BOZAR
Board of Zoning & Architectural Review
Staff Report

To: Board of Zoning & Architectural Review (BOZAR)

Thru: Michael Yerman, Community Development Director

Molly Minneman, Design Review Coordinator

From: Bob Nevins, Town Planner

Subject: **Slate River Annexation and Major Subdivision Sketch Plan-BOZAR Review and Recommendations**

Date: March 26, 2019

1.0 Purpose.
To review the Slate River annexation and major subdivision sketch plan proposal and provide comments and recommendations to Town Council acting as the Planning Commission regarding the proposed annexation and major subdivision sketch plan with special attention given to the proposed zoning of the property.

The Slate River sketch plan application text is included as **Attachment 1**. For the complete Slate River subdivision sketch plan application that contains all of the technical report Attachments, copy the Hyperlink below and paste it in your web browser:

https://drive.google.com/file/d/11fnpfOGxqz_7oBxZTRELg-RfZIVP-RmW/view?usp=sharing

2.0 Background.
The Town of Crested Butte is considering an Annexation Petition to annex a 14.157 acre parcel referred to as the Slate River subdivision along its northeastern boundary. As part of the annexation process, a proposed zoning map and major subdivision sketch plan also have been prepared. The property owner and developer is Cypress Foothills, LP (Developer) at 8343 Douglas Avenue, Suite 200, Dallas, Texas 75225.

On July 5, 2011, the Town of Crested Butte adopted the Crested Butte Area Plan to: 1) comply with Colorado Revised Statutes (C.R.S.) Sections 31-12-101 et. seq. as amended, that authorizes municipalities to annex and establish procedures and limitations for annexation of lands within three miles of its boundary; and 2) provide the basis for addressing and evaluating proposed development in unincorporated Gunnison County in the vicinity of Crested Butte. The Area Plan specifically identified this area between Crested Butte and the Slate River east of Gothic Road,

as being suitable for future development and eligible for annexation by the Town with certain terms and conditions.

3.0 Proposed Annexation

3.1 Site Context. The existing land use of the property is undeveloped, natural open space with certain physical improvements that include public paved roadways and underground utilities. The southwest portion of the property near the intersection of Gothic Road and Butte Avenue was the former site of the Town landfill; last year, much of this land underwent a Voluntary Clean-Up Plan (VCUP) that removed toxic material, imported clean fill material, re-graded the slopes and hydro-seeded the area to allow future development. Three (3) single-family homes and Crested Butte Land Trust open space/conservation parcels are across Gothic Road west of the property; the southern-most home is within the Town of Crested Butte and zoned R1A Residential while the other two (2) residences are situated on lots that each contain about 5.5 acres in unincorporated Gunnison County. To the north is undeveloped ranchland that lies within the unincorporated County; to the east is the recently approved Aperture Subdivision that contains twenty-three (23) single-family lots and one (1) Homeowner's Association lot in unincorporated Gunnison County; and to the south is the Town of Crested Butte. The Town Public Works facility that includes the water plant, sewage treatment facility and Mountain Express buses is zoned P-Public and adjoins the southeast portion of the Slate River Subdivision; to the east on Butte Avenue is the R4 Residential District that contains Poverty Gulch Condominiums, ten (10) deed-restricted, for sale residential units; and directly to the south across Butte Avenue are the R1 Residential and R4 Residential Districts. At the intersection of Sixth Street and Butte Avenue is the B1 Business District that includes the Exxon gas station and Gas Café with four (4) residential condominium units on the second floor.

3.2 Pre-Annexation Agreements. The Town and Developer entered into three separate Pre-Annexation Agreements (Agreements) Reception No. 638399, 643828, and 656557 throughout the course of the County Major Subdivision approval. These Agreements were necessitated by two important factors. First, the Town agreed to extend water and sewer service to the County portion of the development in exchange for land to be dedicated for public uses in the proposed Annexation Area described below. Second, certain potential land uses needed to be agreed upon to allow the Developer to apply for the VCUP with the State. The VCUP required intended uses to be delineated to ensure clean-up standards were met to allow these potential land uses to occur upon the Annexation of these lands. The VCUP standards allow for high intensity uses ranging from schools to housing or passive public uses such as open space or parks on the lands south of Pyramid Avenue. The only portions of the proposed Annexation not included in the VCUP are the lands north of Pyramid Avenue which are agreed to be public lands or residential lots retained by the Developer. Land uses described throughout the staff report are summarized from the agreed upon potential land uses in the Agreements.

3.3 Proposed Annexation Area. The current northern Town boundary is formed by Butte Avenue and includes the Dyer (1985) and Kapushion (1995) Annexations. The proposed Slate River subdivision annexation contains 14.157 acres and it is bounded to the west by Gothic Road, to the south by Butte Avenue and the Town Public Works facility, Slate River to the east and the Virgil and Lee Spann Ranches, Inc. property to the north.

The existing and proposed Town boundary map is included as **Attachment 2.**

3.4 Proposed Access and Utilities. The property is bounded by Gothic Road, County Road 317, to the west; and Butte Avenue and Eighth Street, both Town streets, to the south. A new public street with a sixty (60) feet wide right-of-way, Pyramid Avenue, provides direct access through the property and intersects with the Eighth Street extension. Pyramid Avenue continues eastward across the Slate River to the East Parcel, Aperture Subdivision, which was approved by Gunnison County and will remain under County jurisdiction. Per Gunnison County's previous land use approval, Town water and sewer service have been extended to serve both, the Slate River Subdivision (West Parcel) and the Aperture Subdivision (East Parcel); and underground electric, natural gas and fiber optic service lines also have been installed.

A Town of Crested Butte public water and sewer lines map is contained in **Attachment 3**.

3.5 Proposed Zoning and Land Use. The proposed Slate River subdivision includes 14.157 acres that has been divided into six (6) public Town Parcels (TP1-TP6) and Applicant Retained Lands containing six (6) private, free-market single-family residential lots or Tracts (T1-T6). The two (2) existing non-jurisdictional wetlands are to be preserved, enhanced and protected by minimum setbacks of twenty-five (25) feet; and the steep bank and riparian area along the Slate River is to be protected by a conservation covenant. Approximately forty-four percent (44%) of the property is to be retained as protected open space, wetlands and natural recreation areas. The proposed zoning and land uses for the Town Parcels (TP1-TP5) and Applicant Retained Land Tracts (T1-T6) are:

- TP1, 2.9 acres, P-Public, future fire station and search & rescue facility and protected wetland area.
- TP2, 1.26 acres, P-Public, future public facilities (public offices, clinic, rec center, etc.).
- TP3, 1.14 acres, R2A-Residential, moderate density, deed-restricted affordable housing.
- TP4, 3.93 acres, AO-Agriculture/Open Space, open space, recreation, snow storage, protected wetland area with conservation covenant.
- TP5, 0.99 acres, R4-Residential, higher density, deed-restricted affordable housing.
- TP6, 0.90 acres, AO-Agriculture/Open Space with a conservation covenant.
- T1-T6, 1.45 acres, R1F-Residential, free-market, single-family residences.

The proposed land uses within the Slate River subdivision are compatible with the existing land uses in both the County and the Town in terms of their locations, uses, intensities, densities, masses, scale and character.

A proposed zoning map, illustrative sketch plan, R1F zone district standards and Applicant Retained Lands Concept Plan are included as **Attachment 4A**. For reference, zone district standards for P-Public, A-O Agriculture-Open District, R2A-Residential, R4 Residential and PUD-Planned Unit Development are provided in **Attachment 4B**.

4.0 General requirements. Major subdivision proposals shall comply with the applicable general and specific design and improvement standards contained in Article 6 Major Subdivision Design Standards:

4.1 General requirements. In reviewing the proposed Slate River Subdivision, the criteria for review is set forth in Sec. 17-6-10(b) that includes compliance with the following general requirements:

1) Conforms to the Town's subdivision regulations, zone district standards, Land Use Plan, Transportation Plan, Noxious Weeds Management Plan, Energy Action Plan, Parks and Recreation Regional Master Plan, Design Guidelines and Gunnison County Trails Master Plan.

2) Provides an overall public benefit to the Town.

3) Provides adequate access for fire protection and emergencies.

4) Results in no significant unmitigated adverse impacts on public facilities, rights-of-way or utilities.

5) Results in no significant unmitigated adverse impacts on the use of adjacent property or adversely affect the future development of surrounding areas.

6) Results in the creation of tracts or parcels which are capable of being built upon in conformance with these subdivision regulations, zone district standards, Building Code and other adopted plans and regulations.

7) Takes into account the character of the land to be subdivided, the surrounding area and climate.

8) Results in no additional financial burden on current residents and property owners within the Town for services to residential and commercial uses in the new subdivision.

9) Is similar in design and density to the remainder of the Town and, once built out, the difference between the appearance of the existing town and the new subdivision will be negligible except for the reduced carbon footprint considerations in the proposed subdivision.

4.2 Site Analysis Criteria. Sec. 17-6-10(c) requires that subdivisions are to be based on the following site analysis criteria:

1) To the maximum extent practicable, subdivision development shall be located to preserve natural features of the property; to avoid areas of environmental sensitivity; and to minimize negative impacts and alteration of natural features. The subdivision design shall preserve sensitive natural features, even if at the expense of maintaining the traditional Town grid pattern.

2) Land subject to natural hazards such as flooding, falling rock, landslides, mudslides, soil creep, snow avalanches, snow slides, wildfire or other natural hazards shall:
   a. Not be platted for any use which might endanger the health, safety or welfare of the inhabitants; or
   b. Not contain public rights-of-way or utilities, unless the subject hazard cannot be adequately avoided as determined by the Town.

3) The design and development of subdivisions shall preserve, to the maximum extent possible, the natural terrain, bodies of water, marches, wetlands, drainages, existing

topsoil and vegetation, including tree masses, large individual trees, willow masses and large individual willow bushes.

4) Subdivisions shall be designed to:
   a. Avoid adverse impacts on groundwater and aquifer recharge areas;
   b. Minimize cut and fill;
   c. Avoid unnecessary impervious cover;
   d. Avoid increasing the potential for damage due to flooding;
   e. Avoid or mitigate adverse effects of noise, odor and traffic; and
   f. Minimize development that would negatively affect sensitive natural features.

5) Subdivision design shall, to the maximum extent possible, preserve:
   a. Existing and historical trails;
   b. Existing and historical wildlife movement corridors, flyways, breeding grounds or other significant wildlife habitat;
   c. Existing historical structures; and
   d. Wetlands, other water features and buffers of at least twenty-five (25) feet from wetlands and water features.

4.3 Improvements at subdivider's expense. Sec. 17-6-10(d) specifies that, unless otherwise provided, all improvements shall be made at the subdivider's expense.

4.4 Efficiency. Sec. 17-6-10(e) states that subdivision design shall provide for efficiency in the installation and maintenance of all public and private facilities and services.

4.5 Patterns of development. Sec. 17-6-10(f) promotes that the proposed subdivision shall not be designed to create development patterns that cause inefficiencies, duplication or premature extension of public facilities or unnecessary public costs.

4.6 Unanticipated field conditions. Sec. 17-6-10(g) recognizes that where field conditions require changed or additional construction techniques, such as the need for curtain drains to intercept a previously unknown drainage problem which will interfere with a subdivision improvement, the Town may require reasonable additional measures to be taken. Failure to take required corrective action may result in the Town not accepting the improvements and, therefore, not allowing sales of tracts or parcels or issuing building permits or certificates of occupancy within the subdivision.

5.0 BOZAR Considerations. In formulating its comments and recommendations to Town Council acting as the Planning Commission, BOZAR may consider and evaluate the following aspects of the Slate River annexation and major subdivision sketch plan:

1) **Annexation.**
   - *Is the annexation of this 14.157 acre parcel consistent with the policies of the Crested Butte Area Plan and the requirements of Article 15 Annexations of the Municipal Code?*

2) **Proposed Zoning.**
   - *Is the proposed zoning for the entire subdivision compatible with the adjacent zone districts and land uses?*

a) Crested Butte Area Plan recommends a maximum density of 5 units/acre with up to a maximum of 10 units/acre as a "local housing incentive" for the residential portions of developments between Crested Butte and the Slate River, east of Gothic Road.

- *Is a greater density, similar to Anthracite Place, appropriate for TP5 and the west portion of TP3 at the corner of Gothic Road and Butte Avenue?*
- *Is a moderate density, similar to Poverty Gulch Condos on Butte Avenue, appropriate for the east portion of TP3?*

b) In Section 6.4.1.1. of the Second Amendment to Pre-Annexation Agreement, recorded as Reception No. 656557 on 10/10/2018, it reads, "The Applicant Retained Lands (T1-T-6) shall be subdivided into no less than six (6) lots. The Applicant Retained Lands are unique and located next to wetlands. As such, the subdivision of the Applicant Retained Lands into six (6) usable lots cannot be done within one of the Town's existing zone districts. Applicant and the Town desire to allow for the subdivision of the Applicant Retained Lands in a manner that minimizes the impact on the wetlands and maximizes the area and dimensions of the building envelopes on the six (6) lots, as well as the design flexibility of the lot lay-outs, while maintaining FAR limits consistent with the existing R1D zoning district within Town. Accordingly, the Town will use its best efforts to create a new residential zoning district for the Applicant Retained Lands to achieve the goals set forth in this section." The proposed R1F Residential, a new zone district, standards are included in **Attachment 4**.

- *Are the proposed R1F standards and FAR limits appropriate for the six (6) free-market lots?*
- *Does the proposed lot-layout minimize impacts to the wetlands and allow design flexibility?*

3) **Proposed Subdivision.**

- *Does the proposed Slate River Subdivision comply with the applicable general and specific design and improvement standards contained in Article 6 Major Subdivision Design Standards?*
- *Is the overall subdivision design, land uses, open spaces, wetlands preservation and potential building configurations compatible and in-character with Town by creating a desirable "community edge?"*

6.0 Recommended Action: In accordance with Sec. 17-5-20(4) Staff referral, the Community Development Director has referred the Slate River sketch plan to the BOZAR for review, comments and recommendations specifically related to the proposed zone district designations. BOZAR is to review the proposed zoning map and provide confirmation or other recommendations concerning the proposed zoning for each of the Town Parcels (TP1-TP6) and the Applicant Retained Lands (Tracts T1-T-6):

Town Parcels:

TP 1: P-Public, potential site for the relocation of the fire station and search and rescue facility with a maximum height limit of thirty (30) feet and no development allowed within the wetlands

area; *does BOZAR agree or disagree with the proposed P-Public zoning designation for this parcel?*

TP2: P-Public, potential site for future public facilities and/or services such as essential government uses (but not public works facilities), schools, libraries or museums, art centers, recreation facilities, parks or playfields, public hospital or health care facility, a private medical clinic or offices and parking ancillary to the foregoing uses; *does BOZAR agree or disagree with the proposed P-Public zoning designation for this parcel?*

TP3: R2A-Residential, east 300 lineal feet and R4-Residential, west 210 lineal feet and the potential location for residential uses limited to affordable housing. If this parcel is not zoned for residential uses, should it be used as parks, open space or snow storage? *Does BOZAR agree or disagree with the proposed R2A and R4 zoning designations; or should the entire parcel be zoned either R2A or R4; or should this parcel be used for parks, open space and snow storage?*

TP4: A-O Agriculture-Open District, potential site for open space, wetlands preservation, sledding hill, parks, snow storage, additional storage for the public works yard if fenced or screened and no other structures shall be allowed; *does BOZAR agree or disagree with the proposed A-O Agricultural-Open District zoning designation for this parcel or should it be zoned P-Public while prohibiting construction of any structures?*

TP5: R4-Residential, potential site for affordable housing once Town has achieved the necessary levels of clean-up (VCUP) at Town's expense. If this parcel is not zoned for residential uses, should it be used as open space, parks or snow storage? *Does BOZAR agree or disagree with the proposed R4 zoning designation; or should the entire parcel be zoned R2A or the same as TP3; or should this parcel be used for parks, open space and snow storage?*

TP6: A-O Agriculture-Open District, potential uses limited to 100-foot buffer zone for the high-quality wetlands along the Slate River, protected open space for wildlife, public access within the designated boat launch area and no structures shall be allowed other than signage deemed necessary by the Town; *does BOZAR agree or disagree with the proposed A-O Agricultural-Open District zoning designation for this parcel?*

Applicant Retained Lands:

T1-T6: R1F-Residential, a new residential zone district that allows for six (6) usable lots and maximizes the building envelope dimensions and areas while maintaining design flexibility and FAR limits consistent with the existing R1D-Residential zone. *Does BOZAR agree or disagree with the proposed R1F-Residential zoning designation for this parcel or should certain standards be revised? Does BOZAR have any comments or recommendations concerning the proposed private roadways and lot-layout?*

Other Comments and/or Recommendations:
Are there any other general and/or specific comments, concerns and/or suggestions that BOZAR would like to include in its recommendation to the Planning Commission concerning the proposed Slate River annexation and major subdivision sketch plan?

