

PLANNING AND ZONING COMMISSION  
AUGUST 24, 2011 MEETING PACKET  
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**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Rev 8/19/11**

**DATE: WEDNESDAY, AUGUST 24, 2011  
TIME: 7:00 P.M.  
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

- 7:00pm**
- I. CALL TO ORDER**
  - II. PLEDGE OF ALLEGIANCE TO THE FLAG**
  - III. CONSIDERATION OF THE AUGUST 10, 2011 MEETING MINUTES**
  - IV. CONSIDERATION OF THE AUGUST 15, 2011 MEETING MINUTES**
  - V. PUBLIC HEARING AND POSSIBLE ACTION:** VF 11-1, submitted by Ken Coleman, City Manager, for the request to vacate a portion of a recorded plat, right-of-way, or easement
  - VI. UNSCHEDULED CITIZENS**
  - VII. COUNCIL UPDATE**
  - VIII. COMMISSIONER COMMENTS**
  - IX. PLANNING STAFF UPDATE**
  - X. ADJOURN TO WORK SESSION**

**WORK SESSION**

**VANTUYL RANCH ANNEXATION PETITION OVERVIEW**

**TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL  
NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON  
COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090**

**This agenda is subject to change, including the addition or deletion of items at any time.  
Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are  
posted at City Hall and on the City website at [www.cityofgunnison-co.gov](http://www.cityofgunnison-co.gov). Work sessions are  
not recorded and formal action cannot be taken. For further information, contact the  
Community Development Department at 641-8090.**

**ALL PLANNING & ZONING COMMISSION MEETINGS  
ARE USUALLY BROADCASTED LIVE ON LOCAL CABLE CHANNEL 15**

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MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Dusty Szymanski			X
Erich Ferchau	X		
Stu Ferguson	X		
Carolyn Riggs			X
Greg Larson	X		
Councilor Ed Seymour	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera

**I. CALL TO ORDER AT 7:00 PM BY CHAIR BOB BEDA**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. UNSCHEDULED CITIZENS.** There were none.

**IV. COUNCIL UPDATE.** Councilor Seymour updated the Commission on recent Council business. The Council:

- listened to a presentation by the Economic Development Committee. Councilor Seymour thanked Commissioner Larson for his information to the City Council;
- was provided an update from the Gunnison-Crested Butte Tourism Association. Council Seymour thanked Commissioners Ferguson and Riggs;
- passed a resolution in support of the Gunnison Skate Park GOCO grant application;
- approved second reading of the ordinance on the Gunnison Valley Hospital rezoning;
- approved second reading of an ordinance making possession of tobacco by anyone under 18 a petty offense; and,
- canceled the August 23, 2011 regular meeting and rescheduled for August 30, 2011.

**V. COMMISSIONER COMMENTS**

- Commissioner Larson stated the Economic Development Committee has given presentations to the City Council and the Rotary Club. He stated if anyone would like a copy of the PowerPoint presentation to contact him directly.
- Commissioner Ferguson moved to excuse Commissioners Szymanski and Riggs from the regular meeting of August 10, 2011. Commissioner Larson seconded.  
 Roll Call Yes: Erich, Bob, Ed, Greg and Stu  
 Roll Call No:  
 Roll Call Abstain:  
 Passed by Majority

**VI. PLANNING STAFF UPDATE**

Director Westbay provided an update on activity in the Community Development department.

- been working with the CDOW on finalizing an easement across the VanTuyl Ranch;
- been working on the Annexation Petition for the VanTuyl Ranch. An overview of the VanTuyl Ranch Management Plan and Annexation Petition will be on August 24<sup>th</sup>;
- a Conditional Use application for the Orsch private school (Public hearing scheduled for Monday, August 15, 2011);

- a Variance application for the Gunnison Valley Hospital requesting a variance for the minimum number of trees (public hearing with ZBAA scheduled on August 18, 2011);
- a Vacation application to Vacate Bidwell Avenue between Main Street and Wisconsin Street (public hearing scheduled for August 24, 2011); and
- had a complaint regarding trucks hauling material for the Airport apron project. Steve contacted the Airport Manager who informed the truck drivers of the allowed route specified in the conditions within the Condition Use permit. No complaints have been received since contact was made.

**VII. ADJOURN.** Chair Beda adjourned the meeting at approximately 7:10 p.m.

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Bob Beda, Chair

Attest:

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Andie Ruggera, Secretary

MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Dusty Szymanski	X		
Erich Ferchau	X		
Stu Ferguson	X		
Carolyn Riggs		X	
Greg Larson	X		
Councilor Ed Seymour	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planning Technician Pam Cunningham, Nathan Melby, Olivia Mount, Nate Mount, Cea Mount, Erik Bjornstad, Emma Bjornstad, Ashley Burt, Jackie Burt, Kelly McKinnis, Jen Morgan, Janice Welborn, George Sibley, Anne A. Ash, Mark Ritter, Maryo Ewell, David Dlugasch, Pat Montgomery, Jen Orth.

**I. CALL TO ORDER AT 7:00 PM BY CHAIR BOB BEDA**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. PUBLIC HEARING AND POSSIBLE ACTION:** Conditional Use Application CU 11-4, submitted by Gunnison Council for the Arts, for the operation of a school in the Central Business District (CBD).

**Open Public Hearing.** Chair Bob Beda opened the public hearing at approximately 7:02 pm.

**Proof of publication was shown for the record.**

**Review of Process.** Director Westbay gave an overview of the process of a Conditional Use application.

**Applicant Presentation.** John Schumacher, member of the board of Gunnison Council for the Arts, addressed the Commission. Mr. Schumacher stated that the Arts Center has presented an application for the operation of the Orsch School on the second floor of the Arts Center. The lease is a two-year lease at the option of Orsch, after that it is year to year. Currently Orsch has 65 students in K-8<sup>TH</sup> grade enrolled for this school year. He stated that the Arts Center thinks this move is good because it has been having financial difficulties for several years. The utilities are about \$35,000 per year. He said that since he has been on the Board since December 2010, most of the discussion has been about how to keep the doors open. Instead of worrying about keeping the doors open, this lease will allow the Arts Center focus on arts activities and collaborations. He continued, stated that the arrangement with Orsch is a fantastic collaboration. The Orsch School is a creative school that aligns with the mission of the Arts Center. The Arts Center hopes to have children’s theatre in the future and there will be further collaborations with the rest of community and the college. Focusing on the first floor will allow the Arts Center to thrive. The presence, energy and vibrancy of kids in the building are immeasurable. Now the building is quiet. The second floor with 65 kids and faculty will lend vibrancy to the Arts Center; it will bring more people and parents, and expose more people to the Arts Center. The Arts Center Board is excited and respectfully requests approval.

Jackie Burt, founder of Orsch, addressed the Commission. She stated that Orsch is a school that breaks the mold. It is built around independence, the ability to choose flexible pacing, and flexible approaches. Its center is creativity, which is the most important driver in any of us. It is a dynamic philosophy.

Commissioner Szymanski asked if Orsch part of a larger idea or if it is unique. Ms. Burt stated that she invented it and this will be the 3<sup>rd</sup> year.

The applicants were excused.

**Public Input.** Chair Beda asked if any members of the public wished to speak.

Kellie McKinnis, owner of Gunnison Real Estate, addressed the Commission. She stated she is all for the school and opportunities to learn. However, her concern is the traffic flow, drop off and pick up. She stated she manages 300 rentals and that 900+ people come to the office each month to pay rent. She said that a few weeks ago during Grind Fest there were vans behind the building and dogs running around. This has been ongoing; parents think the alley is an area for drop off and pick up. She has seen many near head on accidents in the alley. She explained that at the Tomichi entrance to the alley it is posted as one-way, while on new York there is no one-way sign. She said this concerns her with children next door. She said she hopes the Commission thinks about the traffic flow and parking.

Commissioner Ferguson asked if it would be better if the Commission asked for the alley to be one way. Ms. McKinnis responded that it would be safer to either get rid of the one-way sign or put a sign on the other end.

Chair Beda asked the audience how many were there in support of the application. There was a unanimous raising of hands.

Director Westbay entered correspondence from Steven Pierotti into the public record; however Mr. Pierotti was in attendance, so he addressed the Commission. He stated that as an artist, business owner, and Arts Center participant, he supports this move—it brings needed energy to that block of Gunnison and is a financial win for the Arts Center, allowing them to focus on programming. He stated he fully support the Orsch.

**Staff Presentation.** Director Westbay stated he will address traffic, parking, liquor license issues, and a summary of building code considerations and a letter from Eric Jansen, Building Official. A summary of his comments follows:

Traffic. Tomichi and Main has the highest volume of traffic in the City. It is a lighted controlled intersection with full movement. The sections are 100 feet wide. In 2010 a traffic study was done, which found that peak traffic hours vary, but noon and 8:00 a.m. have the highest volume. Traffic engineers rate intersections on Levels of Service (LOS), with an alphanumeric designation (“A” being best and “F” being worst). Presently, the intersection is about a B or C, which is excellent. The applicants have stated that the majority of the students will be shuttled, with 25 vehicle trips in the morning and afternoon. Director Westbay estimated for a school with enrollment of 65 to 100, traffic could approach 100 vehicles per day. The existing configuration and volume of traffic is adequate to address this additional traffic load.

School zones. Director Westbay noted for the record that the applicant is not proposing a school zone. He said that in the city, every school is designated as a school zone – 25 mph with striped cross walks. On Main and Tomichi, it would present a problem to designate a school zone and CDOT would have to be involved because the City has no authority over speed limits on state highways. Staff feels it is important to consider long term impacts in relation to this land use. The student population is small and there is no bus traffic. The intersection is signalized, the curriculum includes frequent walks, and the students are taught etiquette to be urban hikers. Reducing the speed limit would be problematic and it would put a burden on the Police Department to enforce. Staff does not support a school zone designation.

Parking and Drop Off. The Orsch School will generate increased parking demand between 8:00 a.m. and 4:00 p.m., but won't interfere with Arts Center activities in the evening. Staff recognizes how hectic it can get at the Arts Center in the evenings [with parents dropping children off for Arts Center activities] and this won't alleviate that. However, morning and evening transitions at the Orsch School will be quick. He added that Orsch providing education to the parents about parking and drop-off areas will be important.

Traffic Accident Data. Staff reviewed traffic accident data for the past five years at the intersection of Main and Tomichi. The records show that the three accidents during that time frame are attributed to distracted driving and rear end accidents; none are attributed to parking or ingress/egress at the Arts Center.

Liquor Licenses. The *State Liquor Code* states that liquor licenses may not be issued to businesses within 500 feet from schools or day care centers. In Gunnison, there are 15 establishments within 500 feet of the Arts Center. They would be allowed to renew their liquor licenses, because they are grandfathered; new liquor licenses would be subject to the state provisions, but it would be up to City Council to grant new licenses. The Arts Center is a "designated premise area" on the 1<sup>st</sup> and 2<sup>nd</sup> floor, so their liquor license would have to be amended with the City Clerk as an administrative review.

Building Code Considerations. The Arts Center is coded as "A" (Assembly) and "B" (Business). Schools are "E" (Education facility) with further parameters. The new designation affects the facility in several ways. Primarily, ADA compliant bathrooms must be accessible to children. There are ADA bathrooms on the first floor, which will be accessible to the children by elevator. As long as they are accessible, the second floor bathrooms won't have to be ADA.

The Fire Marshal has noted that some exit lighting will be required. He also made notations about an existing stairway, which isn't wide enough to be compliant. The applicants would like to block off those stairs. Director Westbay and the Fire Marshal looked at the exiting program and determined that this fourth stairway could be closed off. Staff will support that, but not mandate it.

The Arts Center building is a designated historic structure, which limits some of the compliance with the IBC, so structural components won't be required.

