TO:	Gunnison County Planning Commission
SUBJECT:	Minor Impact Decision Document for Pillow Rock Financial
PREPARED BY:	Russell Forrest, Director of Community Development
DATE:	December 4, 2015
OWNER/ APPLICANT:	Pillow Rock Financial / LUC 15-00020
REPRESENTED BY:	Tanner Wells

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1. PURPOSE OF MEETING

The purpose of the October 16, 2015 meeting was 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. That meeting was continued to December 4th, 2015. At the conclusion of the public hearing, staff would request direction on how to prepare a decision document for a future meeting.

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

Locational Standards:

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 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."

Resource Protection Standards

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.

Minor Impact Project Standards

As per Section 6-103, a Land Use Change Permit for a Minor Impact Project shall comply with the following:

A. **ALL APPLICABLE STANDARDS**. The proposed land use change shall comply with, and the burden shall be on the applicant to demonstrate through competent evidence that the proposed land use change complies with all applicable requirements of this *Resolution*; and

B. **COMPATIBILITY WITH COMMUNITY CHARACTER**. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area; and

C. **COMPLIANCE WITH SPECIFIC STANDARDS.** In addition, the following standards shall apply to individual types of Minor Impact Projects:

   1. **ADDITIONAL STANDARDS APPLICABLE TO VACATION, AMENDMENT OR REPLAT OF SUBDIVISION PLATS.** The Board may approve a Minor Impact application to vacate, amend or replat any recorded subdivision plat if all of the following additional standards are met:

      a. **LEGAL PLAT OF RECORD.** The plat to be vacated, amended or replatted shall be a legal plat of record; when the plat is proposed to be vacated the applicant(s) shall be the owner of all the lands identified on the plat to be vacated.

      b. **VACATION SHALL NOT DENY ACCESS.** Vacation, amendment or replatting of all or part of the plat shall not interfere with the use of, nor deny access by public thoroughfare to public land, adjoining properties, utility service, or other improvements. In granting a vacation, the Board may reserve easements for access, and for the installation or maintenance of utilities, ditches, and similar improvements.

      c. **NOT DAMAGE ANY LOT OWNER.** The plat vacation, amendment or replat shall not result in damage to any individual lot owner.

The Staff Analysis in Attachment 1 provides a staff response to the applicable standards as per Section 6-103. A. With respect to Section 6-103.B, staffs speaks to Compatibility with Community Character in the section below referenced as "Standards to Ensure Compatible Uses." With respect to Section 6-103.C this section is not applicable in that there is not proposed vacation, amendment or replat being proposed.

Standards to Ensure Compatible Uses

With regard to Section 13-119 (Standards to ensure compatible uses) and Section 6-103.B, an existing public trails has been allowed and exists on both the Subdivision and on the subject property. This existing trails is part of the neighborhood and other public trails exist on other private lands in the vicinity of Crested Butte. Trails are part of the community character of mountain communities, particularly Crested Butte.

From the public testimony to date, it appears that there is concern that the proposed private trail may create an attractive nuisance. 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 have not found evidence to suggest 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.

In reviewing the above mentioned standards, staff finds that with reasonable conditions a private trail, given the existence of a public trail through the HOA and the subject property, is not incompatible with the existing uses and is consistent with the above mentioned standards and those highlighted in Attachment 1.

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. 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

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:

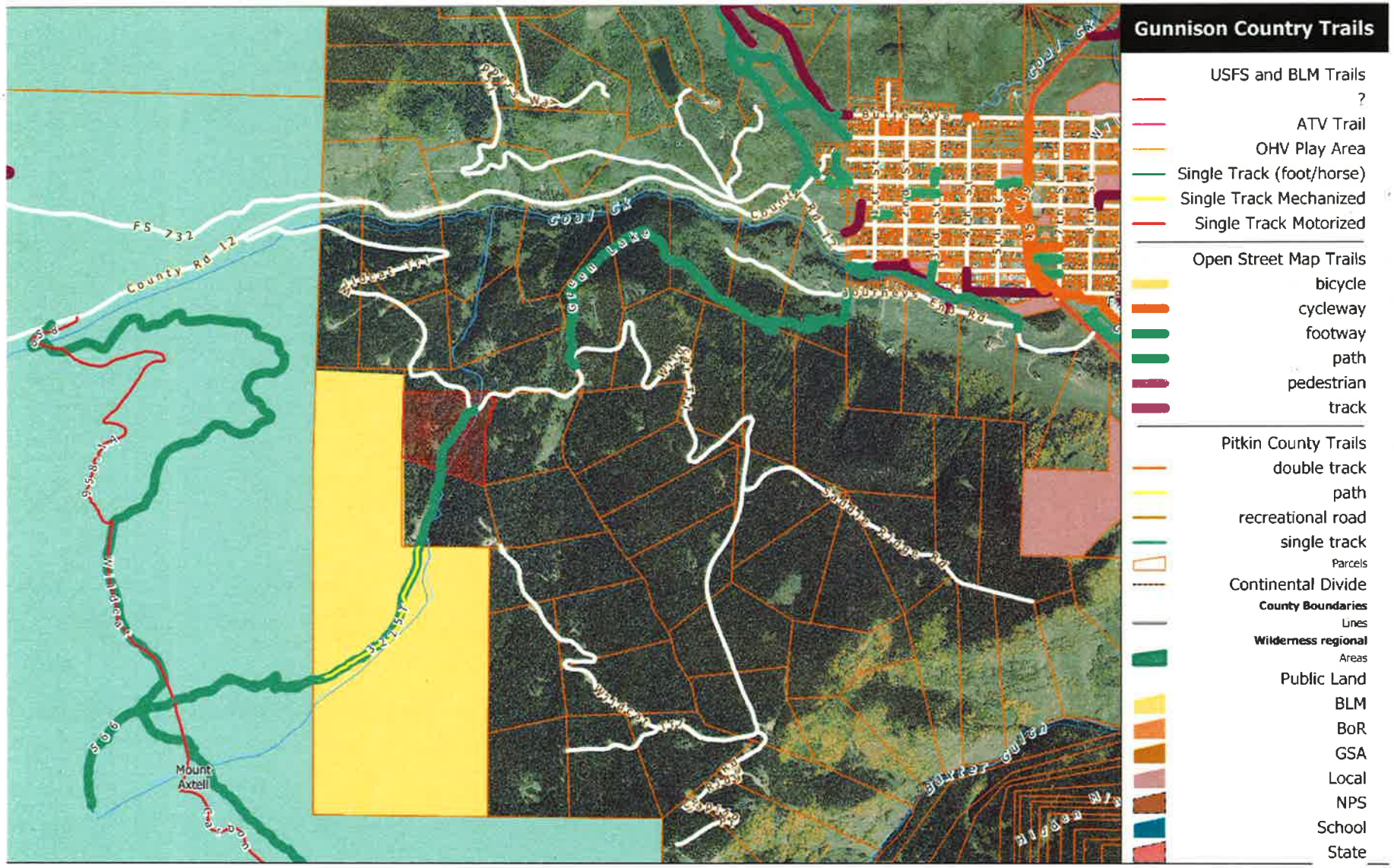
STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
Section 9-101: Uses Secondary to a Primary Residence	☐ Yes ☐ No ☒ N/A	
9-200 Special Residential Uses	☐ Yes ☐ No ☒ N/A	
9-301: Commercial 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)