ATTACHMENT 1

Slate River Subdivision Sketch Plan Application

(Text Only)

SLATE RIVER SUBDIVISION SKETCH PLAN

LAND USE APPLICATION

March 6, 2019

Submitted to:

CRESTED BUTTE TOWN COUNCIL
ACTING AS TOWN PLANNING COMMISSION

and

BOZAR

Prepared for:

Cypress Foothills, LP
A Texas limited partnership
8343 Douglas Avenue, Suite 200
Dallas, Texas 75225

SLATE RIVER SUBDIVISION
SKETCH PLAN APPLICATION

This Sketch Plan application for the Slate River Subdivision is submitted in accordance with the requirements set forth in the Town of Crested Butte Municipal Code Section 17-5-30 Sketch plan submittals.

(1) Application. The completed Appendix K-Subdivision Application Form is included as **Attachment 1A**; and the authorization letter from the Applicant is attached as **Attachment 1B**.

The Applicant is Cypress Foothills, LP, a Texas limited partnership. Applicant is the sole owner of the property subject to the Application. Applicant's address is 8343 Douglas Ave., Suite 200, Dallas, Texas 75225. Applicant's primary authorized representative for purposes of communications with the Town of Crested Butte is Marcus J. Lock, Law of the Rockies, 525 N. Main Street, Gunnison, CO 81230, phone 970-641-1903 ext. 1 and fax 970-641-1943. Applicant's other authorized representatives include Cameron Aderhold, David Shute, Tyler Harpel, the other attorneys and staff at Law of the Rockies, and the other engineers, surveyors, and staff at Schmueser Gordon Meyer, Inc.

(2) Legal description. A legal description of the Slate River Subdivision (West Parcel) is provided as **Attachment 2A**; and the Aperture Replat A-Site Survey is **Attachment 2B**.

The legal description for the entire Property is also included in Attachment 2. The entire Property contains both, the West Parcel (Slate River Subdivision) that is being annexed into the Town of Crested Butte, and the East Parcel (Aperture Subdivision) that is to remain within unincorporated Gunnison County. The boundary line between the West Parcel and the East Parcel generally corresponds to the western boundary of the wetlands along the west bank of the Slate River, as it flows in a southeasterly direction through the Property.

(3) Site Plan. The name of the project is the Slate River Subdivision; it is a new development that is not part of an existing subdivision. The site plan sketch contains six (6) Town Parcels (TP1-TP6), a public right-of-way (Pyramid Avenue), a private access road (8th Street Extended) and six (6) single-family lots (T1-T6) to be retained by the owner/developer. These parcels, lots, and rights of way are located on a 14.157 acre tract of land. The Slate River Subdivision Sketch Plan is provided as **Attachment 3A** and the proposed land uses include the following:

- TP1 (126,359 sf / 2.90 ac)-Fire station and search & rescue facilities with a protected wetland area;
- TP2 (55,112 sf / 1.26 ac)-Public facility that may be an early learning center, medical clinic or recreation center;
- TP3 (49,857 sf / 1.14 ac)-Affordable housing, moderate density;
- TP4 (170,233 sf / 3.93 ac)-Open space, recreation, snow storage and protected wetland with a conservation covenant;
- TP5 (43,144 sf / 0.99 ac)-Affordable housing, higher density;
- TP6 (39,399 sf / 0.90 ac)-Open space with a conservation covenant;

- Public and private rights-of-way (68,825 sf / 1.58 ac)-Pyramid Avenue and 8th Street Extended; and
- T1-T6 (63,369 sf / 1.45 ac)-Single-family free-market homes with accessory dwellings.

The site map has a contour interval of two (2) feet. A majority of the site has slopes of less than fifteen percent (15%) and it is in these areas where development is proposed. Very limited single-family residential development is proposed on the northern knoll area that has fifteen to thirty percent (15-30%) side-slopes. The eastern boundary of the Property is a steep riparian river bank with slopes exceeding thirty percent (30%) in grade; and this area adjoining the Slate River is proposed as natural Open Space.

Zoning. The proposed Town zoning for the Property includes "P" Public, "R4" Residential and a new Town zone district, "R1F" Residential. Proposed zoning for Town Parcels; TP1 andTP2 is "P" Public. TP3 is "A-O", "R2A", or "R4". TP4 "A-O" or "P". TP5 is "A-O", "R2A", or "R4". TP 6 is "A-O". The proposed Zoning Map and the "R1F" zone district standards for the T1-T6 single-family lots are contained in **Attachment 3B**.

Landscaping. The public street rights-of-way, Pyramid Avenue and Sixth Street extension, will be graded and hydro-seeded with Mix Type 1: yarrow, slender wheatgrass, subalpine buckwheat, Rocky Mountain fescue, junegrass and alpine bluegrass.

The majority of the site, including the open space will remain undisturbed with natural vegetation. All areas that are disturbed and not landscaped will be revegetated/hydro-seeded with certified weed-free native seed mixes. Trees and shrubs that are added in the landscape buffer areas, river park, and entrance area will be a mix of native Colorado species that are well-suited for this climate and elevation zone.

Vehicular and pedestrian access. Primary vehicular access to the Property is from Gothic Road via a new, public street, Pyramid Avenue; secondary access is provided by the extension of Eighth Street that intersects Pyramid Avenue. A public Mountain Express bus stop is located near the corner of Gothic Road and Butte Avenue, about 1,600 lineal feet (0.3 miles) from the central portion of the site. There will be a paved, "safe-route-to-schools" pedestrian pathway that extends from Pyramid Avenue southward along Eighth Street to the Community School and a potential, soft-surface multi-use pathway along the Slate River behind the Public Works facility will link the neighborhood to the existing Rec Path. Additional internal pedestrian pathways may be installed within the various parcels and around the wetland areas.

Easements. The Site Survey, included as **Attachment 2B**, references the existing access and other easements within the parcel boundary. Title work for the property identifies the following rights of access and/or easements:

1. Any right, title and interest of the United States, State of Colorado or general public in the water of the Slate River traversing a portion of the property.

2. Right of way easement granted to Atmos Energy in instrument recorded August 29, 2005 under Reception No. 557487.

3. Right of way easement granted to Gunnison County Electric Association, Inc. in instrument recorded April 26, 2007 under Reception No. 574656.

4. Right of way easement as granted to Board of County Commissioners of the County of Gunnison, Colorado in instrument recorded April 26, 2007 under Reception No. 574657.

5. Terms, conditions, restrictions and agreements as contained in road restriction agreement recorded July 12, 2006 under Reception No. 566803. 6. Terms, conditions, reservations and agreements regarding the right of the parties to construct ditches reasonably necessary to convey water as contained in final partition of property recorded June 28, 1978 in Book 516 at Page 474.

Man-made and Natural Features. From its western boundary along Gothic Road, the Property rises gently eastward to form a broad knoll area and then descends sharply into the Slate River riparian area. The southwestern portion of the knoll area is the site of the former Town landfill. An old three (3) feet high, wood post and barbed-wire fence marks the northern property line and western boundary adjacent to Gothic Road; in 2018, a new six (6) feet high chain-link fence was installed to secure the Public Works storage area on the knoll in TP4 at the southwest portion of the Property; and a free-standing Aperture entry sign with down-lighting was placed adjacent to the Gothic Road and Pyramid Avenue intersection.

In terms of natural features, there are two (2) existing low quality wetlands on either side of Pyramid Avenue adjacent to Gothic Road. There are no rock outcroppings or other prominent geologic features nor are there any drainage ways or agricultural ditches on this West Parcel. The 100-year flood plain is contained within Slate River corridor; the parcel and lot configurations are arranged in such a manner that the flood hazard areas are contained within the TP6 Open Space and all structures will be sited to avoid any flood hazard and wetland areas. Natural Features Map is included as **Attachment 4**.

Natural hazards. According to the Gunnison County Geologic Hazards map, the majority of the Property is in the "non identified" zone with some of the flood plain and wetland areas in the "high water table" zone. There are no on-site geologic hazard areas as delineated on Geologic Hazard Maps prepared by the Colorado Geological Survey.

The CTL Thompson Geologic Hazards Evaluation and Preliminary Geotechnical Investigation report dated January 30, 2008, see **Attachment 5**, evaluated the site- specific geologic hazards and the report concluded that no geologic hazards were identified that would preclude the development of the site for the intended uses.

The Property is in an area of "low" wildfire hazard according to the Gunnison County Wildfire Hazard Map.

Hazardous conditions. The large knoll area near the corner of Gothic Road and Butte Avenue in the southwest corner of the Property is the site of the former Town landfill. As set forth in the Town Agreements[1], Cypress is proposing to cleanup portions of the old Town landfill for the

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[1] Cypress and the Town have entered into a "Pre-Annexation Agreement" recorded at reception number 638399 and two amendments thereto recorded respectively at reception numbers 643828 and 656557. The Pre-Annexation

benefit of the Town, its residents, and nearby residents of the County. Once the cleanup has been completed pursuant to a Voluntary Clean-Up Plan (VCUP) and approved by Colorado Department of Public Health and Environment (CDPHE), Cypress will convey this land to the Town of Crested Butte to be used for various public purposes. The Town Agreements also give the Town the option in the future to further clean-up TP4 so that it can be used for an additional 1-acre of affordable housing. This Project with public and residential uses is not reasonably expected to produce hazardous substances or hazardous waste materials.

Wildlife and threatened endangered species (TES) habitat areas. The existing wetland areas perform functions related to wildlife habitat to a moderate degree. The Slate River has relatively narrow bands of wetlands on both banks that are affected by existing development, including the Town of Crested Butte's wastewater treatment plant, pedestrian path, and Gothic Road that contribute to limiting wildlife movements.

The Gunnison office of Colorado Parks and Wildlife ("CPW") in a letter dated May 5, 2016 indicated that the Property is not located within sensitive wildlife habitat. However, impacts to elk were identified as a potential concern and the Board of County Commissioners' Sketch Plan approval specifically requested that a wildlife habitat analysis be prepared that addresses potential impacts to elk. Accordingly, Cypress retained Bio-Logic, Inc., natural resources consultants, to prepare a Wildlife Habitat Analysis and Mitigation Plan ("Mitigation Plan") that is included as **Attachment 6A**. After reviewing the Mitigation Plan, Colorado Parks and Wildlife (CPW) concluded that Cypress "adequately addressed" CPW's concerns in the Mitigation Plan, see **Attachment 6B**.

According to the Gunnison County Gunnison Sage-grouse Habitat Map, the Property does not contain Gunnison Sage-grouse habitat. Although not known to occur at the site, boreal toads, listed by the State as endangered, could inhabit the riparian areas in the development.

Existing vegetation. The upland knoll areas are dominated by mountain big sagebrush at relatively low densities with other low shrub species and considerable cover of perennial grasses and forbs. The plant community in all of the wetlands is generally a mixture of upland and wetland species, with similar species in each wetland. Dominant species in less wet areas of the wetlands, West Parcel (the Property), include Baltic rush (Juncus balticus), tufted hair grass (Deschampsia caespitosa), field sedge (Carex praegracilis), redtop (Agrostis gigantea), meadow foxtail (Alopecurus pratensis), and shrubby cinquefoil (Pentaphylloides floribunda). Drier (upland) species also occur in drier portions of wetlands, including bluegrass (Poapratensis), timothy (Phleum pratense), strawberry (Fragaria virginiana), dandelion (Taraxacum officinale), and yarrow (Achillea millefolium). Weeds which occur around the perimeters of the wetlands include creeping thistle (Circiumarvense) and ox-eye daisy (Luecanthemum vulgare).

Wetlands. The approved wetland mapping for the entire Property that includes the East (Aperture) and West (Slate River) Parcels is shown on **Attachment 7**. There is a total of 10.14 acres of wetlands at nine locations as summarized in Table 1. However, four of these wetlands

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Agreement and its two amendments are referred to collectively herein as the "Town Agreements." Portions of this narrative summarize the Town Agreements, but this narrative is not intended to conflict with the Town Agreements, and if there is any conflict, the Town Agreements control.

(designated Wetlands A, B, E, and the Pond Wetland) are not jurisdictional according to the Army Corps of Engineers, so that the total area of jurisdictional wetlands on the entire Property is 9.21 acres. All of the wetlands are classified as Palustrine emergent (persistent) or Palustrine scrub shrub (broad-leaved deciduous) based on the U.S. Fish and Wildlife Service "Cowardin" classification system (Table 1).

Buffer setback zones designated for the wetlands and the Slate River are consistent with Gunnison County LUR requirements. A twenty-five (25) feet inner restrictive buffer is designated for most of the wetlands on the property and for the Slate River. In accordance with an agreement for sewer service from the Town of Crested Butte, a fifty (50) feet buffer from high quality wetlands and a twenty-five (25) buffer from low quality wetlands is being provided for wetlands on the East Parcel. Each of the two (2) wetlands on the West Parcel (Slate River) has a twenty-five (25) feet buffer setback zone.

Groundwater. The primary source of water to the wetlands is seasonal, shallow groundwater. Wetlands close to the Slate River are also influenced by surface water and seasonal overbank flooding.

In addition to the wetlands, the Slate River flows in a southeasterly direction next to the Slate River Subdivision, and it is a perennial channel that provides aquatic habitat. This reach of the river is generally run/riffle habitat with cobble substrate. Portions of the river banks are incised with some erosion.

Neither of the wetlands on the West Parcel (Slate River Subdivision), is large enough or has characteristics to potentially perform any wetland functions to a high degree, except for the wetlands located on the western bank of the Slate River, where a one-hundred-foot buffer located on TP 6 has been provided for its protection.

In summary, the functional assessment found that wetlands provide groundwater discharge, flood storage, sediment retention, water quality improvement, and shoreline anchoring to a low to moderate degree. None of the wetlands on the West Parcel, except the wetlands along the western bank of the Slate River, provide functions to a high degree. These wetlands do have the ability to trap sediment and enhance water quality.

(4) Sketch plan facility plan. The proposed water, waste water and other facility sketch plans are outlined below:

Water supply, treatment and storage facilities. The Project will have a water supply that is legally and physically adequate in terms of quality, quantity, dependability, and pressure. The physical water supply will be connected directly to the Town of Crested Butte's existing central water system pursuant to and in accordance with the Town Agreements.

Schmueser Gordon Meyer, Inc. (SGM), engineers and surveyors, in Gunnison, Colorado prepared the central system water report, hydraulic analysis, capacity, storage, irrigation and fire protection studies. SGM provided the required calculations and design and worked with the Town of Crested Butte concerning the physical availability to connect to the Town's existing

system. The calculations and results of that work, along with the Town's existing capacities and demands are contained in SGM's Water Supply Plan Report as **Attachment 8.**

SGM's Water Supply Plan Report, together with the Pre-Annexation Agreement, constitute written evidence documenting the right to use water in the amounts, manner and location(s) for the uses and activities proposed in the Slate River Subdivision Sketch Plan.

Waste water disposal lines and treatment facilities. The Town Agreements constitute documentation by the Town that it is willing to provide wastewater treatment services for the Property. Additional documentation attested by the proposed provider, Town of Crested Butte, indicating sufficient capacity and willingness to provide the service is included as **Attachment 9**.