Director Westbay concluded by stating that the Staff Observations and Review Standards showed that the program is compliant with those standards.

### Commission Questions

Commissioner Larson asked if the administrative review of the Arts Center liquor license would address selling alcohol at the Arts Center during school hours. Director Westbay responded that the *State Liquor Code* is silent on the issue of a school in the same building where there is a liquor license. Staff feels that it is appropriate to comingle the uses as long as liquor premises are appropriately identified. This will be addressed on the staff level.

Councilor Seymour asked for clarification regarding the 500-foot rule for liquor licenses and the existing licenses in the vicinity. Director Westbay stated that the existing licenses are ok but that new licenses will be up to City Council. The local government has the authority to waive the provision and also has the discretion to say no to liquor licenses. City Council could deny a new license, which is why a Conditional Use is done. If the existing business [with a liquor license] changes ownership, it is an administrative change.

Chair Beda asked, if the Arts Center decides to abandon the stairwell, it would eliminate [vehicle] queuing. Director Westbay responded that it would not because the stairs aren't used.

Commissioner Ferguson stated that, regarding safety, the one-way alley makes sense, but it should be properly signed. Director Westbay will handle this administratively by communicating with public works.

Chair Beda asked which direction should be one-way. Director Westbay said he will let the Public Works Director decide.

Commissioner Ferchau asked if CDOT has any control on South Main and if they are involved in decisions about temporary coning or barriers. Director Westbay responded that generally CDOT lets staff do that; they stay out of daily operations. They do designate it as an urban highway system and can reduce the speed limit if they desire.

Commissioner Szymanski asked if it is possible to designate the parking area outside the Arts Center as drop off only with no parking. Director Westbay responded that it could be possible, right now it is two-hour parking, or it could be lowered to 15 minute parking. However, that could force parking onto adjacent properties. He reiterated that early in the morning drop-off will be quick. People who go to a class will probably park on Main or Tomichi. It is up to the Chief of Police to change the parking designation. Commissioner Szymanski said he also supports the one-way alley designation.

Councilor Seymour asked the applicants if the conditions are acceptable to them. Jackie Burt responded that it is acceptable to Orsch, and it has been thoroughly reviewed and contemplated. Jon Schumacher said they are acceptable to the Arts Center as well.

Director Westbay stated that in, writing the Conditions, staff honed in on the scope of the school with 65 students, if there is an increase enrollment there will be more parking issues. He spoke with Ashley Burt about the 100 student threshold and Orsch is ok with that. It provides growth, but limits implications as the school grows. It is important to note that because the liquor license issues do exist, if Council terminates a liquor license because of the school, the City will have to consider that strongly.

Jackie Burt stated she can't fathom any of the Orsch families having a problem with a liquor license because the school already coexists with the businesses downtown.

Jon Schumacher stated there is children's programming in the building now, and there has never been a problem.

#### **Commission Discussion.**

Commissioner Szymanski asked if the second floor will still be used for evening functions. Jon Schumacher responded that Orsch will have exclusive use, but it is a collaborative situation and if there was an adult reading class or board meeting, they are amenable to the Arts Center using it on an as-needed basis. Commissioner Szymanski asked what the children do for lunch. Jackie Burt responded that the children will walk to the parks in the warmer months and during winter will eat in doors. It is a sack lunch program, with one meal a week catered.

Commissioner Ferchau said he supports the concept of the school, but regarding the children's safety, hopes there could be temporary use of traffic lanes for drop-off and that maybe there could be control monitors. He said he would like to discuss sun setting this decision in one or two years, so that as we explore where we are going, we don't deter businesses with liquor license issues because this is in the CBD. Director Westbay responded that staff is receptive and that Condition #3 addresses that—staff agrees that the vibrancy of downtown is important.

Commissioner Ferchau stated that he is not sure he is comfortable with administrative review of liquor licenses. Chair Beda said that it could be a different Council at a different time who would uphold the 500-foot rule. Commissioner Ferchau said that if there is a conflict, it is the school that should be reconsidered.

Commissioner Ferguson stated that he agrees with Commissioner Ferchau's points, but that Director Westbay has done an excellent job of discussing and putting together Conditions that address those issues. City Council is accountable to the community and it may change from time to time as the community changes, but he has faith in the elected and appointed leaders that they will continue to make good decisions. He said he finds the Conditions address the concerns very well.

Councilor Seymour stated he sees Commissioner Ferchau's points, but that the Commission should also keep in mind the school is a business being added to the downtown, but he wouldn't object to a sun set clause.

Commissioner Larson said his first concern was safety considerations, but he feels those have been addressed. He commended Orsch for teaching children how to behave downtown. He said the Conditions address his concerns.

A typographical error was corrected on Condition #1.

Chair Beda said he would like to add a Finding 13 that there have been issues on the alley and a Condition #6. Commissioner Ferguson said any change to the alley should be properly and fully signed.

Chair Beda said he would like to address the concern about sun setting and the lease. Jon Schumacher responded that Orsch has an option after one year and the Arts Center has an option at two years. Commissioner Ferchau stated he was thinking about a two-year timeframe for the sun setting, perhaps giving lead time so the school has time to make changes.

Ashley Burt stated that given there is an exit clause, the addition of a sunset clause is an additional layer of protection. He would request it run five years with the lease because of the investment of time, energy, and money. Commissioner Ferchau said he is fine with five years, but would like to have a one-year transition, so it could be a five-year sunset clause with a 6<sup>th</sup> year transition.

Chair Beda asked if the Conditional Use is exclusive to Orsch or if it could apply to another school at the same location. Commissioner Ferguson responded that this is an action regarding the Gunnison Arts Center, not Orsch. If they meet the land use requirements for the Arts Center, it is a moot point. Commissioner Ferchau stated that knowing the people involved and what they have done to date, the oversight on the children is significantly different than could be in the future [by someone else]. Commissioner Ferguson stated that the reason there are certain conditions and approvals is because the applicant is cognizant of the discussion. The next owner wouldn't be aware of those things. The Conditional Use could be concurrent with the lease. If the lease expires the Conditional Use expires; if either party terminates the lease then the conditional use expires.

Ashley Burt asked what happens if the parties want to renew the lease at five years. The response was that the sunset clause would trigger a review.

Director Westbay proposed a new Finding and two new Conditions:

Finding: The Planning and Zoning Commission finds that the adjacent alley is not properly signed for safe and functional vehicle movement.

Condition 6: Proper one-way signage of the alley adjacent to the Arts Center between Tomichi Avenue and New York Avenue shall be established by the City.

Condition 7: This Conditional Use approval shall run for a six year period; it will terminate on August 15, 2017. This Conditional Use shall be reviewed no later than August 15, 2016. This Conditional Use is concurrent with the Lease Agreement between Orsch and the Gunnison Arts Center and will terminate when and if the lease terminates.

Chair Beda closed the public hearing at 8:05 p.m.

**ACTION:** During the special Planning and Zoning Commission meeting held on August 15, 2011, Commissioner Larson moved, and Commissioner Ferguson seconded, and the Commission voted to APPROVE Conditional Use application CU 11-4, submitted by Gunnison Council for the Arts, LLC for the operation of the Orsch School at 102 South Main Street, based on the following findings of fact and conditions:

**FINDINGS OF FACT:**

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a school in the Central Business District.
3. The Planning and Zoning Commission finds that the existing LOS for the intersection of Main Street and Tomichi Avenue is functioning very efficiently; traffic generated from the proposed school will not have a significant impact on the intersection LOS.
4. The Planning and Zoning Commission finds that designating this intersection as a school zone is not supported by City staff; the relative size of the student population is a significant factor of the staff position.
5. The school is proposed within 500 feet of approximately 15 establishments that have a liquor license to sell alcohol. Any new liquor license might be denied by the City Council, based on the relative location of this school to the new liquor license location.
6. The Planning and Zoning Commission finds that the Gunnison Arts Center liquor license must be amended to comply with the *State Liquor Code* to limit the designated premises to the first floor of the building.
7. The Planning and Zoning Commission finds that because the school enrollment numbers are relatively small, and due to the fact that parking demand for the school occurs during the day rather than in the evening, parking demands are considered to be reasonable and will not have a significant adverse impact upon downtown parking demand.
8. The Planning and Zoning Commission finds that based on City Police Department data there have been three accidents at the Tomichi and Main intersection in the past five years, but none of the accidents were attributed to automobile parking ingress/egress movement.
9. The Planning and Zoning Commission finds that based on provisions of the *International Building Code*, this is a change in building occupancy; the present occupancy designation is "A" (Assembly) and "B" (Business). The Orsch use is classified by the IBC as "E" (Education).
10. The Planning and Zoning Commission finds that modifications are needed to the proposed structure for the school use that conforms to the *2009 International Building Code* and *2009 International Fire Code* before a Change in Occupancy will be issued for the second floor of the Gunnison Arts Center building.
11. The student population size and number of employees has a very significant relationship to the potential impacts of this Conditional Use and the Planning and Zoning Commission finds that setting an upper limit threshold on the number of student is a reasonable solution to

address additional impacts.

12. The Planning and Zoning Commission finds that the adjacent alley is not properly signed for safe and functional vehicle movement.
13. The Planning and Zoning Commission finds that operation of the Orsch School will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

**CONDITIONS:**

1. Future designation of the intersection of Main Street and Tomichi Avenue as a school zone is not to be considered. If it is determined by the City Council that the need for such a designation exists, the school shall terminate operations at this location.
2. The Gunnison Arts Center liquor license must be amended to comply with the *State Liquor Code* to limit the designated premises to the first floor of the building.
3. If the location of the school is cited as the primary reason for the denial of a new liquor license, a review of this Conditional Use approval shall be initiated and the Conditional Use approval may be subject to revocation.
4. Modifications to the Arts Center Building as determined by the City Building Official and Fire Marshal shall be initiated immediately. The timing to allow the Change of Occupancy and inhabitation of the Arts Center by the Orsch School is subject to determination by the City Building Official. The Building Official shall determine that all necessary life-safety issues are appropriately addressed, and that building conditions are safe for students and employees prior to the approved occupancy by the school.
5. This Conditional Use approval sets the maximum student enrollment to 100 students. If the enrollment exceeds this threshold this approval is subject to a new Conditional Use application.
6. Proper one-way signage of the alley adjacent to the Arts Center between Tomichi Avenue and New York Avenue shall be established by the City.
7. This Conditional Use approval shall run for a six year period; it will terminate on August 15, 2017. This Conditional Use shall be reviewed no later than August 15, 2016. This Conditional Use is concurrent with the Lease Agreement between Orsch and the Gunnison Arts Center and will terminate when and if the lease terminates.

Roll Call Yes:                 Dusty, Erich, Bob, Ed, Stu, Greg  
 Roll Call No:  
 Roll Call Abstain:  
 So Carried

**IV. ADJOURN.** Chair Beda adjourned the meeting at approximately 8:07 p.m.

\_\_\_\_\_  
Bob Beda, Chair

Attest:

\_\_\_\_\_  
Pam Cunningham, Secretary

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**STAFF REPORT**  
**VACATION OF RIGHT-OF-WAY AND EASEMENT**  
**Portions of Wisconsin Street, Bidwell Avenue and Main Street**  
**25' Utility Easement in East/West Alley, Block 133**

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: August 24, 2011  
RE: Vacation Application VF 11-1

**PROCESS**

The process for vacation applications is defined in the Subdivision section of the *Land Development Code* (LDC) 15.160.110. Vacation applications are subject to two public meetings. The first is a Public Hearing with the Planning and Zoning Commission (P&Z), who shall make a recommendation to City Council to approve, approve with conditions, deny the application, or remand the application back to the applicant with instructions for modifications.

