GUNNISON COUNTY, COLORADO
PLANNING DEPARTMENT STAFF REPORT
SKETCH PLAN for MAJOR IMPACT PROJECT
SLATE RIVER DEVELOPMENT
LUC-16-0009

Land Use Change Permit Application: Slate River Development
Application No.: LUC-16-00009
Date application scheduled with Planning Commission: May 20, 2016
Prepared by: Neal Starkebaum

APPLICANT/OWNER NAME:	Cypress Foothills, LP 8443 Douglas Avenue, Ste 200 Dallas, TX 75225
REPRESENTED BY :	Marcus J. Lock Law of the Rockies 525 N. Main Street Gunnison, CO 81230
PROJECT DESCRIPTION:	The applicant proposes to subdivide a 44.5-acre parcel, in a hybrid development proposal. The property is bisected by the Slate River. The East Parcel (30.4-acres east of the Slate River) would be subdivided into 23 single-family residential lots, with the opportunity for a secondary residence on each lot. Lot sizes range from one-third to three-quarter acres. Access will be from Gothic Road, via construction on a new road (Road A). The lots would be restricted to a maximum primary residential building size of 5,000 square feet, the secondary residence to 750 square feet and the aggregate square footage of all buildings to 5,750 square feet. Water will be provided by central well(s) and wastewater will be provided by central sewer, by connection to the Town of Crested Butte's municipal sewer system. The West Parcel (14.1-acres west of the Slate River) would be a remainder tract that will be annexed to the Town of Crested Butte.
PROPERTY LOCATION:	The parcel is legally described as being located in the SW 1/4 of Section 35, Township 13 South, Range 86 West, 6th P.M, Tract Q (aka Lot 13). The land is adjacent to the Town of Crested Butte, immediately north of the Town's Public Works Yard and wastewater treatment plant, and south and east of the Town cemetery.
SURROUNDING LAND USES:	Crested Butte Cemetery, Town of Crested Butte, Residential, Agricultural
AGENCY AND DEPARTMENT REVIEWS:	Gunnison County Public Works, no comments received RE-IJ School District, no comments received Town of Crested Butte, no comments received Crested Butte Fire Protection District, comments dated May 11, 2016 CO Division of Parks and Wildlife, J Wenum, Area Wildlife Manger, letter of May 5, 2016 CO Division of Water Resources, Megan Sullivan, P.E., comments dated May 6, 2016
PRE-APPLICATION CONFERENCE:	A pre-application conference was conducted with staff and Marcus Lock (Law of the Rockies) and Cameron Aderhold (Cypress Equities). Informal comments included: discussion of access, water supply, wastewater treatment, application requirements and other related issues.

SKETCH PLAN STATUS OF APPLICATION:	The Slate River Development Sketch Plan was determined to be complete on April 11, 2016; the original application was submitted March 25, 2016. The *Land Use Resolution* states: **SKETCH PLAN IS EXPLORATORY.** Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this *Resolution*. 1. **SKETCH PLAN EXPECTED TO EVOLVE.** Requirements of Sketch Plan direct the applicant to review specific sections of this *Resolution* and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review. 2. **ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN.** To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.
PLANNING COMMISSION TASKS AT INITIAL SKETCH PLAN WORK SESSION:	— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Review staff comments identifying compliance of application with standards, and other standards with which the application must comply in order to be approved — Identify and consider issues — 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 — Set site visit date — Determine if application is ready to be set for joint public hearing, or if other work session is required

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	

PROTECTIVE COVENANTS OUTLINE INCLUDING DESIGN CRITERIA:

	Complies with Sketch Plan submittal requirements	References to Covenants Exhibit X - Application

Responsibilities of property owners or homeowners' association defined	☒ Yes ☐ No	Responsibilities of Homeowner's Association – Exhibit X 1.
Property owners' enforcement; and Gunnison County is party to enforcement.	☒ Yes ☐ No	County is Party to Enforcement of Protective Covenants in Subdivision – Exhibit X 2.
Amendment or termination of the protective covenants is subject to approval by Gunnison County.	☒ Yes ☐ No	County is Party to Amendment or Termination – Exhibit X 3.
Defined building heights, compatibility with terrain, and sizes of all structures.	☒ Yes ☐ No	Design Criteria – Exhibit X 4.
Architectural style, types and colors of exterior materials to be used, including siding and roofing.	☒ Yes ☐ No	Building Scale and Location - Exhibit X 5. Architectural Style and Exterior Appearance – Exhibit X 6.
Solid fuel-burning devices requirements	☒ Yes ☐ No	Solid-Fuel Burning Devices – Exhibit X 8.
Exterior lighting requirements	☒ Yes ☐ No	Exterior Lighting – Exhibit X 9.
Open space maintenance and allowed uses	☒ Yes ☐ No	Use and Maintenance of Open Space Areas – Exhibit X 10.
Signs	☒ Yes ☐ No	Signs – Exhibit X 11.
Parking restrictions described	☒ Yes ☐ No	Rules Concerning Parking – Exhibit X 12.
Requirements for landscaping on individual lots	☒ Yes ☐ No	Landscaping and Buffering – Exhibit X 13.
Snow removal required of homeowners association	☒ Yes ☐ No	Provision for Snow Removal and Snow Storage – Exhibit X 214.
Standards included to ensure compatible use	☒ Yes ☐ No	Standards to Ensure Compatible Uses – Exhibit X 15.
Limits on domestic animals	☒ Yes ☐ No	Domestic Animal Control – Exhibit X 16.
Fencing requirements	☒ Yes ☐ No	Fencing – Exhibit X 17.

