AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Subdivision Request; Moon Ridge Ranch, LLC; Foxtro

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Subdivision of 13.23-acres into four single-family lots.

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 8/31/16

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 8/31/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/31/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 9/6/2016

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

August 29, 2016

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Foxtrot Subdivision**
LUC-15-00039
Planning Commission Recommendation

The Planning Commission approved a Minor Impact Land Use Change Recommendation for the Foxtrot Subdivision project on July 15, 2016.

Hard copies of the 24”x36” plat will be delivered to the Board.

Attachments:
Planning Commission Recommendation
Board Resolution

TO: **Board of County Commissioners**

FROM: **Planning Commission**

SUBJECT: **Planning Commission Recommendation**
Foxtrot Subdivision
LUC-15-00039

DATE: **July 15, 2016**

PREPARED BY: **Neal Starkebaum, Assistant Director**

APPLICANT: **Moon Ridge Ranch, LLC**
c/o Jenny Knox

REPRESENTED BY: **Jenny Knox**
P.O. Box 1502
Crested Butte, CO 80124

David Leinsdorf
P.O. Box 187
Crested Butte, CO 80124

At its regular meeting on July 15, 2016, John Messner was seated and the Planning Commission unanimously approved the following Minor Impact Recommendation, moved by Kent Fulton and seconded by Jack Diani:

PROJECT SUMMARY:
The request is for the subdivision of 13.23-acres into four single-family residential lots, ranging between 2.54 and 3.75-acres each. Water for each residence will be provided by connection to the Saddle Ridge Ranch Estates Water Company and wastewater will be treated by "state-of-the-art" "AdvanTex" design on-site wastewater treatment systems (OWTS). Access to the lots will be via Moon Ridge Lane and a new road, "Foxtrot Trail".

The applicant has submitted protective covenants, titled *Declaration of Protective Covenants Foxtrot Subdivision (Covenants)*, which identify design standards and limitations on each lot. Main limitations on development will include only one residence permitted on each lot and an aggregate square footage for all structures limited to 5,000 square feet.

The subdivision is shown on a plat titled "Foxtrot Subdivision", prepared by NCW & Associates, Inc., dated May 16, 2016.

LOCATION:
The property is located approximately 1 mile north of the Town of Crested Butte, east of Gothic Road, southwest of and adjacent to Moon Ridge Subdivision. The parcel is located within the NW1/4SE1/4 Section 35, Township 13 South, Range 86 West, 6th P.M.

SURROUNDING LAND USES:
West: Spann Ranches –18-acre parcel; agricultural; Cypress Foothills LP – 46-acres
North: Moon Ridge Lots – residential lots

East: Moon Ridge Lots, Moon Ridge Ranch LLC - 137-acres residential, & 90-acre - Moon Ridge Conservation Easement parcel –open space
South: Moon Ridge Conservation Covenant parcel –open space

IMPACT CLASSIFICATION:
Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, and other submittal documents informing this Recommendation include, but are not limited to:

- Minor Impact Application
- Site Plan – prepared by NCW & Associates, Inc. dated 12/1/15
- Site Plan – Contours and Drainage, Page 2 of 3, prepared by NCW & Associates, Inc. dated 12/1/15
- Site Plan – Contours and Drainage, Page 3 of 3, prepared by NCW & Associates, Inc. dated 12/1/15
- "Plat of Foxtrot Subdivision", prepared by NCW & Associates, Inc., dated May 16, 2016.

- Ric Ems, Fire Chief/Marshal and Scott Wimmer, Fire Inspector, Crested Butte Fire Protection District, letter of January 29, 2016.
- Jon Mugglestone, Gunnison County Weed Management, letter of January 6, 2016.
- Marlene Crosby, Gunnison County Public Works Director, email of January 26, 2016.
- Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, letter of January 29, 2016.
- Michael Yerman, Town Planner, Town of Crested Butte, letter of January 29, 2016.
- Todd Carroll, Community Development Coordinator, Town of Mt. Crested Butte, letter of January 27, 2016.
- Michael Yerman, Town Planner, Town of Crested Butte, letter of May 9, 2016
- Letter from Russ Forrest to Bill Crank, May 16, 2016
- Glenn Michel, Mayor, Town of Crested Butte, letter of May 17, 2016
- Staff Memo w/ recommendation on Conditions of Approval – June 15, 2016
- Revised Article 6 - Foxtrot Declaration of Protective Covenants, received from David Leinsdorf, May 13, June 14, June 20, 2016