The second meeting is a public meeting (not a hearing) with City Council who shall consider the recommendation of the P&Z. Council shall approve, approve with conditions, deny the application, or remand the application back to the applicant. If approved, the City shall provide adjoining land owners a quit claim deed for the vacated lands.

**APPLICATION / HISTORY OF REQUEST**

The applicant is Ken Coleman (City Manager). The request has two elements: 1) the vacation a portion of Wisconsin Street, Bidwell Avenue and Main Street rights-of-way (ROW); and, 2) the vacation of an existing utility easement in the east/west alley in Block 133, West Gunnison Addition, which is contiguous with to the northern line of Mr. Thomas's property.

The *Agreement for Vacation of Portion of City Right of Way and Grant of Easements* between the City of Gunnison and the adjoining property owners of the proposed ROW vacation was verbally approved in June of 2011 (**Attachment A**). Adjacent property owners who will be a party to the agreement when it is recorded include Jeffrey and Charmaine Clarke, Robert and Christine Gydesen, and Dale Thomas.



The agreement memorializes the lengthy negotiations to determine the location and extent of utility line easements necessary to serve the City and the Clarkes' interests, and clarifies new property lines for all of the property owners who have signed the agreement. If this vacation is approved, the City will relocate certain utility lines, obtain permanent easements

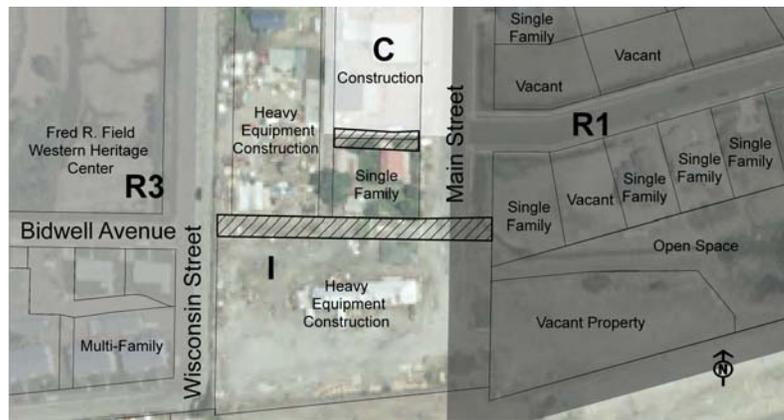
**STAFF REPORT**  
**VACATION OF RIGHT-OF-WAY AND EASEMENT**  
**Portions of Wisconsin Street, Bidwell Avenue and Main Street**  
**25' Utility Easement in East/West Alley, Block 133**

for said utility lines, and vacate applicable portions of Bidwell Avenue, Wisconsin Street and Main Street.

**SITE ASSESSMENT**

There are a variety of uses found in this neighborhood. Residential (multi-family and townhomes) and the fairgrounds (R3 district) are located on the west side of Wisconsin Street. Bob Gydesen and Jeff Clarke maintain construction yards along the east flanks of Wisconsin Street. The W-Mountain Subdivision (R1 district) is located to the east of this vacation ROW.

The proposed ROW vacation includes Bidwell Avenue between Main Street and Wisconsin Street and a portion of the adjoining Wisconsin and Main Street ROW. The segment of Bidwell Avenue being considered for vacation is unimproved.



The utility easement that is proposed to be vacated is located in the east/west alley which is contiguous to the real property owned by Mr. Dale Thomas. This utility easement was established in 2003 (Ordinance No. 18, Series 2003) and reserved a 25 foot utility easement for future installation and maintenance of all utilities.

**EXISTING AND PROPOSED UTILITIES**

In 2008 a sewer line, extending south along the Main Street alignment through the length of the Clarke property then heading west, was installed. Pending City Council approval, the Clarkes will grant to the City a 15-foot utility easement for maintenance and repair of this north/south sewer line.

Existing utilities include a sewer line extending west through the Clarke property, a water line and electric line. The application proposes a 30-foot utility easement along the entirety of the proposed ROW vacation segment. The easement will be used for a sewer line, water line, and other public utilities. Several City utility lines within the Clarke property are proposed to be abandoned by the City.

The proposed utility lines and abandoned lines are shown below.

**STAFF REPORT**  
**VACATION OF RIGHT-OF-WAY AND EASEMENT**  
 Portions of Wisconsin Street, Bidwell Avenue and Main Street  
 25' Utility Easement in East/West Alley, Block 133



**TRAIL EASEMENT**

Under the terms of the proposed agreement, the City will receive a 15-foot wide pedestrian easement, which has been identified as a segment of the inner-loop trail system. The trail easement grant will be along the entire southern boundary of the real property described as Tract 3, Wilson #2 Subdivision as shown above.

**CITY STAFF REVIEW**

- Police Chief:** No issues.
- Parks & Rec. Director:** No issues.
- Building Official:** No issues.
- Fire Marshall:** No issues.
- Public Works Director:** No issues.
- City Engineer:** No issues.
- Water & Sewer Superintendent:** No issues.
- Electric Superintendent:** No issues.

**STAFF OBSERVATIONS**

1. The applicant is requesting to vacate portions of the Wisconsin Street, Bidwell Avenue and Main Street rights-of-way.

STAFF REPORT  
VACATION OF RIGHT-OF-WAY AND EASEMENT  
Portions of Wisconsin Street, Bidwell Avenue and Main Street  
25' Utility Easement in East/West Alley, Block 133

2. The applicant is requesting to vacate the 25 foot utility easement located within the vacated east/west alley (Ordinance No. 18, Series 2003) adjoining Lots 13 through 17 on the south and Lot 18 to the north, Block 133, West Gunnison Addition. No utilities are located within the easement.
3. Adjoining property owners of the vacated rights-of-way are Jeffrey and Charmaine Clarke to the south and Robert and Christine Gydesen and Dale Thomas to the north.
4. Pursuant to the Colorado Revised Statutes, Clarke will own the south half and Gydesen and Thomas will each own the northern portion to the limits of their property boundaries.
5. Gydesen and Thomas have each agreed to Quitclaim their interest in the vacated ROW's with the requirement that Clarke acknowledge their property boundaries and that he has no right of access, use or other interest in their respective properties.
6. The City and Clarkes have been negotiating over the years to determine the location and extent of utility line easements necessary to serve the City, and the Clarkes' interests, including a historical depot building located within the rights-of-way.
7. The vacation of the Bidwell Avenue, Wisconsin Street and Main Street ROW segments will not affect any future street extensions defined in the *City of Gunnison Master Plan*. Furthermore, the vacation of these rights-of-way and the utility easement segment will not create land-locked parcels or deny legal access to any parcel.
8. The adjoining property owners and the City have negotiated an agreement (*Agreement for Vacation of Portion of City Right of Way and Grant of Easements*, dated June 28, 2011) to resolve all issues, pending City Council approval, to abandon and relocate certain utility lines and obtain permanent easements for utility lines.
9. A 30-foot wide utility easement within the vacated rights-of-way will allow for the installation and maintenance of a sewer line, water line, and other public utilities.
10. Under the agreement terms, if water service is disconnected when the water main is abandoned, the Clarkes will be responsible establishing water service line to their property and structures.
11. Due to various agreements and actions, certain City utility lines have been located on, and through, the Clarke property; these utilities will be abandoned by the City.
12. Pending City Council approval, Clarkes will grant to the City a permanent easement seven and one-half feet (7 1/2) on either side of the centerline of the existing sewer main running north to south in the alignment of Main Street projecting in a southern direction the full length of the Clarke property.

STAFF REPORT  
VACATION OF RIGHT-OF-WAY AND EASEMENT  
Portions of Wisconsin Street, Bidwell Avenue and Main Street  
25' Utility Easement in East/West Alley, Block 133

13. Pending City Council approval the Clarkes will grant a 15-foot wide pedestrian trail easement to the City along the entire southern boundary of Tract 3, Wilson #2 Subdivision.

**REVIEW STANDARDS**

The *Land Development Code* (15.160.110E) contains four specific standards that must be met for a vacation of a recorded plat, right-of-way or easement to be approved.

1. *Access to a Public Road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road.*

**No Conflict:** The vacation of these ROW segments and the utility easement will not create any land-locked parcel.

2. *Easements. In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.*

**No Conflict:** A 30-foot wide utility easement will be established to provide for necessary public utilities. Additionally, the Clarkes will grant a 15-foot wide utility easement on the center line of the existing sewer main running north to south in alignment of Main Street projecting to the south through the Clarke property.

The Clarkes will grant a non-motorized trail easement to the City along the entire southern boundary of Tract 3, Wilson #2 Subdivision.

The existing utility easement located in the east/west alley adjoining Lots 13 through 17 on the south and Lot 18 on the north, Block 133, West Gunnison Addition is not needed for City utilities and does not contain any utility lines.

3. *Master Plan. A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implements the applicable intent statements, specific directions and recommended actions of the Master Plan.*

**Possible Conflict:**

Chapter 8, Transportation, Policy 1.12: Discourage the vacation of alley or street rights of way in an effort to integrate them into multi-use travel corridors.

Chapter 8, Transportation, Policy 5.3: Protect right-of-ways that may be used for future transit systems.

The vacation of these portions of Wisconsin Street, Bidwell Avenue, and Main Street will have no affect any future street extension that has been identified in the *City of Gunnison Master Plan* (2007).

STAFF REPORT  
VACATION OF RIGHT-OF-WAY AND EASEMENT  
Portions of Wisconsin Street, Bidwell Avenue and Main Street  
25' Utility Easement in East/West Alley, Block 133

*4. Transfers or Sales of Lots. A subdivision plat may be vacated if none of its lots has been sold or transferred, or if there have been sales or transfers, then if there has been no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.*

**Not Applicable.** A subdivision plat is not being vacated.

**ACTION**

During the regular Planning and Zoning Commission meeting held on August 24, 2011, Commissioner \_\_\_\_\_ moved, Commissioner \_\_\_\_\_ seconded, and the Commission voted to recommend to City Council to **Approve** Vacation Application, VF 11-1 submitted by City Manager Ken Coleman, to vacate portions of Wisconsin Street, Bidwell Avenue and Main Street rights-of-way and to vacate the utility easement located within the vacated east/west alley, Block 133, with the following findings of fact and condition:

**Findings of Fact:**

1. The Planning and Zoning Commission finds that the record of this action includes the application contents, staff reports, applicable provisions of the *City of Gunnison Master Plan and Land Development Code*, and written and verbal testimony submitted during the public hearing held for this application.
2. The Planning and Zoning Commission finds that the applicant requests that segments of the Wisconsin Street, Bidwell Avenue and Main Street rights-of-way be vacated.
3. The Planning and Zoning Commission finds that the applicant requests vacation of an existing 25-foot utility easement located within the vacated east/west alley (Ordinance No. 18, Series 2003) adjoining Lots 13 through 17 on the south and Lot 18 to the north, Block 133, West Gunnison Addition.
4. The Planning and Zoning Commission finds that no utilities are located in the utility easement that is proposed to be vacated.
5. The Planning and Zoning Commission finds that adjoining property owners of the vacated rights-of-way are Jeffrey and Charmaine Clarke to the south and Robert and Christine Gydesen and Dale Thomas to the north.
6. Pursuant to *Colorado Revised Statutes*, upon vacation of the portion of the rights-of-way described, Clarke will own the south half and Gydesen and Thomas will each own the northern portion to the limits of their property boundaries. The Planning and Zoning Commission finds that Gydesen and Thomas have each agreed to Quitclaim their interest in the vacated rights-of-way to the Clarkes with the requirement that the Clarkes acknowledge the resulting property boundaries.