Irrigation ditch system and storage. There are no agricultural ditches that traverse the Property. The title policy contains an exception related to the right of the certain parties to construct ditches reasonably necessary to convey water across the Property as contained in final partition of property recorded June 28, 1978 in Book 516 at Page 474. This title exception is addressed in the memorandum contained in this Application as **Attachment 10**. No agricultural ditches are expected to be constructed pursuant to this title exception, and it is not expected to impact the proposed development in any way.

Cypress is not aware of any other historical agricultural easements used to gain access to head gates, ditches, and fences for agricultural maintenance or operations.

Other utilities. Electric, natural gas and telephone lines will be provided underground to adequately service the proposed development.

Drainage. The subdivision is laid out and designed to minimize potential erosion and sedimentation impacts of the proposed development. The intention of the development layout and design is to primarily utilize LID (low impact design) open channel drainage features to maximize infiltration and natural filtration as much as possible. No activity that disrupts earth will be commenced until all required permits are obtained. Construction and development will comply with the general standards established by the Town including drainage requirements that minimize the potential adverse impacts to water quality and on- and off-site drainage, construction, and post-construction storm water runoff. The proposed development will include drainage features to ensure that historic pre-development runoff rates and water quality are maintained. A full drainage report with calculations stamped and certified by a Colorado licensed professional engineer is submitted as **Attachment 11**.

Fire protection facilities. The water distribution system and storage system are capable of meeting fire flow requirements. The main station of the Crested Butte Fire Protection District is currently located approximately ten (10) blocks or from the development. There are future plans for the fire station and Search and Rescue (SAR) to be relocated into a new facility on TP1 at the corner of Gothic Road and Pyramid Avenue.

Storm water facilities. The overall site drainage strategy fully integrates the LID (Low Impact Design) drainage concept. This concept varies from the "traditional" drainage methodology of capturing surface runoff, piping it and treating it at larger regional detention or retention

locations. The LID concept relies upon having many smaller dispersed treatment areas, limiting connectivity of impervious areas and increasing the opportunity for filtration and infiltration. The main goal of this system is to slow down, treat and infiltrate the storm water before it ever becomes a concentrated flow that becomes a much more erosive and destructive force. The storm water system is more fully described in the SGM Drainage Report as **Attachment 11**.

Other public facilities. The West Parcel (Slate River Subdivision) contains several sites reserved specifically for key public facilities: TP1 is envisioned as a new fire station and search and rescue facility with enhanced wetlands and potential pathway; TP2 is set aside as a future medical clinic, early learning center or recreation facility; TP3 is proposed for medium-density affordable housing; TP4 is reserved as public open space for active/passive recreation with enhanced wetlands; TP5 is aimed at providing higher-density rental apartments; TP6 is preserved as natural open spaces and a Boat Launch; public parking is provided near the bridge with public river access being provided north of the bridge on the west side of the Slate River.

Water system estimate. The entire Slate River Subdivision will be connected to the Town of Crested Butte public water system. Town of Crested Butte has indicated there is sufficient capacity and that it is willing to provide water service (see **Attachment 9**) to proposed fire station/search and rescue facility (TP1), public use building (TP2), affordable workforce housing units (TP3 and TP5) and six (6) free-market residential lots (T1-T6).

Waste water system estimate. Town of Crested Butte has indicated there is sufficient capacity and that it is willing to provide public waste water service to the Slate River Subdivision (see **Attachment 9**). The proposed fire station/search and rescue facility (TP1), public use building (TP2), affordable workforce housing units (TP3 and TP5) and six (6) free-market residential lots (T1-T6), all will be connected to the Town of Crested Butte public waste water system. The cost of connecting all of the Town Parcels to the Town of Crested Butte's public waste water system will be the responsibility of the Town. The cost of connecting T1-T6 to the Town of Crested Butte's public waste water system will be the responsibility of the Cypress.

(5) Soils report. The topsoil on the Property varies from none to a thickness of about a foot (12"). Topsoil layers occur on the moraine outwash deposits and in portions of the recent alluvium deposits. The topsoil generally consists of rooted, medium to dark brown sandy clay.

West Parcel (Slate River Subdivision) subsurface conditions consist predominately of clayey sand and gravel with cobbles and scattered boulders. There are also areas of sandy, gravelly clay scattered across the southwestern portion of the site. The area around the wetland in TP1 is poorly drained; in TP6, the steep slopes on the western edge of the Slate River are potentially unstable; and the TP4-5 knoll area at the southwestern portion of the parcel is the approximate location of the old Town landfill. The soils report is included in the CTL Thompson report as **Attachment 5**.

(6) Vicinity map. The Property is located immediately north of the Town of Crested Butte's public works yard and the Town boundary along Butte Avenue; east of Gothic Road; south and west of the Town cemetery; and west of the Slate River. The recently approved Aperture subdivision, twenty-three (23) residential lots in Gunnison County, adjoins the Property to the

east; two single-family homes and Crested Butte Land Trust lands are to west on the opposite side of Gothic Road; the Gas Café/Exxon gas station and multi-family residential are located along Butte Ave to the south; and the Public Works facility and storage yards adjoin the Property along its southerly boundary. The Vicinity Map is included as **Attachment 12**.

(7) Narrative. The Property is owned by Cypress Foothills, LP and it includes the proposed Slate River Subdivision Sketch Plan on the West Parcel, 14.157 acres, and the Aperture Subdivision, on the East Parcel, 44.5 acres. The Slate River Subdivision (West Parcel) is proposed to contain a variety of land uses: public facilities, deed-restricted multi-family housing, free-market single family residences, open space/wetlands and parks while Aperture (East Parcel) has been approved by the County to include twenty-three (23) free-market single family residences and associated accessory dwelling units or structures with designated open space/wetland areas. No commercial uses are proposed for this Property.

In 2016, the Town of Crested Butte and Cypress Foothills, owner/developer, entered into negotiations about extending public sewer service to include all of the proposed development. The first Pre-Annexation Agreement established terms and conditions for providing public sewer service to a hybrid development project in which the East Parcel (Aperture) would remain within unincorporated Gunnison County, while the West Parcel (Slate River) would be annexed into the Town of Crested Butte. The boundary between the East and West Parcels on the west bank of the Slate River serves as the dividing line between the Town and the County. In exchange for extending public sewer service to both, the East (County) and West (Town) Parcels, the developer and Town generally agreed to the following:

- The Town will provide public sewer service to twenty-three (23) single-family homes and up to twenty-three (23) accessory dwellings or accessory structures located on the East Parcel (Aperture) in the unincorporated area of the County. Each of the single-family homes shall not exceed 5,000 square feet, and accessory structures shall not exceed 750 square feet. In addition, Cypress or the Aperture HOA, can build an "owner's complex" on the East Parcel.
- The developer will be allowed to create six (6) additional single-family lots (T1-T6) on 1.45 acres within the West Parcel (Slate River) that will be annexed into the Town, zoned "R1F" Residential, a proposed new zone district (see **Attachment 3B**) and subdivided.
- The developer will convey to the Town six (6) lots ("Town Parcels 1-6") containing a total of 11.12 acres within the West Parcel that may be used for the following public purposes:

  Town Parcel-TP 1 (2.90 acres) will be zoned "P" Public. An emergency services facility, that may include a fire station/search & rescue, is only public use that may be constructed on this parcel. Any building constructed on this parcel may not exceed thirty (30) feet in height. The existing pond, a low quality wetlands, will be preserved or enhanced and may utilized for the storage of irrigation water.
  Town Parcel-TP 2 (1.26 acres) will be zoned "P" Public. This parcel may only be used for open space, recreational facilities, parks, or playfields, libraries or museums, art

centers, schools, essential governmental uses (but not public utility facilities), a bus stop and parking ancillary to and supportive of the foregoing uses on TP2. The developer has completed the environmental cleanup (VCUP) for those portions of the old landfill located within this Parcel, and its application for a no action determination is pending before the Colorado Department of Public Health and Environment. This parcel will be subject to an environmental covenant.

Town Parcel-TP 3 (1.14 acres) may be zoned "R2A" Residential/Multi-family and/or "R4" Residential/PUD. However, the only permitted use will be the development of affordable housing containing a density of fifteen (15) to twenty (20) units. The developer has completed the environmental cleanup (VCUP) for those portions of the old landfill located on this Parcel, and its application for a no action determination is pending before the Colorado Department of Public Health and Environment. This parcel will be subject to an environmental covenant.

Town Parcel-TP4 (3.93 acres) may be zoned "A-O" Agriculture-Open District or "P" Public and it may only be used as public open space and/or parks. Portions of the old landfill are located on this parcel. The developer installed a cap on top of landfill materials as part of its VCUP. This parcel will be subject to an environmental covenant.

Town Parcel-TP5 (0.99 acres) may be zoned "A-O" "R2A" and/or "R4"; provided however, that if Town Parcel 5 is zoned for residential uses, such residential uses shall be limited to affordable housing. If Town Parcel 5 is not zoned for residential uses, it shall only be used as open space, parks, and snow storage. Portions of the old landfill are located on this parcel. The developer installed a cap on top of landfill materials as part of its VCUP. Accordingly, prior to the development of any housing, on Town Parcel 5, the Town shall file a VCUP application with CDPHE and obtain a No Action Determination confirming that the Town has achieved the cleanup levels necessary for the development of affordable housing. The Town shall be responsible for the costs of the VCUP application and the required cleanup of Town Parcel 5. This parcel will be subject to an environmental covenant.

Town Parcel-TP6 (0.90 acres) is proposed to be zoned "A-O" Agriculture-Open District Public and it may only be used as protected natural open space.

Other terms of the agreement include:

- River trail. The developer will be responsible for the construction of a river trail and fencing located adjacent to the Town Shop Yards within two (2) years of annexation. The developer reserves the right to install buffers and other mitigation measures as agreed by both parties.
- Boat launch easement. The developer and Town will enter into a boater access easement agreement with the dedication of the described Town Parcels above.
- Land use approvals. The Town will be responsible for preparing the annexation, subdivision, and zoning applications and land use approvals for Slate River (West Parcel).

- Infrastructure. The developer will be responsible for the construction of all utilities, roads (including the extension of 8th Street) and other infrastructure to serve both, the Town annexed lands (Slate River-West Parcel) and County portion of the development (Aperture-East Parcel). The developer will provide a two (2) year warranty for all Town-maintained infrastructure.
- Clean-up contribution. The Town will contribute $350,000.00 to the developer to assist with the environmental cleanup (VCUP) of the old landfill on Town Parcel 3.

The primary access into the Property is via Gothic Road onto a new west-to-east roadway, Pyramid Avenue, that connects the Slate River Subdivision (West Parcel) with the Aperture Subdivision on the east side of the Slate River. Secondary access is provided by Butte Avenue along the southern Parcel boundary and the northerly extension of Eighth Street. A short, private access drive with a hammerhead turnaround is planned to access the six (6) free-market single-family lots (T1-T6) from Pyramid Avenue. All required parking for each of the Parcels will be provided on-site with short-term parking allowed along the shoulders of Pyramid Avenue. The existing natural landscape consisting largely of native grasses and wildflowers, sagebrush and willows will be maintained and enhanced. Landscaping with coniferous and deciduous trees, shrubs and lawn areas will occur around the single-family residences on lots T1-6, that will be comparable to other neighborhoods in Town and compatible with the adjacent neighborhoods. The public facilities (TP1-TP2) will have less landscaping due to them having larger parking lots and snow storage areas. The affordable housing developments (TP3 and TP5) will have landscaping that is comparable and compatible with the adjacent residential neighborhood and rural character of Gothic Road. There are local Mountain Express bus stops located one block south of the southern Parcel boundary near the intersection of Sixth Street and Teocalli Avenue.

Adjacent property owners. A list of adjacent property owners located with three hundred (300) feet of the proposed Slate River Subdivision (West Parcel) is provided in **Attachment 13.**

Wetlands delineation report. The wetlands report and mapping prepared by BikiS is contained in **Attachment 7.**

Hydrologic study. A drainage report was written by SGM and it is **Attachment 11.**

TES survey report. The Wildlife Habitat Analysis and Mitigation Plan ("Mitigation Plan") submitted by Bio-Logic, Inc., natural resources consultants, is included as **Attachment 6A**. No known threatened and/or endangered species were identified on the Property.

Groundwater study report. Groundwater is discussed above in **(3) Site Plan, *Groundwater*.**

(8) Subdivision cost and expense reimbursement agreement. Refer to the three (3) Pre-Annexation Agreements between the Town of Crested Butte, Colorado and Cypress Foothills, LP Contained in **Attachment 14A**-Pre-Annexation Agreement; **Attachment 14B**-Amendment to Pre-Annexation Agreement; and **Attachment 14C**-Second Amendment to Pre-Annexation Agreement.

ATTACHMENTS

1A- Appendix K-Subdivision Application Form

1B- Owner/Applicant Authorization Letter

2A- Legal Description of Slate River Subdivision (West Parcel)

2B- Aperture Replat A-Site Survey, Flatirons, Inc.

3A- Slate River Subdivision Sketch Plan

3B- Zoning Map-Proposed

R1F Zone District Standards-Proposed

4- Natural Features Map, SGM

5- Geotechnical Report, CTL Thompson

6A- Wildlife Habitat Study, BIO-Logic

6B- Colorado Parks and Wildlife (CPW) letter

7- Wetland Report and Mapping, Bikis

8- Water Supply Plan Report, SGM

9- Service Provision Letter, Town of Crested Butte

Water and Wastewater Estimates

10- Road Restriction Agreement and Ditch Rights, Law of the Rockies

11- Drainage Report, SGM

12- Vicinity Map

13- List of Adjacent Property Owners

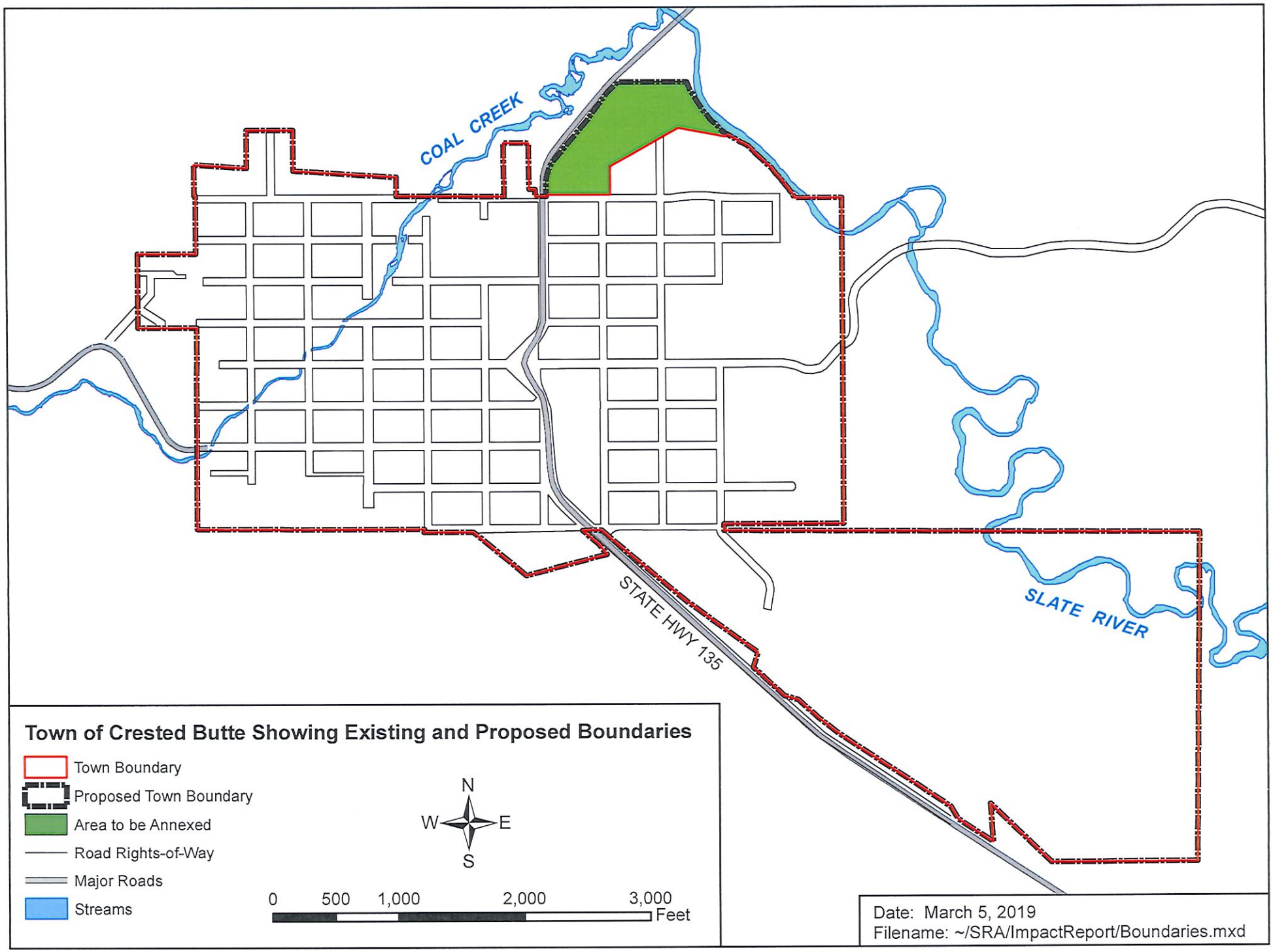
14A- Pre-Annexation Agreement

14B- Amendment to Pre-Annexation Agreement

14C- Second Amendment to Pre-Annexation Agreement

ATTACHMENT 2

Existing and Proposed Town Boundary Map


COAL CREEK
SLATE RIVER
STATE HWY 135
Town of Crested Butte Showing Existing and Proposed Boundaries
Town Boundary
Proposed Town Boundary
Area to be Annexed
Road Rights-of-Way
Major Roads
Streams
N
W
E
S
0
500
1,000
2,000
3,000
Feet
Date: March 5, 2019
Filename: ~/SRA/ImpactReport/Boundaries.mxd