Additional studies, related documents entered into the record:

- 1995 *Upper East River Valley Areawide 201 Facilities Plan*
- *Intergovernmental Agreement among Gunnison County, Town of Crested Butte, Town of Mt. Crested Butte, East River Regional Sanitation District, Mt. Crested Butte Water and Sanitation District, and Crested Butte South Metropolitan District Regarding Upper East River Valley Areawide 201 Facilities Plan*

MEETING DATES:
The Planning Commission held meetings on the following dates:

- February 19, 2016 Work Session
- April 22, 2016 Joint Public Hearing
- May 20, 201 - continued Joint Public Hearing
- June 17, 2016 - continued Joint Public Hearing
- July 15, 2016 - continued Joint Public Hearing

SITE VISIT:
The Planning Commission conducted a site visit on April 22, 2016, at which time the Commission viewed the neighborhood, the proposed location of the road, proximity to the adjacent Moon Ridge Development and the lot lines and building envelopes.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on April 22, 2016 and continued to May 20, June 17, and July 15, 2016.

See approved minutes of April 22, 2016.

Written Citizen Comments:
Betty Barkman, email of April 19, 2016, noting concerns with the elk and elk migration routes in the area.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:
Comments were received from the following agencies:

- **Colorado Division of Wildlife** – Chris Parmeter, District Wildlife Manager, Colorado Division of Wildlife, letter of March 4, 2016.

  "My staff has reviewed the Foxtrot subdivision request submitted by Moon Ridge Ranch LLC, which proposes dividing a 13.23 acre parcel into four single family lots. They have also visited the site, which is composed of gently sloping sage brush and grass hillside. The site is located east of the Crested butte Cemetery, and southwest of the Moon Ridge subdivision, Gunnison County Colorado. The location is bounded on the north by the Moon Ridge development and Gothic Road, on the east by Moon Ridge and open space, on the south by open space, wetlands and the town of Crested Butte, and on the west by the Crested Butte Cemetery and Gothic Road.

  The proposed subdivision is located within mapped Canada goose production area, and black bear human conflict area (CPW Species Activity Mapping, 2007) & in the path of an elk migration route. Prairie dogs, cotton tail rabbits, striped skunks, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.

  Black bears will likely be the most significant wildlife concern with this development. The adjacent communities of Crested Butte and Mt. Crested Butte have a history of human/bear conflicts. Both towns host several "resident" bears, which will check trash cans and dumpsters nightly in search of an easy meal. The resulting conflicts are directly linked to the communities' management of outside pet food, bird feeders, and the careless storage of household and commercial (food service) waste. To avoid human/bear encounters, the proper storage and handling of trash should be given a high priority. Colorado Parks and Wildlife's "Living with Wildlife in Bear Country" brochure provides guidance on proper trash management and other tips to avoid created a "nuisance bear". The use of bear proof containers is proven the safest and best technique to avoid human bear conflicts. Although feeding birds is legal, it is known to attract bears and other wildlife which could result in human conflicts.

  Conflicts with elk are likely to arise, especially if homeowners landscape with non-native flowers, shrubs and trees, which may actually draw nearby elk into the subdivision. As a consequence of development in an elk migration corridor, residents should not be allowed to chase, scare, disturb, or

otherwise harass elk in an attempt to move them off open space areas within the development. In addition, the development of this subdivision will further narrow the "bottle-neck" which migrating elk must navigate from the upper Slate River valley toward their winter range to the south. In fall, 400-500 head of elk will congregate in the wetlands north of Gothic Road, then attempt en mas to run the gauntlet of civilization between the Slate River wetlands to the relative security of undeveloped ranch lands near Brush Creek. Assuming the elk continue to use this route post development, fence repair will likely become an annual spring chore for home owners. Fences should be minimized to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality. We recommend that fence construction. whether of wire, wood, electric, or synthetic, be wildlife friendly (not exceed 42 inches in height, and not restrict movement of deer or elk). "Fencing for Man and Beast" is a booklet available from Colorado Parks and Wildlife to help land owners construct wildlife friendly fences that suit their needs.