STAFF REPORT  
VACATION OF RIGHT-OF-WAY AND EASEMENT  
Portions of Wisconsin Street, Bidwell Avenue and Main Street  
25' Utility Easement in East/West Alley, Block 133

7. The Planning and Zoning Commission finds that the City and the Clarkes have been negotiating over the years to determine the location and extent of utility line easements necessary to serve the City, and the Clarkes' interest in protecting their property interests, including a historical depot building located within the rights-of-way.
8. The Planning and Zoning Commission finds that the vacation of these segments of Bidwell Avenue, Wisconsin Street and Main Street are not in conflict with future street extensions as contemplated by the *City of Gunnison Master Plan (2007)*.
9. The Planning and Zoning Commission finds that the adjoining property owners and the City have negotiated an agreement (*Agreement for Vacation of Portion of City Right of Way and Grant of Easements*, dated June 28, 2011) to resolve all issues, pending City Council approval, to abandon and relocate certain utility lines and obtain permanent easements for utility lines.
10. The Planning and Zoning Commission finds that the establishment of a 30-foot wide utility easement within the vacated ROW area will allow for the installation and maintenance of a sewer line, water line, and other public utilities.
11. The Planning and Zoning Commission finds that if water service is disconnected when the water main is abandoned, the Clarkes will be responsible for the installation of new water service lines to their property.
12. The Planning and Zoning Commission finds that pursuant to various agreements and/or actions of the City and the Clarkes, certain City utility lines have been located on and through the Clarke property, and certain utilities will be abandoned as a result of the *Agreement for Vacation of Portion of City Right of Way and Grant of Easements*.
13. The Planning and Zoning Commission finds that pending City Council approval, the Clarkes will grant to the City a permanent easement seven and one-half feet (7 ½) on either side of the centerline of the existing sewer main running north to south in the alignment of Main Street projected to the south the full length of the Clarke property.
14. The City has been negotiating with various landowners, including the Clarkes, for an extension of a pedestrian and non-motorized vehicle trail to circle the City. The Planning and Zoning Commission finds that pending City Council approval, the Clarkes will grant a permanent 15-foot trail easement to the City along the entire southern boundary of Tract 3, Wilson #2 Subdivision.

**Condition:**

1. That the *Agreement for Vacation of Portion of City Right of Way and Grant of Easements*, dated June 28, 2011 is recorded with the County Clerk and Recorder along with all exhibits stated in the Agreement.

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**Applicant Name(s):** Ken Coleman, City Manager

**Phone #:** 970-641-8171 **Fax #:** 970-641-8051 **E-Mail:** ken@cityofgunnison-co.gov

**Mailing Address:** PO Box 239

**City:** Gunnison **State:** Colorado **Zip:** 81230

**Summary of Request:** Vacate Bidwell Avenue right-of-way between Wisconsin Street and Main Street and establish a utility easement.

**Disclosure of Ownership- Please provide one of the following:**

- Assessor Parcel Info       Mortgage       Deed       Judgments  
 Liens       Contract       Easement Agreement       Other Agreements

**Legal Description**

Site Address of Property: **See attached legal description** Zoning \_\_\_\_\_

Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_ Addition: \_\_\_\_\_

**Attachments:**  Vicinity Map (8.5"x11")       Written Narrative/Description of Proposal

Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)

Vested Property Rights       Letter/Authorization of Agent (from Owner if not applicant)

Site Plan (11"x17") **to scale**, includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4.

**YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION**

**Signature(s)**



Date

8/1/10

Date

**AUTHORIZATION OF AGENT**

I/We, the undersigned owner(s) of the following described real property located in the City of Gunnison, Colorado, hereby authorize the following individual(s):

City of Gunnison  
Keri Coleman, PO Box 239, Gunnison, CO 970-641-8171  
Name Address Phone

to act in my/our behalf concerning the application for action under the Land Development Code of the City of Gunnison.

Legal description and street address of the property for which application is being made:  
Bidwell Ave between Wisconsin Street and Main Street

Type(s) of permit applied for:

- 1) Vacation of Right-of-way
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

FIRST OWNER OF RECORD:

Jeffrey Clarke  
Printed Name of Property Owner

Jeffrey Clarke  
Signature of Property Owner

7/15/11  
Date

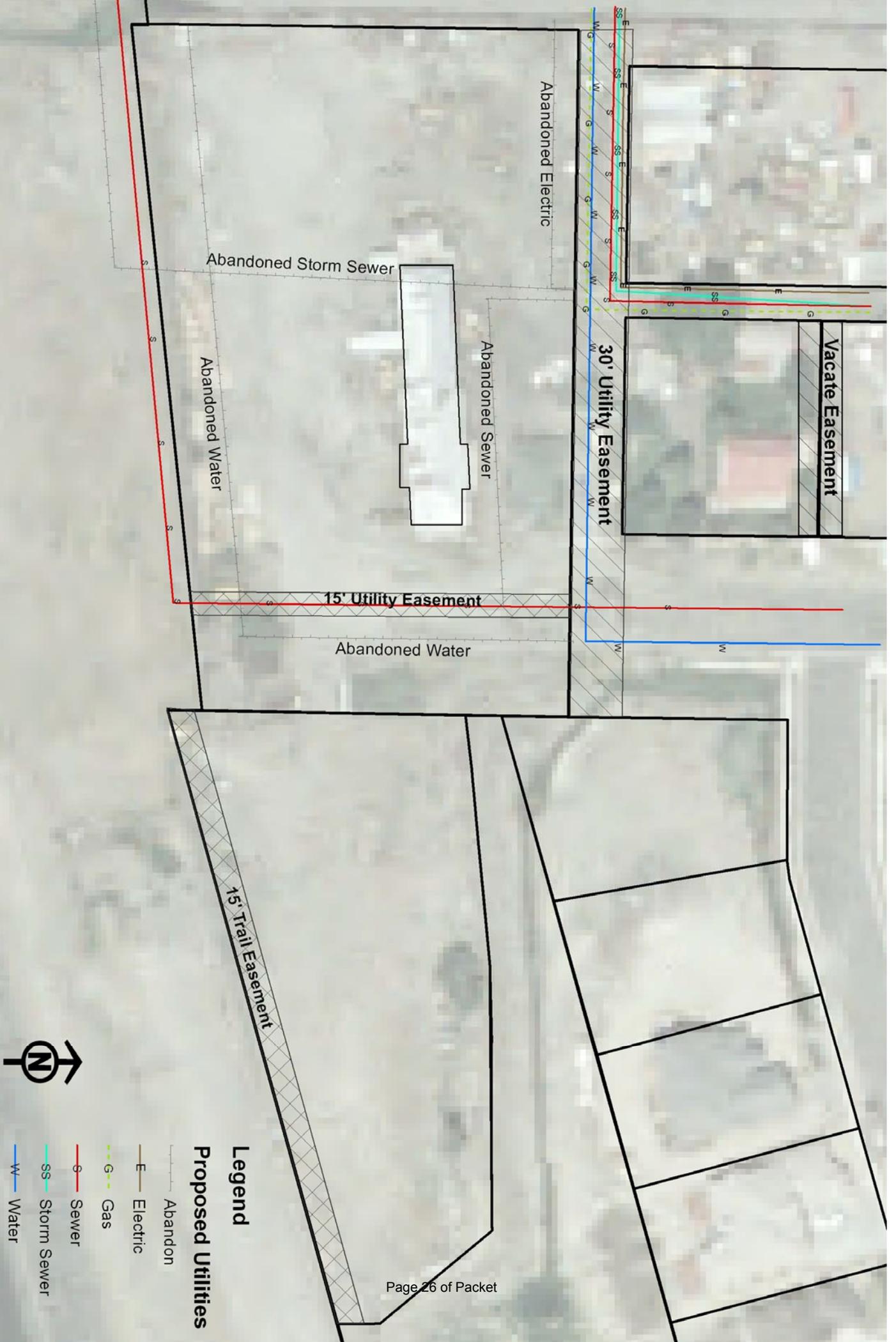
SECOND OWNER OF RECORD:

Charmaine Clarke  
Printed Name of Property Owner

Charmaine Clarke  
Signature of Property Owner

7/15/11  
Date





Notice of Public Hearing was sent via certified mail to the following:

Board of County Commissioners  
200 E. Virginia  
Gunnison, CO 81230

Robert Gydesen  
200 Industrial Park Road  
Gunnison, CO 81230

Dale B. Thomas, Jr.  
515 S. Main  
Gunnison, CO 81230

Martha Gentry, etal  
422 S. Taylor  
Gunnison, CO 81230

Jeffrey A. and Charmaine Clarke Trust  
P.O. Box 293  
Gunnison, CO 81230

Joseph W. Dixon  
11 Irwin Street  
Gunnison, CO 81230

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ATTACHMENT A

**AGREEMENT FOR VACATION OF PORTION OF CITY RIGHT  
OF WAY AND GRANT OF EASEMENTS**

THIS AGREEMENT is made this 28<sup>th</sup> day of June, 2011, by and between the City of Gunnison, a Colorado home rule municipality ("City"), Jeffrey A. Clarke and Charmaine Clarke, Trustees of the Jeffrey A. Clarke Trust No. 1 and the Charmaine Clarke Trust No. 1 ("Clarke"), Robert G. Gydesen and Christine L. Gydesen ("Gydesen"), and Dale B. Thomas, Jr. ("Thomas").

Recitals:

1. The City of Gunnison is a Colorado home rule municipality.
2. Clarke is the owner and in possession of the real property described on EXHIBIT A, attached hereto and incorporated herein. Such property is commonly known as the Depot Property, and is located within the City of Gunnison ("Clarke Property").
3. Gydesen is the owner and in possession of Lots 1-12, all of the alley adjoining Lot 7 on the South, and the South half of Evans Street adjoining Block 133, West Gunnison.
4. Thomas is the owner and in possession of Lots 13-17 and the South half of the E/W Alley adjoining Block 133, West Gunnison.
5. The City and Clarke have been negotiating over the years to determine the location and extent of utility line easements necessary to serve the City, and Clarke's interest in protecting his property interests, including a historical depot building located within the City right of way, platted as Bidwell Avenue.
6. The City has also been negotiating with various landowners, including Clarke, for extension of a pedestrian and non-motorized vehicle trail to circle the City.
7. Pursuant to various agreements and/or actions of the City and Clarke, certain City utility lines have been located on and through the Clarke Property.
8. The parties have negotiated an agreement to resolve all issues, pending City Council approval, to abandon and relocate certain utility lines, obtain permanent easements for said utility lines, obtain a permanent trail easement for the benefit of the City and its inhabitants, and to vacate applicable portions of Bidwell Avenue, Wisconsin Street, and Main Street, which portions will then be owned by and/or deeded to Clarke.
9. The Gydesen and Thomas properties, as described above, abut the relevant portion of Bidwell Avenue to the North of the Clarke Property.
10. Gydesen has agreed to quitclaim his interest in Bidwell Avenue once vacated, to Clarke. Thomas has agreed to quitclaim his interest in Bidwell Avenue, as such may lie South of his existing property pins pursuant to survey, once vacated, to Clarke.

NOW, THEREFORE, for good and valuable consideration expressly acknowledged by the parties hereto, the parties agree as follows:

1. The City shall request that City Council approve the vacation of portions of Wisconsin Street, Bidwell Avenue, and Main Street, all within the Amended Plat of the Town of West Gunnison, pursuant to §43-2-301, et seq., C.R.S. (2010), as follows:

The portion of Wisconsin Street as platted, as such intersects with Lot 8, Block 133, extended to the West and then South to the Northern boundary of the Clarke Property;

The portion of Bidwell Avenue as platted that is located to the South of Block 133, and to the North of the Clarke Property;

The portion of Main Street as dedicated as such intersects with Lot 17, Block 133, extended to the East, and then South to the Northern boundary of the Clarke Property;

All descriptions to be surveyed.