APERTURE REPLAT A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35.
TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH P.M.,
COUNTY OF GUNNISON, STATE OF COLORADO
SHEET 2 OF 2

Boundary Clouare Report

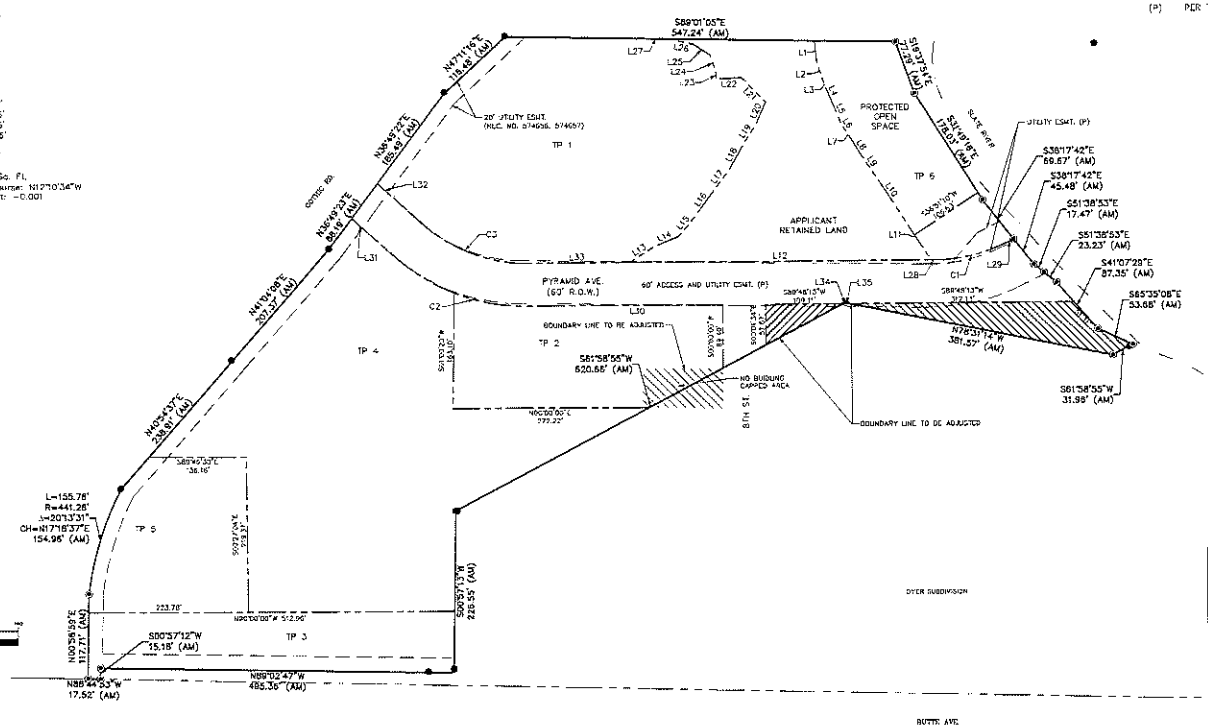
Course: N00°58'59"E Length: 117.71'
Length: 155.76' Radius: 441.26'
Delta: 020°13'31"
Chord: 154.96' Course: N17°16'37"E
Course: N40°54'37"E Length: 238.91'
Course: N41°04'08"E Length: 207.37'
Course: N36°49'23"E Length: 88.19'
Course: N36°49'22"E Length: 165.49'
Course: N47°11'16"E Length: 116.48'
Course: S89°01'05"E Length: 547.24'
Course: S19°37'54"E Length: 77.29'
Course: S31°49'16"E Length: 178.03'
Course: S38°17'42"E Length: 69.67'
Course: S38°17'42"E Length: 45.48'
Course: S51°38'53"E Length: 17.47'
Course: S51°38'53"E Length: 23.23'
Course: S41°07'29"E Length: 87.35'
Course: S65°35'08"E Length: 53.68'
Course: S61°58'55"W Length: 31.96'
Course: N78°31'14"W Length: 381.57'
Course: S61°58'55"W Length: 620.66'
Course: S00°57'13"W Length: 226.55'
Course: N89°02'47"W Length: 495.36'
Course: S00°57'12"W Length: 15.18'
Course: N88°44'53"W Length: 17.52'

Perimeter: 3998.16' Area: 616563 Sq. Ft.
Error Closure: 0.01 Course: N12°10'34"W
Error North: 0.006 East: -0.001

Precision 1: 399735

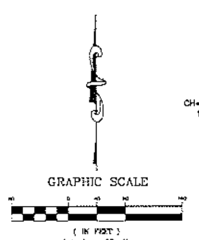
Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- (P) PER THE PLAT OF APERTURE; REC. NO. 648057



PARCEL LINE TABLE			PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION
L1	28.22	S05°57'50"E	L19	33.17	N30°31'20"E
L2	31.28	S17°02'03"E	L20	34.27	N23°48'00"E
L3	8.98	S22°26'13"E	L21	47.65	N43°58'35"W
L4	18.37	S22°26'13"E	L22	36.59	S87°23'15"W
L5	36.35	S22°26'13"E	L23	10.74	N00°04'01"E
L6	11.16	S31°22'53"E	L24	25.26	N18°26'30"W
L7	15.65	S31°22'53"E	L25	27.60	N30°54'18"W
L8	30.10	S31°53'53"E	L26	30.89	N78°25'54"W
L9	25.25	S35°55'20"E	L27	44.72	N87°30'15"W
L10	71.66	S35°20'18"E	L28	7.20	N89°49'25"E
L11	76.21	S32°47'05"E	L29	14.12	N53°37'18"E
L12	421.99	S89°48'36"W	L30	271.88	S89°48'22"W
L13	41.08	N57°32'43"E	L31	79.07	N48°57'24"W
L14	36.18	N67°35'27"E	L32	80.53	S48°17'24"E
L15	37.88	N39°33'02"E	L33	142.31	N89°48'13"E
L16	44.44	N35°56'43"E	L34	3.44	N61°58'55"E
L17	34.19	N37°35'21"E	L35	7.92	S78°31'14"E
L18	42.56	N29°11'38"E			

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	99.66	213.67	26°50'30"	N76°49'37"E	98.80
C2	206.26	282.00	41°54'23"	N69°14'36"W	201.69
C3	160.93	220.00	41°54'23"	S69°14'36"E	157.35



DRAFT
WORKING COPY ONLY
ONLY FINAL VERSION
WILL HAVE STAMP AND SIGNATURE

REVISION	DATE

APERTURE REPLAT A

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Flatirons, Inc.
Surveying, Engineering & Geomatics
www.flatironsinc.com
655 FOURTH AVE. LONGMONT, CO 80501 PH: (303) 776-1733 FAX: (303) 776-4355
3825 IRIS AVE. STE 395 BOULDER, CO 80301 PH: (303) 443-7001 FAX: (303) 443-9830
4501 LOGAN ST. DENVER, CO 80216 PH: (303) 936-6997 FAX: (303) 923-3180

JOB NUMBER: 17-70,453
DATE: 12-14-2018
DRAWN BY: M. PERSE
CHECKED BY: BOL/JZG

SHEET 2 OF 2

APERTURE REPLAT A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH P.M., COUNTY OF GUNNISON, STATE OF COLORADO

SHEET 1 OF 2

TOTAL AREA = 616,663 SQ FT, OR 14.15 ACRES, MORE OR LESS

Parcel Description

THE WEST REMAINDER PARCEL ACCORDING TO THE PLAT OF APERTURE, GUNNISON COUNTY RECORDS AT REC. NO. 648056, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH P.M., GUNNISON COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF SECTION 35 TO BEAR SOUTH 88°44'53" EAST, A DISTANCE OF 2650.81 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH P.M.; THENCE ALONG THE SOUTH LINE OF SECTION 35 SOUTH 88°44'53" EAST A DISTANCE OF 130.17 FEET TO THE SOUTHWEST CORNER OF THE WEST REMAINDER PARCEL, AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 00°58'59" EAST, A DISTANCE OF 117.71 FEET; THENCE 155.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 441.76 FEET, AN INCLUDED ANGLE OF 20°13'31" AND SUBTENDED BY A CHORD WHICH BEARS NORTH 17°18'37" EAST, A DISTANCE OF 154.96 FEET; THENCE NORTH 40°54'37" EAST, A DISTANCE OF 238.91 FEET; THENCE NORTH 41°04'08" EAST, A DISTANCE OF 207.37 FEET; THENCE NORTH 36°49'23" EAST, A DISTANCE OF 88.19 FEET; THENCE NORTH 36°49'22" EAST, A DISTANCE OF 185.49 FEET; THENCE NORTH 47°11'16" EAST, A DISTANCE OF 116.48 FEET; THENCE SOUTH 89°01'05" EAST, A DISTANCE OF 547.24 FEET; THENCE SOUTH 19°37'54" EAST, A DISTANCE OF 77.29 FEET; THENCE SOUTH 31°49'16" EAST, A DISTANCE OF 178.03 FEET; THENCE SOUTH 38°17'42" EAST, A DISTANCE OF 69.67 FEET; THENCE SOUTH 38°17'42" EAST, A DISTANCE OF 45.48 FEET; THENCE SOUTH 51°38'53" EAST, A DISTANCE OF 17.47 FEET; THENCE SOUTH 51°38'53" EAST, A DISTANCE OF 23.23 FEET; THENCE SOUTH 41°07'29" EAST, A DISTANCE OF 87.35 FEET; THENCE SOUTH 65°35'08" EAST, A DISTANCE OF 53.68 FEET; THENCE SOUTH 61°58'55" WEST, A DISTANCE OF 31.96 FEET; THENCE NORTH 78°31'14" WEST, A DISTANCE OF 381.57 FEET; THENCE SOUTH 61°58'55" WEST, A DISTANCE OF 620.66 FEET; THENCE SOUTH 00°57'13" WEST, A DISTANCE OF 226.55 FEET; THENCE NORTH 89°02'47" WEST, A DISTANCE OF 495.36 FEET; THENCE SOUTH 00°57'12" WEST, A DISTANCE OF 15.18 FEET TO A POINT ON THE SOUTH LINE OF SECTION 35; THENCE ALONG THE SOUTH LINE OF SECTION 35 NORTH 88°44'53" WEST, A DISTANCE OF 17.52 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL AS DESCRIBED ABOVE CONTAINS 616,663 SQ. FT. OR 14.15 ACRES, MORE OR LESS IN GUNNISON COUNTY, COLORADO, UNDER THE NAME OF APERTURE REPLAT A, HAVE LAID OUT, PLATTED AND SUBDIVIDED THE SAME AS SHOWN ON THIS PLAT AND DO HEREBY PERMANENTLY DEDICATE AND CONVEY TO THE OWNERS OF LOTS, TRACTS OR PARCELS WITHIN THIS SUBDIVISION AND THEIR GUESTS, BUT NOT TO THE PUBLIC AT LARGE THE COMMON RIGHT TO USE STREETS, ALLEYS, ROADS AND OTHER AREAS AS SHOWN HEREON AND HEREBY PERMANENTLY DEDICATE THOSE PORTIONS OF LAND LABELED AS EASEMENTS FOR THE INSTALLATION OF MAINTENANCE OF PUBLIC UTILITIES AS SHOWN HEREON.

Gunnison County Planning Commission Approval

THE PLANNING COMMISSION OF GUNNISON COUNTY, COLORADO, HEREBY RECOMMENDS ______ APPROVAL OF THIS PLAT OF THE ABOVE SUBDIVISION, SUCH RECOMMENDATION BEING MADE AT A MEETING OF SAID COMMISSION HELD ON THIS ______ DAY OF ________ A.D. 20___.

____
CHAIRPERSON, GUNNISON COUNTY PLANNING COMMISSION

Board Of County Commissioners Approval

THE WITHIN PLAT OF APERTURE REPLAT A IS APPROVED THIS ______ DAY OF ______ A.D. 20____ AND THE PRIVATE DEDICATION OF ROADS AND COMMON AREAS IS APPROVED ON THE CONDITION THAT SUCH ROADS AND COMMON AREAS SHALL BE MAINTAINED AND SNOWPLOWED, BY AND AT THE EXPENSE OF THE LOT OWNERS AND NOT BY GUNNISON COUNTY OR ANY OTHER PUBLIC AGENCY.

