GUNNISON COUNTY, COLORADO
PLANNING DEPARTMENT STAFF REPORT
for MINOR IMPACT

Land Use Change Permit Application: Pillow Rock Financial
Application No: LUC 15-00020
Date application scheduled with Planning Commission: Sept. 18, 2015
Prepared by: Russell Forrest, Community Development Director

APPLICANT NAME:	Pillow Rock Financial
PROPERTY OWNER NAME:	Pillow Rock Financial
PROJECT DESCRIPTION:	Mountain Bike Trail
PROPERTY LOCATION:	Lot 33A, Boundary Line Adjustment Map, Lot 32 and 33, Trappers Crossing At Wildcat, Gunnison County
Total Acreage	35.55 acres
Description of Project	The applicant has built a 3 foot wide 4,400 linear foot trail for the stated purpose of mountain biking on the owner's 35.55 acre lot. The total area of impact of the trail is 13,200 square feet. There are no structure on the lot. There is an access road to an undeveloped home site which also has an electrical transformer and a well. There is also a Walking trail easement 20 feet in width for the Green Lake Trail which runs through the Trappers Crossing Subdivision and the subject property The focus of this minor impact review is the 13,200 square feet of site disturbance associated with the construction of the trail. The trail is for private use based on the application. The trail was built without approval from the County. The applicant is now applying for a minor impact land use change. The specific regulation that speaks to a land use impact classification for this type of project is found in Article 6, Section 6-102: Projects Classified as Minor Impact Project. K. Clearing of More than 7500 Sq. Ft. of Land: Clearing of more than 7,500 sq. ft. of land not related to activities permitted by a Building Permit an ISDS Permit, or Access Permit or an agricultural operation. This action was brought to the attention of the County by the Trappers Crossing HOA.

	A site plan has been provided that includes the location of the trail. Staff has conducted a site visit with the property owner and the trail designer. The trail is entirely on the property owner's property. There is evidence that that the trail has connected to the Green Lake Trail which runs through the subject property. When staff conducted a site visit approximately 10 feet of the trail adjacent to the Green Lake Trail was covered with brush and vegetation in an effort to obscure it.
SURROUNDING LAND USES:	North: Lot 34, Trappers Crossing at Wildcat East: Lot 32A Trappers Crossing at Wildcat South: Lot 9, Trappers Crossing at Wildcat III West: Bureau of Land Management
AGENCY AND DEPARTMENT REVIEWS:	Town of Crested Butte Crested Butte Fire Prevention District Gunnison County Public Works Department Colorado Department of Parks and Wildlife U.S. Bureau of Land Management
PRE-APPLICATION CONFERENCE:	County staff has conducted a site visit, pre application meeting, and met with the applicant
STATUS OF APPLICATION:	Complete based on the application type
ATTACHED EXHIBITS:	The Planning Commission and public are encouraged to read the application and all the material that have been provided with this application. All materials associated with this application can be found on the County's permit database: • Using http:/204.132.78.100/citizenaccess/ • Click Public Access • Click Project • Click Application Number • Use Application Number **LUC-15-00020 (exactly)** • Click on file to open it • Click Attachments Tab
PLANNING COMMISSION TASKS AT INITIAL WORK SESSION:	— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine need for a site visit and set date for site visit if desired. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Determine if application is ready to be set for public hearing, or if other work session is required

