types and densities of land uses to be permitted should the proposed change from the NR-2 zoning to A-I zoning be approved. The agricultural and ranching uses proposed represent a logical land use pattern given that there are hundreds of acres of land with A-I zoning located to the east of this property.

The Proposed Rezoning is Compatible with Present Area Development, and Will Not Have a Significant, Adverse Effect on the Surrounding Area

The proposed rezoning is compatible with the present area development because this proposal will allow the continuation of haying operations and other ranching and agricultural purposes as well as the preservation of open space. This proposed rezoning is not anticipated to have any adverse effects on the surrounding area. To ensure that there are no significant adverse impacts on the neighboring properties, the Summit County Attorney's Office and the Open Space and Trails Department are working with the Association to incorporate the subject parcel into the conservation easement boundary. The property will be restricted to "Open Space" as defined in the conservation easement. These efforts are taking place concurrently with this rezoning application which provides the Planning Department with additional evidence to make the finding that there will be no significant adverse effect on the surrounding area as result of this rezoning application.

The Proposal is Consistent with Public Health, Safety and Welfare, as Well as Efficiency and Economy in the Use of Land and Its Resources

The proposed A-I zoning is the most appropriate zoning designation for how this property is currently being used, and for how it would be utilized in the future. The property's current zoning designation is NR-2 which is intended for lands to be used for public outdoor recreation and for natural resource preservation. While the agricultural use on the subject property is viewed as an environmentally sound use of natural resources, it is acknowledged that the A-I zoning designation is a better match for the activities taking place on this property as compared with the current NR-2 zoning designation. The objectives of the Shadow Creek Ranch Owner's Association are consistent with the agricultural and ranching uses allowed under the A-I zoning designation. As such, the Planning Department can make the finding that this proposed amendment to the Official Zoning Maps is consistent with public health, safety, and welfare, as well as the efficiency and economy in the use of land and its resources.

The Proposed Rezoning is Justified Either by the Fact that the Original Zoning Was in Error, there have been Changes in Conditions in the Vicinity or there have been Changes in the County's Overall Development Policy

Staff believes that the proposed rezoning is justified because the original zoning was in error. The property was acquired by the Summit County Board of County Commissioners by Treasurer's Deed on February 16, 2016, and recorded under Reception number #1104760. As related in the background section above, an error in recording a GLO survey resulted in the property not being shown or described in any deeds to the Association, and it appeared as a separate property for tax purposes. The Association and the County have agreed that the subject property should be transferred to the Association and re-zoned as A-I like the rest of the Association owned property.

Staff Recommendation

Staff recommends that the Planning Commission recommend approval to the BOCC of PLN23-024, a preliminary rezoning of a 19.26 acre lot zoned Natural Resources-2 (NR-2) to Agricultural-I (A-I) to with the following findings:

Findings:

1. The proposed rezoning is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
2. The proposal is consistent with the purpose and intent of the County's Zoning Regulations.
3. The proposal is consistent with the County's Rezoning Policies.
4. The proposed rezoning is compatible with present area development and will not have a significant, adverse effect on the surrounding area.
5. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
6. The proposed rezoning is justified because the original zoning was in error. The property was acquired erroneously by the Summit County Board of County Commissioners by Treasurer's Deed on February 16, 2016, and recorded under Reception number #1104760.

ATTACHMENTS

Attachment A: Applicant's Narrative

Attachment B: Applicant's Criteria for Preliminary Rezoning Statement

Attachment C: Applicant's Locus Map



PLANNING DEPARTMENT

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0037 Peak One Dr. PO Box 5660
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March 24, 2023

Summit County Colorado Board of County Commissioners
208 Lincoln Ave; PO Box 68
Breckenridge, CO 80424

RE: PLN23-024; Class 5 Preliminary Rezoning of a 19.26-acre parcel from NR-2 to A-I, property located to the southwest of the Spring Creek Ranch PUD; TR 2-81 Sec 13 Qtr 4 Acres 19.2600 AKA PART OF GOVTR 37 IN SE1/4