____
CHAIRPERSON, GUNNISON COUNTY BOARD OF COMMISSIONERS
ATTEST:

____
GUNNISON COUNTY CLERK AND RECORDER

Owner and Subdivider Certificate

IN WITNESS WHEREOF ____________________ HAS (HAVE) SUBSCRIBED HIS, HER, THEIR NAME(S) THIS _____ DAY OF ______ A.D. 20___

____

BY ______________________________

BY ______________________________

STATE OF COLORADO)
) SS
COUNTY OF GUNNISON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ______ 20____ BY ______________

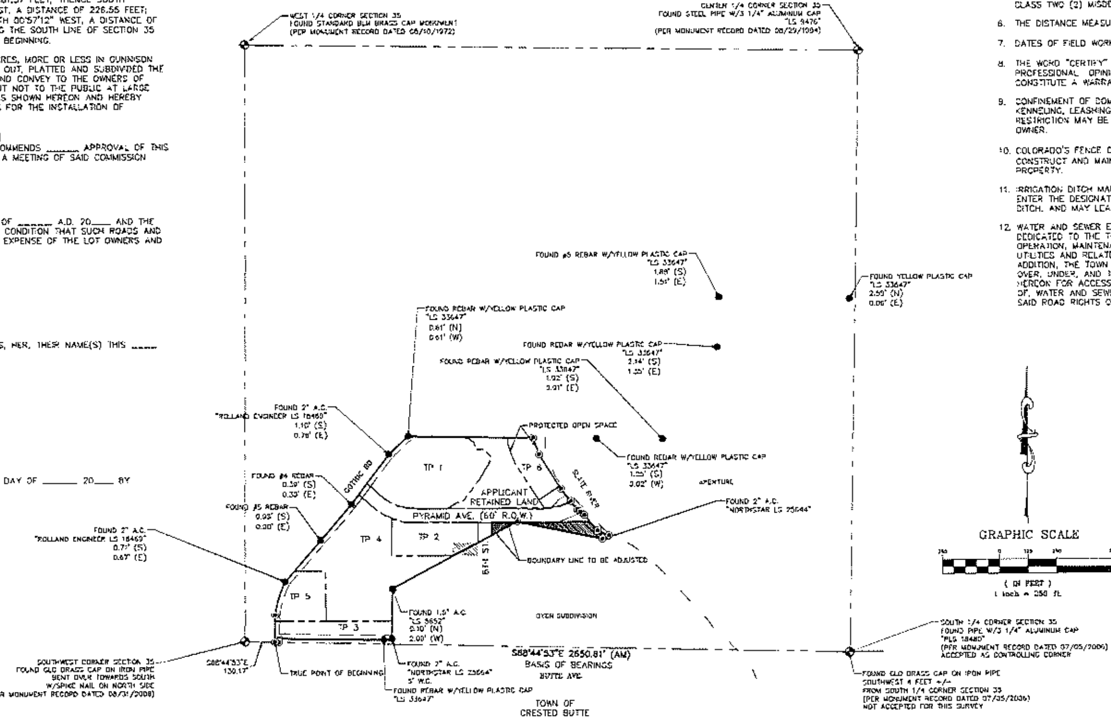
Notary Certificate

MY COMMISSION EXPIRES: ______________________

MY ADDRESS IS: ______________________________

____
WITNESS MY HAND AND OFFICIAL SEAL:

____
NOTARY PUBLIC



Notes

1. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER GUC88000840, DATED 04/25/2018 AT P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. BASIS OF BEARINGS: GPS DERIVED BEARING OF S88°44'53"E ALONG THE SOUTH LINE OF SECTION 35, BETWEEN A FOUND GLO BRASS CAP ON IRON PIPE AT THE SOUTHWEST CORNER OF SECTION 35 AND A FOUND PIPE WITH A 3 1/4" ALUMINUM CAP STAMPED "LS 18480" AT THE SOUTH 1/4 CORNER OF SECTION 35, AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
5. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
6. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
7. DATES OF FIELD WORK: 12/09/2017-12/12/2017 (J. HANNAHOE)
8. THE WORD "CERTIFY" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
9. CONFINEMENT OF DOMESTIC ANIMALS: ALL DOGS AND CATS SHALL BE CONFINED BY KENNELING, LEASHING, FENCING OR OTHER PHYSICAL CONSTRAINT AT ALL TIMES. THIS RESTRICTION MAY BE ENFORCED BY GUNNISON COUNTY AT THE EXPENSE OF THE OWNER.
10. COLORADO'S FENCE OUT REQUIREMENTS: A PROPERTY OWNER IS REQUIRED TO CONSTRUCT AND MAINTAIN FENCING IN ORDER TO KEEP LIVESTOCK OFF HIS/HER PROPERTY.
11. IRRIGATION DITCH MAINTENANCE: AN IRRIGATION DITCH OWNER HAS THE RIGHT TO ENTER THE DESIGNATED IRRIGATION DITCH MAINTENANCE EASEMENT, MAINTAIN THE DITCH, AND MAY LEAVE NATURAL DEBRIS ON THE BANK.
12. WATER AND SEWER EASEMENTS AT THE LOCATIONS SHOWN HEREON ARE HEREBY DEDICATED TO THE TOWN OF CRESTED BUTTE, IN PERPETUITY, FOR ACCESS TO, AND OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF, WATER AND SEWER UTILITIES AND RELATED INFRASTRUCTURE. SUCH EASEMENTS ARE NONEXCLUSIVE. IN ADDITION, THE TOWN IS HEREBY GRANTED A PERPETUAL, NONEXCLUSIVE EASEMENT OVER, UNDER, AND THROUGH THE ROAD RIGHTS OF WAY AT THE LOCATIONS SHOWN HEREON FOR ACCESS TO, AND OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF, WATER AND SEWER UTILITIES AND RELATED INFRASTRUCTURE LOCATED WITHIN SAID ROAD RIGHTS OF WAY.

Surveyor's Statement

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY FOR AND ON BEHALF OF FLATIRONS, INC., THAT THE SURVEY AND THE PLAT OF THE REAL PROPERTY DESCRIBED HEREON IS ACCURATE, CONFORMS TO ALL APPLICABLE COLORADO STATE LAWS, AND THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS BY ME OR UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING.

JOHN B. GUYTON COLORADO P.L.S. #16406
CHAIRMAN & CEO, FLATIRONS, INC.

WORKING COPY ONLY. ONLY FINAL VERSION WILL HAVE STAMP AND SIGNATURE

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REVISION	DATE

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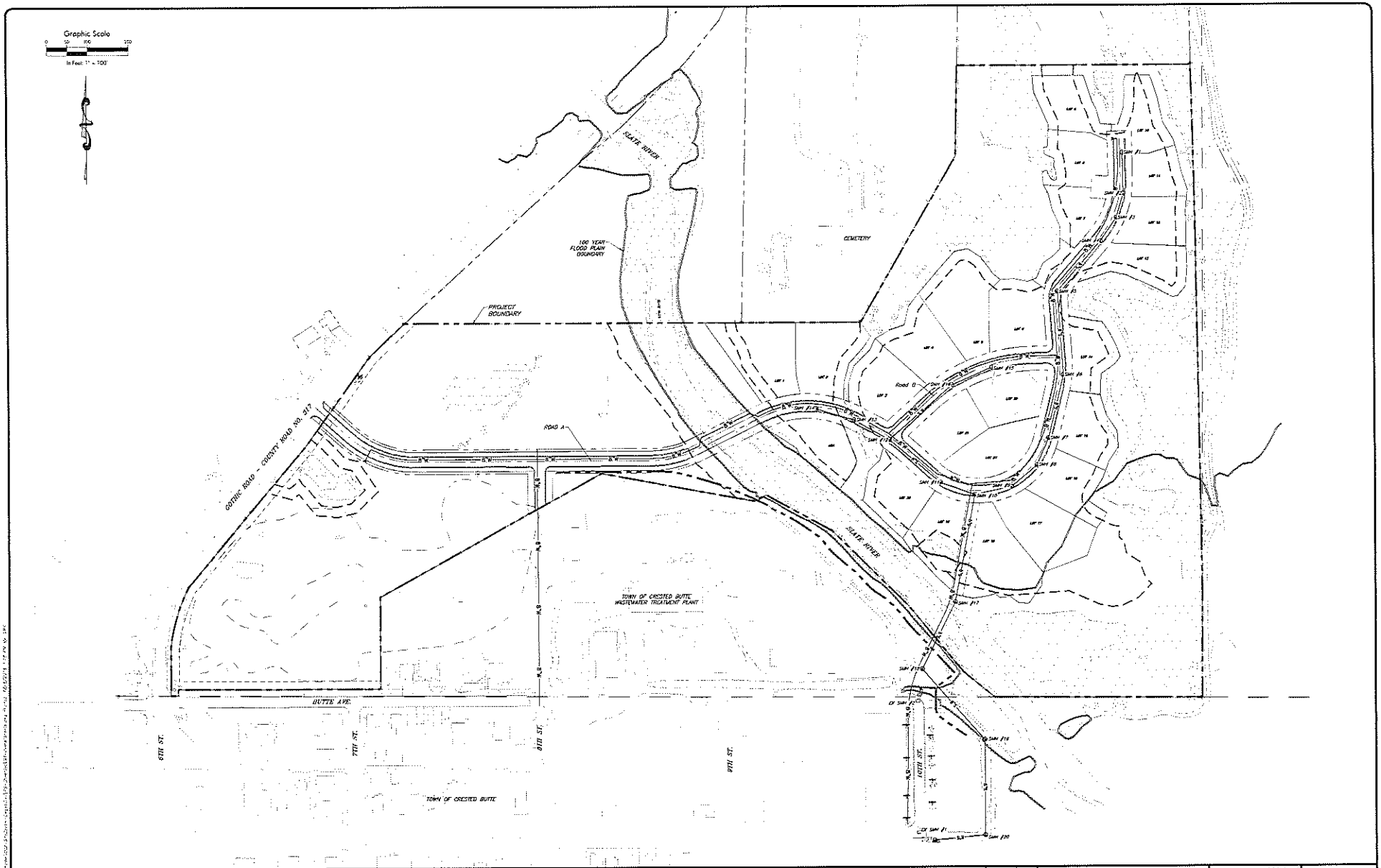
Surveying, Engineering & Geomatics
www.FlatironsInc.com
655 FOURTH AVE, LONGMONT, CO 80501, PH (303) 776-1733, FAX (303) 776-4355
3825 IRIS AVE, STE 395, BOULDER, CO 80301, PH: (303) 443-7001, FAX: (303) 443-9830
3660 DOWNING ST UNIT E, DENVER, CO 80205, PH (303) 936-6997

JOB NUMBER:	17-70,453
DATE:	12-14-2018
DRAWN BY:	M. PERSE
CHECKED BY:	BOL/JBG

SHEET 1 OF 2

ATTACHMENT 3

Public Water and Sewer Lines Map



Preliminary
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Construction

SGM
103 W. Tomichi Ave., Suite A
Gunnison, CO 81230
970.641.5355 www.sgm-inc.com

Slate River Development
Preliminary Plan for Major Impact Project

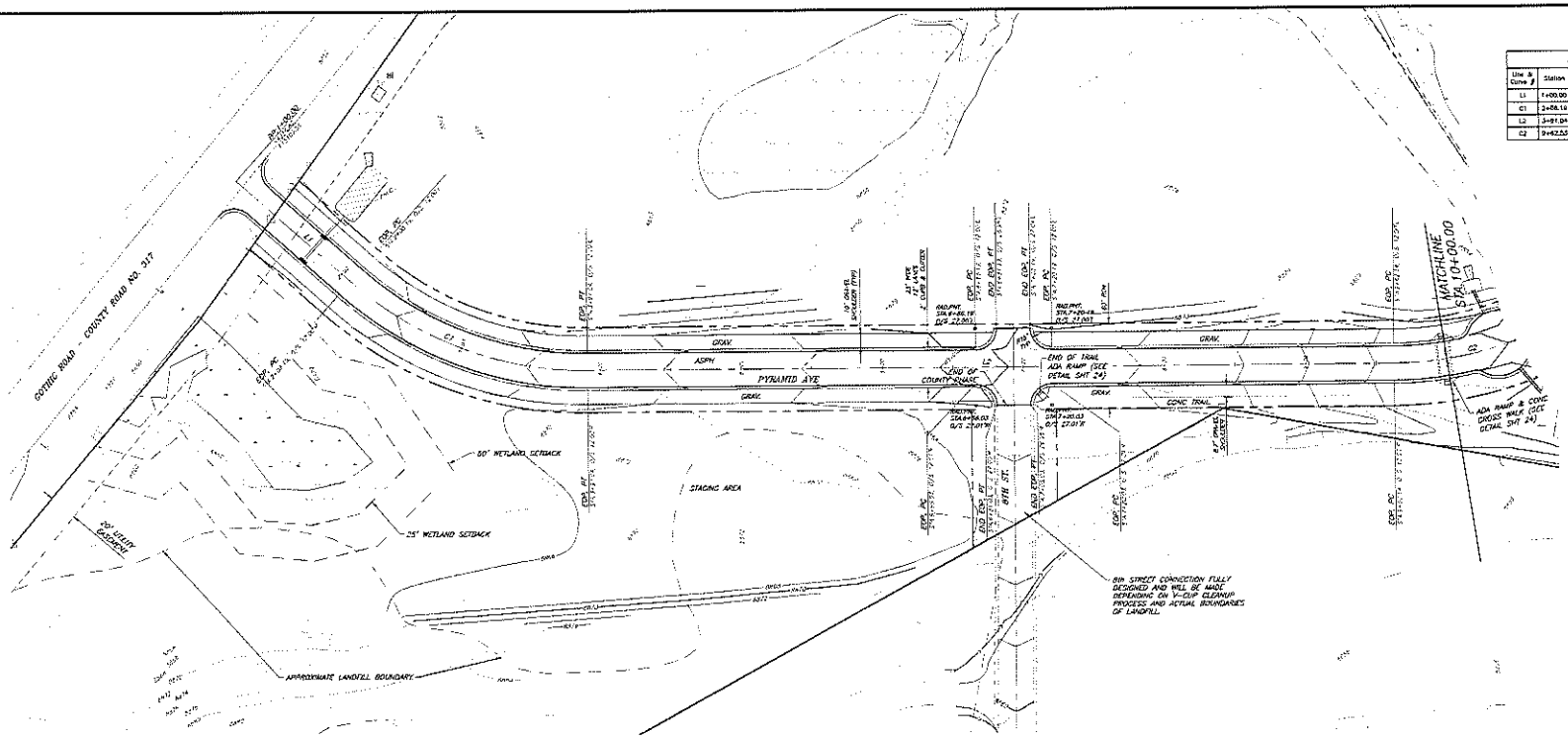
#	Revision	Date	By
1			

Overall Utility Sheet

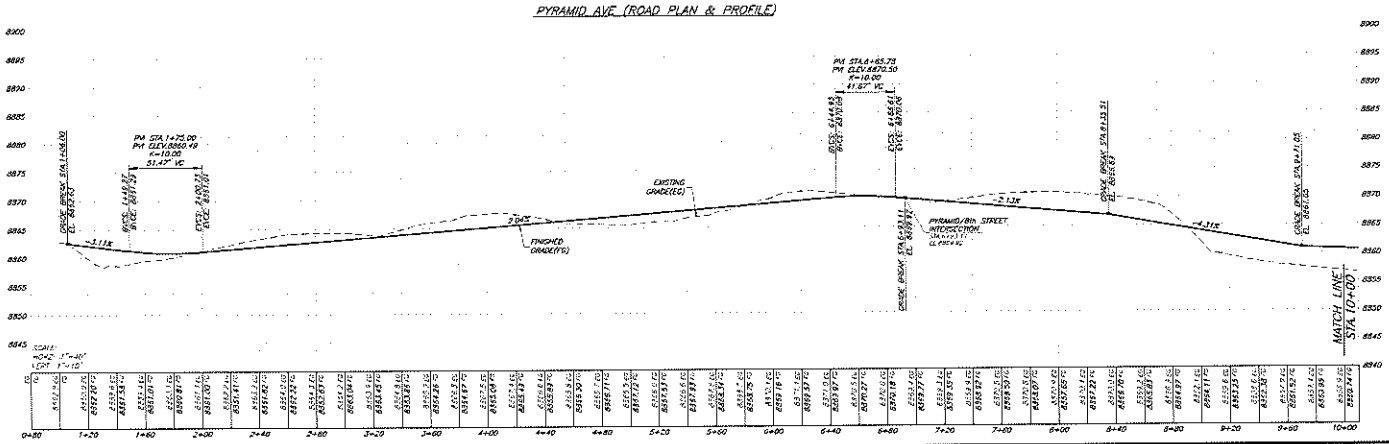
Job No.	2015-201.002
Drawn by:	SK
Date	12/6/2016
QC:	PE: TH
File:	01 Overall Sheet

1 of 1

PYRAMID AVE LINE & CURVE TABLE							
Line & Curve #	Station	Bearing	Length	Radius	Delta	Chord Direction	Chord Length
L1	1+00.00	S42° 17' 24"E	108.19				
C1	2+08.19		182.83	250.00	041°54'23"	S68°14'36"E	178.83
L2	3+91.04	N89° 48' 13"E	571.50				
C2	9+62.55		114.24	250.00	026°10'05"	N76°42'45"E	113.25



PYRAMID AVE (ROAD PLAN & PROFILE)



Preliminary
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103 W. Tomichi Ave., Suite A
Gunnison, CO 81230
970.641.5355 www.sgm-inc.com