Canada geese"lay-over" in this area during fall and spring migrations. Harassment of geese by residents and their pets could become a concern, as could the degeneration of greenbelts lawns by the presence of numerous geese.

"Household" pets, such as cats and dogs, present perhaps the greatest threat to native wildlife when a new development is created. Dogs allowed to roam may "pack-up" and harass and kill deer and other wildlife. Dogs outside their yard, kennel or dog run should be on a leash or otherwise under direct control. (*In areas know to be frequented by mountain lions, it is strongly recommended that tops be included on dog runs and or kennels to avoid potential predation)*. Domestic cats are formidable hunters, and can devastate populations of local birds and small mammals. They may also attract and ultimately become prey for coyotes, foxes, lions and bears. Consideration should be given to the potential impacts and conflicts that could result from free ranging domestic cats. Pet food left outside may attract bears and other predators as well as nuisance wildlife species.

In Gunnison County, where subdivisions encroach upon mountain lion habitat containing an abundance of prey (winter concentrations of elk and geese), encounters between lions, humans and their pets and livestock may arise. Colorado Parks and Wildlife's brochure entitled "Living with Wildlife in Lion Country" provides good information to help residents reduce the potential for conflicts with mountain lions.

As the Gunnison Basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available habitat, the effects of "minimal impact"' projects such as this are cumulative, and should be considered as such. We strongly encourage the proponent to advise potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts."

- **Colorado Division of Water Resources** –Megan Sullivan, P.E., Water Resource Engineer, letter of April 5, 2016. Excerpts include:
  "We have reviewed the additional information submitted by the applicant in response to our comments regarding the above referenced proposal to subdivide approximately 13.229 acres into four residential lots. Water for ordinary household purposes inside each of the four single family residences is to be supplied by the Saddle Ridge Ranch Estates Water Company (SRRE Water Company).

  …… it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply for household purposes inside each dwelling, can be provided without causing material injury to decreed

water rights so long as the SRRE Water Company obtains well permits issued pursuant to C.R.S. § 37-90-137(2) and the plan for augmentation for both wells, and operates the wells in accordance with the terms and conditions of said plan for augmentation. Provided the production rates of the wells continue to be similar to the results of the 2001 tests, the proposed water supply is expected to be physically adequate. For any water imported by the lot owner for outside uses, such as landscape watering, the water must be from a source that is in compliance with any permit or decrees issued for the structure or system.

- **Crested Butte Fire Protection District** –Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, January 29, 2016 provided comments pertaining to the Fire District requirements.

- **Gunnison County Weed Management** – Jon Mugglestone, Coordinator, notes in memo of January 6, 2016:

  "Article 6.1 of the Declaration of Protective Covenants addresses Reclamation and Noxious Weeds to the satisfaction of the Gunnison County Weed Management Program. Noxious weed issues are severe in the Moon Ridge Subdivision, as well as in the area of the proposed Foxtrot subdivision. The Gunnison County Weed Management Program has noted (and appreciated) noxious weed management taking place within the Moon Ridge subdivision in recent years. Continued and ongoing noxious weed management is needed in the Moon Ridge subdivision. Please expect that as development in the Foxtrot subdivision occurs, soil disturbances associated with road, utility and residential construction will not only require reclamation and reseeding according to Gunnison County Reclamation standards, but also that existing noxious weed problems will likely be exacerbated. Intensive management of noxious weeds will likely be needed in order to remain compliant with Gunnison County and State of Colorado noxious weed management requirements."

- **Gunnison County Public Works Department** – Marlene Crosby, Public Works Director, email of January 26, 2016 notes that:

  "We only have one comment:

  Section 13-112 Snow Storage - The dialogue in this section does not meet our Standards and it does not reflect what is shown on the site plan. Foxtrot Trail may be served by a 16' wide road, but it has to have a 60' easement with 10' of snow storage on each side of the road."

  Note: The applicant has submitted a subdivision plat with a 60 foot right-of-way and a 10 foot snow storage easement for Foxtrot Trail, in compliance with the standards.

