

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
DECEMBER 11, 2007

The Jefferson County Planning Commission met on Tuesday, December 11, 2007 with John Sidor as President presiding. Robert Reynolds, Vice President, Lynne Deming, Secretary, Jim Surkamp, Tom Kane, Todd Baldau and Ed Dunleavy were present. Staff members present were Sherry Kelly, Deputy Director of Planning, Damien Davis, County Engineer, and Jennilee Hartman, Clerical Support.

Ellen May and Arnold Dailey were absent with notification.

Mr. Sidor called the meeting to order at 7:00 p.m.

1. Approval of Minutes. Mr. Reynolds moved to approve the minutes of the November 27, 2007 Planning Commission meeting contingent upon the following changes:
  - a. Page 1, Item #4, second sentence, change from “*Request by Nuannit Vasuvat for a variance from the requirement for a Community Impact Statement for a major subdivision and a variance from storm water for Preliminary Plat.*” to “*Request by Nuannit Vasuvat for a variance from the requirement for a Community Impact Statement for a major subdivision and a variance from storm water management for Preliminary Plat approval.*”
  - b. Page 1, Item #4, line seven, “David” to “Davis”.
  - c. Page 1, Item #4, after tenth sentence add, “The Planning Commission accepted Ms. Vasuvat’s withdrawal of the storm water management variance.”
  - d. Page 2, Item 7, add at the end of the fourth sentence, “...in Note 7 and recommended ‘shall’ as a substitute.

Ms. Deming seconded the motion. Mr. Kane and Mr. Baldau abstained from voting because they were not present at the last meeting. The motion carried 5 for and 2 abstentions (Mr. Kane and Mr. Baldau).

2. Requests for postponements. None.
3. Final Plat Public Hearing for the Elk Run Estates, Original Lot 9. Mr. Sidor excused himself stating the applicant is his neighbor. Mr. Reynolds took the chair. Ms. Kelly and Mr. Davis recommended approval of the final plat. Mr. Dunleavy mentioned that the agenda property location was incorrect and said he was concerned about the legal ad having been wrong too. Ms. Kelly checked the file and found that the legal ad had been written correctly simply the agenda was incorrect. Mr. Dunleavy also stated that Note 9 on the final plat makes reference to Lots 9A and 9B but the lots are designated as 9-1 and 9-2, which one is the correct designation? Mr. Davis stated Lot 9A is equivalent Lot 9-2 and Lot 9B is equivalent to 9-1. Mrs. Judith Sidor spoke on behalf of Ms. Fox stating the notes would be corrected. Mr. Reynolds opened the public hearing. There was no public comment. The public hearing was closed. Mr. Baldau moved to approval the final plat contingent upon Note 9 and the

easement note being revised as stated. Mr. Kane seconded the motion, which carried unanimously. Mr. Sidor returned to the room and took the Chair.

