TO:	Gunnison County Planning Commission
SUBJECT:	Minor Impact Decision Document for Pillow Rock Financial
PREPARED BY:	Russell Forrest, Director of Community Development
DATE:	October 16, 2015
OWNER/ APPLICANT:	Pillow Rock Financial **/** LUC 15-00020
REPRESENTED BY:	Dylan Carson

---

1. PURPOSE OF MEETING

The purpose of the October 16, 2015 meeting is to hold a public hearing for Pillow Rock Financial regarding a Minor Impact Application for a private mountain bike trail created on Lot 33A Trappers Crossing At Wildcat in Gunnison County. Staff would ask that the Public Hearing procedures be used that are posted in the Planning Commission Meeting Room chambers.

2. PROJECT SUMMARY

The applicant, Pillow Rock Financial, 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 structures 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.

On September 8, 2015 a worksession and site visit was conducted to the site. On the site visit the applicant, adjacent homeowners, and the Planning Commission walked the trail and the area around the subject property.

3. APPLICATION TO THE LUR AND STAFF ANALYSIS

Attachment 1 includes the staff analysis from the September 8th worksession. Applicable provisions of the LUR to this application are reviewed and discussed in this analysis. The issue of locational standards was discussed in the worksession and from the September 8th memo staff wanted to highlight the following related to section 10-104: locational standards for commercial, industrial, or other non-residential uses:

> "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 (plan) 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 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."

Sections 11-102 through 11-107 are applicable in relationship to environmental issues and best management practices. The applicant has referenced that they used the National Park Service guidelines for trail design which are in the public record associated with this application which can be found at : http:/204.132.78.100/citizenaccess/. In reviewing the guidelines there is significant focus to minimizing environmental impacts and being sensitive to natural features. Although trees have been removed in the trail construction process, the site visits to the site seem to demonstrate care was given in the design and construction of the trail to minimize impacts. Given those observations, there appears to be no significant impacts associated with the trail with the exception of the connection to the Green Lake Trail.

With regard to section 13-119: Standards to ensure compatible uses, there is the issue of creating an attractive nuisance on the property. Staff's observations is that the Green Lake Trail (which is in a public easement and goes through both the applicants' property the subdivision) has a connection to the applicants private trail system. We don't believe that there is a direct connection from the applicants trail to any other adjacent lots except through the Green Lake Trail. Staff has discovered that an undocumented trail system **may** go through the subdivision on private and HOA lands which is not in a public trail easement. However, we could find no evidence that the applicants land interconnects with this undocumented trails system. So it is certainly reasonable to believe that there is an issue of trespassing within the Subdivision. However, we have not yet seen evidence that the applicants trail is contributing to the potential illicit use of private lands.

Staff does believe that the applicant should eliminate the trail connection between the Green Lake Trail and his trail system in a way sufficient (boulders, down trees etc.) to prevent further interconnection between the private trail system and the Green Lake Trail. The applicant needs to consult with the

Town of Crested Butte regarding the removal of this trail to ensure that any activity respects the public trail easement.

Staff is eager to hear public input and any final recommendation will consider that input. At this point in the development review process staff does not see any incompatibility with the proposed use or inconsistency with the standards in the Land Use Resolution applicable to this application.

4. INPUT FROM REFERERAL AGENCIES

Again all documents associated with this applications including letters from referral agencies can be found at:

- 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

5. NEXT STEPS

After closing the public hearing, staff would request direction on how to prepare a decision for consideration at the next Planning Commission Meeting (November 6, 2015). Any direction given to staff after the public hearing is not a final decision. The Planning Commission can also elect to not give staff direction and further deliberate a decision at a future meeting.

Attachment A: Pillow Rock Staff Memorandum dated September 18, 2015

Attachment A:
Pillow Rock Staff Memorandum dated September 18, 2015