GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, August 5, 2016
Crested Butte Town Council Chambers
Crested Butte Town Hall
507 Maroon Avenue, Crested Butte, CO

Planning Commission will leave Blackstock at 8:15 a.m.

8:50 a.m.
- **Call to order; determine quorum**
- **Approval of Minutes**

9:00 a.m. **Slate River Development – Cypress Foothills, LP –** continued joint public hearing/possible action – Sketch Plan Recommendation; request to subdivide 44.4-acres, bisected by the Slate River. The East Parcel (30.4-acres) would be subdivided into 23 single-family lots, with the allowance for a secondary residence on each lot. The West Parcel (14.1-acres) remainder lot is proposed to be annexed to the Town of Crested Butte, legally described as Tract Q (aka Lot 13) Section 35, Township 13 South, Range 86 West, 6th P.M.
LUC–16-00009

Adjourn

DRAFT

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
August 5, 2016
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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Crested Butte Town Council Chambers; **Present were:**

Chairman- Kent Fulton
Commissioner- Tom Venard
Commissioner- A.J. Cattles
Commissioner-Jack Diani
Alternate Commissioner- Molly Mugglestone
Alternate Commissioner- John Messner

Director of Community Development- Russ Forrest
Assistant Director of Community Development- Neal Starkebaum
Community Development Services Manager- Beth Baker
Community Development Services Manager-Beth Baker

Others present as listed in text

Absent; Commissioner Jeremy Rubingh

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With a quorum present Chairman Fulton opened the August 5, 2016, regular meeting of the Planning Commission.

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Moved by Diani seconded by Fulton to approve the planning commission meeting minutes dated June 17, 2016, as amended. The motion passed unanimously.

Moved by Venard seconded by Diani to approve the planning commission meeting minutes dated July 1, 2016, as amended. The motion passed unanimously.

Moved by Diani seconded by Venard to approve the planning commission meeting minutes dated July 15, 2016, as amended. The motion passed unanimously.

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Slate River Development – Cypress Foothills, LP – LUC-16-00009 The Gunnison County Planning Commission and Board of County Commissioners conducted a continued joint public hearing/possible action. The application is a request to subdivide 44.4-acres, bisected by the Slate River. The East Parcel (30.4-acres) would be subdivided into 23 single-family lots, with the allowance for a secondary residence on each lot. The West Parcel (14.1-acres) remainder lot is proposed to be annexed to the Town of Crested Butte, legally described as Tract Q (aka Lot 13) Section 35, Township 13 South, Range 86 West, 6th P.M.

Present representing staff: Assistant Director of Community Development Neal Starkebaum, and Community Development Services Manger Beth Baker.

Present representing BOCC; Commissioner Jonathan Houck and Commissioner Paula Swenson.

Present representing the Gunnison County Planning Commission; Commissioners Fulton, Diani, Venard, Mugglestone, Messner, and Cattles.

Present representing the applicant; attorney Marcus Lock, Vice President of Cypress Equities Ken Aderhold, and SGM Engineer Tyler Harpel.

With a quorum present Chairman Fulton opened the continued public hearing.

Attorney Lock said he had submitted a letter amending the application; there will now be one Home Owner Association (HOA) lot with a residence that could be used by owners in the subdivision. Diani asked if the residence would be managed by the HOA; Lock said it would.

Starkebaum had no comments at this time.

Public comments:

Adam Schichtel pointed out Glacier Lily subdivision sold their HOA residence, and suggested not allowing the sale of the HOA residence in the decision. Fulton agreed the HOA residence should not be sold. Schichtel questioned why the cumulative traffic impacts of Moon Ridge and Foxtrot subdivisions have not been considered and a different access for this development be required.

Monica Ariowitsch questioned who had conducted the wildlife study; Fulton said Colorado Parks and Wildlife had submitted comments. She also asked about the traffic study; Lock said a traffic study would be submitted with Preliminary Plan.

Jim Starr asked if there is any lot clustering that could be considered in the subdivision. He was concerned with the visual impacts of the proposed density and lack of clustering on the Crested Butte cemetery. The cemetery is a very important and could be surrounded by as many as 60 buildings. He suggested requiring a more clustered lot configuration, to reduce the visual impacts to the cemetery. He asked if the wells had been tested for adequate water production, and noted his concern so many wells in the small area could adversely impact the wetlands. He added the traffic study should consider the cumulative impacts of all the surrounding subdivisions. He pointed out the impacts should also include the Town's 30 units of proposed affordable housing, a proposal for a major hotel, and a proposal to increase the size of the art center; noting this proposal has not been looked at in a cumulative sense. He also was concerned with the impacts to elk migration through the development.