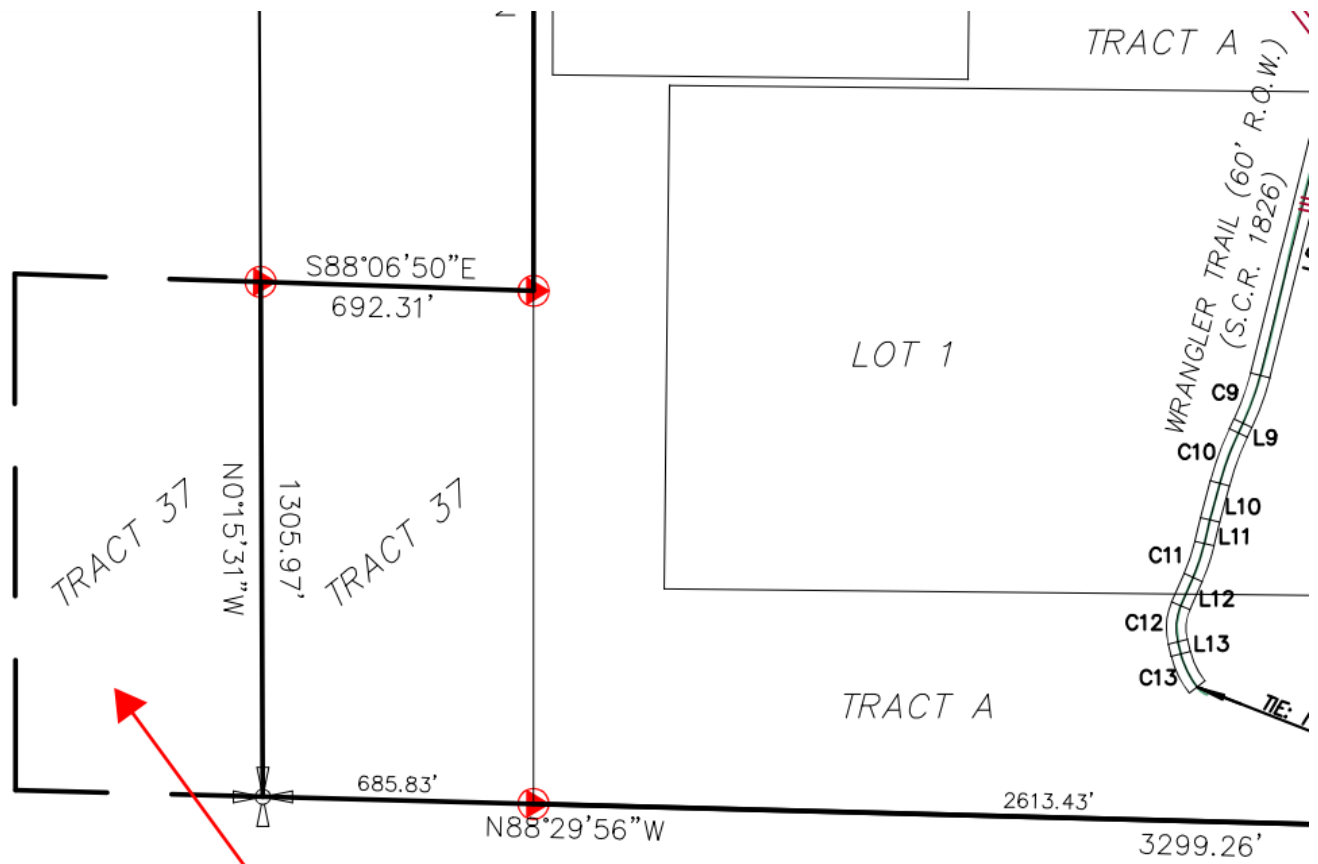
Criteria for Decision Statement:

Pursuant to Summit County Land Use and Development Code;

