Gunnison County, CO
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To: BOCC

From: Cathie Pagano, Director of Community and Economic Development *Catherine Pagano*

Date: December 18, 2020

Re: Hunter Ridge Preliminary Plan Extension Request

During your December 8th, 2020 regular meeting the extension request for Hunter Ridge subdivision application was discussed. At that time the Board decided to hold off on making a decision on the request until the applicant received a decision from the Mt. Crested Butte Water and Sanitation District (the District) on Hunter Ridge's request for inclusion into the District. The District Board met on December 16, 2020 and held a public hearing on the inclusion application. The District Board heard public testimony, a staff recommendation of support for the application, and guidance from their District attorney, Marcus Lock. The District Board decided 2-1 to deny the Hunter Ridge request for inclusion into the Sanitation District.

I followed up with Marcus Lock after the meeting and he confirmed that the applicant has no additional opportunity to appeal the District Board decision. Mr. Watt may seek relief through the courts but there is no other option with the district for this application. However, Mr. Watt is not precluded from submitting a new or modified application in the future for inclusion into the District, Lock stated, "There is nothing that precludes him from submitting another petition in accordance with Colorado law and the District's rules." However, the District Board did not indicate that modifications or any changed conditions would alter their decision.

The BOCC approved the Hunter Ridge Sketch Plan on January 7, 2020, the decision is attached for your reference.

The Gunnison County Land Use Resolution states:

> *"Section 7-202: Q. Extension of Submittal Deadline. The Board may extend the deadline to submit a Preliminary Plan application for good cause shown, provided the applicant requests the extension in writing no less than 30 days before the deadline, and provided the Board finds that there has been no substantial change in circumstances of neighborhood land uses, in the capability or willingness to serve the development of proposed service providers, or to the site on which it is proposed since Sketch Plan approval. Should the Board determine that such findings are not supportable, the review process shall be required to begin anew with the submittal of a Sketch Plan.*
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> > *1. REFERRAL TO PLANNING COMMISSION FOR RECOMMENDATION. The Board may request a recommendation from the Planning Commission on the request for extension before taking*

action.

2. MAXIMUM PERIOD OF EXTENSION. In no case shall the deadline for submittal of a Preliminary Plan application be extended for more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted.

3. FEE FOR REQUEST FOR EXTENSION. In order to compensate the County for the cost of reviewing and processing the requested extension, each applicant shall pay the required fee, as shown in a schedule of fees issued by the Community Development Department that is adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be "incurred by the County in reviewing and processing the application."

The request for extension has been submitted more than 30 days before the deadline and the applicant states that no significant changes to neighborhood land uses since the Sketch Plan approval. There has been a change in the willingness of the Mt. Crested Butte Sanitation District to serve the proposed development with central water and sewer services. This change is significant to the application and does not meet the above criteria of Section 7-202: Q. *Extension of Submittal Deadline*. Staff has requested the applicant submit a narrative response by 4pm on 12/17/20 to the District's decision and describe their plan for water and sewer service; the applicant's response is attached for your review.

The applicant has proposed the development of sixteen residential units on an approximately 10-acre parcel. Four triplex units (twelve units) and four single-family residential lots are proposed. Lot sizes range from 0.65 to 0.97 acres. If the applicant were to modify the application and seek individual and/or shared wells and onsite wastewater treatment systems (OWTS) or a package plant that would be a significant change from the Sketch Plan approval and proposal. OWTS are allowed on parcels that are a minimum of one acre and staff has concerns about the potential water loading on the unstable slopes that exist on the Hunter Ridge parcel. Central water and sewer service is an integral component to the application and without it other standards, including locational standards and residential density standards, are impacted and compliance may be difficult or impossible. Modifications to the application to the achieve compliance with the required standards would likely require significant changes to the proposed development which would warrant a new sketch plan review.

Staff recommends that the Board of County Commissioners deny the request for extension and find that there has been a change in the willingness of the Mt. Crested Butte Water and Sanitation District to serve the Hunter Ridge parcel and due to this change the application process must begin again as described in Section 7-202: Q. *Extension of Submittal Deadline* of the Gunnison County *Land Use Resolution*.

Please feel free to contact me with any questions. Thank you.