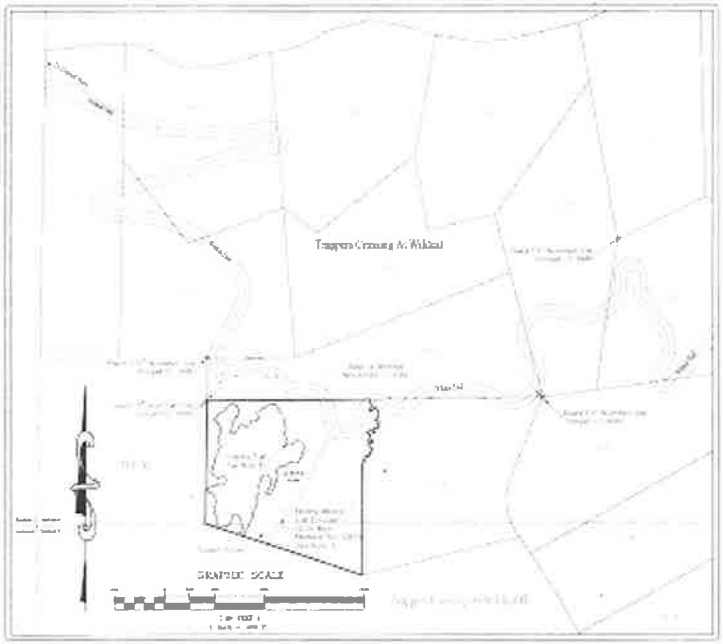
Attachment 2: Site Plan

Site Plan

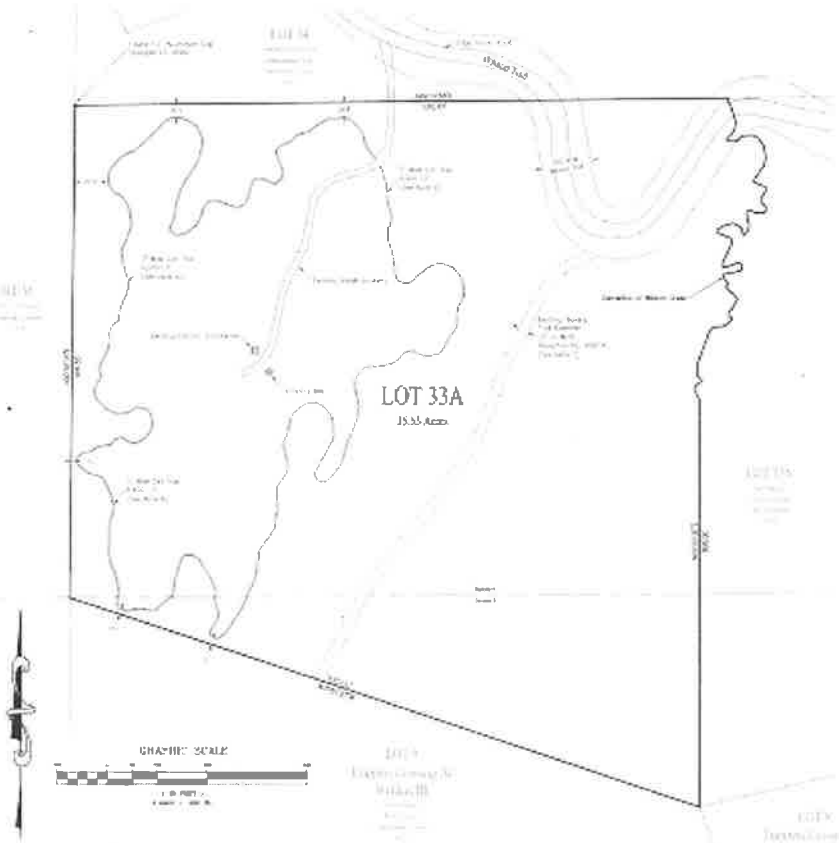
Lot 33A, Trappers Crossing at Wildcat

Situated in Sections 4 and 9, T.14S., R. 86W. of the 6th P.M.

Gunnison County, Colorado



Overview Map



SGM

Lot 33A

Trappers Crossing At Wildcat

Site Plan

Attachment 3 GIS Close Up on Property