



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2016 - 33**

**A RESOLUTION APPROVING THE SKETCH PLAN FOR
LUC NO. 2016-00009
SLATE RIVER DEVELOPMENT
SW 1/4 OF SECTION 35,
TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M, TRACT Q (AKA LOT 13)
CYPRESS FOOTHILLS, LP**

WHEREAS, Cypress Foothills, LP represented by Marcus J. Lock, Law of the Rockies, submitted the Slate River Development Sketch Plan, which proposes the subdivision of a 44.5-acre parcel, which has been described as a "hybrid-format" development proposal. The application is the first step of a multi-tiered review to develop the subdivision. The property is bisected by the Slate River, which divides the land into a "West Parcel" and an "East Parcel". The dichotomy of the hybrid-format is explained below.

The West Parcel (14.1-acres - west of the Slate River), will be severed from the 44.5-acres and remain a remainder tract, which will be annexed to the Town of Crested Butte, pursuant to a Pre-Annexation Agreement, in place with the Town of Crested Butte. While the West Parcel is an element of this subdivision and hybrid-format development, the County land use review concerns the residential development of the East Parcel and construction of an access road across the West Parcel, from Gothic Road. Upon final approval of this land use change, the Old Town Landfill, located within the West Parcel, will be cleaned up, in accordance with the Colorado Department of Public Health and Environment's Voluntary Clean Up Plan, as contemplated in the Pre-Annexation Agreement. No other uses are approved on the West Parcel.

The East Parcel (30.4-acres - east of the Slate River) will be subdivided into 23 single-family residential lots, with the opportunity for a secondary residence on each lot. Lot sizes range from one-third to three-quarter acres. Access to the East Parcel will be from Gothic Road, via construction of a new road (Road A). The lots will be restricted to a maximum primary residential building size of 5,000 square feet, a secondary residence to 750 square feet and the aggregate square footage of all buildings to 5,750 square feet. The Sketch Plan contemplates that water will be provided by central well(s), with central water distribution system, and wastewater will be provided by central sewer, via connection to the Town of Crested Butte's municipal sewer system. The applicant has identified that this development will not be a "gated community". A draft narrative of the subdivision protective covenants has been submitted addressing the general outline of homeowner association responsibilities, architectural style and design guidelines and County required covenant provisions.

The applicant requested a minor modification to the Sketch Plan, in a letter from Marcus J. Lock, dated July 26, 2016, which would be to allow a residential unit on the "HOA Lot". This residential unit, or guest cottage, would be owned by the homeowners' association, and would be available only to lot owners and their guests. If it is constructed, the applicant envisions that the cottage could be used by lot owners who have not yet built their residence, or guests of lot owners, and not for commercial use. The property is located adjacent to the Town of Crested Butte, in the SW 1/4 of Section 35, Township 13 South, Range 86 West, 6th P.M, Tract Q (aka Lot 13); and

WHEREAS, a joint public hearing was conducted July 15 and August 5, 2016, by the Planning Commission and Board of County Commissioners; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on August 5, 2016 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:

1. The submitted Sketch Plan applies to all of the 44.5-acres proposed for development.



2. Section 4-504: A., of the Gunnison County Land Use Resolution prescribes that, "...Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant..." and that detailed engineering plans and other overly detailed information shall not be required or accepted by the County."
3. This application, by definition, is classified as a Major Impact Project.
4. Pursuant to Division 7-200: Sketch Plan for Major Impact Projects of the *Land Use Resolution*:
 - a. This Sketch Plan application is generally consistent with the standards and requirements of the Resolution, pursuant to Division 7-200: Sketch Plan for Major Impact Projects, i.e., compliance of the proposed land use change with the standards of the Resolution are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the Resolution within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-703 A., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.
 - b. The proposed land use change is required to be compatible with, or to enhance the character of existing land uses in the development area, and shall not adversely impact the future development of the development area. For purposes of this application, the Planning Commission finds that the "development area" consists of those lands that are adjacent to the subject property
 - c. No phasing has been proposed by the applicant within this Sketch Plan submittal.
5. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process.
6. Concerns were identified by the public and the Planning Commission with the location of Road A on the West Parcel and its intersection with Gothic Road, as it related to properties across Gothic Road, concerning the impact of vehicle headlights on existing residential properties.
7. The property is identified as sensitive wildlife habitat, pursuant to the *Land Use Resolution*, based upon comments received from Colorado Parks and Wildlife, concerning the use of the property as an elk migration corridor.
8. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this Resolution, then the application shall be denied at the Preliminary or Final Plan review stage.
9. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.
10. This review and decision incorporates, but is not limited to, all the documentation submitted to the County



and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

11. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
12. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Slate River Development Sketch Plan need be conducted by the Board, and further, the Board hereby approves the Slate River Development Sketch Plan for LUC No. 2016-0009 as recommended by the Planning Commission, with the following conditions:

1. The following are specifically identified as Preliminary Plan submittal items of particular attention:
 - Analysis of the location of Road A on the West Parcel at its intersection with Gothic Road, as it related to properties across Gothic Road, concerning the impact of vehicle headlights on existing residential properties.
 - Wildlife impacts to elk, regarding mitigation and potential human-elk conflicts, including a wildlife habitat analysis, documentation of consultation with Colorado Parks and Wildlife, and provision for domestic animal controls.
 - Visual analysis of Lots 7-13, from the Crested Butte Cemetery.
 - The applicant investigate the potential for the Town of Crested Butte to provide potable water for the development.
 - Viability of the extension/connection of Eighth Street to Road A.
2. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.
3. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.
4. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
5. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

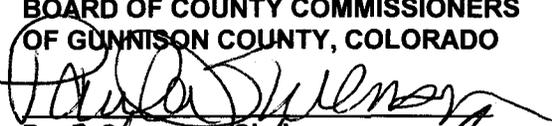


6. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

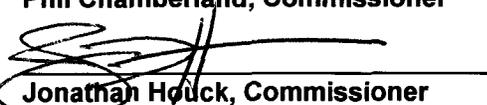
THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Howck, seconded by Commissioner Chamberland, and adopted on this 16th day of August, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**


Paula Swenson, Chairperson


Phil Chamberland, Commissioner


Jonathan Howck, Commissioner

ATTEST:


Deputy Gunnison County Clerk and Recorder

