



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 17- 25**

**A RESOLUTION APPROVING LUC NO. 2016-00009
PRELIMINARY/FINAL PLAN FOR
SLATE RIVER DEVELOPMENT SUBDIVISION
SW 1/4 OF SECTION 35, TOWNSHIP 13 SOUTH,
RANGE 86 WEST, 6TH P.M, TRACT Q (AKA LOT 13)
CYPRESS FOOTHILLS, LP**

WHEREAS, Cypress Foothills, LP, represented by Marcus J. Lock, Law of the Rockies, submitted the *Slate River Development Preliminary/Final Plan*, which proposes the subdivision of a 44.5-acre parcel, which has been described as a "hybrid-format" development proposal. This application is the final step in the land use review of 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 primarily addresses the residential development of the East Parcel. The only County approval the applicant is seeking with respect to the West Parcel is (a) the construction of an access road (Pyramid Avenue) and utility extensions to the East Parcel, (b) certain grading, berming, landscaping, and trail construction as shown on Cypress's engineered plans; (c) the cleanup of the old Town landfill pursuant to and in accordance with a Voluntary Clean Up Plan ("VCUP"), with the Town of Crested Butte, approved and overseen by the Colorado Department of Public Health and Environment; and (d) any other County approval necessary to effectuate the intent and purposes of the *Pre-Annexation Agreement* or satisfy the terms and conditions thereof. 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, and a Homeowners Association Lot, on which an owner's complex may be potentially constructed. However, in the event the owner's complex is constructed, it will not contain any bedrooms to accommodate sleeping within it. Lot sizes range from one-third to just under an acre. Access to the East Parcel will be from Gothic Road, via construction of a new road (Pyramid Avenue). The lots will be restricted to a maximum primary residential building size of 5,000 square feet, a detached secondary residence or accessory buildings up to 750 square feet and the aggregate square footage of all buildings of 5,750 square feet. Water will be provided by connection to the Town of Crested Butte's municipal water 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 final narrative of the subdivision protective covenants has been submitted addressing the homeowner association responsibilities, architectural style and design guidelines and County required covenant provisions; and

WHEREAS, a joint public hearing was conducted May 12 and May 19, by the Planning Commission and Board of County Commissioners; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on May 19, 2017 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:

FINDINGS:



1. 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.
2. The Commission reviewed the revised plan location of the Pyramid Avenue/Gothic Road intersection in onsite visits and in reaching a determination that the relocation of the intersection minimizes the impact of vehicle headlights on the existing residential property across Gothic Road.
3. The Commission utilized the applicant's visual renderings of the development from the Crested Butte Cemetery in its onsite visits, and in reaching a determination that views from the cemetery, including the views of Crested Butte Mountain from the cemetery, will not be significantly impacted.
4. Colorado Parks and Wildlife staff determined that the proponents have adequately addressed the elk migration and wildlife concerns for the development in the *Slate River Development Subdivision Wildlife Habitat Analysis and Mitigation Plan* and by financial contribution to the *Trust for Public Lands* to assist in preserving the Upper East River/Farris Creek conservation easement on the Trampe Ranch.
5. The Town of Crested Butte will provide potable water and sanitary sewer service for the development. This agreement is memorialized in the *Amendment to Pre-Annexation Agreement*, recorded in the office of the Gunnison County Clerk and Recorder at Reception Number 643828, December 7, 2016.
6. The applicant and the Town of Crested Butte are in agreement to extend Eighth Street, dependent upon the outcome of the old Town landfill cleanup.
7. Traffic mitigation measures, particularly the installation of a southbound left turn lane on Gothic Road are sufficient for full buildout of the Slate River Development. The applicant agrees to construct a southbound left turn lane on Gothic Road at the Pyramid Avenue intersection. The applicant anticipates that paving and striping associated with this roadwork will not occur until the subdivision is paved in 2018.
8. The Crested Butte Fire Protection District reviewed the subdivision plans and has commented that it has no objection to the development.
9. The proposed land use change is compatible with the character of existing land uses in the development area, and will not adversely impact the future development of the development area.
10. Specific uses on all lots have been identified in this Plan.
11. The proposed land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution*, pursuant to *Division 7-300: Preliminary Plan for Major Impacts* and *Division 7-400: Final Plan for Major Impact Projects* of the Resolution.
12. Pursuant to Section 16-117 of the *Gunnison County Land Use Resolution* a Development Improvement Agreement is required to be achieved during a Final Plan review, ensuring collateral and identified dates of completion to ensure the construction of: roads (including the installation of southbound turn lane on Gothic Road), drainage, a potable water system, a water system for fire protection and landscaping, a sewer system, the installation of electrical, telephone and natural gas lines, landscaping and reclamation, as rendered within plans listed within the above "Documents Informing this Review and Action."
13. Pursuant to Section 7-302: K. of the *Gunnison County Land Use Resolution*, the Board has the option of conducting another public hearing to consider this Preliminary/Final Plan application and the Planning



Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the Board is required to determine whether to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the Board's determination of whether it is in the public interest to do so, and considering among other factors the following whether there has or has not been substantial public interest in the proposal; or whether it is reasonably probable that new issues related to the Preliminary Plan application of the proposed land use change will be identified; or whether it is reasonably probable that new information related to the Preliminary/Final Plan of the proposed land use change will be provided. The Planning Commission is neither required nor prohibited from recommending that the Board conduct such a hearing.

14. The Commission finds that, given the lack of significant alterations in the plan during the course of Preliminary/Final Plan review, concerns of public interest have been substantially mitigated; further, that issues have been addressed, discussed and considered in depth during this review and it is reasonably improbable that either new issues will be identified, or new information provided, should another hearing be conducted.
15. 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.
16. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Slate River Development Preliminary/Final Plan need be conducted by the Board, and further, the Board hereby approves the Slate River Development Subdivision Preliminary/Final Plan, LUC No. 2016-0009, as recommended by the Planning Commission, with the following conditions:

1. A mylar subdivision plat, in compliance with Section 7-401 M., *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
2. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
3. The applicant shall record the *Declaration of Protective Covenants – Slate River Development* contemporaneously with the subdivision plat.
4. The applicant's consultant shall coordinate with the County's consultant regarding the disposal of the Town of Crested Butte's Old Town landfill materials at the Gunnison County landfill.
5. The applicant shall construct a southbound left turn lane on Gothic Road to Pyramid Avenue.
6. The development shall not be a "gated community".
7. A Development Improvements Agreement shall be executed by the applicant and Gunnison County, including identified infrastructure costs, subject to review and approval by the Gunnison County Attorney, referencing the infrastructure plans, to include: construction of roads (including the installation of the southbound turn lane on Gothic Road), drainage, potable water system, water system for fire protection and landscaping, sewer system, installation of electrical, telephone and