Slate River Development
Preliminary Plan for Major Impact Project

#	Revision	Date	By
1			

Pyramid Ave
Plan & Profile
Sta 1+00 to Sta 10+00

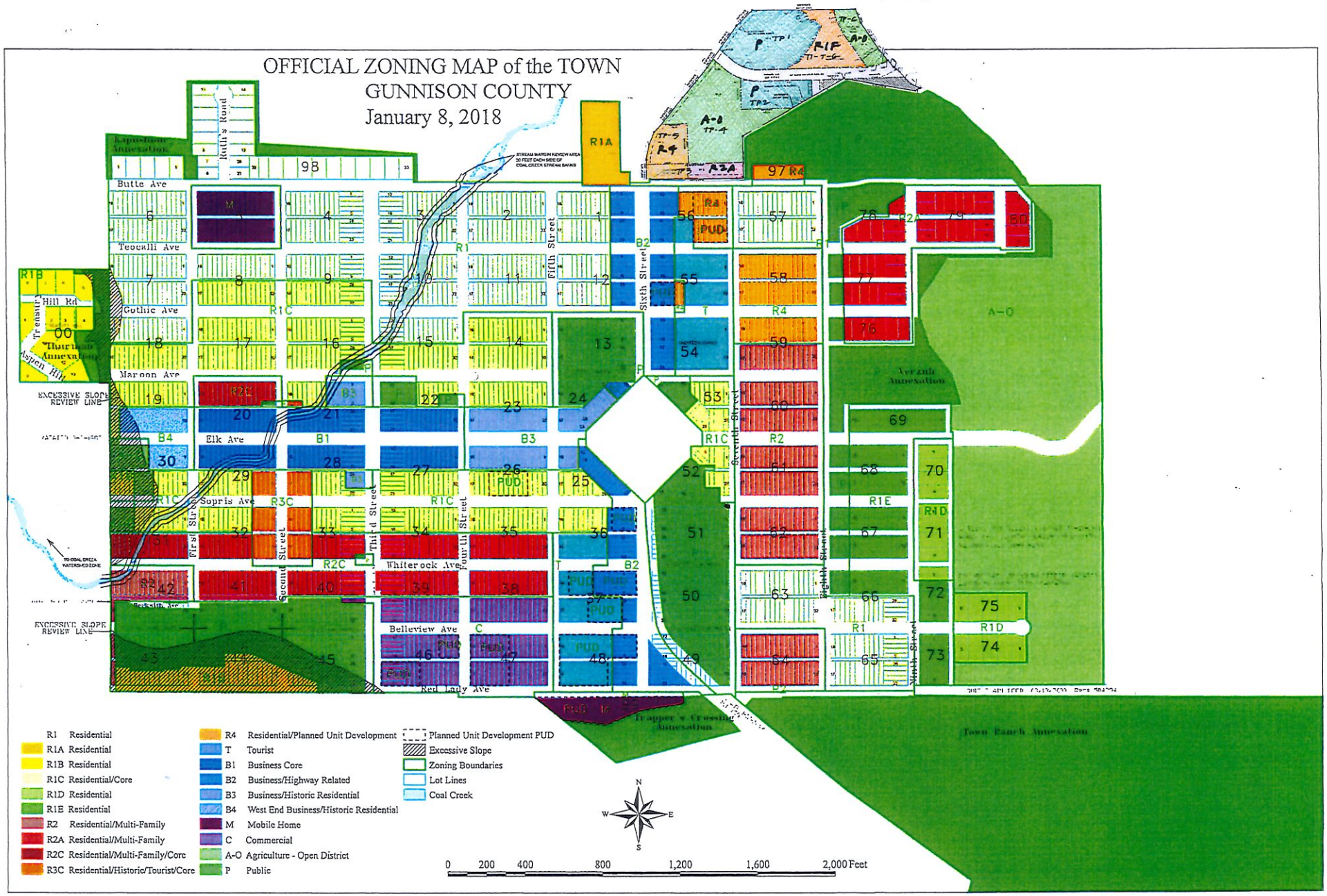
Job No.	2015-701.002
Drawn by:	SK
Date:	3/10/2017
QC:	PE TH
File:	5419-Road

6 of 31

ATTACHMENT 4A

Proposed Zoning Map, Illustrative Sketch Plan,

R1F Zoning Standards and Applicant Retained Lands Concept Plan



Existing and Proposed Zoning
Slate River Subdivision

KEY

A-O AGRICULTURE/OPEN DIST.
P PUBLIC
R2A RESIDENTIAL
R4 RESIDENTIAL
RIF RESIDENTIAL

APERTURE REPLAT A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH P.M., COUNTY OF GUNNISON, STATE OF COLORADO

SHEET 2 OF 2

Boundary Closure Report

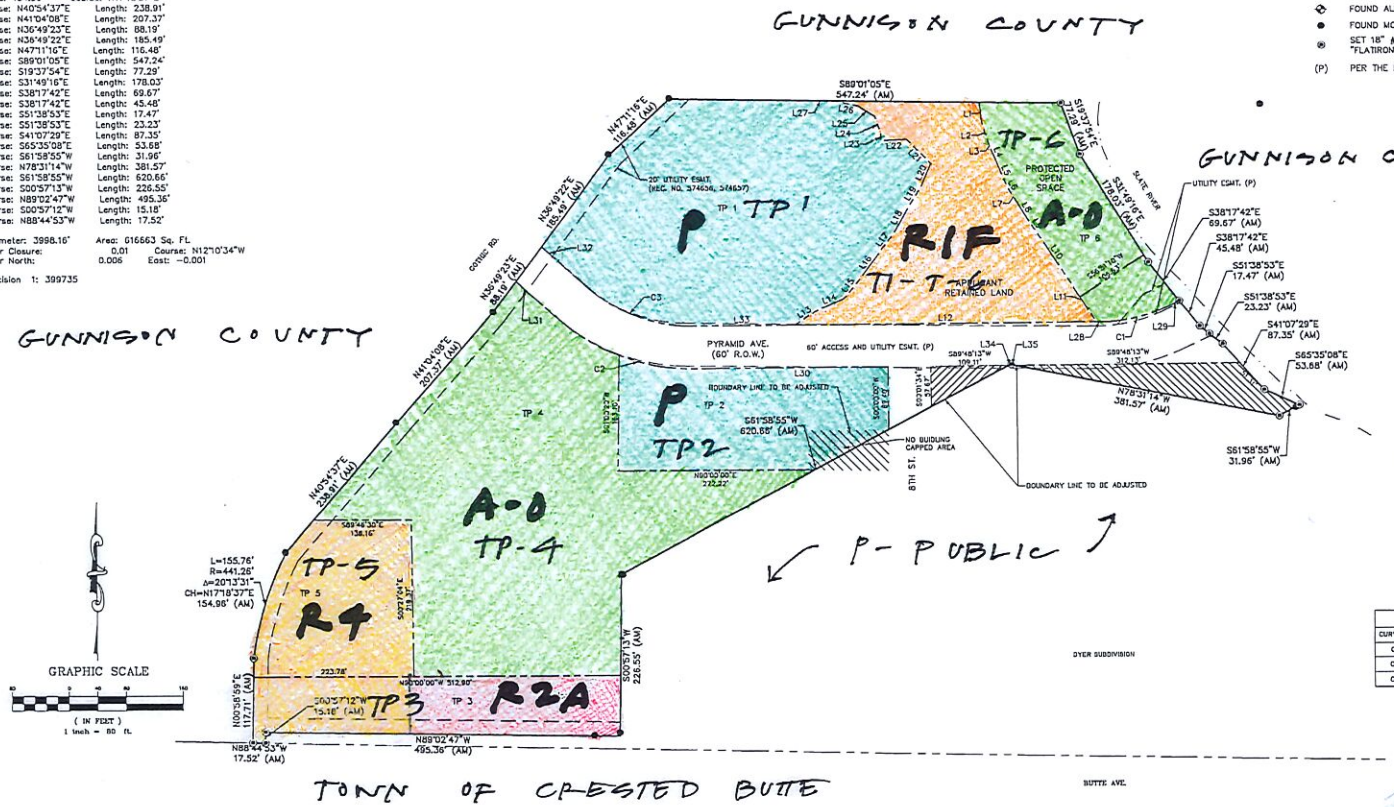
Course: N00°58'59"E Length: 117.71'
Length: 155.76' Radius: 441.26'
Delta: 020°13'31"
Chord: 154.96' Course: N17°18'37"E
Course: N40°54'37"E Length: 238.91'
Course: N41°04'08"E Length: 207.37'
Course: N36°49'23"E Length: 88.19'
Course: N36°49'22"E Length: 185.49'
Course: N47°11'16"E Length: 116.48'
Course: S89°01'05"E Length: 547.24'
Course: S19°37'54"E Length: 77.29'
Course: S31°49'16"E Length: 178.03'
Course: S38°17'42"E Length: 69.67'
Course: S38°17'42"E Length: 45.48'
Course: S51°38'53"E Length: 17.47'
Course: S51°38'53"E Length: 23.23'
Course: S41°07'29"E Length: 87.35'
Course: S65°35'08"E Length: 53.68'
Course: S61°58'55"W Length: 31.96'
Course: N78°31'14"W Length: 381.57'
Course: S00°57'13"W Length: 226.55'
Course: N89°02'47"W Length: 495.36'
Course: S00°57'12"W Length: 15.18'
Course: N88°44'53"W Length: 17.52'

Perimeter: 3998.16' Area: 616663 Sq. Ft.
Error Closure: 0.01 Course: N12°10'34"W
Error North: 0.006 East: -0.001

Precision 1: 399735

Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16405"
- (P) PER THE PLAT OF APERTURE; REC. NO. 648057



PARCEL LINE TABLE			PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION
L1	28.22	S65°57'50"E	L19	33.17	N32°31'26"E
L2	31.26	S17°02'03"E	L20	34.27	N23°48'09"E
L3	8.88	S22°28'13"E	L21	47.65	N43°58'35"W
L4	18.17	S22°28'13"E	L22	36.59	S87°23'15"W
L5	36.35	S22°28'13"E	L23	10.74	N00°04'01"E
L6	11.16	S31°22'53"E	L24	25.26	N18°26'30"W
L7	15.65	S31°22'53"E	L25	27.60	N36°54'18"W
L8	30.10	S31°53'53"E	L26	30.89	N78°25'54"W
L9	25.25	S33°55'20"E	L27	44.72	N87°30'15"W
L10	71.66	S33°20'18"E	L28	7.20	N89°49'25"E
L11	76.21	S32°47'05"E	L29	14.12	N63°37'18"E
L12	421.99	S89°48'36"W	L30	271.98	S89°48'22"W
L13	41.88	N57°32'43"E	L31	79.02	N48°17'24"W
L14	36.16	N67°35'27"E	L32	85.53	S48°17'24"E
L15	37.88	N39°39'02"E	L33	142.31	N89°48'13"E
L16	44.44	N35°58'43"E	L34	3.44	N61°58'55"E
L17	34.19	N37°35'21"E	L35	7.92	S78°31'14"E
L18	42.56	N29°11'38"E			

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	99.66	219.67	25°59'36"	N76°49'37"E	98.80
C2	208.26	282.00	41°54'23"	N69°14'36"W	201.89
C3	160.91	220.00	41°54'23"	S69°14'36"E	157.35

DATE
REVISION

APERTURE REPLAT A

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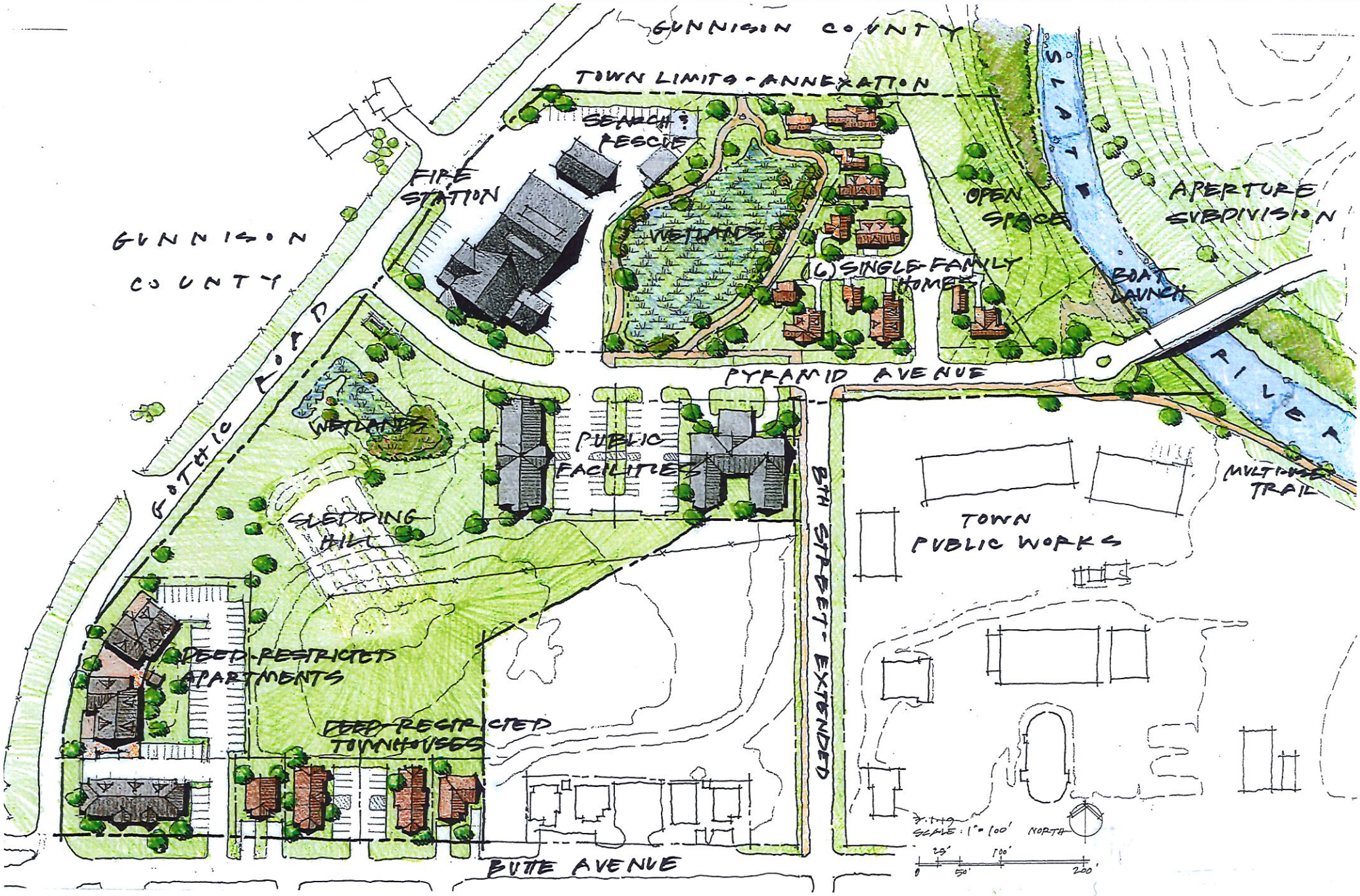
3825 IRIS AVE, STE 395 BOULDER, CO 80301 PH: (303) 443-8300 FAX: (303) 443-9330
4501 LOGAN ST. DENVER, CO 80216 PH: (303) 433-3187 FAX: (303) 923-3160

JOB NUMBER: 17-70,453
DATE: 12-14-2018
DRAWN BY: M. PERSE
CHECKED BY: BOL/JZG
SHEET 2 OF 2

Proposed Zoning Map
Slate River Subdivision



Illustrative Sketch Plan
Slate River Subdivision

Division 2 - "R1F~~D~~" Residential District

- **Sec. 16-4-100. - Intent of district.**

The purpose for which this District is created is to provide ~~the provision of~~ areas for low-density residential development along with customary accessory uses. The ~~larger~~ lots in this District provide a transition between the Town and the still larger residential lots outside of Town. ~~Recreational and institutional~~Accessory uses ~~customarily found in proximity~~ naturally and normally incidental to, and exclusively devoted to such primary residential uses are included as conditional uses. It is intended that no more than two (2) units, designed or used for dwelling by a family, shall be allowed on a site.

