TO: **Board of County Commissioners**

FROM: **Planning Commission**

SUBJECT: **Planning Commission Recommendation**
Starlight Subdivision
LUC-2016-00034

DATE: **February 17, 2017**

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

APPLICANT: **Homestead Cabin LLC**
P.O. Box 343
Crested Butte, CO 81224
Kristine Kapushion

PROJECT DESCRIPTION:
The applicant has submitted an application for the subdivision of 38-acres into two single-family lots; one of three-acres (Lot 1) and one of 35-acres (with exiting residence – Lot 2)). Under a previous agreement, the Mt. Crested Butte Water and Sanitation District will provide water and sewer to the Lot 1. Under a previous agreement with the Town of Mt. Crested Butte, access to the Lot 1 will be via Big Sky Drive, Pitchfork. Access to the existing residence on Lot 2 is from Washington Gulch Road (CR 811).

The applicant has submitted protective covenants, titled *Declaration of Protective Covenants of Starlight Subdivision (Covenants)* and which identify specific design standards and limitations. A residence is limited to a maxuimum of 5,000 square feet and an aggregate square footage of all structures is limited to 7,500 square feet. A second residence is only allowed on Lot 2. The applicant has waived further development rights, eliminating further subdivision of the property.

LOCATION:
The property is located directly west of the Pitchfork Development (Town of Mt. Crested Butte), and is bisected by Washington Gulch and the Washington Gulch Road. The property is legally described as being within the NE1/4SW1/4 Section 26, Township 13 South, Range 86 West, 6th P.M, consisting of 38-acres.

SURROUNDING LAND USES:
West – Allen & Sons - 755-acre parcel; vacant, agricultural
North – Kapushion & Company – 41-acre tract; vacant, agricultural
East – Pitchfork Development (Town of Mt. Crested Butte), high density residential
South – Glacier Lily Subdivision, residential

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 Decision include, but are not limited to:
- Minor Impact Application
- CBFPD Comments, letter of October 24, 2016

- Mt. Crested Butte comments, email of November 4, 2016
- Plat of Starlight Subdivision, prepared by NCW & Associates, January 11, 2017
- Declaration of Protective Covenants of Starlight Subdivision, January 11, 2017

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

- November 18, 2016 Work Session
- January 20, 2017 Joint Public Hearing
- February 17, 2017 Work Session

SITE VISIT:
The Planning Commission determined a site visit was not required, as they were familiar with the property and the neighborhood.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on January 20, 2017; at that time:

Bill Coburn homeowner in and developer of the Pitchfork Subdivision illustrated the snow storage existing issues on a plat. His only issue with the Meredith's plan is the lack of availability for Pitchfork snow storage. The snow storage is currently very tight in Pitchfork.

Ed Corcoran resident in Ptichfork said he lives across from the snow storage area and it is filled with snow most of the time. Snow is regularly stored there and trucked out. There was not enough snow storage planned and it is already a very difficult situation. It is important to maintain the current level of snow storage and any additional storage would be beneficial.

Cassie Cadenhead resident in Big Sky pointed out using Big Sky as the access point is a one way road and it would impact the entire block. She was very concerned about the potential construction traffic, and a blind corner on the road. She inquired how those road impacts would be paid for.

Roman Kolodzie resident in Pitchfork thanked the Meredith's for allowing the KBUT radio towers on their property, and offered to help with the spring cleanup. He was concerned with the proposed access point. Kolodzie said he is passionate about his view shed, and this proposed house could obstruct his view if placed on the top of the hill. Meredith explained the easement is barely off the edge of Washington Gulch and there is no space to build farther over. He added being up against the hill is the least disturbance to the view shed, and views toward Red Lady and down valley will not be obstructed, but he said Kolodzie will be able to see the new house. Whitney Meredith reminded Kolodzie they are asking for one home not nine and no further subdivision of this lot is beneficial to the view.

Written Comments were received from:

- Cassia and Ryan Cadenhead, January 10, 2017, noting suggestions regarding the location of the building envelopes, snow storage, trails and visual impacts.

- Joseph W. Judd, January 12, 2017, noting concerns with traffic and access.

- George Harper, January 19, 2017, noting concerns with traffic and access.