John Hess agreed with all of Starr's concerns. He added there had been a lot of concern with a previous development's proposal impacts on the cemetery. He agreed 8th St. should be an access, but there should be two access points.

Lock responded to the public comments, noting the previous proposal for this property was for about 150 units; the applicants were represented by Starr, and Hess was the Town planner at that time. Lock pointed out this is more than a 100 unit reduction; impacts to water, wildlife, traffic, and roads are much less with this proposal. He said the Town has negotiated with the applicant and is aware of this proposal. The traffic study will include uses on both the west and east sides of the property. There will be a maximum of two community wells providing central distribution. The Town is considering if the subdivision will be able to use 8th St. as an access point. He added the Town is investigating whether or not portions of the landfill are in the right of way.

Mugglestone asked about the visual impacts to the cemetery and subdivision layout. Lock said obviously he does not disagree the cemetery is a consideration, but it is already surrounded by privately owned property. The wetlands create a natural separation. Harpel said they will be working on the Preliminary Plan and will review the concerns and comments.

Starr said whether there are 23 individual wells or 2 community wells the subdivision will still draw the same amount of water from the aquifer. The previous proposal was not accepted largely because of the impacts to the cemetery. He suggested allowing no houses east of the cemetery. A clear view of the Butte from the cemetery is important.

Lock pointed out the applicant's will donate all of the acreage on the west side to the Town, except six residential lots. The Town is considering building an emergency services facility, a preschool, affordable housing, or remain as open space. He said this is a hybrid proposal which includes public benefit that will not happen if this proposal is denied.

Navy was concerned the Town has not been offered several iterations, as they were with the Art Center. Fulton explained the applicant has presented this at sketch plan phase and they can make adjustments if they choose at preliminary plan phase.

Hess questioned why the property along the river was not being donated and becoming public land.

There was brief discussion on what sketch plan phase actually is. Fulton explained sketch plan phase is not a specific approval it is conceptual understanding of the project to this point.

Starr recommended no lots east of the cemetery. Monica Ariowitsch agreed with Starr on clustering and concerns with the impacts to the cemetery, wildlife, and water.

Messner and Venard asked if there was an option to tie into central water; Lock explained the Town has said no, but the Town could still reconsider it.

Adam Schichtel was concerned with drawn down of water with centralized wells would cause drying out the wetlands.

Mugglestone asked if the Town could speak to tying into the water line; Interim Town Manger Bill Crank said not at this time.

Starkebaum noted the Town had not submitted comments on the sketch plan, but there is a pre-annexation agreement between the applicant and the Town.

Harpel said there will be onsite well tests conducted during the preliminary plan phase.

Houck requested the Town provide comments concerning the subdivision tying on to the Town's central water supply. Fulton directed staff to request the Town's comments specifically on water supply. Lock said the pre-annexation agreement states the Town can and is encouraged to make comments on water supply.

Lock explained the applicant has agreed to provide a public easement along the river. They have also agreed to construct a trail along the river/ public works yard. They will construct a security fence along the public works yard.

Starr said the river easement would be more protected if it was regulated by a public entity, rather the subdivision's HOA. Lock said the terms for access will be set forth by the Town and will be enforceable by the Town. The easement will not be deeded to the Town, but the public benefit will be provided as an easement preserved in perpetuity.

Messner asked when the trail would be constructed; Lock explained the trail must be built within two years of approval.

Starkebaum said there have been no written or verbal comments about the visual impacts to the cemetery submitted to the county, prior to today.

Lock said the Town allows 3.5 units per acre on this site and this proposal is for less than two units per acre.

Adam Schichtel requested the commission take into account the cumulative impacts of the entire development. He added the carrying capacity of the valley may have already been met.

Hess agreed with Schichtel, He asked if the owners in the subdivision would use the Town parks and not pay any taxes for the parks.

Starr pointed out a traffic study done without knowledge of what will be on the east parcel could not adequately show the impacts. He also said affordable housing should not be set off in a corner, but should be interspersed into the development.

Lock responded noting over 50% of the property, an amenity park and a vast majority of west parcel is being donated to the Town. He added the affordable housing configuration is what the Town requested.

Messner asked what part of this project was in the County's purview. Starkebaum explained just the east side, nothing on west side except the road.

Lock added the west side would be approved formally by the Town as part of the annexation process. During that process the public will have ample opportunity to comment on the west parcel and what it would be used for. Lock reiterated there is 50% open space on the east side. There will be public benefits realized on the west side if the east side is approved.

