



Staff Report

June 14, 2011

To: Planning Commission
Thru: Susan R. Parker, Town Manager
From: John F. Hess, Town Planner.
Subject: Planning Commission Work Session

SUMMARY:

Attached are the changes we discussed making in the Area Plan during the last Planning Commission works session. All changes since the last Planning Commission work session are in red.

The Natural Hazards to Development page, page 33, is a page I neglected to include in the packet last week.

Please bring the plastic bound books of the Land Use Plan and the Area Plan that we were using at the last meeting, to the June 20th work session, so we can continue with the Transportation section beginning on page 47.

RECOMMENDATION:

none

7. This document captures the goals and desires of the Town with respect to new development in the vicinity of Crested Butte. Measures are proposed throughout the policies to direct development and mitigate the impacts of new development. When, in the opinion of the Town Planning Commission, the public benefits proposed by a developer outweigh the public benefits expected from the mitigation measures proposed in the policies, the Planning Commission may accept the alternate mitigation measures.
8. Development within three miles of Crested Butte should comply with the policies of the Crested Butte Area Plan. When the policies of the Crested Butte Area Plan do not address the issue, but the policies of the Gunnison County Comprehensive Plan do address the issue, new developments and land use changes should comply with the applicable policies of the Gunnison County Comprehensive Plan.
9. Each section of policies begins with Policy Number 1. When policy numbers are referred to in other policies, they begin with the first letter(s) of the section they are in. For instance, when policies in the Land Use section are referred to the reference begins with "LU" and references to the policies in the Transportation section begin with "T".

ACTION ITEMS:

10. Joint planning and close cooperation between the Towns of Crested Butte and Mt. Crested Butte, Gunnison County, the REIJ School District, the Crested Butte Fire Protection District, regional organizations, and other policy making bodies (e.g. utilities, the Upper Gunnison River Water Conservancy District, federal agencies) influencing the physical and social development of the MSRV should be aggressively pursued to avoid conflicts and to provide a means by which each entity may more fully benefit from the presence of the others.
11. The Town will refer the 2011 Crested Butte Area Plan to the Town of Mt. Crested Butte, Gunnison County, Mt. Crested Butte Water and Sanitation District, the East River Sanitation District, The Crested Butte Fire Protection District and the Skyland Metropolitan District. The Town of Crested Butte should work cooperatively with the other local governments as each jurisdiction considers whether to adopt this Plan as a portion of its master plan. The implementation of the Crested Butte Area Plan, regardless of jurisdiction, should be guaranteed as part of intergovernmental agreements between Crested Butte and the other local jurisdictions.
12. The Town should consider adopting regulations for Areas and Activities of State Interest (1041 regulations) within the jurisdiction of the Town for:
 - a. Natural Hazard Areas (such as floodplains, wildfire hazard areas, geologic hazard areas, and avalanche hazard areas),
 - b. Areas containing or having significant impact upon historical, natural, or archeological resources of statewide significance (including wildlife habitat), and
 - c. Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

In addition to the recently adopted intergovernmental agreement regarding development reviewed under the County Special Development Projects Regulations, the Town should also consider having an intergovernmental agreement with Gunnison County to apply land use policies, such as those listed above, outside the Town's boundaries.

as open space for public recreation, social interaction, physical activity, wildlife or agriculture.

4. Subdivision design should begin by analyzing the site to identify its inherent values and features that will contribute to a sustainable subdivision such as natural drainages, important natural features, areas development should avoid such as hazard areas and flood plains, solar orientation, etc.

River Development and Trails

5. The Slate River, Coal Creek, Washington Gulch and their tributaries should serve as unifying design features for the community. These areas are referred to as greenways. Greenways should be preserved as natural areas. In this way the greenways can contribute to maintaining wildlife movement corridors and wildlife habitat, improving air quality, and providing a contrast to urban development.
6. Greenway corridors for pedestrian access to and along rivers, streams, and lakes should be preserved. River corridors and greenways should be public areas but measures should also be taken to protect and preserve wetlands adjacent to the water body and water quality. For instance, trails should be outside wetlands, other water features and their buffers.
7. Trail development should be sensitive to the ecology, the terrain, and the privacy of adjacent residents and surroundings. Existing and new trails should be dedicated to the public. (See [Policy T 21 on page 45](#) for the recommended number of feet of trail per residential unit)
8. Development should provide trails identified on the Crested Butte Trail Plan, [which is located at the end of the Transportation Policies in this in the Crested Butte Land Use Plan](#), and in the [Town of Crested Butte Parks and Recreation Regional Master Plan, 2010](#) and in the [Gunnison County Trails Maser Plan](#), and should connect missing trail links when the link, or part of a link, could be made within the development site.