- Geller Fischel Trust, January 19, 2017, preferring no subdivision

- Edward A. Corcoran & Janet L. Birch, noting concerns with traffic, snow storage, cattle and access.

- Betsy Kolodziej, January 20, 2017, noting concerns with building size and height, access and views.

- Roman Kolodziej, January 20, 2017, noting concerns with building size and height, access and views.

- Pavel Kasala, January 20, 2017, noting concerns with building size and height, access and views.

- Lisa Pisano, January 20, 2017, noting concerns with building size and height, access and views.

The oral portion of the public hearing was closed, but written public comments were allowed until February 3, 2017. No additional written comments were received.

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:

- **Crested Butte Fire Protection District** –Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, October 24, 2016. The comments note:
  "The Fire Division of the Crested Butte Fire Protection District has received your proposal for the above noted project. After reviewing the proposal for compliance with adopted codes and ordinances we have no objections to the proposal."

- **Town of Mt. Crested Butte** – Carlos Velado, CD Director, Town of Mt. Crested Butte, via email of November 4, 2016 provided comments, noting possible concerns with building height, square footages, setbacks, gates and affordable housing.

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

Section 9-508: Keeping of Livestock not on an Agricultural Operation.
The applicant proposes to allow livestock on the property.

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 (Town of Mt. Crested Butte).

Section 10-103: *Residential Density.*
The residential density of the lots is one unit/19-acres; Mt. Crested Butte Water and Sanitation District will provide water and sewer to Lot 1.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
The property contains an unmapped floodplain on the Washington Gulch drainage. The building site on Lot 1 is located outside of the floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
The portion of the property within the building envelope on Lot 1 is within an Unstable Slope geologic hazard area, according to County mapping. A geotechnical evaluation and report will be required at the time of building permit application.

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. No comments were received from Colorado Parks and Wildlife.

Section 11-107: *Protection of Water Quality*.
Not applicable. The building envelope on Lot 1 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 property is adjacent to agricultural land, which is owned by the applicant.

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 existing residence on Lot 2 is accessed from Washington Gulch Road. Lot 1 will be accessed via driveway from Big Sky Drive, from within the Pitchfork Development, pursuant to an agreement with the Town of Mt. Crested Butte.
No comments were received from Public Works.

Section 12-104: *Public Trails*.
There is no public trail existing or proposed.

Section 12-105: *Water Supply*.
Water to Lot 1 will be provided by the Mt. Crested Butte Water and Sanitation District, under an existing agreement between the applicant and the District. The existing residence on Lot 2 has an existing well. See letter from Mt. CBW&SD.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Sewer for Lot 1 will be provided by the Mt. Crested Butte Water and Sanitation District, under an existing agreement between the applicant and the District. The existing residence on Lot 2 has a septic system. See letter from Mt. CBW&SD.

Section 12-107: *Fire Protection*.
The property is within the Crested Butte Fire Protection District. See comments from Scott Wimmer, Fire Inspector, and Ric Ems, Chief, Crested Butte Fire Protection District, comments of October 24, 2016, noting that the District has no objection to the proposal.

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 structures will be located within building envelopes.

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.

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

Section 13-109: *Signs.*
There are no signs proposed as part of the submitted application.

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.

Section 13-112: *Snow storage*.
Adequate area is available for snow storage on each lot. Snow storage from the Town of Mt. Crested Butte, from Town streets in the Pitchfork Development was addressed at the public hearing. The applicant/landowner has an agreement with the Town of Mt. Crested Butte allowing for snow storage on the property.

Section 13-113: *Fencing*
All new fencing shall comply with this Section.

Section 13-114: *Exterior Lighting.*
All new structures are required to comply with this section.

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

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 Washington Gulch 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 Starlight 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 Planning 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 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*.

3. The subdivision plat was reviewed and approved by the County Attorney's office, as to form and content.

4. 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.

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 Board of County Commissioners that LUC No. 2016-00034 Starlight Subdivision, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Description" 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. 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 of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

3. 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.

4. The *Declaration of Protective Covenants of Starlight Subdivision* shall be recorded contemporaneously with the Plat.

5. 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.

6. 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.

7. 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.