Venard asked if the pre-annexation agreement and the sketch plan are both conceptual. Starkebaum said the pre-annexation agreement is more cast in stone.

Starr noted the County is not bound by the Towns' pre-annexation agreement. The commission has the opportunity to not approve the plan in its entirety. Lock said the Town and applicant have agreed to not interfere with the County's jurisdiction.

Houck asked if the approval of the west parcel would then convert the pre-annexation to an annexation. Lock said if the project is not approved, then the applicant can do what they want on the entire property. If it is approved then the Town will have to go through the formal annexation process. The annexation has to occur according to the pre-annexation agreement although there will be a process for the Town to go through.

Lock noted the pre-annexation agreement had been heavily negotiated. Lock added they had originally processed annexing the entire property, it was denied because of the required dump cleanup. The Town offered a density bonus because there is an agreement for central sewer. Starkebuam said the County had requested the applicant talk to the Town again because of the potential connection to central sewer.

Starr said the Town was at a disadvantage because of the controversial 201 Study. Lock did not agree that the Town was at a disadvantage, in the negotiations. Adam Schichtel was concerned this had not been a public process; Lock said it was a public process.

Messner asked if a modification could be done prior to approval of sketch plan; Starkebaum explained there are changes that occur between sketch and preliminary plan.

Fulton asked if the planning commissioners were ready to consider the draft recommendation. Vernard, Diani, Cattles, and Muggleston said yes they were. Messner asked Lock to weigh in; Lock explained they will consider comments received but they had worked hard on this and it takes into account all interests. He added the Foxtrot Subdivision had already been approved in the area of the cemetery. Messner said yes to reviewing the draft recommendation.

Houck and Swenson left the meeting before the review of the draft

Moved by Venard seconded by Cattles to approve the recommendation to the Board of County Commissioners; LUC-16-00009, the sketch plan application to subdivide 44.4-acres, bisected by the Slate River. The East Parcel (30.4-acres) would be subdivided into 24 single-family lots, with the allowance for a secondary residence on each lot, as amended. The motion passed unanimously.

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"…Compliance of the proposed land use change with these standards shall be determined broadly and conceptually during Sketch Plan review, in detail during Preliminary Plan review, and definitively during Final Plan Review. "

Section 7-102, Gunnison County Land Use Resolution

***"A. 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 DESIGN CONCEPTS GUIDED BY THIS RESOLUTION.** Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution in order to be able to submit a plan that has addressed issues important to the County. It should be expected that the proposal will evolve during Sketch Plan review.*

***"2. ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED OR 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 or accepted by the County."*

Section 7-103: B., *Gunnison County Land Use Resolution*

SKETCH PLAN – PROJECT SUMMARY:

Cypress Foothills, LP, represented by Marcus J. Lock, Law of the Rockies, submitted the *Slate River Development Sketch Plan*, which proposes the subdivision of a 44.5-acre parcel, which has been described as a "hybrid-format" development

proposal. The application is the first step of a multi-tiered review to develop the subdivision. The property is bisected by the Slate River, which divides the land into a "West Parcel" and an "East Parcel". The dichotomy of the hybrid-format is explained below.

The West Parcel (14.1-acres - west of the Slate River), will be severed from the 44.5-acres and remain a remainder tract, which will be annexed to the Town of Crested Butte, pursuant to a *Pre-Annexation Agreement*, in place with the Town of Crested Butte. While the West Parcel is an element of this subdivision and hybrid-format development, the County land use review concerns the residential development of the East Parcel and construction of an access road across the West Parcel, from Gothic Road. Upon final approval of this land use change, the Old Town Landfill, located within the West Parcel, will be cleaned up, in accordance with the Colorado Department of Public Health and Environment's Voluntary Clean Up Plan, as contemplated in the Pre-Annexation Agreement. No other uses are approved on the West Parcel.

The East Parcel (30.4-acres - east of the Slate River) will 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 to the East Parcel will be from Gothic Road, via construction of a new road (Road A). The lots will be restricted to a maximum primary residential building size of 5,000 square feet, a secondary residence to 750 square feet and the aggregate square footage of all buildings to 5,750 square feet. The Sketch Plan contemplates that water will be provided by central well(s), with central water distribution system, and wastewater will be provided by central sewer, via connection to the Town of Crested Butte's municipal sewer system. The applicant has identified that this development will not be a "gated community". A draft narrative of the subdivision protective covenants has been submitted addressing the general outline of homeowner association responsibilities, architectural style and design guidelines and County required covenant provisions.