Trees

97. Existing trees and other indigenous vegetation should be saved and protected whenever possible. Isolated stands of trees should be preserved and incorporated into the site design.
8. Homes and other structures should be sited at the edge of wooded areas whenever possible if open lands, such as meadows and grazing fields that are predominantly free of trees and often allow views of the valley, can be preserved as a result.

20. Dog owners should ensure that dogs do not chase livestock.
21. Homeowners associations should be responsible for preventing trash from entering neighboring lands, especially during construction.
22. When land, that has historically been used by elk during summer months, is developed with houses, roads, mountain bike trails or other development features, the Town encourages developers of those human uses to pursue mitigation for agricultural lands that may be affected.
23. While the Town encourages the use of non-treated water for lawn irrigation, the Town also discourages transferring water rights from agricultural land in the MSRV to a subdivision for lawn irrigation in a subdivision proposed for annexation – See Utilities Policies.

Public Lands

2423. There were 50.93 acres of land used for Town public facilities in Crested Butte in 2010 such as the Town Hall, the Fire Hall, equipment maintenance and water and waste water treatment plants and all of it was needed for public purposes. In 2009 there were 1,078 residential units and in 2010 there were 351 commercial units in Town, thus for each residential or commercial unit there were .0356 acres (1,552 square feet) of land for public purposes: Residential and/or commercial developments should provide at least .0356 acres (1,552 square feet) of developable land for each residential and commercial unit for Town public facilities purposes.
2524. There were 30.21 acres of park land in Crested Butte in 2009. In 2009 there were 611 single family, accessory and mobile home residential units and there were 467 duplex, multifamily, year-round occupied units in bed and breakfasts and units in commercial spaces. There were .0263 acres (1,146 sq. ft.) of parks per single family unit and .03 acres (1,307 sq. ft.) of parks per multi-family unit. Developments should provide at least .0263 acres of park land for each single family residential unit and .03 acres of park land for each multi-family residential unit.
2625. The Crested Butte Community School, the Crested Butte Academy, Paradise Preschool and Stepping Stones are located on 13.25 acres of land. Those school facilities serve 3,558 residential units (not hotel units) north of Round Mountain. This means that for each existing dwelling unit there are 162 square feet of land for schools. Therefore, for each new residential unit approved, at least .0037 acres (162 sq. ft.) of land should be provided for schools.
2726. All public lands, park lands and school lands should be identified on final plats.
2827. Payments-in-lieu of land may be considered when it is not deemed feasible, or in the public interest, by the Town, to reserve land for public purposes. Payments-in-lieu of land should be based on the number of acres recommended for parks, schools, or other public purposes and on the value of the average square foot of land in the proposed subdivision after all approvals have been obtained. The source for the value of the average square foot of land in the proposed subdivision should be an appraisal, performed by an appraiser acceptable to both the Town and the subdivider.
2928. As the number of dwelling units increases, the purpose of park land and therefore the size and geography of park land, should change. In 2010 there were six (6) major large, relatively flat contiguous park facilities suitable for ball fields and other large park facilities in Crested Butte on a total of 26.06 acres and there were 1,078 dwelling units in Town. Therefore, as a guide, for every 100 dwelling units proposed in a subdivision, at least 2.42 acres of contiguous, flat park land should be provided in the proposed subdivision. $(26.06/1,078 = .02417 \text{ acres} \times 100 = 2.42 \text{ acres})$ Pocket parks should be located in residential developments as frequently as possible.

UTILITIES

GOAL:

Ensure the availability and maintenance of public utility systems of adequate size and capacity to meet the needs of permanent and visitor peak populations and protect the residents of the Middle Slate River Valley from impacts caused by development.

POLICIES:

1. New urban development should be served by central water and waste water systems.
2. New urban development should be located adjacent to existing urban development and should be annexed by the appropriate town or sanitation district.
3. New urban developments, that are not adjacent to existing urban development, should not be approved.
4. Discourage the proliferation of special districts, private central utility facilities and individual sewage disposal systems within the MSRV. The 1995 Upper East River Valley Areawide 201 Facilities Plan designates the service areas for the Crested Butte, Mt. Crested Butte, and East River Sanitation districts (see Upper East River Valley Wastewater Service Areas map on the next page). Only the extreme southern and northern portions of the MSRV are excluded from all of these existing service areas and therefore, private sewage disposal systems should not be encouraged.
5. Avoid the extension of utilities into areas which are deemed inappropriate for development based upon an evaluation of the development against the goals and policies of this Plan.
6. Ensure that new urban development, which is annexed to the Town of Crested Butte, will meet the Town's technical design standards and specifications.
7. All utilities should be installed underground.
8. Utilities should be buried deep enough to prevent freezing.
9. Utility easements, at least 20 feet wide, should be provided to each lot to provide adequate space for maintenance. An easement divided by a lot line is acceptable if it is a total of 20 feet wide and if the terrain allows for access by maintenance equipment.
10. Whenever possible, trails should be dedicated to the public on any utility easements except on individual service lines.
11. When land is proposed for development and annexation:
 - a. adequate water rights for all domestic and public uses in the development should be transferred to the Town, and
 - b. the agricultural ditches that will no longer be used for agricultural purposes should be converted for public and private lawn watering rather than treating water for these purposes. Agricultural ditches that support large trees and shrubs should be maintained by the development so that they can continue to flow and provide water for the trees and shrubs dependent upon the ditch water.
12. Non-treated water should be used for lawn, park and garden irrigation, and a non-treated water distribution system, in addition to the drinking water distribution system, should be provided throughout the subdivision for lawn, park and garden irrigation.
13. Water rights from the property proposed for subdivision should stay with the property and should be used for drinking water and for lawn, park and garden irrigation.
14. The Town discourages transferring water rights from agricultural land in the MSRV to a subdivision for lawn, park or garden irrigation in a subdivision proposed for annexation.

IV NATURAL HAZARDS TO DEVELOPMENT

GOAL:

Development proposals should be planned to best promote the health and safety of the residents of the Middle Slate River Valley by minimizing the effects of natural hazards.

GENERAL POLICIES APPLICABLE TO ALL HAZARDOUS AREAS

1. Development in hazardous areas should be avoided.
2. Natural hazards should be identified for open space uses.
3. When specific hazard areas have been identified, the following relevant policies from this Plan should be applied.

AVALANCHE HAZARDS

4. Development in avalanche zones and runout zones should be avoided. Unless a professional avalanche control engineer can demonstrate the proposed development area is not in a snow avalanche area, Crested Butte discourages development in snow avalanche areas as shown on the Avalanche Hazard map in Part 2, Description of the Issues, [page 62](#).
5. All proposals at the bottom of hills exhibiting avalanche potential, as determined by a qualified expert in avalanche behavior and dynamics, should be reviewed by an avalanche control engineer for potential snow avalanches.
6. Crested Butte discourages developments which require access roads to cross potential avalanche zones unless avalanche frequency in these zones is small, as determined by a qualified expert in avalanche behavior.

FLOOD HAZARDS

7. Development in a flood prone area should be avoided. Unless a professional flood plain engineer demonstrates an area is not in a flood plain, Crested Butte discourages development, including parks, in ~~the~~ flood plains as shown on the Flood Hazards map in Part 2, Description of the Issues, [page 71650](#).

GEOLOGIC HAZARDS

Landslides

8. Development on potential landslide areas should be avoided. Unless a professional engineering geologist demonstrates an area is not in a geologically hazardous area, Crested Butte discourages development on land slide areas, unstable slopes, potentially unstable slopes and rockfall areas as shown on the Geologic Hazards map in Part 2, Description of the Issues, [page 73](#).
9. Excavation on unstable slopes and in potential landslide areas is discouraged.
10. Removal of natural supportive material at the toe of a landslide area and the area immediately adjacent to the slide area is discouraged.
11. Filling that causes loading on unstable slopes is discouraged.

“Wetland and Other Water Features Buffer.” The following activities should not be allowed in the Wetland and Other Water Features Buffer:

- a. construction, installation or placement of any obstruction or the erection of a structure,
- b. placement of material, including including, but not limited to soil, sand, gravel, mineral, aggregate, organic material, or snow plowed from roadways and parking areas,
- c. removal, excavation, or dredging of solid material, including soil, sand, gravel, mineral, aggregate or organic material,
- d. removal of any existing vegetation or conduct of any activity that will cause any loss of vegetation, unless it involves the approved removal of noxious weeds, non-native species, or dead or diseased trees,
- e. lowering of the water level or water table by any means, except as allowed by the Colorado Division of Water Resources,
- f. use of equipment within the buffer, except for the construction of roads or bridges across wetlands or other water features,
- g. disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means including grading and alteration of existing topography. Measures taken to restore existing topography to improve drainage, flow patterns or flood control should be approved.
- h. Any landscaping activities, unless they are for the purposes of the restoring or enhancing degraded areas to their native vegetation communities. Restoration and/or enhancement actions shall only involve the use of plants native to the site and shall be approved by the Town prior to taking action.
- i. Placement or location of any portion of any residential or commercial tracts.