(~~Prior code 15-2-6.1; Ord. 14 §1, 2000~~ Ord. __ §1, 2019)

- **Sec. 16-4-110. - Permitted uses.**

The following uses shall be permitted in the "R1F~~D~~" District:

(1) One-family dwelling units.
(2) Accessory buildings, incidental nonresidential uses, not heated or plumbed.
(3) Home occupations.
(4) Attached garages.
(5) Detached ~~Private~~ garages as accessory buildings to the principal permitted uses.
(~~Prior code 15-2-6.1; Ord. 14 §1, 2000; Ord. 4 §1, 2009~~Ord. __ §1, 2019)

- **Sec. 16-4-120. - Conditional uses.**

The following uses shall be permitted as conditional uses in the "R1F~~D~~" District:

(1) Accessory dwellings in conjunction with a one-family dwelling unit.
(2) Two-family dwelling units.
~~(3) Public playgrounds and public recreation areas.~~
~~(4) Churches and church schools.~~
~~(5) Nonprofit libraries and museums.~~
~~(6) Farm and garden buildings.~~
~~(7) Public and private schools.~~
~~(8) Shop crafts.~~
~~(9) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.~~
(3~~10~~) Parking areas.
(4~~11~~) Accessory buildings, incidental nonresidential uses, heated and/or plumbed.
(~~Prior code 15-2-6.1; Ord. 14 §1, 2000; Ord. 4 §1, 2009~~ Ord. __ §1, 2019)

- **Sec. 16-4-130. - Lot measurements.**

The following shall be lot measurements for property located in the "R1F~~D~~" District:

(1) Minimum lot area: ~~nine thousand three hundred seventy-six (9,376)~~five thousand (5,000) square feet.
(2) Maximum lot area: eleven thousand four hundred (11,400) square feet.
(3) Minimum frontage ~~lot width~~: fifty (50) feet.

(4) Minimum front yard:

a. Public street: twenty (20) feet.

b. Private access road: ten (10) feet.

(5) Minimum side yard: At least seven and one-half (7½) feet, and up to eleven and one-half (11½) feet, dependent upon snow storage and snow shed guidelines.

(6) Minimum rear yard:

a. Principal building: ten (10) feet.

b. Accessory building: five (5) feet.

c. Wetland setback: seven and one-half (7'-6") feet.

(~~Prior code 15-2-6.1; Ord. 14 §1, 2000; Ord. 4 §1, 2009~~ Ord. __ §1, 2019)

- **Sec. 16-4-140. - Floor areas.**

The following shall regulate measurements for floor areas located in the "R1F~~D~~" District:

(1) Minimum floor area: four hundred (400) square feet for each residential unit.

(2) Maximum floor area:

a. Accessory building, including an accessory dwelling, if any: one thousand (1,000) square feet or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

b. Accessory dwelling: one thousand (1,000) square feet of floor area or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

(3) Maximum floor area ratio:

a. The principal building shall not exceed two thousand eight hundred (2,800) square feet.

b. All buildings shall not be larger than three thousand eight hundred (3,800) square feet in the aggregate.

(~~Prior code 15-2-6.1; Ord. 14 §1, 2000; Ord. 4 §1, 2009~~ Ord. __ §1, 2018)

- **Sec. 16-4-150. - Building measurements.**

The following shall regulate measurements for buildings located in the "R1F~~D~~" District:

(1) Maximum building height:

a. Principal building: thirty (30) feet.

b. Accessory building: twenty (20) feet or the height of the principal building, whichever is less.

c. Accessory dwelling: twenty-four (24) feet or the height of the principal building, whichever is less.

(2) Maximum building width: thirty-five (35) feet.

(~~Prior code 15-2-6.1; Ord. 14 §1, 2000; Ord. 4 §1, 2009~~ Ord. __ §1, 2018)

- **Sec. 16-4-160. - Additional provisions.**

(a) Primary and accessory residential buildings shall be oriented on a north-south or east-west axis.

(b) Open space required: fifty percent (50%) of the lot area shall be open, unencumbered and free of any building or structure.

(c~~b~~) Minimum exterior wall height shall be seven (7) feet.

(d~~c~~) Minimum vertical distance from eave line of roof to the finished grade level shall be six (6) feet.

(e~~d~~) Slope of roof shall be a minimum of 4:12.

~~(e) Stream margin review: all uses within twenty (20) feet of a designated water course shall meet the requirements of Section 16-11-10 of this Chapter.~~

(~~Prior code 15-2-6.1; Ord. 14 §1, 2000; Ord. 4 §1, 2009~~ Ord. __ §1, 2019)

Division 2 - "R1F" Residential District

- **Sec. 16-4-100. - Intent of district.**

The purpose for which this District is created is to provide areas for low-density residential development along with customary accessory uses. The lots in this District provide a transition between the Town and the still larger residential lots outside of Town. Accessory uses naturally and normally incidental to, and exclusively devoted to such primary residential uses are included as conditional uses. It is intended that no more than two (2) units, designed or used for dwelling by a family, shall be allowed on a site.

(Ord. __ §1, 2019)

- **Sec. 16-4-110. - Permitted uses.**

The following uses shall be permitted in the "R1F" District:

(1) One-family dwelling units.
(2) Accessory buildings, incidental nonresidential uses, not heated or plumbed.
(3) Home occupations.
(4) Attached garages.
(5) Detached garages as accessory buildings to the principal permitted uses.
(Ord. __ §1, 2019)

- **Sec. 16-4-120. - Conditional uses.**

The following uses shall be permitted as conditional uses in the "R1F" District:

(1) Accessory dwellings in conjunction with a one-family dwelling unit.
(2) Two-family dwelling units.
(3) Parking areas.
(4) Accessory buildings, incidental nonresidential uses, heated and/or plumbed.
(Ord. __ §1, 2019)

- **Sec. 16-4-130. - Lot measurements.**

The following shall be lot measurements for property located in the "R1F" District:

(1) Minimum lot area: five thousand (5,000) square feet.
(2) Maximum lot area: eleven thousand four hundred (11,400) square feet.
(3) Minimum frontage: fifty (50) feet.
(4) Minimum front yard:
a. Public street: twenty (20) feet.
b. Private access road: ten (10) feet.
(5) Minimum side yard: At least seven and one-half (7½) feet, and up to eleven and one-half (11½) feet, dependent upon snow storage and snow shed guidelines.
(6) Minimum rear yard:
a. Principal building: ten (10) feet.
b. Accessory building: five (5) feet.
c. Wetland setback: seven and one-half (7'-6") feet.
(Ord. __ §1, 2019)

- **Sec. 16-4-140. - Floor areas.**

The following shall regulate measurements for floor areas located in the "R1F" District:

(1) Minimum floor area: four hundred (400) square feet for each residential unit.

(2) Maximum floor area:

a. Accessory building, including an accessory dwelling, if any: one thousand (1,000) square feet or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

b. Accessory dwelling: one thousand (1,000) square feet of floor area or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

(3) Maximum floor area ratio:

a. The principal building shall not exceed two thousand eight hundred (2,800) square feet.

b. All buildings shall not be larger than three thousand eight hundred (3,800) square feet in the aggregate.

(Ord. __ §1, 2019)

- **Sec. 16-4-150. - Building measurements.**

The following shall regulate measurements for buildings located in the "R1F" District:

(1) Maximum building height:

a. Principal building: thirty (30) feet.

b. Accessory building: twenty (20) feet or the height of the principal building, whichever is less.

c. Accessory dwelling: twenty-four (24) feet or the height of the principal building, whichever is less.

(2) Maximum building width: thirty-five (35) feet.

(Ord. __ §1, 2019)

- **Sec. 16-4-160. - Additional provisions.**

(a) Primary and accessory residential buildings shall be oriented on a north-south or east-west axis.

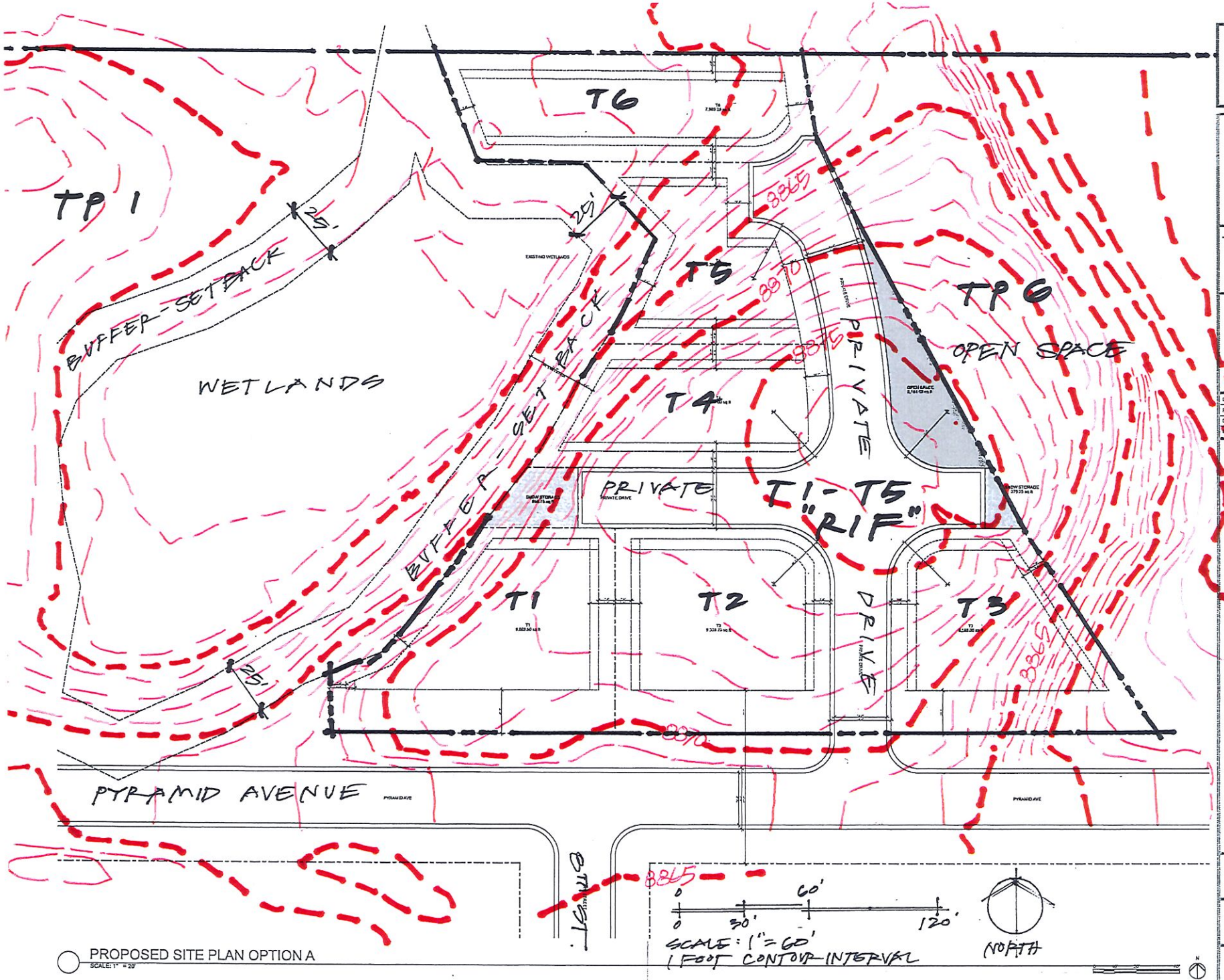
(b) Open space required: fifty percent (50%) of the lot area shall be open, unencumbered and free of any building or structure.

(c) Minimum exterior wall height shall be seven (7) feet.

(d) Minimum vertical distance from eave line of roof to the finished grade level shall be six (6) feet.

(e) Slope of roof shall be a minimum of 4:12.

(Ord. __ §1, 2019)



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TOWNSITE LAYOUT
Crested Butte CO

DATE OF PUBLICATION	1/21/19
PROJECT NO:	1813.00
DRAWN BY:	IS
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PROPOSED SITE PLAN

A-001

Applicant Retained Lands Concept Plan
Slate River Subdivision

ATTACHMENT 4B

P-Public, A-O Agriculture-Open District, R2A, R4 Zoning Standards

and PUD-Planned Unit Developments

Division 2 - "P" Public District

- **Sec. 16-6-110. - Intent.**

The purpose for which this District is created is to ensure adequate land for recreation and for governmental and quasi-governmental purposes.

- **Sec. 16-6-120. - Permitted uses.**

The following uses shall be permitted in the "P" District:

(1) Open use recreational facilities, parks or playfields;
(2) Libraries or museums;
(3) Essential governmental and public utility uses;
(4) Public transit facilities;
(5) Community recreation facilities;
(6) Parking areas;
(7) Art centers; and
(8) Schools.

- **Sec. 16-6-130. - Conditional uses.**

The following uses shall be permitted as conditional uses in the "P" District:

(1) Publicly owned housing;
(2) Agricultural structures; and
(3) Retail commercial establishments, office uses, financial institutions and personal services establishments in buildings owned by or property leased by the Town.

Division 3 - "A-O" Agriculture-Open District

- **Sec. 16-6-210. - Intent.**

The purpose for which this District is created is to maintain and preserve the rural character of lands proximate to development which are suitable for open space conservation or recreation use by preserving the agricultural use, wildlife habitat and scenic quality of such lands.

- **Sec. 16-6-220. - Permitted uses.**

The following uses shall be permitted in the "A-O" District:

(1) The grazing of livestock and horses, excluding feed lots, provided that offensive odors and dust are confined to the zone district;
(2) Hay growing and harvesting;
(3) Public recreation trails;
(4) Publicly owned recreational facilities;
(5) Wildlife habitat; and
(6) Open space or land.

- **Sec. 16-6-230. - Conditional uses.**

The following uses shall be permitted as conditional uses in the "A-O" District:

(1) Ponds;
(2) Crops, other than hay;
(3) Erosion- or hazard-protection structures;
(4) Underground public utility mains and lines, and appropriate and necessary underground and aboveground appurtenances connected therewith; and
(5) Structures, excluding residential structures, roads and fences which are necessary and accessory to permitted and conditional uses.

- **Sec. 16-6-240. - Use restrictions.**

The placement and size of aboveground structures shall be minimized. Further, outdoor storage of refuse or any other abandoned material or object shall not be allowed.

- **Sec. 16-6-250. - Lot measurements.**

The following shall be lot measurements for property located in the "A-O" District:

(1) Minimum lot area: ten (10) acres.
(2) Minimum yard setbacks: any distance conditionally approved.

- **Sec. 16-6-260. - Additional provisions.**

(a) The maximum floor area shall be four thousand five hundred (4,500) square feet in the aggregate.
(b) The maximum building height shall be twenty-eight (28) feet.
(c) The maximum number of animals shall be thirteen and three-tenths (13.3) animal unit months (AUM) per ten (10) acres or portion thereof, provided that no significant increase in erosion occurs (established as of the date such use is allowed by the Town).

- **Division 10 - "R2A" Residential District**
- **Sec. 16-4-800. - Intent.**

This District is created to provide for a mix of residential units. A large portion of the units in the District are deed-restricted in order to provide housing for people who work and live in the immediate area. A mix of rental units and owner-occupied units are anticipated, as well as a mixture of different sizes and densities of units and sites. There should be a range of types of housing from single-family to multi-family units and customary accessory uses. Care should be taken to create a mix of housing and architecture that fits into the context of the Town. The mix should benefit the Town and the neighborhood. Individual sites may have specific deed restrictions affecting how they are permitted to be developed.

- **Sec. 16-4-810. - Permitted uses.**

The following uses shall be permitted in the "R2A" District:

(1) One-family and two-family dwelling units.