The applicant requested a minor modification to the Sketch Plan, in a letter from Marcus J. Lock, dated July 26, 2016, which would be to allow a residential unit on the "HOA Lot". This residential unit, or guest cottage, would be owned by the homeowners' association, and would be available only to lot owners and their guests. If it is constructed, the applicant envisions that the cottage could be used by lot owners who have not yet built their residence, or guests of lot owners, and not for commercial use.

PROPERTY LOCATION:
The parcel is legally described as being located in the July 15 The land is adjacent to the Town of Crested Butte, immediately north of the Town's Public Works facility and wastewater treatment plant, and south and east of the Town cemetery.

SURROUNDING LAND USES:
Town of Crested Butte, residential and agricultural lands, Crested Butte Cemetery

IMPACT CLASSIFICATION:
The application, by definition, is classified as a Major Impact Project, pursuant to Section 7-101: Projects Classified as Major Impact.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, and other submittal documents informing this Recommendation include, but are not limited to:

- Sketch Plan Application, including all exhibits and maps
- Town of Crested Butte *Pre-Annexation Agreement*, recorded with the Office of the Gunnison County Clerk and Recorder, Reception No. 638399, March 14, 2016 (submitted with application)
- Ric Ems, Fire Chief/Marshal and Scott Wimmer, Fire Inspector, Crested Butte Fire Protection District, letter of May 11, 2016
- Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, letter of May 6, 2016.
- CO Division of Parks and Wildlife, J Wenum, Area Wildlife Manger, letter of May 5, 2016
- Marcus J. Lock, letter dated July 26, 2016, request for minor amendment to Sketch Plan

This review and Sketch Plan Recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application; including all exhibits, references, testimony and documents as included therein.

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

- May 20, 2016 Work Session

- July 15, 2016 - Joint Public Hearing
- August 5, 2016 - continued Joint Public Hearing

SITE VISIT:
The Planning Commission and Board conducted a site visit on July 15, 2016, at which time the Commission and Board walked the property and viewed the neighborhood, proximity to the adjacent properties, and the proposed location of the roads and bridge.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on July 15, and continued to August 5, 2016.

See approved minutes of July 15, 2016 and August 5, 2016.

Written Public Comments:
- Betty Barkman, email of April 19, 2016.
- Margaret J. Levy, letter/email of July 9, 2016.
- Adam Schichtel, letter of July 13, 2016.

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:

- **Colorado Division of Wildlife** – J Wenum, Area Wildlife Manger, letter dated May 5, 2016:

  "My staff has reviewed the Slate River Development Subdivision request submitted by Cypress Foothills, LP, which proposes dividing 30.4 acres into twenty-three single family lots, with an allowance of a secondary residential unit on each lot. They have also visited the site, which is composed of gently rolling sage brush and grass hills, wetland meadows and riparian habitats. The site is located north of and adjacent to the town of Crested Butte, south of Gunnison County Road 317 (Gothic Road) and lies both east and west of the Slate River. The location is bounded on the north by the CR 317, and the Crested Butte Cemetery, on the east by Foxtrot Subdivision and the Moon Ridge development, and by the Town of Crested Butte on the south and west.

  The proposed subdivision is located within mapped Canada goose production area, black bear I human conflict area, and in the path of an elk migration route. Prairie dogs, cotton tail rabbits, striped skunks, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.

  Black bears will likely be a significant wildlife concern with this development. The adjacent communities of Crested Butte and Mt. Crested Butte have a history of human/bear conflicts. Both towns host several "resident" bears, which will check trash cans and dumpsters nightly in search of an easy meal. The resulting conflicts are directly linked to the communities' management of outside pet food, bird feeders, and the improper storage of household and commercial (food service) waste. To avoid human/bear encounters, the storage and handling of trash should be given a high priority. Colorado Parks and Wildlife's "Living with Wildlife in Bear Country" brochure provides guidance on proper trash management and other tips to avoid creating a "nuisance bear". The use of bear-proof trash containers is proven the safest and best technique to avoid human/bear conflicts. Although feeding birds is legal, it is known to attract bears and other wildlife which could result in human conflicts.

  Canada geese "lay-over" during fall and spring migrations and may nest in the area. Harassment of geese by residents and their pets could become a concern, as could the degradation of greenbelts and lawns by the presence of numerous geese.

  The proposed subdivision lies within potential historic boreal toad habitat. No recent records of toads exist in this area; however it is possible that a toad could be encountered at the site. Normal protection of riparian habitat should mitigate potential impacts to toads. If toads are observed, Colorado Parks 8: Wildlife would like to be advised of it.