2. Pursuant to Colorado Statute, upon vacation of the portion of Bidwell Avenue described above, Clarke will own the South half of the vacated portion, and Gydesen and Thomas will each own the Northern portion to the limits of their property boundaries as described above.
3. Gydesen and Thomas will each Quitclaim their interest in Bidwell Avenue as vacated, to Clarke, with the requirement that Clarke acknowledge their property boundaries and that he has no right of access, use or other interest in their respective properties. Clarke, by execution of this Agreement, does so acknowledge. The form of quitclaim deeds to be utilized are attached hereto as EXHIBIT B.
4. Upon vacation of the portions of Wisconsin Street, Bidwell Avenue and Main Street, described above, Clarke will grant to the City a permanent easement seven and one-half feet (7 1/2) on either side of the centerline of the existing sewer main running north to south in alignment of Main Street projected to the South the full length of the Clarke Property. The form of easement is attached hereto as EXHIBIT C.
5. Clarke will also grant to the City a permanent easement for the installation of a sewer line, water line, utility lines, and storm water drain through and under the vacated portions of Wisconsin Street, Bidwell Avenue and Main Street, to continue South along the western boundary of the Clarke property. Said easement shall provide access to the City for the installation, maintenance and repair of such utility lines. The form of easement is attached as EXHIBIT D.

6. Upon execution by Clarke of the easements described in Paragraphs 3 and 4, the City will abandon all other utility lines running through and under the Clarke Property, including a water line, sewer line (but not the sewer main described in paragraph 4), electric line, and storm sewer.
7. The City will hire a surveyor of Clarke's choosing to survey all required property descriptions, portions of streets to be vacated, and easements to be granted. The City and Clarke agree that the results of the survey will be binding on the parties and that neither party may void this agreement based on the results of the survey.
8. If water service is disconnected when the water main is abandoned, Clarke will be responsible for bringing water service to his property and/or structures on the property, such to be at Clarke's expense.
9. In addition to the above easements, Clarke will grant a permanent trail easement to the City along the entire southern boundary of real property owned by the Jeffrey A. Clarke Trust No. 1 and Charmaine Clarke Trust No. 1, as Tenants in Common, more particularly described as Tract 3, Wilson #2 Subdivision, according to the plat thereof recorded in the Gunnison County Clerk and Recorder's Office on January 28, 1997, at Reception No. 473556. The form of easement is attached as EXHIBIT E.
10. The City shall obtain a survey to set the locations of all easements to be conveyed herein. No party may contest the results of the survey.
11. Each party agrees to execute, acknowledge and deliver such further documents as may be reasonably necessary to implement the provisions of this agreement.
12. Attorney's Fees. If any legal action is commenced or maintained in a court of law, whether in law or in equity by either party to this Agreement, as to interpretation, enforcement or construction of this Agreement, the prevailing party in any such action shall be entitled to reasonable attorney's fees together with all reasonable costs and expenses incurred.
13. This Agreement is executed in Gunnison County, Colorado, and shall be interpreted, construed and governed by the laws of the State of Colorado.
14. Jurisdiction and venue of any action as to this Agreement shall be in the District Court of Gunnison County, Colorado.
15. Specific Performance. In the event of a breach of this agreement, the non-defaulting party shall, in addition to any damages sustained, have the right to seek and obtain specific performance of all terms and conditions contained in this Agreement.

16. Severability. If any term or provision of this Agreement shall be determined to be invalid or unenforceable, the remainder of this Agreement and the terms or provisions it contains shall not be affected, and all other terms and provisions shall be valid and enforceable to the full extent permitted by law.

17. Binding Agreement. This Agreement shall be binding upon the parties and their respective successors, heirs and assigns.

Executed on the date first set forth above.

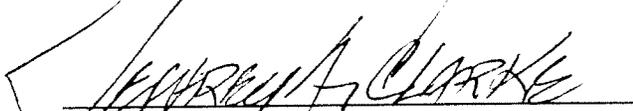
**CITY OF GUNNISON,  
a Colorado home Rule Municipality**

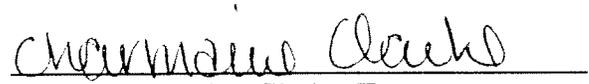
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Gail Davidson, City Clerk

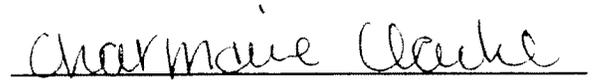
**JEFFREY A. CLARKE TRUST No. 1**

  
\_\_\_\_\_  
By: Jeffrey A. Clarke, Trustee

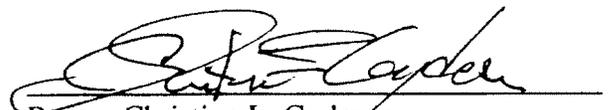
  
\_\_\_\_\_  
By: Charmaine Clarke, Trustee

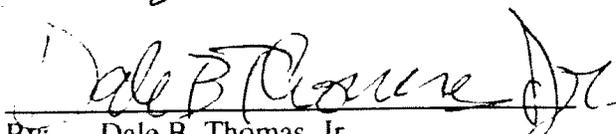
**CHARMAINE CLARKE TRUST No. 1**

  
\_\_\_\_\_  
By: Jeffrey A. Clarke, Trustee

  
\_\_\_\_\_  
By: Charmaine Clarke, Trustee

  
\_\_\_\_\_  
By: Robert G. Gydesen

  
\_\_\_\_\_  
By: Christine L. Gydesen

  
\_\_\_\_\_  
By: Dale B. Thomas, Jr.

## EXHIBIT A

### Clarke Property Description

That land described in a deed from Rio Grande Motorway, Inc., a Colorado corporation to Southern Pacific Transportation Company, a Delaware corporation, as recorded in book 737 at page 862, dated December 23, 1993, in the office of the Clerk and Recorder of Gunnison County, Colorado (formerly described as part of the abandoned station grounds property of the Denver and Rio Grande Western Railroad Company at Gunnison, Gunnison County, State of Colorado), located within the SW1/4 of the NW1/4, Section 1, Township 49 North, Range 1 West, N.M.P.M., more particularly described as follows:

Beginning at a point in the north line of said station grounds property of the Railroad Company and the south line of Bidwell Avenue located 20 feet west from the produced east line of Wisconsin Street; THENCE southerly parallel with and 20 feet west from said produced east line of Wisconsin Street a distance of 248 feet, more or less, to a property corner of said Railroad Company and the NE corner of property of Gunnison County; THENCE North 83°17' East a distance of about 393 feet to a point in the east line of said SW1/4NW1/4 of Section 1; THENCE northerly along the east line of said SW1/4NW1/4 of Section 1 a distance of 200 feet, more or less, to the northeasterly property corner of said Railroad Company which is in the south line of said Bidwell Avenue; THENCE westerly along the north line of said Railroad Company's station grounds property and the south line of Bidwell Avenue a distance of 390 feet, more or less, to the point of beginning, containing 2 acres, more or less,

City of Gunnison,  
County of Gunnison,  
State of Colorado.

**EXHIBIT B  
QUIT CLAIM DEED**

**THIS DEED**, made this 6<sup>th</sup> day of July, 2011, between Robert G. Gydesen and Christine L. Gydesen ("Grantor"), and Jeffrey A. Clarke and Charmaine Clarke, Trustee of the Jeffrey A. Clarke Trust No. 1 and Charmaine Clarke Trust No. 1 ("Grantee"), whose address is P.O. Box 293, Gunnison, CO 81230;

WITNESSETH, That the Grantor, for and in consideration of the sum of TEN and NO/100's (\$10.00) DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUIT CLAIMED, and by these presents does remise, release, sell and QUIT CLAIM unto Grantee, his heirs and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the City of Gunnison, County of Gunnison, and State of Colorado, described as follows:

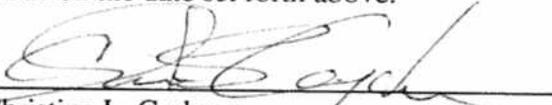
All of Grantors' right to possession and ownership of Bidwell Avenue as such is described by survey dated \_\_\_\_\_, City of Gunnison, County of Gunnison, State of Colorado.

**(No consideration was paid for this deed and no documentary tax or fee is required.)**

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, Grantor has executed this deed on the date set forth above.

  
\_\_\_\_\_  
Robert G. Gydesen

  
\_\_\_\_\_  
Christine L. Gydesen

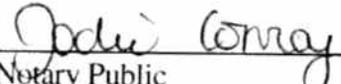
STATE OF COLORADO            )  
  )ss.  
COUNTY OF Gunnison        )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July, by Robert G. Gydesen and Christine L. Gydesen, Grantor.

Witness my hand and official seal.  
My commission expires: 13112



My Commission Expires 01/31/2012

  
\_\_\_\_\_  
Notary Public



**EXHIBIT C  
GRANT OF SEWER MAIN EASEMENT**

THIS GRANT OF EASEMENT is made and entered into this 28<sup>th</sup> day of June, 2011, by and between Jeffrey A. Clarke and Charmaine Clarke, Trustees of the Jeffrey A. Clarke Trust No. 1 and Charmaine Clarke Trust No. 1, hereinafter referred to as "GRANTORS", and the CITY OF GUNNISON, a Colorado home rule municipality, whose address is P. O. Box 239, Gunnison, Colorado 81230, hereinafter referred to as "GRANTEE", WITNESSETH THAT:

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GRANTORS have this date bargained, conveyed, delivered, transferred, and sold, and by these presents do bargain, convey, deliver, transfer, and sell unto the GRANTEE, its successors and assigns, a permanent easement for the construction and maintenance of a sewer main, said easement being described as follows:

7 1/2 feet on either side from the center line of the sewer main running north to south in the alignment of Main Street projected to the south the full length of the Clarke property, as such property is described in EXHIBIT A, attached hereto and incorporated herein, City of Gunnison, County of Gunnison, State of Colorado", hereinafter referred to as "Easement Area".

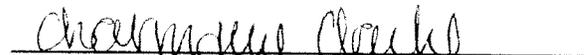
GRANTORS shall have the right to use and occupy the Easement Area for any purpose not inconsistent with GRANTEE'S full enjoyment of the rights hereby granted.

Any liability for personal injury to GRANTEE, its employees, agents, and invitees, or any third persons, as a result of or arising out of or relating to the use and occupancy of the Easement Area by GRANTEE, shall be borne by GRANTEE.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands the day and year first above written.

JEFFREY A. CLARKE TRUST No. 1

  
By: Jeffrey A. Clarke, Trustee

  
By: Charmaine Clarke, Trustee

CHARMAINE CLARKE TRUST No. 1

  
By: Jeffrey A. Clarke, Trustee

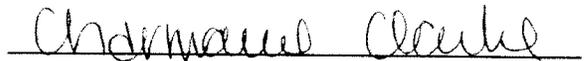
  
By: Charmaine Clarke, Trustee

EXHIBIT D

**GRANT OF EASEMENT**  
(Main, Bidwell and Wisconsin Utility Lines)

THIS GRANT OF EASEMENT is made and entered into this 28th day of June, 2011, \_\_\_\_\_, by and between Jeffrey A. Clarke and Charmaine F. Clarke, Trustees of the Jeffrey A. Clarke Trust No. 1 and Charmaine Clarke Trust No. 1, hereinafter referred to as "GRANTORS", and the CITY OF GUNNISON, a Colorado home rule municipality, whose address is P. O. Box 239, Gunnison, Colorado 81230, hereinafter referred to as "GRANTEE", WITNESSETH THAT:

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GRANTORS have this date bargained, conveyed, delivered, transferred, and sold, and by these presents do bargain, convey, deliver, transfer, and sell unto the GRANTEE, its successors and assigns, a permanent easement for the construction and maintenance of a sewer line, water line, utility lines and storm water drain, said lines to be located within the vacated portions of Main Street and Bidwell Avenue running West to the center alignment of Wisconsin Street projected and then to the south along the Western boundary of the Clarke Property as such is described on EXHIBIT A, attached hereto and incorporated herein, AND granting the Grantee a right of access through and across the vacated portion of Bidwell Avenue, City of Gunnison, County of Gunnison, State of Colorado", hereinafter referred to as "Easement Area".