12104.03: Findings for Preliminary Zoning Amendments

- A. The proposed rezoning is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
 - This proposal is in conformance with Summit County Countywide Comprehensive Master Plan as well as the Lower Blue Master Plan. This rezoning would not change the character of the Lower Blue Basin as there are hundreds of acres of land with A-I zoning located to the east of this property and the existing property into which this parcel will become part of is currently zoned A-I. Given that the acreage of the subject property is 19.26-acres, the Planning Department can make the finding that no additional residences are possible because of this proposed rezoning. The conservation easement will also prohibit additional density and residential structure on this parcel. While the Lower Blue Master Plan acknowledges that the urbanized area in the southern portion of Basin near the Town of Silverthorne would be appropriate for higher density development, the plan articulates that most of the Basin should retain its existing development patterns and seek to limit future subdivision potential. The rezoning proposal is consistent with the goals of the Lower Blue Master Plan because the continuation of the haying operation on this parcel matches the rural character of the Basin.
- B. The proposal is consistent with the purpose and intent of the County's Zoning Regulations.
 - The proposed rezoning is consistent with the County's Zoning Regulations because the proposed change from NR-2 zoning to A-I zoning better matches the agricultural and ranches uses taking place on this property, as well as the hundreds of acres to the east of this property. These adjacent lands are owned by the Shadow Creek Ranch Owner's Association. The subject parcel's ownership would be transferred to the Association following the conclusion of the rezoning process.
- C. The proposal is consistent with the County's Rezoning Policies.
 - The proposal is consistent with the County Rezoning Policies. This determination was made through an analysis of the types and densities of land uses to be permitted should the proposed change from the NR-2 zoning to A-I zoning be approved. The agricultural and ranching uses proposed represent a logical land use pattern given that there are hundreds of acres of land with A-I zoning located to the east of this property.

- D. The proposal is compatible with present area development and will not have a significant adverse effect on the surrounding area.
- The proposed rezoning is compatible with the present area development because this proposal will allow the continuation of haying operations and other ranching and agricultural purposes as well as the preservation of open space. This proposed rezoning is not anticipated to have any adverse effects on the surrounding area. To ensure that there are no significant adverse impacts on the property's abutters, the Summit County Attorney's Office and the Open Space and Trails Department are working with the Association to incorporate the subject parcel into the conservation easement boundary. The property will be restricted to "Open Space" as defined in the conservation easement. These efforts are taking place concurrently with this rezoning application which provides the Planning Department with additional evidence to make the finding that there will be no significant adverse effect on the surrounding area as result of this rezoning application.
- E. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- The proposed A-1 zoning is the most appropriate zoning designation for how this property is currently being used, and for how it would be utilized in the future. The property's current zoning designation is NR-2 which is intended for lands to be used for public outdoor recreation and for natural resource preservation. While the agricultural use on the subject property is viewed as environmentally sounds use of natural resources, it is acknowledged that the A-1 zoning designation is a better match for the activities taking place on this property as compared with the current NR-2 zoning designation. The objectives of the Shadow Creek Ranch Owner's Association are consistent with the agricultural and ranching uses allowed under the A-1 zoning designation. As such, the Planning Department can make the finding that this proposed amendment the Official Zoning Maps is consistent with public health, safety and welfare, as well as the efficiency and economy in the use of land its resources. The objectives of the Shadow Creek Ranch Owner's Association are consistent with the agricultural and ranching uses allowed under the A-1 zoning designation.
- F. The proposed rezoning is justified either by the fact that the original zoning was in error, there have been changes in conditions in the vicinity or there have been changes in the County's overall development policy.
- The proposed rezoning is justified because the original zoning was in error. The property was acquired by the Summit County Board of County Commissioners by Treasurer's Deed on February 16, 2016 and recorded under Reception number #1104760. The background to this acquisition begins with a resurvey by the General Land Office which resulted in a portion of the Shadow Creek Ranch Owners Association's ("Association") property becoming a separate parcel as shown on the following page. (Note, the portion of Tract 37 owned by the Association has since become part of Tract A.) The General Land Office resurvey was not recorded in the Summit County Clerk and Recorder records and the western portion of Tract 37 was not accordingly described in any deeds to the Association Property. The Association and the County have agreed that the subject property should be transferred to the Association and re-zoned as A-1 like the rest of the Association owned property.