APPLICABILITY OF *LAND USE RESOLUTION* STANDARDS:

Standard, by LUR section, division and/or article	**Sketch Plan complies, or compliance will be determined during review**	**Staff Comments/ References to specific documentation**
7-102: Standards that apply to all Major Impact applications:		
7:102: A.: The proposed land use change is required to comply with, and the burden is on the applicant to demonstrate through competent evidence, that the proposed land use change complies with all applicable requirements of this *Resolution*.		
7-102: B.: Compatibility with community character; no adverse impact future development of the development area.	☐ Yes ☐ No ☒ TBD	Compliance to be determined during review
7-102: C.: Phases stand alone	☐ Yes ☐ No ☒ N/A	No phasing requested
7-102: D.: Uses identified on all subdivision lots	☒ Yes ☐ No ☐ N/A	Residential uses proposed.
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	☒ Yes ☐ No ☐ N/A	Secondary residences proposed.

9-102: Home occupations	☒ Yes ☐ No ☐ N/A	Are allowed, if not restricted by covenants	
9-103: Bed and breakfast	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-203: Mobile home communities	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-301: Applicability and General Standards Commercial and Industrial Uses	☐ Yes ☐ No ☒ N/A	Not applicable	
9-302: Farm or ranch stand	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-303: Dude ranches and resorts	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-304: Adult-oriented uses	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-305: Seasonal recreational vehicle parks and campgrounds	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-400: Minerals and construction materials	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-501: Special events	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-502: Temporary structures	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-503: Satellite dishes	☒ Yes ☐ No ☐ N/A	Are allowed	
9-504: Attached wireless communications devices	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-505: Freestanding wireless communications structures	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-506: Child care center	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-507: Group home	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-508: Keeping of livestock not on an agricultural operation	☐ Yes ☐ No ☒ N/A	Not allowed; prohibited in covenants	
9-509: Camping on individual parcel	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
9-600: Essential housing	☐ Yes ☐ No ☒ N/A	Not requested as part of this application	
10-102: Locational standards for residential development	☒ Yes ☐ No ☐ N/A	The proposed development is within the Town of Crested Butte's municipal three mile plan area. No adopted intergovernmental agreement is in place. The applicant and the Town of Crested Butte have executed a Pre-Annexation Agreement, dated February 16, 2016.	
10-103: Residential density	☒ Yes ☐ No ☐ N/A	The proposed development is within The Town of Crested Butte's Three Mile Plan. The applicant and the Town of Crested Butte have executed a Pre-Annexation Agreement, dated February 16, 2016.	

10-104: Locational standards for commercial, industrial or other non-residential uses	☐ Yes ☐ No ☒ N/A	Not applicable.	
11-102: Voluntary best management practices	No submittal requirements; no standard of compliance		
11-103: Development in flood hazard areas	☒ Yes ☐ No ☐ N/A	The Slate River contains a mapped 100-year flood plain. Information from NCW & Associates show the location of the 100-year flood plain does not affect development of the subject property. All building envelopes are out of the 100-year floodplain.	
11-104: Development in geologic hazard areas	☒ Yes ☐ No ☐ N/A	The subject property is not in an area of geologic hazard, according to County mapping.	
11-105: Development in wildfire hazard areas	☐ Yes ☐ No ☒ N/A	The subject parcel is in an area of low wildfire hazard, according to County mapping.	
11-106: Protection of wildlife habitat areas	☒ Yes ☐ No ☐ N/A	See comments from CPW, J Wenum, Area Wildlife Manger, May 5, 2016	
11-107: Protection of water quality	☒ Yes ☐ No ☐ N/A	The applicant has identified wetlands on the subject parcel. Exhibit P. All building envelopes are required to maintain a minimum 25-foot setback from the wetland; however, the applicant has identified a 50-setback from wetlands.	
11-108: Standards for development on ridgelines	☐ Yes ☐ No ☒ N/A	The subject parcel is not on a ridgeline.	
11-109: Development that affects agricultural lands	☐ Yes ☐ No ☒ N/A	The proposed development is adjacent to agricultural lands.	
11-110: Development beyond snowplowed access	☐ Yes ☐ No ☒ N/A	The subject parcel is not beyond snowplowed access.	
11-111: Development on Inholdings in national wilderness	☐ Yes ☐ No ☒ N/A	The subject parcel is not an inholding.	
11-112: Development above timberline	☐ Yes ☐ No ☒ N/A	The subject parcel is not above timberline.	
12-103: Road system	☒ Yes ☐ No ☐ N/A	The applicant has identified the proposed location of the access road and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan. A copy of the application has been referred to Gunnison County Public Works. No comments were received.	
12-104: Trails	☐ Yes ☐ No ☐ N/A	The proposal contemplates a private river park for the benefit of the residential lot owners on the East Parcel. This park would be located immediately south of Road A along the east bank of the Slate River.	
12-105: Water Supply	☒ Yes ☐ No ☐ N/A	The applicant submitted a Water Supply Planning Report, Bikis Water Consultants, Exhibit V-1 addressing the physical water supply and a letter of feasibility for a Plan of Augmentation, Marcus Lock, Law of the Rockies, Exhibit V-2. See comments from Megan Sullivan, P.E., CO Division of Water Resources, May 6, 2016.	
12-106: Wastewater treatment	☒ Yes ☐ No ☐ N/A	The development will be served by central sewer, with connection to the Town of Crested Butte's wastewater treatment plant. The applicant and the Town of	