- **Town of Crested Butte** – The Town of Crested Butte submitted comments, in letters of January 29, 2016, May 9, 2016 and May 17, 2016. The issue from the Town is their opinion regarding the *1996 IGA* and wastewater connection requirements.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 9-508: Keeping of Livestock not on an Agricultural Operation.
No livestock are permitted on the property.
Covenants. Section 7.2. Other Animals and Pets. No livestock are not allowed on any lot.

Section 10-102: *Locational Standards for Residential Development.*
The proposed subdivision meets the primary locational standard, as it is within a municipal Three Mile Plan area (Town of Crested Butte). Comments were received from the Town of

Crested Butte. Comments note that the Town is not in opposition to the development, but has concerns regarding the potential future connection to the Town's sewer system.

Section 10-103: *Residential Density.*
The proposed residential subdivision meets the density standard as the lot sizes and density are substantially similar to adjacent parcels. The proposed density is one unit/3.3-acres. Lot size and density are similar to adjacent residential lots. Moon Ridge Subdivision has 9 lots ranging in size from 1.33-acres to 3.42-acres, with a density of one unit/2.5-acres.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
There is no floodplain within the development, according to County mapping.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
The property is not within a geologic hazard area, according to County mapping.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*
The subject property is within an area with low wildfire hazard, as identified by County mapping.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The property is not within Gunnison Sage-grouse habitat. Comments were received from Chris Parmeter, District Wildlife Manager, Colorado Division of Wildlife, letter of March 4, 2016 noting concerns regarding potential human-wildlife conflicts. Conditions of Approval have been identified to mitigate potential conflicts.

Section 11-107: *Protection of Water Quality*.
Not applicable. The property is not located within 125 feet of any identified wetlands or waterbodies.

Section 11-108: *Standards for Development on Ridgelines.*
The property is not located on a ridgeline.

Section 11-109: *Development that Affects Agricultural Lands.*
The development is adjacent to the Moon Ridge open space, which does permit grazing.

Section 11-110: *Development of Land beyond Snowplowed Access*.
Not applicable, the site is not located beyond snowplowed access.

Section 11-111: *Development on Inholdings in the National Wilderness.*
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: *Development on Property above Timberline.*
Not applicable, the site is not located above timberline.

Section 12-103: *Road System*.
The proposed lots will be accessed by a new 16' access road, "Foxtrot Trail", from Moon Ridge Lane. The applicant has submitted a subdivision plat with a 60 foot right-of-way and a 10 foot snow storage easement for Foxtrot Trail, in compliance with the standards.

Section 12-104: *Public Trails*.
The existing Mt. Crested Butte-Crested Butte Recreation Path is located adjacent to the property, previously dedicated by the owner. No new trails are contemplated in this application. See comments from Todd Carroll, Town of Mt. Crested Butte, regarding the Recreation Path.

Section 12-105: *Water Supply*.
The water supply for the development will be served by connection to the Saddle Ridge Estates Water Company central water system, in accordance with the final decree, Case No. 97CW92, recorded with the Office of the Gunnison County Clerk and Recorder, Reception No. 523455 and is subject to the policies, rules and regulations of Saddle Ridge Estates Water Company, including a restriction on in-house domestic water use only.

Comments from Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, letter of March 20, 2015, note approval of the proposed water supply plan, so long as the SRRE Water Company obtains well permits issued pursuant to C.R.S. § 37-90-137(2) and the plan for augmentation for both wells, and operates the wells in accordance with the terms and conditions of said plan for augmentation. Issuance of individual well permits is under the authority of the Colorado Division of Water Resources and subject to the requirements of the Division.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
An individual On-site Wastewater Treatment System (OWTS) is proposed for each residence, to provide wastewater treatment, utilizing a state-of-the-art Orenco Systems "AdvanTex" treatment system. The proposed parcels average 3.3-acres, meeting the requirement of one-acre minimum parcel size for installation of individual onsite wastewater systems.

A. SANITARY SEWAGE DISPOSAL SYSTEM REQUIRED. No land use change shall be permitted unless a method of sewage disposal is available to that lot or development that complies with all applicable standards of this *Resolution*, the *Gunnison County On-site Wastewater Treatment System Regulations*, and of the Colorado Department of Public Health and Environment.