GRANTORS shall have the right to use and occupy the Easement Area for any purpose not inconsistent with GRANTEE'S full enjoyment of the rights hereby granted.

Any liability for personal injury to GRANTEE, its employees, agents, and invitees, or any third persons, as a result of or arising out of or relating to the use and occupancy of the Easement Area by GRANTEE, shall be borne by GRANTEE.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands the day and year first above written.

*LEAVING SUFFICIENT AREA INSIDE THE SOUTHERN BOUNDARY OF "BIDWELL" FOR THE NATURAL GAS LINE RELOCATION.*

**EXHIBIT E**  
**GRANT OF PERMANENT TRAIL EASEMENT**

**Jeffrey A. Clarke and Charmaine Clarke, as Trustees of the Jeffrey A. Clarke Trust No. 1 and the Charmaine Clarke Trust No. 1**, whose address is P.O. Box 293, Gunnison, Colorado 81230 ("GRANTOR"), being the owner of the hereinafter described real property located in the County of Gunnison and State of Colorado, for and in consideration of One and no/100 Dollars (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby confessed and acknowledged, does hereby grant and convey unto the CITY OF GUNNISON, COLORADO, a Colorado home rule municipality ("CITY"), and CITY'S successors, assigns, and representatives, a non-exclusive, permanent trail easement ("Easement") along the Southern Boundary of GRANTOR'S real property in Gunnison County, Colorado. Said easement shall be fenced, shall be 15-foot wide measured from the Southern Boundary of Grantor's Property and shall run West to East along the entire length of the Southern Boundary of Grantor's Property, described as Tract 3, Wilson #2 Subdivision, according to the plat thereof recorded in the Gunnison County Clerk and Recorder's on January 28, 1997, at Reception No. 473556. The legal description for said easement is attached hereto and incorporated herein as EXHIBIT A.

GRANTOR grants the Easement to the CITY for the purpose of installation, maintenance, repair, replacement, and recreational trail improvements for (a) public recreational use by pedestrians and non-motorized vehicles upon and across the Easement; (b) operation of motorized emergency vehicles upon and across the Easement; and (c) CITY use of motorized vehicles and equipment as reasonably necessary in connection with construction, maintenance, repair, and replacement of trail-related improvements within the Easement.

The CITY shall be solely responsible to contain pedestrians and animals within the easement, and maintain the easement at all times in good condition. The CITY agrees that snow removed from the Easement shall not be deposited on GRANTOR'S property. In addition, the CITY agrees to allow GRANTOR to place a gate in the fence for access to the easement on the Northern boundary of said Easement in a location to be determined by agreement of both parties.

Any liability for personal injury to the CITY, its employees, agents, and invitees, or any third persons as a result of or arising out of or relating to the use or occupancy of the Easement, shall be borne by the CITY. Further, CITY agrees to indemnify and hold harmless GRANTOR, their successors and assigns, against any loss or damage which should result from, arise out of, or be attributable to the use of the Easement as contemplated herein.

All rights, title, and privileges herein granted or reserved, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of GRANTOR and the CITY, their respective successors, assigns, and legal representatives.

Gail Davidson, City Clerk

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF GUNNISON    )

The foregoing instrument was acknowledged before me this 28th day of June, 2011, by \_\_\_\_\_  
Jonathan D. Hauck, as Mayor of the City of Gunnison, Colorado, a Colorado home rule  
municipality, and attested to by Gail Davidson, City Clerk.

WITNESS my hand and official seal.

My commission expires:

\_\_\_\_\_  
Notary Public

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**MEMORANDUM**

TO: Planning and Zoning Commission  
FROM: Steve Westbay  
DATE: August 24, 2011  
RE: VanTuyl Ranch – Planning and Annexation Overview

At the August 24<sup>th</sup> Planning and Zoning Commission (P&Z) meeting the staff will present an overview of the VanTuyl Ranch Plan and Annexation. While this presentation is in advance of the formal submittal of the annexation master plan, the presentation will include an overview of the *VanTuyl Ranch Management Plan (Plan)* and the draft annexation application.

The *Plan* is a comprehensive planning document outlining goals, objectives, management actions, directives for the future land development, resource protection, recreation uses and comprehensive management of the ranch.

One of the priority actions cited in the *Plan* is to annex the ranch into the City. The City's annexation process is directed by certain provisions contained in the *Colorado Revised Statutes*, and by Resolution 17, Series 2007 which sets forth the process and submittal requirements for an annexation petition. This resolution defines a 3-step review process.

Phase 1, the initial process component, involves the submittal of the Annexation Petition, Annexation Map and Annexation Master Plan. The P&Z reviews the submittal document and provides a report (both written and oral) to the City Council during a joint work session. The only action is to provide formal comments to the applicant.

In Phase 2, the applicant submits a revised master plan and the same procedure as Phase 1 is followed. At the conclusion of Phase 2, the City sets dates for establishing the zoning of the annexation territory.

During Phase 3 of the process a zoning application is submitted and the City Council follows a formal parallel process. Specifically, the City Council passes a resolution determining that the Annexation Petition is in substantial compliance with *Colorado Revised Statutes*. Thereafter, an Annexation Impact Report is submitted to the County and dates are set for the zoning and annexation eligibility public hearing.

The overview presentation at next Wednesday's meeting is intended to be introductory in content; it has no direct bearing on the formal process. In September, the staff will make the formal submittal materials required by the Phase 1 review.

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# Van Tuyl Ranch

Planning for the Future...

- Protection of Resources
- Land Uses
- Annexation



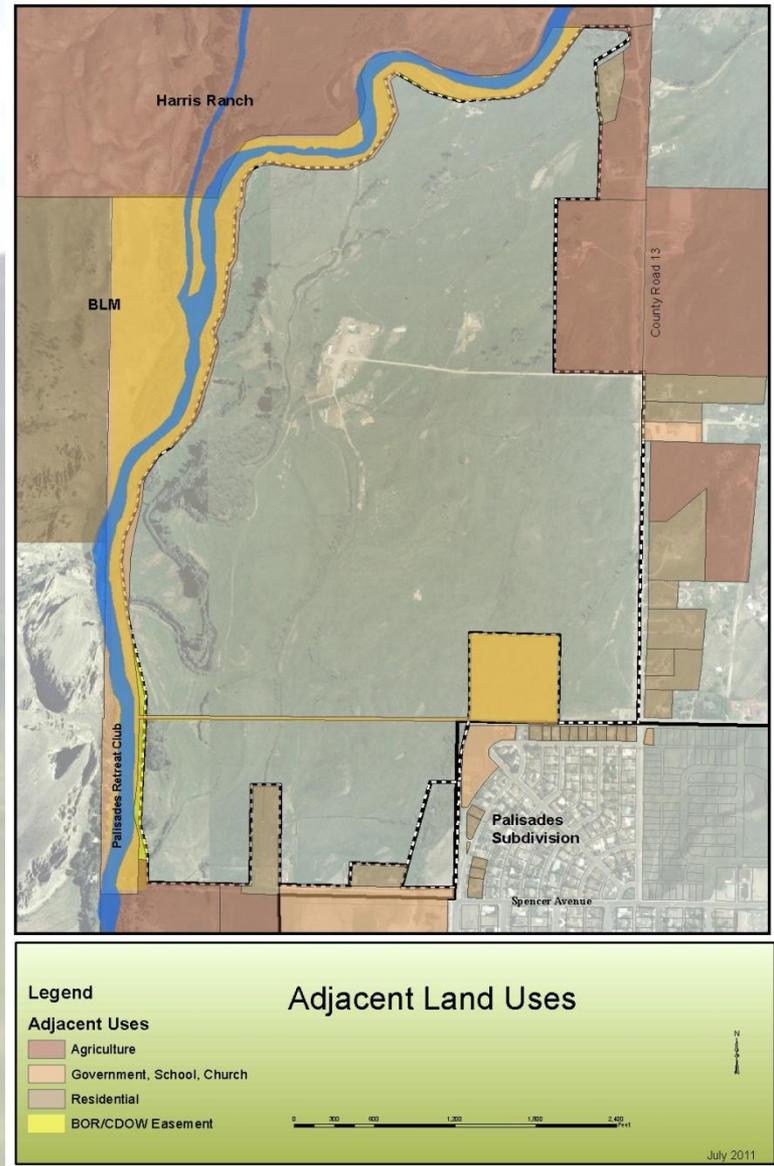
# Step1: Develop a Management Plan

- Partnerships formed for:
  - planning
  - assessment
- Public Outreach
  - Invitations sent to stakeholders
  - public surveys
  - coffee shop chats
  - site visits
  - open houses
- Focus Group Surveys
- Assemble Community Resources for expertise
  - Agricultural Sub-committee
  - Recreation Sub-committee
  - Education Sub-committee
  - Ecology and Habitat Sub-committee
  - Water Resources and Geology Sub-committee



# Determine Land Uses

To determine future land uses it was necessary to conduct an inventory of existing adjacent land uses



# Determine “Givens”

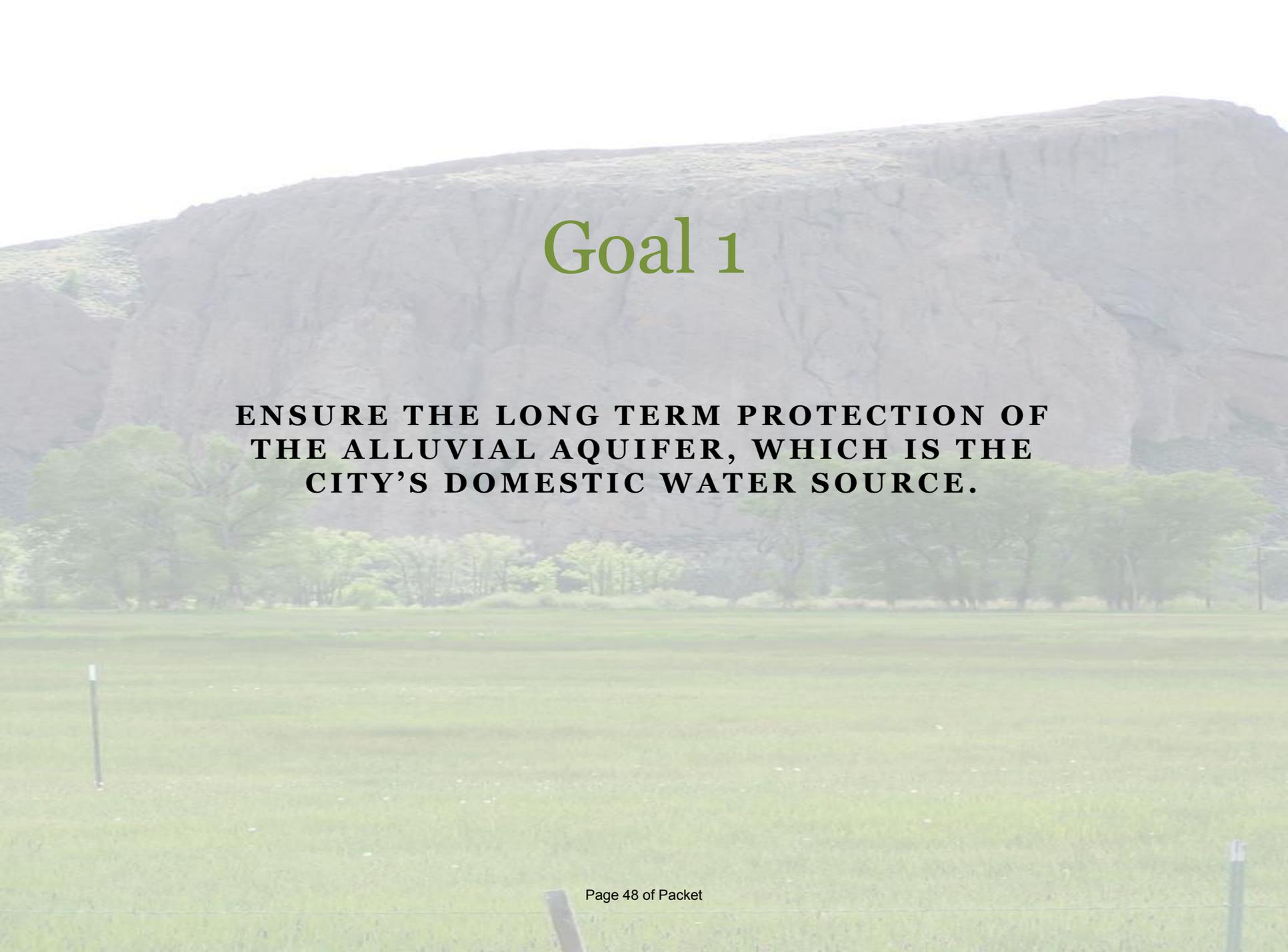
**A set of “givens” was developed to guide the planning process.**