PORION OF TRACT 37 OMITTED FROM SHADOW CREEK RANCH OWNERSHIP

Sincerely,

Simon Corson
 Planner II, Summit County Planning Department



Planning Department Application for Development Review

For Staff Use Only	
Date submitted: _____	Project # _____
Date deemed complete: _____	Class: _____
Fees paid: Yes on _____ date	Staff assigned: _____

PROJECT NAME: Shadow Creek Ranch Rezoning

PROJECT LOCATION

Township/Range/Section:	TR 2-61 Sec 13 Qtr 4 Acres 19.2600 AKA PART OF GOV TR 37 IN SE1/4	Subdivision:	9000
Street Address:	None	Block(s):	281
Location relative to landmarks or cross-streets:	Southwest of the Spring Creek Ranch PUD	Lot(s):	13

REQUEST (please check all that apply)

Conditional use permit	<input type="checkbox"/>	Preliminary plat	<input type="checkbox"/>
Final PUD	<input type="checkbox"/>	Site plan	<input type="checkbox"/>
Final plat	<input type="checkbox"/>	Subdivision exemption	<input type="checkbox"/>
Final zoning	<input checked="" type="checkbox"/>	Temporary use permit	<input type="checkbox"/>
Non-conforming parcel plan review	<input type="checkbox"/>	Vacation/easement	<input type="checkbox"/>
Preliminary zoning	<input checked="" type="checkbox"/>	Variance	<input type="checkbox"/>
Preliminary PUD	<input type="checkbox"/>	Other	<input type="checkbox"/>

APPLICANT

Name Summit County Planning Department	Phone # (970)668-4204
E Mail Address Simon.Corson@summitcountyco.gov	Fax #
Mailing Address 37 Peak One Drive	City, State, Zip Frisco, CO 80443

OWNER (if different from applicant)

Name Summit County Board of County Commissioners	Phone # (970) 453-3413
E Mail Address Josh.Blanchard@summitcountyco.gov	Fax #
Mailing Address P.O. Box 68	City, State, Zip Breckenridge, CO 80424

APPLICANT'S PROJECT PLANNER (if different from applicant)

Name	Phone #
E Mail Address	Fax #
Mailing Address	City, State, Zip

PROJECT DESCRIPTION

Size of site 19.26	acres	square feet
Zoning NR-2	current	proposed A-1
Residential uses None	# of units proposed	NONE # of employee units proposed
Non-residential uses	Agricultural type of use	Agricultural square feet
Lodging uses	NONE # of units proposed	NONE square feet
Other (please describe)		



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March 24, 2023

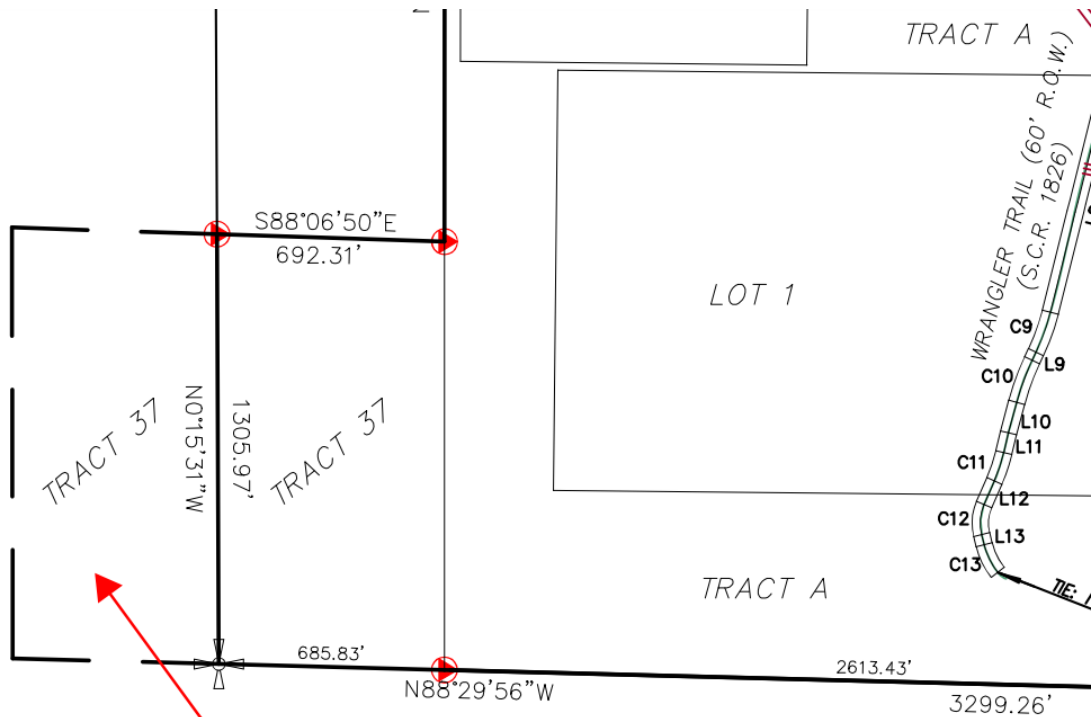
Property Description: TR 2-81 Sec 13 Qtr 4 Acres 19.2600 AKA PART OF GOV TR 37 IN SE1/4