B. Connection to Existing Systems. An applicant for a Land Use Change Permit shall be required to connect to an existing wastewater treatment system approved by the Colorado Department of Public Health and Environment and to install those connection lines and other appurtenances necessary to make the system available at the property line of each lot in the development in the following circumstances:

1. **Located within 400 Feet.** The proposed land use change is located in 400 feet of an existing available wastewater treatment system approved by the Colorado Department of Public Health and Environment; or

   Currently, the property is not within 400 feet of an existing, available central sewer line.

   Conditions of Approval have been established, with requirement for inclusion of the conditions within the *Declaration of Protective Covenants Foxtrot Subdivision*, that address future connection to a central sewer line. Additional provision of a 30 foot sewer easement has been identified on the *Plat of Foxtrot Subdivision*, for potential connection to the adjacent parcel, which may provide connection to the Town of Crested Butte's central sewer system, in the future.

2. **Located In Urban Service Area.**

Not applicable. The property is not located within an Urban Service Area.

C. Developments Shall Comply with Specific Studies, Plans or Agreements. New development shall comply with requirements of any applicable "201" *Wastewater Treatment Facilities Studies* (pursuant to the federal *Clean Water Act*) and agreements adopted by Gunnison County.

The 1995 *Upper East River Valley Areawide 201 Facilities Plan* (*201 Plan*) served as a basis for regional wastewater planning and as a guide for future facility consolidations and plant expansions.

Subsequently, an *Intergovernmental Agreement among Gunnison County, Town of Crested Butte, Town of Mt. Crested Butte, East River Regional Sanitation District, Mt. Crested Butte Water and Sanitation District, and Crested Butte South Metropolitan District Regarding Upper East River Valley Areawide 201 Facilities Plan* (*IGA*) was executed by the respective entities, on March 13, 1996.

Pursuant to the *1996 IGA* and County regulations, Conditions of Approval and inclusion of the Conditions as covenant requirements, have been established for the connection of the development to a central sewer line, if an existing, available central sewer line is constructed within 400 feet of the development.

If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and one or more On-site Wastewater Treatment Systems (OWTS) exist within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost, compared to the then existing On-site Wastewater Treatment Systems.

D. Existing System Not Accessible. Where an existing wastewater treatment system approved by the Colorado Department of Public Health and Environment is not reasonably accessible or connection to it is not feasible, the applicant shall, at the discretion of the decision-making body, implement either of the following options:

1. **Install Wastewater Treatment System**. Install a wastewater treatment system, with sewage collection lines to each lot, the design, construction, maintenance and operation of which complies with the County's regulations and with the standards of the Colorado Department of Public Health and Environment; or

   Currently, connection to an existing wastewater treatment system approved by CDPH&E is not reasonably accessible or feasible.

2. **Submit Evidence Of Adequacy Of Individual Systems**. Submit evidence satisfactory to Gunnison County that it will be feasible to install an individual sewage disposal system on each lot in the proposed development that will comply with the requirements of the *Gunnison County Individual Sewage Disposal System Regulations*. The area in the lot where the system is to be located shall be identified.

The applicant has submitted satisfactory evidence that the installation of an Orenco Systems "AdvanTex" Treatment Unit (OWTS) is "state-of-the-art" technology and provides the highest level of on-site domestic wastewater treatment available. The "AdvanTex" Treatment Unit provides treatment level TL 3N, the highest treatment level, pursuant to the *Gunnison County On-site Wastewater Treatment Regulations*. It should be noted that based upon *Gunnison County OWTS Regulations*, an "AdvanTex" system will require ongoing inspections to ensure ongoing compliance with OWTS standards, which are intended to protect water quality.

Section 12-107: *Fire Protection*.
The property is served by the Crested Butte Fire Protection District. Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, letter of January 29, 2016 provided comments pertaining to the Fire District requirements. The applicant has also executed an MOU with the Fire District for use of the dry hydrant located in the right of way of Moon Ridge Lane for use in fire protection for Foxtrot Subdivision.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
The site plan for the subdivision complies with the standards of this Section.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
The building envelopes meet the setback requirements.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Building envelopes have been delineated on the lots. All improvements will be located within the building envelopes. The development is limited to one Family residence, per lot, with attached or detached garage. The aggregate square footage on a lot is limited to 5,000 square feet.