(2) Three-family and multi-family dwelling units if designated as such on the original or amended subdivision plat.

(3) Accessory buildings, nonresidential use, not heated or plumbed.

(4) Home occupations.

(5) Private garages as accessory buildings to the principal uses.

- **Sec. 16-4-820. - Conditional uses.**

The following uses shall be permitted as conditional uses in the "R2A" District:

(1) Three-family and multi-family dwelling units.

(2) Accessory dwellings.

(3) Churches and church schools.

(4) Public playground and recreation areas.

(5) Nonprofit libraries and museums.

(6) Public and private schools.

(7) Shop crafts.

(8) Bed and breakfasts establishments.

(9) Accessory buildings, nonresidential use, heated and/or plumbed.

- **Sec. 16-4-830. - Lot measurements.**

The following shall be lot measurements for property located in the "R2A" District:

(1) Minimum lot area: two thousand seven hundred fifty (2,750) square feet.

(2) Maximum lot area: eight thousand two hundred (8,200) square feet.

(3) Minimum lot width: forty (40) feet.

(4) Minimum front yard: ten (10) feet.

(5) Maximum front yard: twenty (20) feet.

(6) Minimum side yard: seven and one-half (7½) feet for single-story and as much as eleven and one-half (11½) feet for two-story buildings, dependent on snow storage guidelines. Snow shed and snow storage easements, where available on adjacent lots, may be utilized to fulfill a portion of the required side yard setback. Where a snow shed or snow storage easement is utilized to reduce a side yard setback, the

distance that the side yard is reduced must be added to the side yard on the opposite side of the structure. Accordingly, the width of a structure may not be increased by use of a reduced setback.

(7) Minimum rear yard:

a. Principal building: ten (10) feet.

b. Accessory building: five (5) feet.

- **Sec. 16-4-840. - Building measurements.**

The following shall regulate measurements for buildings located in the "R2A" District:

(1) Minimum floor area: four hundred (400) square feet for each residential unit.

(2) Maximum floor area:

a. Accessory building without accessory dwelling: nine hundred (900) square feet or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

b. Accessory dwelling or accessory building including an accessory dwelling: one thousand (1,000) square feet or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

(3) Maximum floor area ratio:

a. Principal building: 0.3 as a matter of right up to 0.4 depending, on neighborhood context and lot size for one-family dwelling units, provided that no one-family structure shall be larger than two thousand eight hundred (2,800) square feet. 0.3 as a matter of right up to 0.5, depending on neighborhood context and lot size for dwelling units other than one-family, provided that no primary structure shall be larger than three thousand five hundred (3,500) square feet.

b. All buildings: 0.5, provided that all buildings shall not be larger than three thousand eight hundred (3,800) square feet in the aggregate.

(4) Maximum building height:

a. Principal building: thirty (30) feet; on lots less than three thousand one hundred twenty-six (3,126) square feet maximum building height twenty-four (24) feet.

b. Accessory building: twenty (20) feet or the height of the principal building, whichever is less.

c. Accessory dwelling: twenty-four (24) feet or the height of the principal building, whichever is less.

(5) Maximum building width: thirty-five (35) feet as a matter of right, up to fifty (50) feet, depending upon the location and proximity of adjacent structures, subject to minimum side yard requirements.

- **Sec. 16-4-850. - Additional provisions.**

(a) Open space required: fifty percent (50%) of the lot area shall be open, unencumbered and free of any building or structure.

(b) Minimum exterior wall height shall be seven (7) feet.

(c) Minimum vertical distance from eave line of roof to the finished grade level shall be six (6) feet.

(d) Slope of roof shall be a minimum of 4:12.

(e) Fences: Fences greater than forty-two (42) inches in height may not be constructed in snow shed/storage easements.

- **Division 11 - "R4" Residential District**
- **Sec. 16-4-880. - Intent.**

The purpose for which this District is created is to provide areas for more intensive residential development than allowed in the "R1" or "R2" Districts, along with customary accessory use, but to carefully monitor such development so that it blends into its neighborhood context.

- **Sec. 16-4-890. - Permitted uses.**

The following uses shall be permitted in the "R4" District:

(1) One-family, two-family and three-family dwelling units.
(2) Accessory buildings, nonresidential use, not heated or plumbed.
(3) Home occupations.
(4) Private garages as accessory buildings to the principal uses.
(5) Accessory dwellings.
(6) Public playgrounds and public recreation areas.
(7) Shop crafts.
(8) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.

- **Sec. 16-4-900. - Conditional uses.**

The following uses shall be permitted as conditional uses in the "R4" District:

(1) Multi-family dwelling units.
(2) Parking areas.
(3) Churches and church schools.
(4) Nonprofit libraries and museums.
(5) Public and private schools.
(6) Accessory buildings, nonresidential use, heated and/or plumbed.

- **Sec. 16-4-910. - Lot measurements.**

The following shall be lot measurements for property located in the "R4" District:

(1) Minimum lot area: five thousand (5,000) square feet.
(2) Maximum lot area: nine thousand three hundred seventy-five (9,375) square feet.
(3) Minimum lot width: fifty (50) feet.
(4) Minimum front yard: twenty (20) feet.
(5) Minimum side yard: seven and one-half (7½) feet for single-story and flat-roofed buildings, and as much as eleven and one-half (11½) feet for sloped-roofed buildings, dependent upon snow storage guidelines.
(6) Minimum rear yard:
    a. Principal building: ten (10) feet.
    b. Accessory building: five (5) feet.

- **Sec. 16-4-920. - Floor areas.**

The following shall regulate measurements for floor areas located in the "R4" District:

(1) Minimum floor area: four hundred (400) square feet for each residential unit; provided, however, that the minimum floor area for an accessory structure built before July 1, 1942, which is being converted to a residential unit, historic accessory structure shall be two hundred twenty (220) square feet, plus a closet, a bathroom and one hundred (100) additional square feet for each occupant in excess of two (2), only if the following conditions are met:

a. The residential unit must be an accessory dwelling used exclusively as a long-term rental unit;

b. The occupants of the dwelling must have been residents of the County for three (3) consecutive years of the preceding seven (7) years;

c. At least fifty-one percent (51%) of the occupants' income must be earned from work for an employer situated within the County or from work actually performed in the County; and

d. The above limitations for occupants and the limitation of the term of rental shall be recorded pursuant to Section 16-9-70 of this Chapter.

(2) Maximum floor area:

a. Accessory building, including an accessory dwelling, if any, one thousand (1,000) square feet or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

b. Accessory dwelling, one thousand (1,000) square feet of the floor area or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.

(3) Maximum floor area ratio:

a. One-family dwelling unit: 0.3 as a matter of right up to 0.4, depending on neighborhood context and lot size. All buildings on a one-family residential lot: 0.5.

b. Two-family dwelling unit: 0.3 as a matter of right up to 0.5, depending on neighborhood context and lot size. All buildings on the lot: 0.5.

c. Three-family and multi-family dwelling units: 0.6 as a matter of right up to 1.0, depending on neighborhood context and lot size, provided that, for lots exceeding seven thousand five hundred (7,500) square feet, maximum floor area ratio shall not be more than 0.75 for each foot over seven thousand five hundred (7,500) square feet.

d. All other uses: 1.0 for lots not exceeding seven thousand five hundred (7,500) square feet; 0.75 for each foot over seven thousand five hundred (7,500) square feet.

- **Sec. 16-4-930. - Building measurements.**

The following shall regulate measurements for buildings located in the "R4" District:

(1) Maximum building height: thirty (30) feet.

(2) Minimum exterior wall height: seven (7) feet.

- **Sec. 16-4-940. - Additional provisions.**

(a) Minimum vertical distance from eave line of roof to the finished grade level shall be six (6) feet.

(b) Slope of roof shall be a minimum of 4:12.

(c) Stream margin review: all uses within twenty (20) feet of a designated water course shall meet the requirements of Section 16-11-10 of this Chapter.

Division 4 - Planned Unit Developments

- **Sec. 16-6-310. - Intent.**

The Planned Unit Development is a procedure which allows the development of a unified project which may involve a related group of uses and variances from the strict adherence to the area, setback, bulk and other requirements of zone district regulations not related to use. Specific purposes for a Planned Unit Development (hereafter "P.U.D.") include:

(1) Promoting flexibility in the type, design and siting of structures to preserve and take advantage of the site's unique or natural features.

(2) Encouraging more efficient use of land, streets, alleys, utilities and governmental services.

(3) Preserving open space for the benefit of residents and users of developments, as well as the Town in general.

(4) Achieving a compatible land use relationship with surrounding areas.

(5) Promoting greater variety, within the context of existing architecture and neighborhood context and size, in the type, design and siting of buildings and thereby improving the character and quality of new development.

(6) Allowing the development of larger parcels incorporating many Town lots in a fashion which promotes more variety and diversity than would be possible in the individual development of each Town lot.

- **Sec. 16-6-320. - Location of P.U.D. Overlay.**

Between four (4) and eight (8) contiguous Town lots, whether or not divided by an alley, in the "R1C" District which will be used primarily as public playgrounds and public recreation areas; churches and church-related facilities including only reception halls, rectories, charity pantries, class rooms, child care areas and required parking; nonprofit libraries and museums; and public and private schools.

- **Sec. 16-6-330. - Permitted variations.**

In order to achieve the above-stated intentions of the P.U.D. Overlay, the following zone district requirements and regulations may be varied at the discretion of the Board:

(1) Minimum lot area.

(2) Maximum lot area.

(3) Minimum lot width.

(4) Minimum front yard.

(5) Minimum side yard.

(6) Minimum rear yard.

(7) Maximum building width.

(8) Minimum exterior wall height.

(9) Minimum vertical distance from eave line of roof to the finished grade level.

(10) Slope of roof.

- **Sec. 16-6-340. - Calculation of floor area ratio.**

The floor area ratio for P.U.D.s will be governed by the ratio allowed, considering use and/or lot size, in the zone district comprising the largest part of the P.U.D. The total site size, not the maximum lot size in the applicable zone district, will constitute the denominator in the floor area ratio calculation.

- **Sec. 16-6-350. - Application procedure.**

The procedure for application, review and approval of a P.U.D. is set forth in Sections 16-6-60 through 16-6-80 below.

- **Sec. 16-6-360. - Compliance with subdivision regulations.**

Any application for a P.U.D. which contains more than twenty-five thousand (25,000) square feet of land shall also be accompanied with a subdivision final plat which shall be subject to the requirements set forth in the Town's Major Subdivision Regulations, and reviewed for approval as a subdivision under said regulations; except that lands platted and zoned within the Town prior to July 20, 2007, shall be reviewed for approval as a P.U.D. only under the Town's P.U.D. requirements. The submission of multiple P.U.D. applications to circumvent this requirement is prohibited. When there are conflicts between the procedures or requirements of this Section and said Subdivision Regulations, the Subdivision Regulations shall prevail.

- **Sec. 16-6-370. - Concept plan.**

Any potential applicant for a P.U.D. may submit a concept plan of the proposed P.U.D., in whatever detail the applicant deems appropriate, to the Building Inspector. The Building Inspector shall review the plan and make such informal recommendations to the potential applicant as he or she deems relevant. Thereafter, the concept plan shall be referred to the Board for its review and comment at a regularly scheduled public meeting. The submission and review of a concept plan shall be for informational purposes only, and no binding decision or representations shall be made or allowed. It is the intent of this concept plan stage to allow general conceptual review of a proposed P.U.D. by the Board in order to give the applicant information regarding feasibility and potential problems that should be addressed in any general plan application.

- **Sec. 16-6-380. - General plan.**

(a) After the review and discussion of the concept plan has been completed, a person desiring a P.U.D. approval may submit a general plan application to the Building Inspector. This general plan application shall include:

(1) A legal description of the lots or parcel subject to the P.U.D.

(2) A plot plan of the P.U.D. parcel, drawn to a scale of one-eighth (1/8) inch to one (1) foot or to a scale appropriate to the project as determined by the Building Inspector, showing the dimensions of the parcel and the size and location of the buildings or structures to be erected thereon, together with all other buildings or structures on the parcel, as well as parking and landscaping features.

(3) The signature of the owner or a person with the written legal authority of the owner.

(4) A statement setting forth the required variances from normal zoning requirements and any required conditional uses, together with the justification for such variances and conditional uses.

(5) At least two (2) three-dimensional perspectives, drawn to scale, showing the relationship of the project to nearby buildings and uses.

(6) A statement setting forth the impact of the project on the neighborhood, together with the applicant's plans to incorporate features designed to mitigate adverse impacts related to parking, visual impacts, access, noise and provision of services.

(7) Any other plans or representations required by the Building Inspector or Board.

(b) The general plan shall be reviewed in the manner set forth in Article 8 of this Chapter for review of conditional uses. This review may include a nonbinding discussion of landscaping and architectural features.

- **Sec. 16-6-390. - Building permit review.**

(a) Review procedure. Upon approval of the general plan, the P.U.D. applicant may proceed to the submission of such detailed plans as are required Chapter 18 of this Code for the consideration of a building permit and architectural appropriateness. These detailed plans shall also include:

(1) A statement regarding the completion and maintenance of common elements and/or common open space.

(2) A landscape plan.

(3) The development and/or construction schedule.

(4) A plan for traffic and parking.

(b) Review by Board. The Board shall review the building permit plans and representations for architectural appropriateness as set forth in Article 2 of this Chapter and shall review the plans for common elements, landscaping and development schedule subject to the criteria set forth in Section 16-6-400 below.

- **Sec. 16-6-400. - Criteria for Board decision.**

No P.U.D. shall be approved unless the Board finds that the proposal complies with all of the criteria set forth in this Section. If the proposal does not comply with all of the criteria, the proposal shall be approved with conditions that ensure compliance with all such criteria, continued to a date certain, or it shall be denied by motion of the Board. If a continued request is not rescheduled by the proponent for discussion to occur on or before the date to which the request is continued, the request is deemed to be denied without further action by the Board.

(1) A P.U.D. must:

a. Be consistent with the objectives and purposes of this Chapter and the applicable zoning district;

b. Be compatible with the neighborhood context and size. When determining compatibility with the neighborhood, the Board shall determine that the requested variances are not excessive in terms of the following:

1. Size;
2. Density of buildings;
3. Amount of open space;
4. Scale; and
5. Maintenance of view corridors.

(2) Additional criteria to be used when determining compatibility include the following:

a. Provision of similar or improved landscaping.

b. Provision of adequate parking.

c. Similar land uses.

(3) A P.U.D. must not create:

a. Congestion, automotive or pedestrian safety problems or other traffic hazards.

b. Any significant noise, dust, vapor, fumes, odor, smoke, vibration, glare, trash removal or waste disposal problems.

c. Significant adverse impacts on adjacent property owners, including but not limited to the following:

1. Snow storage;
2. Snow shedding;
3. Snow removal;
4. Solar access;

5. Other significant design features;

6. Fire access; and

7. Adverse effects to public facilities rights-of-way or utilities.

(4) In addition to the provisions contained in this Section, a P.U.D. must:

a. Provide an on-site, open and unoccupied area at least twelve (12) feet by twelve (12) feet in size, which is accessible at all times for an appropriate trash storage/Dumpster location for each use or group of related uses within the P.U.D., as determined by the Board.

b. Provide, in addition to the required off-street parking, an area equal in size to at least thirty-three percent (33%) of the off-street parking area (including the driving area within any parking lot and driveways), pedestrian access, trash removal or open space amenities shall be dedicated to snow storage. In lieu of providing said snow storage area, a snow melt system complying with the Town's Energy Code may be utilized in the areas where snow is removed therefrom, or the snow may be removed therefrom and stored on private property so long as an easement, license or ownership in perpetuity is demonstrated, unless there is public land available which is dedicated for such snow storage.

c. Not utilize payment in lieu of providing the required off-street parking if within the "T" District.

d. Provide the required number of properly sized handicapped accessible parking spaces for nonresidential buildings as determined by the Town.

(5) Upon request by the applicant and approval by the Building Inspector and Board, the general plan and building permit review stages of a P.U.D. may be combined.