34. The following structures and improvements and activities are exempt from the Wetland and Other Water Features Buffer:

- a. structures for decreed water rights, docks, piers, watercraft launches, and ramps,
- b. activities and structures in wetlands resulting from agricultural operations,
- c. projects primarily for water protection that have received required state or federal permits such as those projects designed for the enhancement, protection and/or restoration of wetlands or other water features
- d. emergency flood control measures, and
- e. maintenance, repair, or replacement of roads, roads that approach bridges, and bridges existing as of the effective date of this Plan.
- f. Single track dirt trails may be constructed outside, but adjacent to, the Wetland and Other Water Feature Buffer if measures are taken to protect and preserve the adjacent wetlands or water feature and if the Planning Commission agrees the proposed trail(s) will not negatively impact the adjacent wetland or water feature.

35. A Variable Outer Buffer should also be maintained. The width of the Variable Outer Buffer need not be uniform across a parcel. Specific features or activities proposed within 100 feet of the closest border of a wetland or other water feature should define the width of the Variable Outer Buffer on a site-specific basis and should be based on the presence of or the proposal of:

- a. slopes steeper than 15 percent and draining into a wetland or other water feature,
- b. highly erodible soils,
- c. The area is needed to protect trees, shrubs or other natural features that provide for stream bank stability, habitat enhancement for aquatic environments, riparian area protection, or to maintain predevelopment riparian plant or animal communities. Trees, shrubs, other-vegetation, and/or other features that provide bank stability or riparian area protection.

- d. an activity that presents a special hazard to water quality (e.g., storage or handling of hazardous or toxic materials),
- e. the area is within the one-hundred year floodplain,
- f. the area is needed to prevent or minimize flood damage by preserving storm water and floodwater storage capacity.

- 36. A Variable Outer Buffer should not be required to extend more than 100 feet beyond the outer boundary of the Wetland and Other Water Features Buffer unless when considering the functions and values of the wetland, and the proposed adjacent uses, the Planning Commission determines a larger buffer should be maintained.
- 37. The activities listed in Policy 33 should not be allowed in the Variable Outer Buffer and the exemptions in Policy 34 should also be exempt in the Variable Outer Buffer.
- 38. Developers desiring to develop within a designated wetland have the burden of proof that the land they want to develop is not a wetland.
- 39. Discontinue and discourage further filling of wetlands.
- 40. Discontinue and discourage further ditching and draining of wetlands but continue maintenance of irrigation ditches.
- 41. Discontinue and discourage further cutting of willows.

Mitigation

- 42. When the Town Planning Commission agrees development cannot avoid wetlands designated on the Wetlands map on page 103 of Part 2, Description of the Issues, or wetlands identified by the developer's consultant and the Town consultant, the policies that follow (mitigation measures) should be applied for development in those areas.
- 43. Ensure there is no net loss of wetland area, functions or values.
- 44. The priority of compensatory wetland mitigation shall be (in order of preference) to:
 - 1. protect
 - 2. enhance
 - 3. restore
 - 4. create

wetlands of the same wetland type that perform the same wetland functions to the same degree or better, or as otherwise approved by the Town, and on-site. If mitigation cannot be done on site, then mitigation should be accomplished within the MSR.V.

- 45. Allow for the use of payments-in-lieu of preserving wetlands when there is no reasonable alternative, other than to destroy wetlands for development and protection, enhancement, restoration or creation of new wetlands is not feasible, as determined by the Town. The payments should be used to acquire other wetlands for preservation or to help restore degraded wetlands, rather than trying to create new wetlands. Payments-in-lieu should be for an area of wetland equal to the amount of wetland lost and the dollar amount should equal or exceed twice the average cost per acre of wetlands that the Town has participated in preserving in the last 5 years from the date the development is approved. The value should be higher than the amount paid recently because the value of land continues to rise and because this will allow for up to a 2:1 ratio of wetlands protected for wetlands lost. From 2005 to 2010 the Town did not participate in preserving land with significant wetlands included. The average price of land, with a significant amount of wetlands, that the Town will help preserve by making expenditures to do so, will be \$18,268 per acre for the Kochevar Open Space Phase III which is under contract to purchase from the Trust for Public Land in the next five years.

Compensation