Covenants. *Section 3.1.B. Residential Use. and 5.5 Maximum Floor Area.*

Section 13-106: *Energy and Resource Conservation.*
All structures to be constructed within the development will be subject to the standards of this Section at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application. Maximum of one solid fuel burning device, per residence.

Covenants. Section 5.12 Solid Fuel Burning Devices.

Section 13-108: *Open Space and Recreation Areas*
Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: *Signs.*
Signage is proposed as part of the submitted application. All signs are required to meet the standards of this Section.

Section 13-110: *Off-Road Parking and Loading.*
A minimum of two parking spaces is required for each single-family residence.

Section 13-111: *Landscaping and Buffering.*
Landscaping is not required for minor impact projects. Owners shall import water to irrigate all landscaping.

Covenants. Section 5.14 Trees

Section 13-112: *Snow storage*.
Adequate area is available for snow storage on each lot and adjacent to Foxtrot Trail.

Section 13-113: *Fencing*
All new fencing shall comply with this Section.
Residents shall use "wildlife friendly" fencing within the development, as identified by the Colorado Parks and Wildlife.

Section 13-114: *Exterior Lighting.*
All new structures are required to comply with this section, requiring fully shielded fixtures.
Covenants. Section 5.10 Exterior Lighting.

Section 13-115: *Reclamation and Noxious Weed Control.*
A reclamation permit is required for driveway construction, home site clearing and berm construction.
Covenants. Section 6.1 Excavation, Reclamation and Noxious Weed Control.

Section 13-116: *Grading and Erosion Control.*
Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff.*
The one minor drainage on the property is outside of the building envelopes and will not be affected by development on the lots.

Section 13-118: *Water Impoundments.*
Not applicable, this project does not propose a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.
Specific design standards and limitations on the uses on each lot are identified in the protective covenants, *Declaration of Protective Covenants Foxtrot Subdivision*, to ensure the residential uses are compatible with the existing residential neighborhood.

Section 15-103: *Right-to-Ranch Policy*.
This Section is applicable to all land use change permits.

FINDINGS:
The Commission finds that:

1. The Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

2. The Commission finds that requirements for future sewer line connection of the development to an existing, available central sewer line have been addressed in the Conditions of Approval and as a requirement for inclusion in the *Declaration of Protective Covenants Foxtrot Subdivision*. The conditions were crafted to provide protection of water quality in the upper East River Valley, with respect to the *201 Study*, the *IGA*, the *Land Use Resolution*, and State law.

3. The Commission finds that the implementing the recommendations from the Colorado Parks and Wildlife are appropriate to minimize and mitigate human-wildlife conflicts.

4. The applicant has represented that each lot will be served by a higher technology on-site wastewater treatment system, referenced as an Orenco Systems "AdvanTex" system, providing a higher level of domestic wastewater treatment. It is appropriate that installation of an Orenco Systems "AdvanTex" system or a comparable treatment level system for on-site wastewater treatment system is a condition of this approval.

5. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.

6. This review and recommendation 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.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plans, exhibits, site specific mitigation, site observations and public testimony, has reached the above Findings and recommends to the Gunnison County Board of County Commissioners (Board) that LUC No. 2015-00039 Foxtrot Subdivision, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. The following shall be required for future central sewer line connection as a condition of this approval and that such language shall be incorporated into the *Declaration of Protective Covenants of Foxtrot Subdivision*.