In Gunnison County, where subdivisions encroach upon mountain lion habitat containing an abundance of prey (geese, concentrations of elk, etc.), encounters between lions, humans and their pets and livestock may arise. Mountain lions have been reported in this area. Colorado Parks and Wildlife's brochure entitled "Living with Wildlife in Lion Country" provides good information to help residents reduce the potential for conflicts with mountain lions.

"Household" pets, such as cats and dogs, present perhaps the greatest threat to native wildlife when a new development is created. Dogs allowed to roam may "pack-up" and harass and kill deer and other wildlife. Dogs outside their yard, kennel or dog run should be on a leash or otherwise under direct control. (In areas known to be frequented by mountain lions, it is strongly recommended that tops be included on dog runs and! or kennels to avoid potential predation). Domestic cats are formidable hunters, and can devastate populations of local birds and small mammals. They may also attract and ultimately become prey for coyotes, foxes, lions, and bears. Consideration should be given to the potential impacts and conflicts that could result from free ranging domestic cats. Pet food left outside may attract bears and other predators as well as nuisance wildlife species.

The development of this subdivision will essentially put a stopper in the narrow "bottle-neck" which migrating elk must navigate from the upper Slate River valley toward their winter range to the south.
In fall, 200-300 head of elk will congregate in the wetlands north of Gothic Road, then attempt en mass to run the gauntlet of civilization between the Slate River wetlands to the relative security of undeveloped ranchlands south of Brush Creek. Currently, the migrating herds move through the area on the east side of the Slate River, across CR 317, negotiating several fences of various designs before reaching the undeveloped lands in the south. Assuming the elk continue to use this route post development, fence repair will likely become an annual spring chore for home owners. Fences should be minimized to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality. We recommend that fence construction, whether of wire, wood, electric, or synthetic, be wildlife friendly (not exceed 42 inches in height, and not restrict movement of deer or elk). "Fencing for Man and Beast" is a booklet available from Colorado Parks and Wildlife to help land owners construct wildlife friendly fences that suit their needs. Ultimately however, development of this parcel will likely lead to a necessary shift in the migration patterns of these elk, which could result in other issues such as increased game damage, vehicle collisions, etc.

As the Gunnison Basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available habitat, the effects of development are cumulative, and should be considered as such. We strongly encourage the proponent to advise potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts. Thank you for the opportunity to comment on this land use change.

- **Colorado Division of Water Resources** – Megan Sullivan, P.E., letter dated May 6, 2016

"We have reviewed the above referenced proposal. Because this proposal is a sketch plan where, in general the water supply may not be finalized, and not a preliminary plan, we are not at this time providing an opinion pursuant to Section 30-28-136(1)(h)(1), C.R.S., as to whether the proposed water supply plan will cause material injury to existing water rights. Instead we would like to offer general comments on the proposed water supply and defer providing an opinion until the preliminary plan is filed.

From the information provided, the above sketch plan proposal is to subdivide a parcel of 30.4 acres into 23 single family lots; each allowed a main residence and a secondary dwelling unit (SDU), and 2,500 square feet of lawn and gardens. The applicant also proposes a 0.46 acre community park. The proposed water supply will be through central wells that will operate pursuant to a plan for augmentation. Wastewater treatment is to be provided by the Town of Crested Butte.

Water requirements for the development are estimated to be 0.39 acre-feet per year for in- house use for each single family dwelling and SDU, for a total of 18.0 acre-feet per year, based on 350 gallons per day per single family residence and SDU. Irrigation requirements are based on a calculated 1.42 acre-feet per acre and 80% irrigation efficiency. For the total 1.78 acres of lawn and gardens (1.32 acres within the development and the 0.46 acre park) total irrigation requirements are calculated to be 3.2 acre-feet.

The source of water for the development is to be from central wells. The groundwater source of the proposed water supply would be from, or tributary to, the Slate River. This area of the river basin is over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells within the subdivision. The applicant has indicated that they would either seek a contract with the Upper Gunnison Water Conservancy District for augmentation water, or develop a new augmentation plan to replace out- of-priority depletions.

As of the date of this letter, neither has a contract been finalized with the Upper Gunnison Water Conservancy District or an augmentation plan been approved by the Division 4 Water Court. Without a signed contract or approved augmentation plan, well permits to construct wells to supply the development cannot be issued."