- Preservation of the aquifer is the main priority
- Preservation and management of wetlands, special flood hazard areas and water rights.
- Will not be developed for commercial use
- Limited residential use (near ranch house)
- Sustainable agricultural operations
- Irrigation of the Ranch property will continue
- Railroad Grade Trail is in place
- Strategies for allowing compatible recreation, education and open space uses
- The *Management Plan* will serve as a framework document to direct the **future annexation** of the Ranch into the city limits.
- The *Management Plan* will define strategies that address security of the real property and provide emergency response access.
- Financial strategies to fund improvements
- Policies and procedures that protect the community’s health, safety and welfare
- The public involvement process is open to anyone interested
- The *Plan* will be developed in partnership with the public, reviewed by the Planning and Zoning Commission, and recommended to City Council for adoption as a sub-area plan to the City’s *Master Plan*.

# Develop Goals and Objectives

**A set of goals and objectives was developed with one overall goal:**

**DEVELOP A PLAN TO MANAGE COMPETING PRIORITIES AND BEST UTILIZE THE PROPERTY, WHILE ALSO PRESERVING THE LAND FOR OPEN SPACE, PASSIVE RECREATIONAL USE, SUSTAINABLE AGRICULTURAL PRODUCTION, PROTECTING WILDLIFE HABITAT AND THE CITY'S AQUIFER AND RECHARGE AREA.**



# Goal 1

**ENSURE THE LONG TERM PROTECTION OF  
THE ALLUVIAL AQUIFER, WHICH IS THE  
CITY'S DOMESTIC WATER SOURCE.**

# Goal 2

**ENSURE THE LONG TERM CONSERVATION OF  
EXISTING ECOLOGICAL SYSTEM FUNCTIONS.**

# Goal 3

**CONTINUE EXISTING AGRICULTURAL  
OPERATIONS AND IMPLEMENT  
SUSTAINABLE MANAGEMENT PROGRAMS  
FOR FUTURE AGRICULTURAL PRACTICES.**



# Goal 4

**IMPLEMENT POLICIES AND PROCEDURES TO  
ENSURE THAT LIFE-SAFETY AND FACILITY  
IMPROVEMENTS ARE ADEQUATELY  
PROTECTED.**

# Goal 5

**WORK WITH THE COLLEGE, SCHOOL DISTRICT, RESOURCE MANAGERS AND THE GENERAL PUBLIC TO MAXIMIZE EDUCATIONAL OPPORTUNITIES ON THE RANCH.**

# Goal 6

**DEFINE SITE-SPECIFIC LAND USES AND IMPROVEMENTS IN A MANNER THAT PROVIDES OPPORTUNITIES FOR DIVERSIFIED RECREATION ACTIVITIES THAT AVOID IMPACTS TO CRITICAL HABITAT, AND WHEN NEEDED, MINIMIZE IMPACTS TO THE MAXIMUM EXTENT FEASIBLE.**

# Goal 7

**ESTABLISH A TRAIL SYSTEM FOR NON-MOTORIZED USE BY COMMUNITY MEMBERS AND USERS.**

# Goal 8

**DEVELOP A LAND USE AND OPEN SPACE  
PLAN THAT IS CONSISTENT WITH THE  
OTHER GOALS AND OBJECTIVES SET FORTH  
HEREIN.**

# Goal 9

**IDENTIFY COSTS OF MANAGING THE RANCH  
PROPERTIES AND OF VARIOUS PROGRAMS  
AND DETERMINE POTENTIAL REVENUE  
SOURCES.**

# The Planning Process

The *Management Plan* was developed in four modules.

- **Module I – Public Input and Data Collection**
- **Module II – Analysis of Data**
- **Module III – Development of Recommendations and Draft Plan**
- **Module IV – Final Amendments to the Plan**

# Module I

**Input from the Public and Stakeholders was Gathered.** Because the Ranch belongs to the citizens, public outreach was important in developing a *Management Plan* that the citizens would support:

- A public opinion survey identified three key priorities:
  - ✦ river access
  - ✦ wildlife protection
  - ✦ permanent trails
- A focus group survey identified appropriate recreational uses:
  - ✦ non-motorized activities
  - ✦ venue for group gatherings such as concerts or weddings
  - ✦ river access
  - ✦ wildlife viewing
  - ✦ connection to public lands across the river

# An Assessment of Existing Conditions was Conducted

To plan for future uses and protect the environment, it was important to understand the existing conditions of the Ranch.

- **Regional Environment Context**

- climate
- geology
- soils
- ground water – test wells
- surface hydrology
- water quality

- **Wetlands**

- Bio-Environs developed a *Wetlands Recognizance Report*

- **Wildlife and Habitat**

- CDOW and WSC conducted inventories of the Ranch, focusing on:
  - ✦ general wildlife species
  - ✦ rare, sensitive and protected species
  - ✦ aquatic habitat and fishery

- **The Built Environment**

- City data provided information about adjacent land uses
- WSC geography students conducted an inventory of man-made influences on the Ranch
  - ✦ adjacent land uses in the city and county
  - ✦ city water wells
  - ✦ ranch facilities
  - ✦ parks and trails
  - ✦ auxiliary uses

## Historic and Current Management Practices Were Reviewed

To develop a plan for managing the Ranch in the future, it was important to understand historic and current management practices and to develop partnerships with federal and state resource agencies.

- **Agricultural Management (NRCS)**
  - historic management
  - current management
  - future management
- **Resource Management**
  - wildlife management (CDPW)
  - noxious weed management (NRCS)
  - floodplain management (FEMA, Gunnison County)
  - water resource management (UGRWCD)
  - erosion control and stormwater management (BMPs)

## Opportunities and Constraints Were Identified

The data obtained lead to the identification of opportunities and constraints for the three appropriate land uses on the Ranch.

### • **Agricultural Uses**

- **Opportunities** include development of an agricultural management plan; community gardens; and experimentation with a variety of hay and grass species.
- **Constraints** include public access and impacts on agriculture; the need for improvement of existing Ranch facilities; the need to manage beavers, noxious weeds, and fertilizers; conflicts between recreational users and the cattle operation; and, coordination between Gunnison Nordic and the Ranch Lessee.

### • **Education Programs**

- **Opportunities** include outdoor education and recreation for the public schools and college; collaboration with the college on research and monitoring; interpretive signs along the trail and integration with library interpretive functions; and 4-H programming.
- **Constraints** include funding and management of future facilities, security, and liability issues.

### • **Recreational Uses**

- **Opportunities** include passive recreational uses such as non-motorized trails, river access as well as some higher impact uses such as a dog park.
- **Constraints** include impacts on the habitat in the riparian zone and wetlands; restricted access during certain times of the year; appropriate locations for restrooms and parking.

# Module II

Module II focused on further analysis of the Module I data to develop an existing conditions model of the site and an ultimate recommendation on a preferred alternative.

## Consensus Was Reached

- a public charrette was held to develop conceptual land use alternatives
- three alternative models were presented at public workshops
- adjustments to the alternative models was made based on public input
- a focus group workshop was held and the three concept plans and results of the public workshop were summarized
- focus group recommendation on the preferred alternative was presented

# Options for Permanent Facility Locations Were Identified

The Focus Group determined that there were two viable locations for the permanent facilities (Site 1 and Site 2).



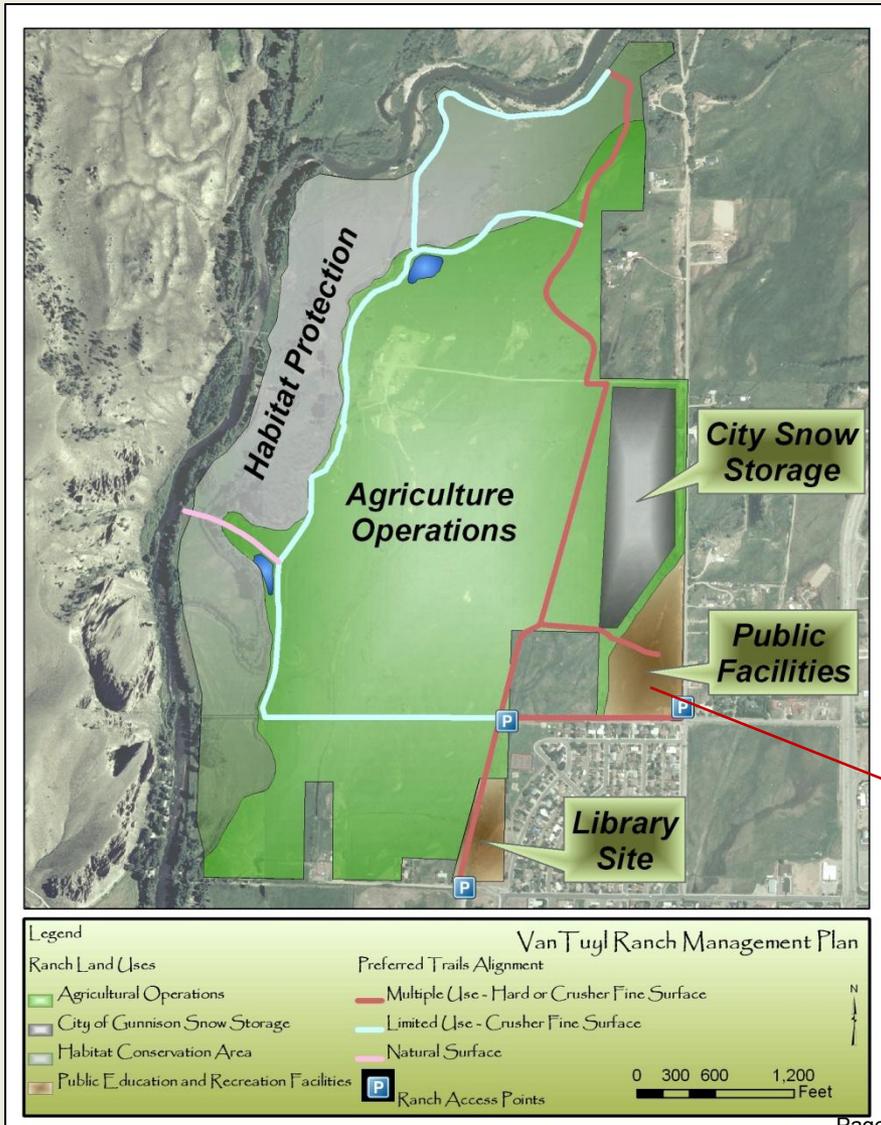
## Legend

-  Agricultural Operations
-  Possible Public Facility Locations
-  Ranch Boundary