   (1) At such time as the rules, regulations or requirements of Gunnison County require that the lots within Foxtrot Subdivision be connected to the Town of Crested Butte wastewater treatment system or a sanitation district central sewer system capable of providing sewer service to Foxtrot Subdivision, the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, subject to all of the following conditions:

   a. The Town of Crested Butte or other central sewer system operator has sufficient capacity, is ready, willing and able to provide sewer service to Foxtrot Subdivision and an existing, available central sewer line is located within 400 feet of Foxtrot Subdivision; and

   b. (1) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and one or more On-site Wastewater Treatment Systems (OWTS) exist within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is

technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost, compared to the then existing On-site Wastewater Treatment Systems. This determination shall include but not be limited to consideration of:

(1) the remaining expected life span of the existing OWTS systems;
(2) cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;
(3) permits (e.g. 404) required for connection;
(4) availability of physical and legal access between the subdivision and the sewer line;
(5) modification of water right decrees associated with the existing discharges; and
(6)) technical feasibility of a connection.
(7) cost of a required pump station compared to gravity flow
(8) in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.

OR

b. (2) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and no On-site Wastewater Treatment System exists within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost. This determination shall include but not be limited to consideration of:

(1) cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;
(2) permits (e.g. 404) required for connection;
(3) availability of physical and legal access between the subdivision and the sewer line;
(4) modification of water right decrees associated with the existing discharges; and
(5)) technical feasibility of a connection.
(6) cost of a required pump station compared to gravity flow
(7) in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.

3. The applicant shall submit a final copy of the *Declaration of Protective Covenants Foxtrot Subdivision* prior to Board approval.

4. Lot owners shall install an Orenco Systems “AdvanTex” Treatment Unit (OWTS) or a comparable on-site wastewater treatment system (OWTS) that provides a level of

wastewater treatment equal to TL3N, pursuant to the *Gunnison County On-site Wastewater Treatment System Regulations*.

5. Residents shall not chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months. The use of bear proof trash containers shall be required to avoid human - bear conflicts. Residents shall use “wildlife friendly” fencing within the development, as identified by the Colorado Parks and Wildlife.

6. The applicant shall provide engineered construction plans and cost estimates for the new access road improvements, certified by a Colorado licensed professional engineer, prior to approval by the Board. The plans and costs shall be reviewed and approved by the Gunnison County Public Works Department.

7. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board, addressing the construction plans for the new access road. The Board Resolution shall not be recorded until this condition is fulfilled.

8. A performance bond, letter of credit or other means of surety, acceptable to the Board shall be required to cover the cost of the improvements, as identified on the construction plans, plus 25 percent; such cost estimate as provided by the applicant’s engineer, and that said surety is retained by Gunnison County. The Board Resolution shall not be recorded until this condition is fulfilled.

9. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board. Approval shall not be effective until the Board Resolution and Subdivision Plat is recorded with the Office of the Gunnison County Clerk and Recorder.

10. The applicant shall record the *Declaration of Protective Covenants Foxtrot Subdivision* contemporaneously with the Plat of Foxtrot Subdivision.

11. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

12. 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.

13. 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.

14. 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.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 16-___

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2015-00039 A LAND USE CHANGE PERMIT FOR MOON RIDGE RANCH, LLC FOXTROT SUBDIVISION NW1/4SE1/4 SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M.

WHEREAS, Moon Ridge Ranch, LLC, represented by Jenny Knox and David Leinsdorf, submitted a land use change application for the subdivision of 13.23-acres into four single-family residential lots, ranging between 2.54 and 3.75-acres each. Water for each residence will be provided by connection to the Saddle Ridge Ranch Estates Water Company and wastewater will be treated by "state-of-the-art" "AdvanTex" design on-site wastewater treatment systems (OWTS). Access to the lots will be via Moon Ridge Lane and a new road, "Foxtrot Trail"; and

WHEREAS, after a review of the information, documentation and substantial public testimony related to it, the Gunnison County Planning Commission did, after joint public hearings, on July 15, 2016 unanimously approve a Recommendation with certain Findings and Conditions:

FINDINGS:

1. The Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

2. The Commission finds that requirements for future sewer line connection of the development to an existing, available central sewer line have been addressed in the Conditions of Approval and as a requirement for inclusion in the *Declaration of Protective Covenants Foxtrot Subdivision*. The conditions were crafted to provide protection of water quality in the upper East River Valley, with respect to the *201 Study*, the *IGA*, the *Land Use Resolution*, and State law.

3. The Commission finds that the implementing the recommendations from the Colorado Parks and Wildlife are appropriate to minimize and mitigate human-wildlife conflicts.