Re: Rezoning a 19.26-acre parcel from NR-2 to A-1, property located to the southwest of the Spring Creek Ranch Planned Unit Development

From: Simon Corson, Planner II

Background:

The subject property is a 19.26-acre parcel currently zoned NR-2. The property was acquired by the Summit County Board of County Commissioners by Treasurer's Deed on February 16, 2016 and recorded under Reception number #1104760. The background to this acquisition begins with a resurvey by the General Land Office which resulted in a portion of the Shadow Creek Ranch Owners Association's ("Association") property becoming a separate parcel as shown below. (Note, the portion of Tract 37 owned by the Association has since become part of Tract A.) The General Land Office resurvey was not recorded in the Summit County Clerk and Recorder records and the western portion of Tract 37 was not accordingly described in any deeds to the Association Property. The Association and the County agree that the subject property should be transferred to the Association and re-zoned as A-1 like the rest of the Association owned property. However, the property will be conveyed by the County with a deed restriction that will prohibit any dwelling units or other structure on the property.



PORTRION OF TRACT 37 OMITTED FROM SHADOW CREEK RANCH OWNERSHIP

Intent:

Once the subject property is deeded to the Association, it will become subject to an existing conservation easement between the Association and the County regarding the property known as Shadow Creek Ranch Subdivision. The Summit County Attorney’s Office and the Open Space and Trails Department are working with the Association to incorporate the subject parcel into the conservation easement boundary. The property will be restricted to “Open Space” as defined in the conservation easement. These efforts are taking place concurrently with this rezoning application that has been prepared by the County’s Planning Department.

This proposal seeks to rezone this 19.26-acre parcel from the presently held Natural Resources-2 (NR-2) zoning designation to Agricultural-I (A-I) zoning. Once conveyed to the Association, the subject property will be used for haying operations and other ranching and agricultural purposes as well as the preservation of open space.. The Planning Department supports this application because A-I zoning is the most appropriate zoning designation for how this property will be utilized. This rezoning would not change the character of the Lower Blue Basin as there are hundreds of acres of land with A-I zoning located to the east of this property and the existing property into which this parcel will become part of is currently zoned A-I. NR-2 zoning is intended for conservation land owned by the Federal government or the State of Colorado. The NR-2 zoning designation allows for lands to be used for public outdoor recreation and for natural resource preservation. While the agricultural use on the subject property is viewed as an environmentally sound use of natural resources, it is

acknowledged that the A-1 zoning designation is a better match for the activities taking place on this property as compared with the current NR-2 zoning designation. A-1 zoning is intended for agricultural and ranching uses, which is consistent with the objectives of Shadow Creek Ranch Owner's Association. The residential density of an A-1 zoned parcel is one residential dwelling per a minimum of 20 acres. Given that the acreage of the subject property is 19.26-acres, the Planning Department can make the finding that no additional residences are possible as result of this proposed rezoning. The conservation easement will also prohibit additional density and residential structures on this parcel.

Zoning :
A-1

Zoning :
SPRING CREEK
RANCH PUD

Zoning :
NR-2

Zoning :
A-1