- **Crested Butte Fire Protection District** –Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, dated May 11, 2016, provided comments pertaining to the Fire District requirements.
"The Fire Division of the Crested Butte Fire Protection District (CBFPD) has received the Sketch Plan Application packet for the above noted project. After reviewing the proposal, we have the following comments.

We note that:

1. The proposed development is within the boundaries of the CBFPD.
2. Cyprus Foothills proposes 23 residential homes and a maximum of23 accessory dwelling units on 30.4 acres.
3. The proposed development is in the LOW wildfire hazard zone per the Gunnison County Wildfire Hazard map.
4. Average Daily Trips for the East Parcel equals 460, at full buildout.
5. There are two proposed bridges on Road A.
6. The potential for Eighth Street to connect with Road A north of Butte Avenue.
7. The potential for non-motorized pedestrian access to the Property from Butte Avenue.
8. The proponent states the covenants for the subdivision will include reasonable provisions for the mitigation of wildfire hazards, including language ensuring compliance with the requirements of the CBFPD with authority to enforce such provisions. In addition, they have entered into preliminary discussions with the CBFPD for compliance with access and water supply.
9. The proponent references the BWC Water Supply Planning Report stating that wells will supply an adequate quantity of water including but not limited to irrigation, fire flow, and potable water demands.
10. The maximum floor area of all buildings on a lot in the East Parcel shall not exceed 5,750 square feet in the aggregate, consisting of 5,000 square feet main residence and 750 square feet detached accessory buildings.
11. EX 1-4 Utility Development Layout Map, 2 of 5, shows proposed eight inch water lines and fire hydrant locations.
12. BIKIS Water Supply Plan proposes 1,000 gallon per minute for duration of two hours and that fire flows will be met and supplied by a 180,000 gallon water storage tank.
13. Exhibit X Narrative of Covenants, section 6, states all buildings and other improvements will meet all of the requirements, including fire protection standards, of the applicable building code or fire code of Gunnison County.
14. Exhibit X Narrative of Covenants, section 8, states the Covenants will allow one solid fuel- burning device in each single family residence and one additional solid fuel-burning device in a non-residential structure that is accessory to a residence.

Regarding bullet point 5 above, bridges shall have their weight limit posted on both sides of the bridge(s). Regarding bullet points 6 and 7 above, CBFPD encourages more than one point of access to the subdivision. We strongly recommend the completion of Eighth Street north of Butte Avenue to Road A and also strongly recommend that the non-motorized pedestrian path be engineered to accommodate access of emergency apparatus. It is unclear where this would be provided.

Regarding bullet points 8 and 13 above, CBFPD strongly recommends to not allow wood shake shingles or other combustible roofing materials and compliance with Fire Wise construction methods.

Regarding bullet points 9, 10 and 12 above, the BWC Water Planning Report refers to the 2009 International Fire Code (IFC) Appendix B regarding fire flow demands. The County has adopted the 2003 IFC including Appendix B, which states that Type V structures 5,000 square feet in size require 2,000 gallons per minute for duration of 2 hours. This results in 240,000 gallons of stored water. The report references an 180,000 gallon storage tank but does not propose a location for said tank. Section B105.1 of the 2003 IFC states the minimum fire flow for one- and two-family dwellings not exceeding 3,600 square feet shall be 1,000 gallons per minute. It is possible that the BWC report misinterpreted this section. Section B 105.1 also allows a reduction in required fire flow of 50

percent as approved, when the building is provided with an approved automatic sprinkler system. CBFPD strongly recommends language in the Covenants that require a monitored, automatic fire suppression system in all residences.

Regarding bullet point 11, the proposed layout for the fire hydrants is acceptable.

Regarding bullet point 14 above, we strongly recommend spark arrestors on chimney terminations and allowing only listed and approved chimney caps/shrouds that allow access for cleaning and servicing said chimneys.

In conclusion, CBFPD has no objections to the proposed Land Use Change as submitted with the exception of the bullet points noted above. This review does not constitute an approval of any kind. CBFPD looks forward to reviewing detailed plans and working with the proponents and Gunnison County in the completion of this project."

- **Gunnison County Public Works Department** – Marlene Crosby, Public Works Director, noted to staff that she has no comments.
- **Town of Crested Butte** – No comments were received.
- **Gunnison County RE-IJ School District** - No comments were received.

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

Section 9-508: Keeping of Livestock not on an Agricultural Operation.
The protective covenants will prohibit lot owners from keeping or permitting 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 area of the Town of Crested Butte.