4. The applicant has represented that each lot will be served by a higher technology on-site wastewater treatment system, referenced as an Orenco Systems "AdvanTex" system, providing a higher level of domestic wastewater treatment. It is appropriate that installation of an Orenco Systems "AdvanTex" system or a comparable treatment level system for on-site wastewater treatment system is a condition of this approval.

5. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.

6. This review and recommendation 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.

CONDITIONS:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. The following shall be required for future central sewer line connection as a condition of this approval and that such language shall be incorporated into the *Declaration of Protective Covenants of Foxtrot Subdivision*.

(1) At such time as the rules, regulations or requirements of Gunnison County require that the lots within Foxtrot Subdivision be connected to the Town of Crested Butte wastewater treatment system or a sanitation district central sewer system capable of providing sewer service to Foxtrot Subdivision, the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, subject to all of the following conditions:

a. The Town of Crested Butte or other central sewer system operator has sufficient capacity, is ready, willing and able to provide sewer service to Foxtrot Subdivision and an existing, available central sewer line is located within 400 feet of Foxtrot Subdivision; and

b. (1) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and one or more On-site Wastewater Treatment Systems (OWTS) exist within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost, compared to the then existing On-site Wastewater Treatment Systems. This determination shall include but not be limited to consideration of:

(1) the remaining expected life span of the existing OWTS systems;
(2) cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;
(3) permits (e.g. 404) required for connection;
(4) availability of physical and legal access between the subdivision and the sewer line;
(5) modification of water right decrees associated with the existing discharges; and
(6)) technical feasibility of a connection.
(7) cost of a required pump station compared to gravity flow
(8) in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.

OR

b. (2) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and no On-site Wastewater Treatment System exists within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost. This determination shall include but not be limited to consideration of:

(1) cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;

(2) permits (e.g. 404) required for connection;
(3) availability of physical and legal access between the subdivision and the sewer line;
(4) modification of water right decrees associated with the existing discharges; and
(5) technical feasibility of a connection.
(6) cost of a required pump station compared to gravity flow
(7) in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.

3. The applicant shall submit a final copy of the *Declaration of Protective Covenants Foxtrot Subdivision* prior to Board approval.

4. Lot owners shall install an Orenco Systems "AdvanTex" Treatment Unit (OWTS) or a comparable on-site wastewater treatment system (OWTS) that provides a level of wastewater treatment equal to TL3N, pursuant to the *Gunnison County On-site Wastewater Treatment System Regulations*.

5. Residents shall not chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months. The use of bear proof trash containers shall be required to avoid human - bear conflicts. Residents shall use "wildlife friendly" fencing within the development, as identified by the Colorado Parks and Wildlife.

6. The applicant shall provide engineered construction plans and cost estimates for the new access road improvements, certified by a Colorado licensed professional engineer, prior to approval by the Board. The plans and costs shall be reviewed and approved by the Gunnison County Public Works Department.

7. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board, addressing the construction plans for the new access road. The Board Resolution shall not be recorded until this condition is fulfilled.

8. A performance bond, letter of credit or other means of surety, acceptable to the Board shall be required to cover the cost of the improvements, as identified on the construction plans, plus 25 percent; such cost estimate as provided by the applicant's engineer, and that said surety is retained by Gunnison County. The Board Resolution shall not be recorded until this condition is fulfilled.

9. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board. Approval shall not be effective until the Board Resolution and Subdivision Plat is recorded with the Office of the Gunnison County Clerk and Recorder.

10. The applicant shall record the *Declaration of Protective Covenants Foxtrot Subdivision* contemporaneously with the Plat of Foxtrot Subdivision.

11. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

12. 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.

13. 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.

14. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2015-00039, Moon Ridge Ranch, LLC, Foxtrot Subdivision, is approved as a Minor Impact Project, subject to each and all conditions of the Planning Commission Recommendation, as identified above.

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

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 _____, seconded by Commissioner _____, and passed on this 6th day of September, 2016.

BOARD OF COUNTY COMMISSIONERS

_____	_____	_____
Paula Swenson, Chairperson	Phil Chamberland, Commissioner	Jonathan Houck, Commissioner

ATTEST:

_____

Gunnison County Clerk and Recorder