INITIAL IMPACT CLASSIFICATION:		The application has been classified as a Minor Impact as the result of more than 7,500 square feet of land clearing as per Article 6, Section 6-102: Projects Classified as Minor Impact Project. K. Clearing of More than 7500 Sq. Ft. of Land: Clearing of more than 7,500 sq. ft. of land not related to activities permitted by a Building Permit an ISDS Permit, or Access Permit or an agricultural operation.
OTHER CRITERIA OF IMPACT CLASSIFICATION (SEC. 3-111. B. 1.) **Demand for public services.** The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services. **Impacts on impact area and the environment.** The proposed land use change is expected to generate a minor or a major impact on the impact area. **IMPACTS RELATED TO ALL EXISTING AND PROPOSED DEVELOPMENT AND PROPOSED DEVELOPMENT IN IMPACT AREA.** THE IMPACTS OF THE PROPOSED LAND USE CHANGE, WHEN CONSIDERED IN CONJUNCTION WITH EXISTING AND PROPOSED LAND USE CHANGES IN THE IMPACT AREA, ARE EXPECTED TO BE MINOR.		**Demand for public services:** Staff does not anticipate any major or minor impact to public services. Staff appreciates there may be concerns about an increase in trespassing with the applicants trail. However, there already is a public trail (Green Lake Trail) that goes through the subdivision. We do not anticipate that a private trail for private use would increase the need for public services. **Impacts on impact area and the environment:** There are no structures, roads, or utilities proposed in the applications. The trail, based on staff's site visit, avoids several wetland areas on the site and minimized (there was certainly evidence of tree removal) impact to vegetation. Erosion control was also evident in the construction of the trail. **Impacts related to all existing and proposed development and proposed development in impact area.** Given there are no structures being proposed to be developed, staff expects the impacts to be either nonexistent or minor in nature.
EA or EIS is required for this project	☐ Yes ☒ No	
Project located in Special Geographic Area	☐ Yes ☒ No	
Phasing proposed	☐ Yes ☒ No	
Is a Partially Exempted land use change (Section 1-106)	☐ Yes ☒ No	

APPLICABILITY OF *LAND USE RESOLUTION* STANDARDS:

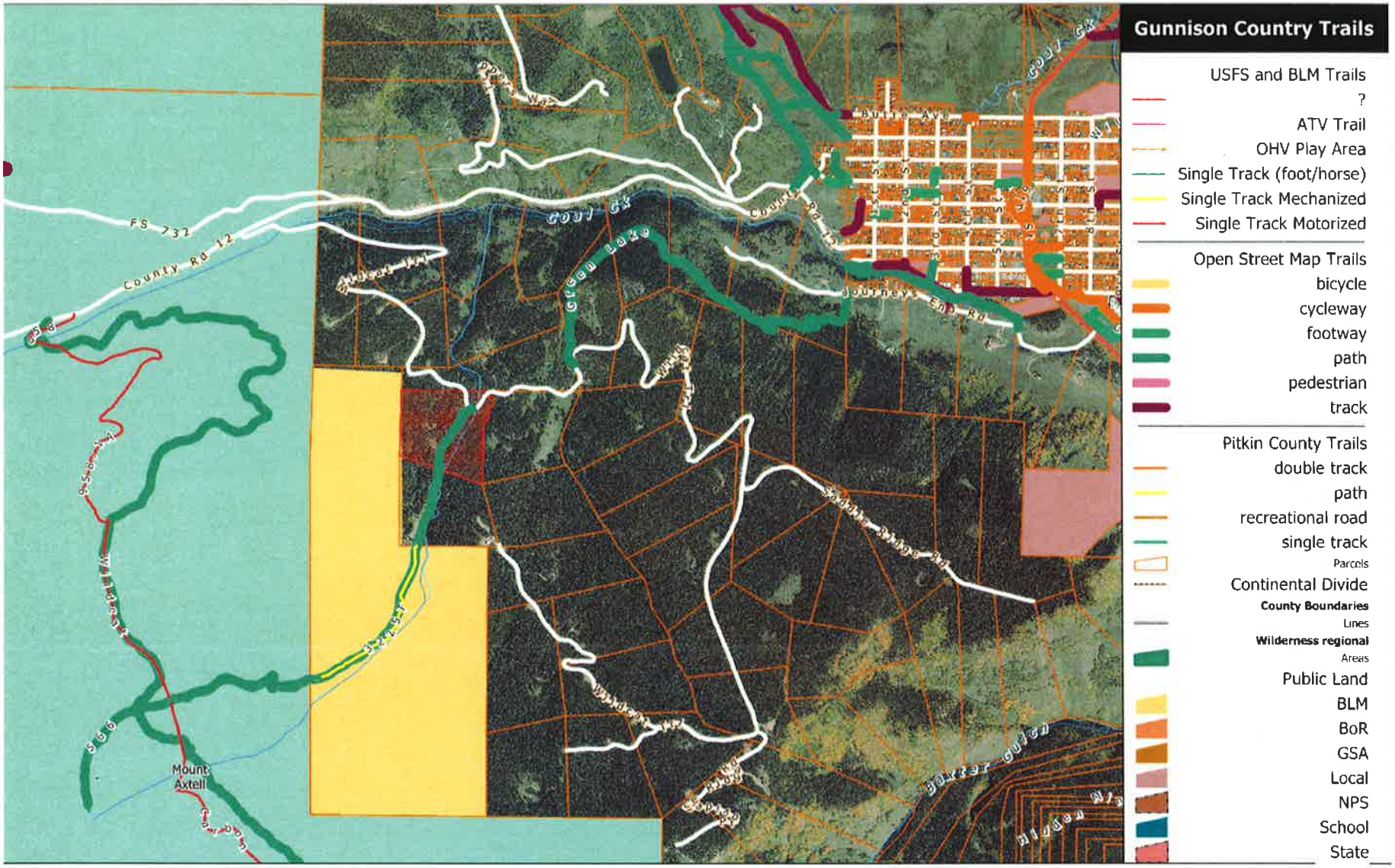
STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
Section 9-101: Uses Secondary to a Primary Residence	☐ Yes ☐ No ☒ N/A	
9-200 Special Residential Uses	☐ Yes ☐ No ☒ N/A	
9-301: Commercial and Industrial Uses	☐ Yes ☐ No ☒ N/A	
9-400: Exploration, Extraction and Processing o Minerals and Construction Materials	☐ Yes ☐ No ☒ N/A	
9-501 Special Events	☐ Yes ☐ No ☒ N/A	Special Events or public use is not proposed by applicant
10-103: Residential density	☐ Yes ☐ No ☒ N/A	
10-104: Locational standards for commercial, industrial or other non-residential uses: a. **NECESSARY LOCATION**. The location is necessary because of specific circumstances including location of minerals, unique transportation needs or geologic conditions; or b. **NO SITE IS REASONABLY ATTAINABLE IN OR ADJACENT TO THE NEAREST MUNICIPALITY OR EXISTING PERMITTED BUSINESS OR INDUSTRIAL PARK.** There is no site reasonably attainable within or adjacent to the municipality or existing permitted businesses or industrial park nearest the proposed development site, in an area that qualifies for annexation, or is consistent with a municipal Three Mile Plan area. Evaluation of suitability shall consider size of parcel needed, reasonable availability of necessary utilities and other infrastructure, and the applicant shall provide documentation of comparable sites. Economic feasibility or	☐ Yes ☐ No ☐ N/A	The applicant has created a private non-motorized trail which is the subject of this application. Determining the appropriate locational standards in Article 10 and whether they even apply is an interesting question. Non-residential uses is an undefined term in the LUR. It has been applied to institutional uses (Public Works Facility), Utilities, CDOT facilities (new shops), and common structures for development projects such as the lodge at Cimarron LLC. The City of Gunnison several years ago requested whether any permit would be required for its public trail system outside of the municipal boundary and the conclusion of the County Planning Commission was that an LUC application was not required. There are private trails on both developed and undeveloped lands across Gunnison County and most likely exist on many large private residential lots. Staff considered if a property owner wanted to create a barn and a horse riding trail system whether any permit would be required? If a home existed first on the property and then a private non-motorized trail