Section 10-103: *Residential Density.*
The proposed development is within the Town of Crested Butte's Area Plan. While 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, which identifies the number of residential units and lot sizes proposed for the East Parcel development and therefore the residential density. Overall potential residential density for the East Parcel would be 46 units/30.4-acres or 1.4 units/acre. No comments were received from the Town of Crested Butte.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
The Slate River has a mapped FEMA 100-year flood plain. Information from SGM 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. The bridge over the Slate River is required to meet a minimum one-foot freeboard, above the Base Flood Elevation.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
The property is not within a geologic hazard area, according to County mapping.

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 identified as sensitive wildlife habitat, pursuant to the *Land Use Resolution*, based upon comments from the Colorado Parks and Wildlife, concerning the use of the property as an elk migration corridor. Comments were received from the Colorado Division of Wildlife, J Wenum, Area Wildlife Manger, letter of May 5, 2016, noting concerns regarding potential human-wildlife conflicts.

Section 11-107: *Protection of Water Quality*.
The applicant has identified wetlands on the parcel, contained in a *Wetland Report for the Slate River Development*, prepared by Bikis Water Consultants, Exhibit P. All building envelopes will maintain a minimum 25-foot setback from

wetlands. The report indicates that in areas of the development that contain "high quality" wetlands, any improvements will meet a 50' setback.

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 development is adjacent to the Moon Ridge Subdivision conservation covenant open space, which does allow grazing. The Spann parcels, located to the north, are identified as agricultural use. The applicant will be required to address mitigation of impacts to adjacent agricultural lands in the Preliminary Plan.

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 applicant has identified the proposed location of the access Road A, connecting to Gothic Road and internal Road B, in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan. The applicant's engineer indicates that the bridge over the Slate River will be of a sufficient height, at high water, to allow passage of river users. Gunnison County Public Works had no comments on the Sketch Plan. A traffic study and engineered plans for the roads and bridge will be required at Preliminary Plan.

Section 12-104: *Public Trails*.
No new public trails are contemplated in this application for the East Parcel. The existing Mt. Crested Butte-Crested Butte Recreation Path is located adjacent to the property. There is no public or private access to the Mt. Crested Butte-Crested Butte Recreation Path from the East Parcel.

Section 12-105: *Water Supply*.
The Sketch Plan contemplates that the water supply for the development will be provided by a central water distribution system, supplied by multiple wells. The application contains a *Water Supply Planning Report*, prepared by Bikis Water Consultants, Exhibit V-1, addressing the physical water supply. The report notes that based upon the hydrology of the site and other factors, the drilling of two production wells has the reasonable potential to develop a water supply from groundwater and the demands of the development can be dependably supplied by from the wells.

The application contains a letter from Marcus Lock, Law of the Rockies, opining on the affirmative feasibility for a Plan of Augmentation; Exhibit V-2.

Comments were received from Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, in a letter of May 6, 2016, providing general comments on the proposed water supply.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
The development will be served by central sewer, served by 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 that identifies provision of sewer service provided by the Town. Additionally, Rodney Due, Town of Crested Butte, Director of Public Works, letter of February 9, 2016, notes the existing capacity of the Town's wastewater treatment works to serve the development; Exhibit W 2(a). Engineering plans for connection to the Town of Crested Butte's wastewater collection system are required to be submitted at Preliminary Plan.

Section 12-107: *Fire Protection*.
1. The property is served by the Crested Butte Fire Protection District. Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, letter of May 11, 2016 provided comments pertaining to the Fire District requirements. The District indicated it has no objection to the development.

2. 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, except for Lots 7, 10, and 14, which due to topography and wetlands, have been adjusted to 15 feet from the road right-of-way.

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
Building envelopes have been delineated on the lots. All improvements will be located within the building envelopes. The lots will be restricted to a maximum primary residential building size of 5,000 square feet, a secondary residence to 750 square feet and the aggregate square footage of all buildings to 5,750 square feet.

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. Maximum of one solid fuel burning device, per residence.

Section 13-108: ***Open Space and Recreation Areas***
The proposed development is within the Town of Crested Butte Three-Mile Plan, however there are no adopted Intergovernmental Agreement for open space, therefore the county standards apply. The development sets aside approximately 17-acres or 55% of the land for open space. The open space will be required to be maintained by the Homeowners Association and will be limited to passive uses.

Section 13-109: ***Signs.***
Signage is proposed as part of the submitted application. Sign elements as allowed by this section may be proposed within the Preliminary Plan.

Section 13-110: ***Off-Road Parking and Loading.***
A minimum of two parking spaces is required for each single-family residence. The covenants will include additional restrictions on parking.