4. Request by Barbara Scott of SPARC for a variance to allow Lot 7 direct access to Leetown Road as opposed to an internal subdivision road. Ms. Kelly recommended granting the variance with the condition that if the residential lot were to change to commercial that it be required to use the internal subdivision road. Mr. Davis recommended granting the variance stating that as of this morning he had received a copy of the highway entrance permit for the lot. Mr. Kane questioned if Ms. Kelly meant only “commercial” or if a multifamily lot would also fall under her condition. Ms. Kelly stated it would. John Webb with W.H. Gordon Associates was present to answer Planning Commissioner’s questions. Mr. Baldau asked if the applicant were in objection to staff’s condition of approval. Mr. Webb stated they were not. Mr. Sidor opened the public hearing. Ms. Norma Eisner had concerns about traffic. Mr. Kane stated that the purpose of this meeting was to address concerns about the variance and not the projects Community Impact Statement. Ms. Eisner was able to get clarification on the variance and was satisfied. Mr. Sidor closed the public hearing. Mr. Kane moved to approve the variance with the condition that if the lot changed to anything other than a single family lot it shall be required to utilize the internal subdivision road. Ms. Deming seconded the motion, which carried unanimously.
5. Request by Joe Kent with Dewberry on behalf of Robert and Debby McCoy for a variance to allow the “Quick Release” methodology for the Allemont Subdivision. Ms. Kelly deferred to the County Engineer stating it was not a planning issue. Mr. Davis read the following from his staff report. “The Engineering Office recommends approval however, the developer must prove that the local runoff conveyance facilities which transport runoff from the site to the main channel has adequate capacity to safely transport unattenuated increased peak flows for the ten-year storm. If there is inadequate capacity, the developer shall either use one-hundred-percent release rate control or provide increased capacity of downstream drainage facilities to convey increase peak flows.” Mr. Baldau asked how Mr. Davis would enforce this condition. Mr. Davis said calculations would have to be provided on the preliminary plat. Joe Kent with Dewberry was present to answer Planning Commissioner’s questions. Mr. Baldau asked if the applicant would object to staff’s condition, to which Mr. Kent stated they would not. Mr. Sidor opened the public hearing. There was no public comment. The public hearing was closed. Mr. Reynolds moved to approve the variance with staff’s condition. Mr. Dunleavy seconded the motion, which carried unanimously.
6. Request by Robert Butler on behalf of the Butler Family Limited Partnership for a variance to allow for an additional extension of time of one year from the previously granted extension of January 8, 2008. Ms. Kelly recommended granting the variance. Mr. Davis deferred to the County Planning stating it was not an engineering issue. Samuel Byrer, Attorney, was present to answer Planning Commissioner’s questions. Mr. Baldau asked if the Butlers could foresee the need for another extension if given an additional year for recordation. Mr. Byrer stated he could not conclusively state they would not be back for another extension since this situation was already an extenuating one. Mr. Byrer stated

hoped they would not have to come back before the Planning Commission, making mention that they had also hoped to not be before them for this request. Due to the developer pulling out of the contract the Butlers have been in the process of obtaining the rights to the plan sets and therefore need additional time. Mr. Baldau stated he was concerned about approving an extension because the CIS information would no longer be current. Joni Carter, daughter of the Butlers, spoke on behalf of her parents stating they had easement agreements with Breckenridge regarding water and sewer. Mr. Kane stated he shared Mr. Baldau's concerns about a possibly outdated CIS but also felt respect for the effort that staff and the applicant had put forth. Mr. Kane moved to grant the variance to extend the deadline to January 8, 2009 to bond and record. Mr. Reynolds seconded the motion. The motion failed 3 for and 4 opposed (Ms. Deming, Mr. Baldau, Mr. Dunleavy, Mr. Surkamp). Mr. Kane stated again that he did not want to see the project be completely closed and therefore moved to approve an extension of time until July 2, 2008. Mr. Reynolds seconded the motion stating he did not believe in this instance that there would be a threat to public interest. The motion failed 3 for and 4 opposed (Ms. Deming, Mr. Baldau, Mr. Dunleavy, Mr. Surkamp).

7. Director's Report on office activities and questions. None.
8. Planning Commission Exchange. None.
9. Planning Commission Report to County Commission on Zoning Ordinance. Mr. Casimiro briefly discussed the Planning Commission's duty regarding the preparation of a report on the proposed zoning ordinance.
10. Planning Commission Steps Re: Subdivision Draft. None.
11. Reports from Legal Counsel. Mr. Casimiro stated he and Tony are currently in discussion of vested property rights in conformance with 8A.
12. Legal Advice to PC. Regarding the use of email, not more than 2 Planning Commissioner's should be involved in a discussion via email, even though others may only be courtesy copied. Mr. Casimiro stated he would be prepared with a statement at the next meeting pertaining to email usage.
13. Actionable Correspondence. None.
14. Non-Actionable Correspondence. None.

Ms. Deming moved to adjourn the meeting at 8:22 p.m. on December 11, 2007. Mr. Kane seconded the motion, which carried unanimously. A detailed transcript of this meeting may be found on CD # \_\_. These minutes were prepared by Jennilee Hartman.