practicality of comparable sites may be considered, but shall not be the deciding factor in determining suitability; or c. **LOCATION WELL-SUITED TO SPECIFIC USE**. The proposed location is particularly well-suited for the specific use (recreational facilities, including dude ranches or resorts); provided, however, that location in a high traffic area or on a highway artery shall not, in and of itself, qualify a proposed commercial development for approval; or d. **NEED OR USE IS WELL-SUITED IN A PARTICULAR AREA.** There is a documented need for the specific use in the proposed location; or e. **USE IS DESIGNED TO SERVE A SPECIFIC RESIDENTIAL AREA.** The development will be located and designed primarily to serve an integral part of a specific residential area or development, and shall provide services that are reasonably likely to reduce vehicle trips between the residential area and population centers.		private trail private trail was built on the property, the trail would clearly be accessory to the home. Given the history of non-residential uses and how they have been regulated, staff tends to believe that a non-motorized private trail does not fall into the category of a non-residential use and 10-104 does not apply. Staff believes this is an important issue to discuss with the Planning Commission.
11-102: Voluntary best management practices	☒ Yes ☐ No ☐ N/A	Based on site observations, in reference to Section 11-102, the applicant has avoided locating the trail near the stream and avoided wetlands. In addition care was given in terms of avoiding erosion and storm water impacts.
11-103: Development in flood hazard areas	☐ Yes ☐ No ☒ N/A	
11-104: Development in geologic hazard areas	☐ Yes ☐ No ☒ N/A	
11-105: Development in wildfire hazard areas	☒ Yes ☐ No ☐ N/A	Development is not being proposed but the area is in a High Wildfire Hazard Severity Area.
11-106: Protection of wildlife habitat areas	☐ Yes ☐ No ☒ N/A	A copy of the application has been referred to the Colorado Division of Parks and Wildlife.
11-107: Protection of water quality	☒ Yes ☐ No ☐ N/A	The applicant has avoided locating the trail near the stream and avoided impacts to wetlands on the site

		based on a staff's site visit. In addition, care has been given to minimizing erosion from the trail with the design of the trail.
11-108: Standards for development on ridgelines	☐ Yes ☐ No ☒ N/A	The subject parcel is not on a ridgeline and no development is proposed at this time.
11-109: Development that affects agricultural lands	☐ Yes ☐ No ☒ N/A	
11-110: Development beyond snowplowed access	☐ Yes ☐ No ☒ N/A	
11-111: Development on Inholdings in national wilderness	☐ Yes ☐ No ☒ N/A	
11-112: Development above timberline	☐ Yes ☐ No ☒ N/A	
12-103: Road system	☒ Yes ☐ No ☐ N/A	There is an unpaved access road on the site.
12-104: Trails	☒ Yes ☐ No ☐ N/A	A private mountain bike trail has been created on the property. It is for the use of the property owner. Section 12-104 encourages applicants to include public trails in applications. Again this is not proposed as a public trail.
12-105: Water Supply	☐ Yes ☐ No ☒ N/A	
12-106: Wastewater treatment	☐ Yes ☐ No ☒ N/A	
12-107: Fire protection	☒ Yes ☐ No ☐ N/A	The subject parcel is within the Crested Butte Fire Prevention District. No structures are proposed as part of this project.
Article 13: Project Design Standards 13-103 General Site Plan Standards and Lot Measurement 13-104 Setback 13-105 Residential Building Sizes and Lot coverage's 13-106 Energy and Resource Conservation 13-107: Installation of Solid-Fuel Burning Devices 13-108 Open Space and Recreation Areas 13-109 Signs 13-110 Off-Road Parking and Loading	☐ Yes ☐ No ☒ N/A	These standards are applicable to development of structures and roads.

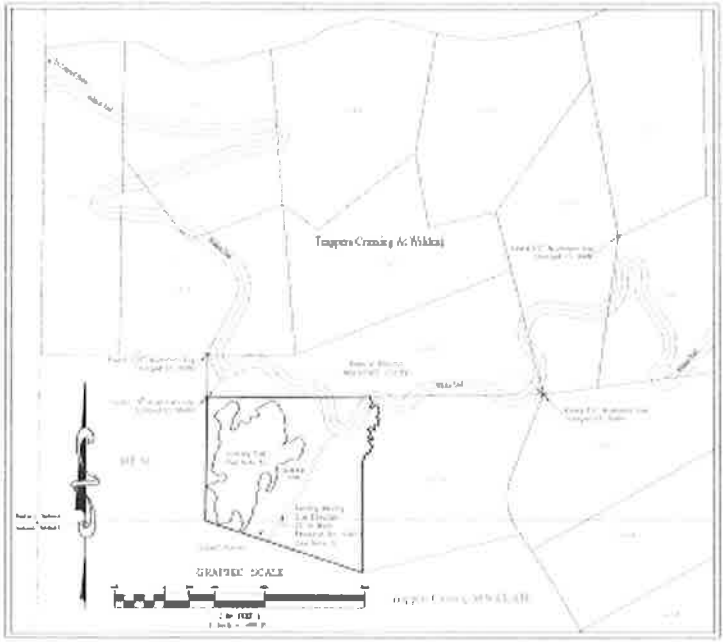
13-111 Landscaping and Buffering 13-112 Snow Storage 13-113 Fencing 13-114 Exterior Lighting 13-115 Reclamation and Noxious Weeds		
13-117 Drainage, Construction and Post Construction Storm Water Runoff	☐ Yes ☐ No ☒ N/A	
13-118 Water Impoundments	☐ Yes ☐ No ☒ N/A	
13-119: Standards to ensure Compatible Uses	☒ Yes ☐ No ☐ N/A	Staff believes these standards are applicable. A private hiking and mountain biking trail given a public trail exists within the subdivision and even on the subject property is consistent. Staff would add that any motorized use of the private trail would be inappropriate given the potential for noise impacts on adjacent residential uses. In addition, eliminating the trail connection from the private trail to the Green Lake Trail should be considered in the discussion with the Planning Commission.
Attachments: 1: Aerial Proximity Map 2: Applicants Site Plan 3: Close up of site 4: Letters to date on application		