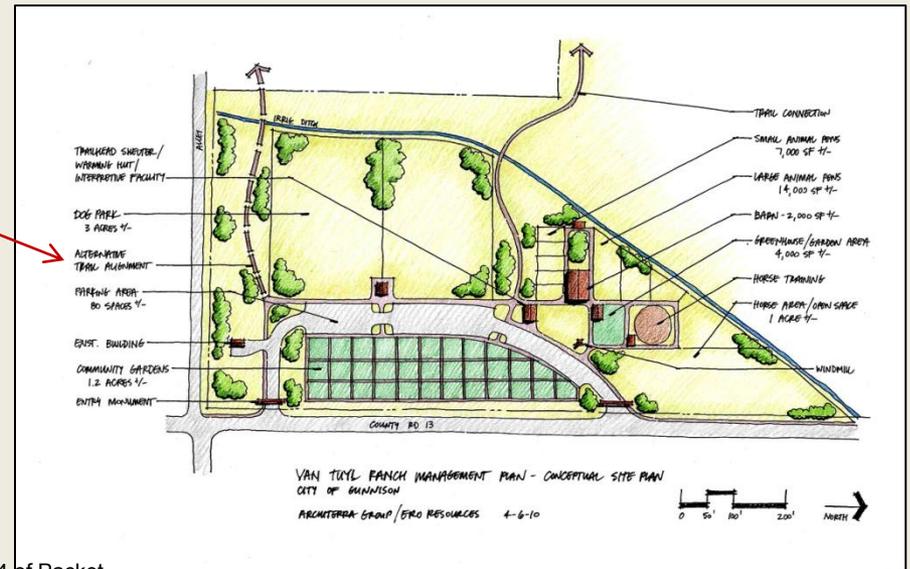
## Van Tuyl Ranch Management Plan



# A Preferred Alternative Was Developed



The original consensus of the Focus Group was to locate the public facilities adjacent to the schools and Library site (Site 2), however the cost of extending utilities and the City staff's recommendation that snow storage be located near County Road 13 lead to a series of public meetings, a joint meeting with City Council and the Planning and Zoning Commission, and the eventual recommendation indicated on this map.



# Module III

Once the land use plan was determined, work turned to developing recommendations for management of the resources and facilities.

The draft *VanTuyl Ranch Management Plan* was prepared which addressed:

- ground water protection and management
- habitat conservation management
- agricultural operation management
- water rights management
- land use master plan
- recreation master plan
- utilities and transportation needs
- public safety and enforcement
- administrative management

# Module IV

Module IV focused on making final amendments to the Draft Plan

- Revisions of the draft *Management Plan*
- Resulting in a *Preliminary VanTuyl Ranch Management Plan*
- Assessment of the *Preliminary Plan* by the Focus Group and policy makers
- Final *VanTuyl Ranch Management Plan* presented for consideration of adoption by the Planning Commission and City Council

The draft Management Plan contained the following prioritized management objectives to be considered when management conflicts arise:

- Manage water quality and quantity and put water rights to beneficial use.
- Conserve and enhance riparian habitat
- Maintain productive hay meadows and functional irrigation systems
- Provide opportunities for passive recreation
- Permit managed livestock grazing on the Ranch

A photograph of a dirt road winding through a wooded area. The road is light-colored and leads into the distance. On the left side, there is a fence and some trees. On the right side, there is a grassy area and more trees. Overhead, there are several power lines. The overall scene is a rural or semi-rural landscape.

## Just the Beginning...

The *Management Plan* outlines implementation strategies that include monitoring and assessment that will be on-going to ensure that environmental resources aren't being negatively impacted by human use of the property. The City must be in a position to implement the strategies and manage the resources and facilities.

# Step 2: Annexation

Annexation of the Ranch will give the City complete authority over the Ranch.

- **Prior to annexation:**

- The Gunnison Police Department (GPD) can only represent the City in a civil capacity
- The GPD will manage and investigate criminal acts on the Ranch under the auspices of the Gunnison Sheriff's Office
- Neighborhood Services will enforce rules as outlined in the Management Plan

- **After annexation** all *Municipal Codes* and rules established for the property will be enforced by the City.

# Components of the Annexation Petition

## Land Use Master Plan

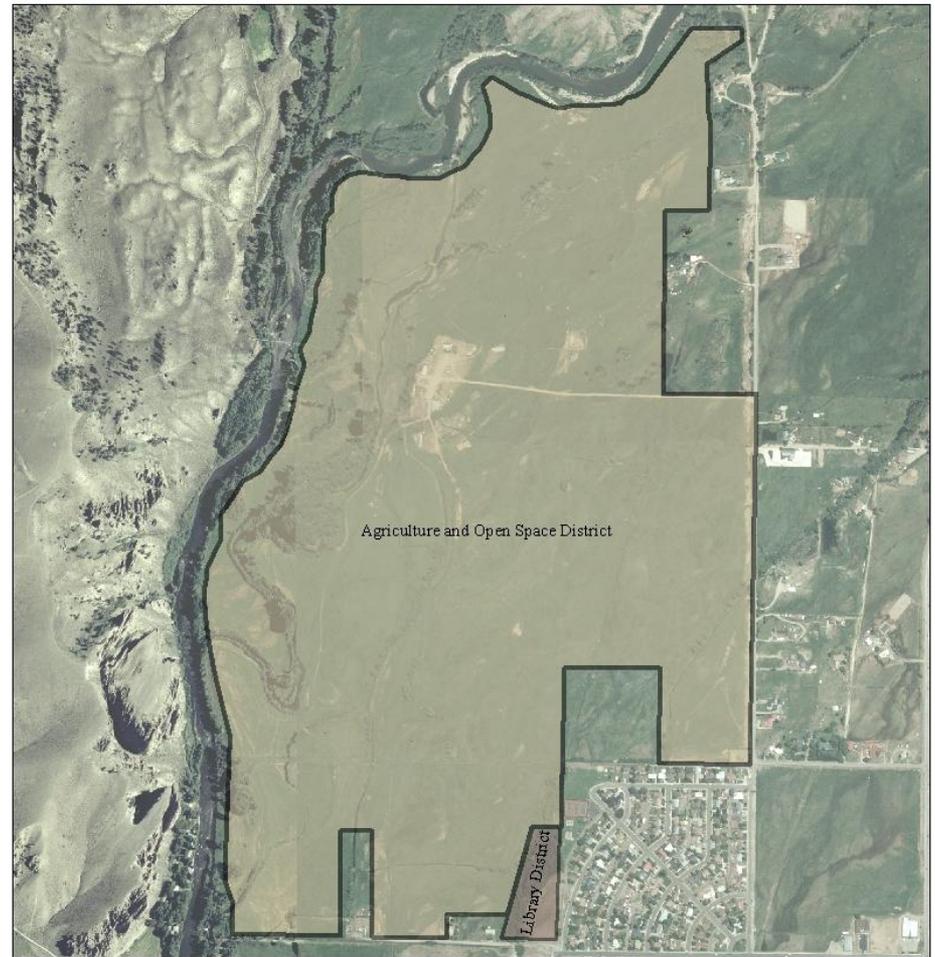
The *VanTuyl Ranch Management Plan* addresses most components required for the Land Use Master Plan:

- Environment and Resources
  - Environmental Suitability Analysis
  - Resource Management Objectives and Actions
    - ❖ Erosion Control and Stormwater Management
    - ❖ Water Resource Management
    - ❖ Water Quality Management
    - ❖ Habitat Management
    - ❖ Agricultural Operation Management
    - ❖ Pest Management
    - ❖ Recreation Management
    - ❖ Administrative Management
- Planning Parameters
  - Surrounding Land Uses
  - Proposed Land Use Plan

# Zoning and Development Standards

A PUD will be utilized for managing future development within the annexation territory. Two districts will be established by this PUD.

- The PUD Library district
- The PUD Agriculture and Open Space district



# PUD Library District

The purpose of the PUD Library district will be to facilitate the development and operation of a community library facility and the accessory uses associated with this type of facility. The primary library building will be approximately 18,000 square feet with a clear story design.



Conceptual model of the Library

Adjacency of the Library to the Community Schools and the VanTuyl Ranch will provide opportunities to integrate educational interpretive centers into the trails system.



## PUD Agriculture and Open Space District

The purpose of the PUD Agriculture and Open Space District is to ensure that sustainable management practices will be utilized to protect the existing habitat and water quality and quantity that presently exist on the Ranch.

# General Development Standards

The following general development standards are proposed for all PUD districts:

- City of Gunnison Building Permits will be required
- Mandatory Site Improvement Envelopes
  - 15 feet from street
  - 25 feet from residential areas
- Wetland Setbacks
  - 100 feet
- Parking Space Allocation
  - 1 space per 300 square feet of floor area
- Landscaping and Site Improvement Envelopes
  - Maximum 30 foot transition envelope to provide gradual change to the natural landscape
- Site Development Improvement Envelope Adjustments – may be adjusted as a Minor Change.

## PUD Library District Standards – 5.32 acres

The PUD Library District Standards will specify the following:

- Primary Uses
- Accessory Uses
- Dimensional Standards
- Site Improvement and Natural Area Envelope
- Landscaping Criteria

# PUD Agriculture and Open Space District Standards – 390.62 acres

The PUD Agriculture and Open Space District Standards will specify the following:

- Permitted Facilities and Uses
- Dimensional Standards
- Residential Dwellings
- Building Coverage Ratio and Impervious Area Ratio
- Site Improvement Envelope

# Utilities Assessment

The major future utility function on the Ranch will be the development of municipal water wells and a delivery system to supply increased demands. The other major consideration will be the maintenance of overhead electrical lines owned by WAPA and GCEA.

- Water Infrastructure Assessment
  - Future Well Field Development
  - Future Annexation Water Services
- Domestic Wastewater Infrastructure Assessment
- Electrical Distribution and Easements
  - Status of Electrical Overhead Easements
- Private Utility Service Extensions
- Irrigation

# Traffic Impact Analysis

A Traffic Impact Study done by Fox Higgins Transportation Group in 2008 addressed the future uses of the Ranch, Library Site, and existing traffic volumes. The report concluded that future uses should not have a significant impact on traffic in the area.

The construction of the Library Site will allow for geometric alignment improvements at the Spencer Avenue / 11<sup>th</sup> Street / Quartz Street intersection.



# Additional Outcomes of the Annexation Process

## Rectify Easements with the Gunnison County Electric Association (GCEA)

Easements on the Ranch, dating back to the 1930's, were granted to the Gunnison County Electric Association but were not recorded until October 2001. The City Attorney reviewed these easements and determined that, while the existing GCEA power lines are recognized as prescriptive rights, the easements have no other legal domain.

## Define Service Territory Agreements With GCEA

While the process of establishing new easements will not have direct bearing on the annexation process, the annexation will impact the respective service territories for the City and GCEA.

## Preparation of an Annexation Impact Report for the County

CRS 31-12-108.5 requires that an Annexation Impact Report (AIR) be prepared and filed with the County Commissioners. The City has asked for a waiver, but the County has chosen to exercise its authority to request the AIR. The AIR will address:

- Present and proposed municipal boundaries
- Streets and utility extensions
- Existing and proposed land use patterns
- Municipal services summary statement
- Municipal services financing statement
- Existing taxing districts affected by annexation
- RE1-J School District projected enrollment trends and capital construction costs

# Easements with the Colorado Division of Parks and Wildlife for Trails are in the process of being fulfilled