		Crested Butte have executed a Pre-Annexation Agreement, dated February 16, 2016. Additionally, see letter from Rodney Due, Director of Public Works, February 9, 2016, noting capacity of the Town's treatment works, Exhibit W 2(a).	
12-107: Fire protection	☒ Yes ☐ No ☐ N/A	See comments from the Crested Butte Fire District, dated May 11, 2016.	
13-102: B.: Location within municipal three-mile plan area	☒ Yes ☐ No ☐ N/A	The subject parcel is within the Town of Crested Butte's three-mile plan area. The applicant has entered into a Pre-Annexation agreement with the Town of Crested Butte, February 16, 2016.	
13-103: General Site Plan Standards And Lot Measurements	☒ Yes ☐ No ☐ N/A	Application meets the minimum requirements of this Section. Building envelopes on the individual lots are identified on Exhibit -1 4 Building Envelope Plan.	
13-104: Setbacks From Property Lines And Road Rights-Of-Way	☒ Yes ☐ No ☐ N/A	Application meets the minimum requirements of this Section. Building envelopes on the individual lots are identified on the Sketch Plan.	
13-105: Residential Building Sizes And Lot Coverages	☒ Yes ☐ No ☐ N/A	The proposed covenants restrict the maximum primary residential building size to 5,000 square feet, the secondary residence to 750 square feet and the aggregate square footage to 5,750 square feet.	
13-106: Energy And Resource Conservation	☒ Yes ☐ No ☐ N/A	This Section would be applied to any new residence at the time of building permit application.	
13-107: Installation Of Solid-Fuel-Burning Devices	☒ Yes ☐ No ☐ N/A	Solid fuel burning devices are proposed as part of this application and are required to comply with this Section.	
13-108: Open Space And Recreation Areas	☒ Yes ☐ No ☐ N/A	The application meets the inclusion of minimum 30% open space. The applicant has identified areas of defined open space on the plan. Approximately 50% of the East Parcel will be preserved as open space.	
13-109: Signs	☒ Yes ☐ No ☐ N/A	Signs will comply with this Section.	
13-110: Off-Road Parking And Loading	☒ Yes ☐ No ☐ N/A	Individual parcels and uses are required to comply with this Section.	
13-111: Landscaping And Buffering	☒ Yes ☐ No ☐ N/A	Landscaping and Buffering is addressed in the covenants and the Landscaping Plan is identified in Exhibit EX-Z.	
13-112: Snow Storage	☒ Yes ☐ No ☐ N/A	The covenants identify the HOA as responsible for snow removal.	
13-113: Fencing	☐ Yes ☐ No ☐ N/A	Any fencing proposed shall comply with this Section.	
13-114: Exterior Lighting	☒ Yes ☐ No ☐ N/A	All exterior lighting shall comply with this Section	
13-115: Reclamation And Noxious Weed Control	☒ Yes ☐ No ☐ N/A	The applicant has acknowledged that a reclamation plan, prepared in compliance with this Section, shall be required at Prelim. Plan.	
13-116: Grading And Erosion Control	☒ Yes ☐ No ☐ N/A	The sketch plan design shall be guided by the requirements of this Section.	
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	☒ Yes ☐ No ☐ N/A	The sketch plan design shall be guided by the requirements of this Section.	
13-118: Water Impoundments	☐ Yes ☐ No ☒ N/A	Not proposed as part of this application.	

13-119: Standards To Ensure Compatible Uses	☒ Yes ☐ No ☐ N/A	The proposal shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.	