Attachment 1
Proximity Map (Subject Property in Red Shaded Parcel)

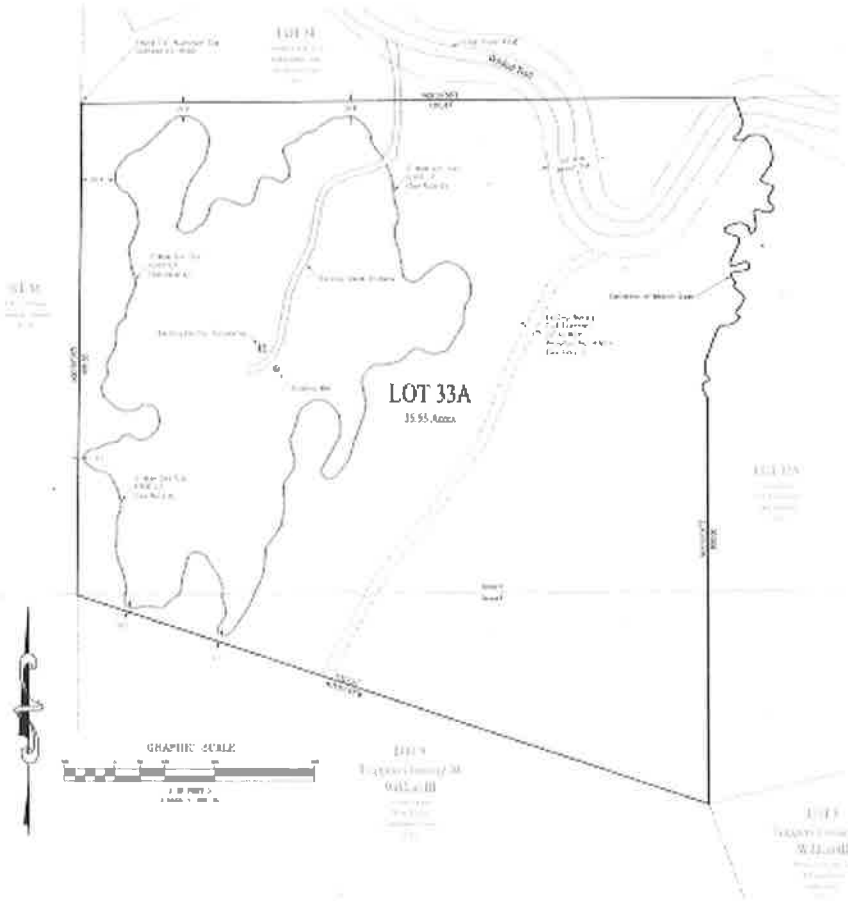


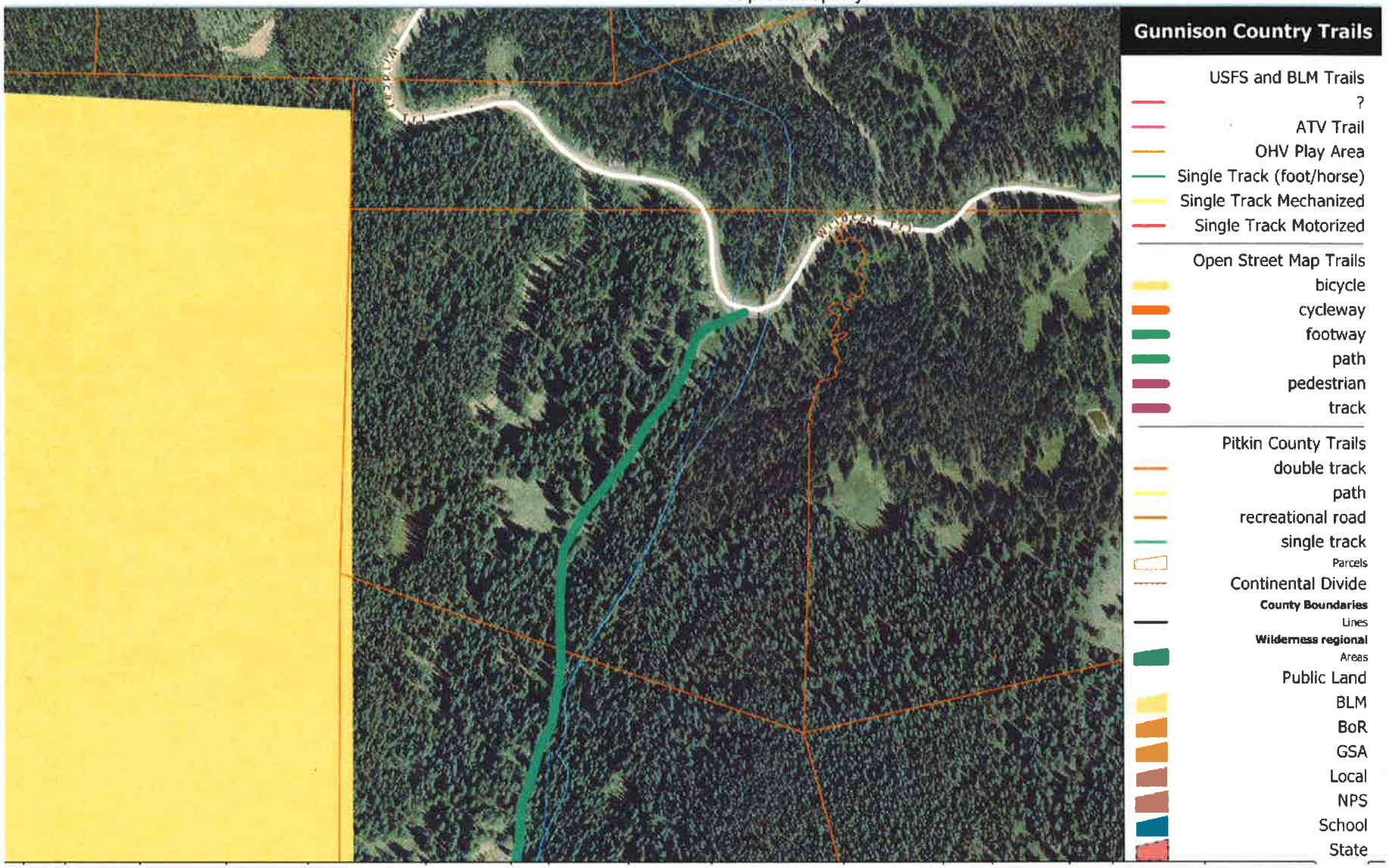
Attachment 2: Site Plan

Site Plan
Lot 33A, Trappers Crossing at Wildcat
Situated in Sections 4 and 9, T.14S., R. 86W. of the 6th P.M.
Gunnison County, Colorado



Overview Map



SGM 118 West Sixth Street, Suite 300 Glenwood Springs, CO 81601 970.945.1004 www.sgmcorp.com	Lot 33A Trappers Crossing At Wildcat	# / Revision / Date / By		Site Plan	1 / 1

Attachment 3 GIS Close Up on Property