Section 13-111: ***Landscaping and Buffering.***
A conceptual plan for landscaping has been submitted. As a Major Impact Project, this proposal is required to include a landscaping plan in the Preliminary Plan submittal. Initial landscape concepts have been included in the Sketch Plan, showing that open space will be maintained in native vegetation. A detailed landscaping plan, including the type and location of plantings, planting schedule and a plan for maintenance, in compliance with this Section will be required at Preliminary Plan.

Section 13-112: ***Snow storage.***
The applicant is required to include language in the covenants identifying the Homeowners Association as responsible entity for snow removal and become familiar with the requirements of this Section. Specific site design for snow storage is required at Preliminary Plan.

Section 13-113: ***Fencing***
All new fencing shall comply with this Section.
Colorado Parks and Wildlife recommended the use of “wildlife friendly” fencing within the development. Specific fencing requirements will be addressed in the covenants at Preliminary Plan.

Section 13-114: ***Exterior Lighting.***
All new structures are required to comply with this section, requiring fully shielded fixtures. Specific lighting requirements will be addressed in the covenants at Preliminary Plan.

Section 13-115: ***Reclamation and Noxious Weed Control.***

An Earthmoving Site, Revegetation, and Noxious Weed Control Plan are required at Preliminary Plan.

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 applicant indicates that the layout of the lots and road are intended to minimize potential erosion and sedimentation. The Preliminary Plan will include an engineered drainage and stormwater management plan.

Section 13-118: *Water Impoundments.*
The potential augmentation ponds, noted in the application, would not qualify as a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.
Design standards and limitations on the uses are generally identified in the draft covenants. Protective covenants, including design standards and limitations on uses to address compatibility, are required to be submitted at Preliminary Plan.

Section 15-103: *Right-to-Ranch Policy*.
This Section is applicable to all land use change permits.

FINDINGS:
The Commission finds that:

1. The submitted Sketch Plan applies to all of the 44.5-acres proposed for development.
2. Section 4-504: A., of the Gunnison County Land Use Resolution prescribes that, "…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…" and that detailed engineering plans and other overly detailed information shall not be required or accepted by the County."
3. This application, by definition, is classified as a Major Impact Project.
4. Pursuant to Division 7-200: Sketch Plan for Major Impact Projects of the *Land Use Resolution*:
    a. This Sketch Plan application is generally consistent with the standards and requirements of the Resolution, pursuant to Division 7-200: Sketch Plan for Major Impact Projects, i.e., compliance of the proposed land use change with the standards of the Resolution are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the Resolution within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-703 A., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.
    b. The proposed land use change is required to be compatible with, or to enhance the character of existing land uses in the development area, and shall not adversely impact the future development of the development area. For purposes of this application, the Planning Commission finds that the "development area" consists of those lands that are adjacent to the subject property
    c. No phasing has been proposed by the applicant within this Sketch Plan submittal.
5. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process.
6. Concerns were identified by the public and the Planning Commission with the location of Road A on the West Parcel and its intersection with Gothic Road, as it related to properties across Gothic Road, concerning the impact of vehicle headlights on existing residential properties.
7. The property is identified as sensitive wildlife habitat, pursuant to the *Land Use Resolution*, based upon comments received from Colorado Parks and Wildlife, concerning the use of the property as an elk migration corridor.

8. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this Resolution, then the application shall be denied at the Preliminary or Final Plan review stage.

9. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

10. 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.

11. 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.

12. 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.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony has reached the above Findings and recommends to the Board of County Commissioners that LUC-2016-00009, Slate River Development is classified as a Major Impact Project and that the Sketch Plan be approved with the following conditions:

1. The following are specifically identified as Preliminary Plan submittal items of particular attention:

- Analysis of the location of Road A on the West Parcel at its intersection with Gothic Road, as it related to properties across Gothic Road, concerning the impact of vehicle headlights on existing residential properties.

- Wildlife impacts to elk, regarding mitigation and potential human-elk conflicts, including a wildlife habitat analysis, documentation of consultation with Colorado Parks and Wildlife, and provision for domestic animal controls.

- Visual analysis of Lots 7-13, from the Crested Butte Cemetery.

  - The applicant investigate the potential for the Town of Crested Butte to provide potable water for the development.

  - Viability of the extension/connection of Eighth Street to Road A.

2. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.

3. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.

4. 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.

5. 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.

6. 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.

Fulton closed the continued public hearing at 11:05 AM.

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Fulton adjourned the meeting at 11:10 AM.

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/S/ Beth Baker
Community Development Department Services Manager
Gunnison County Community Development Department

DRAFT