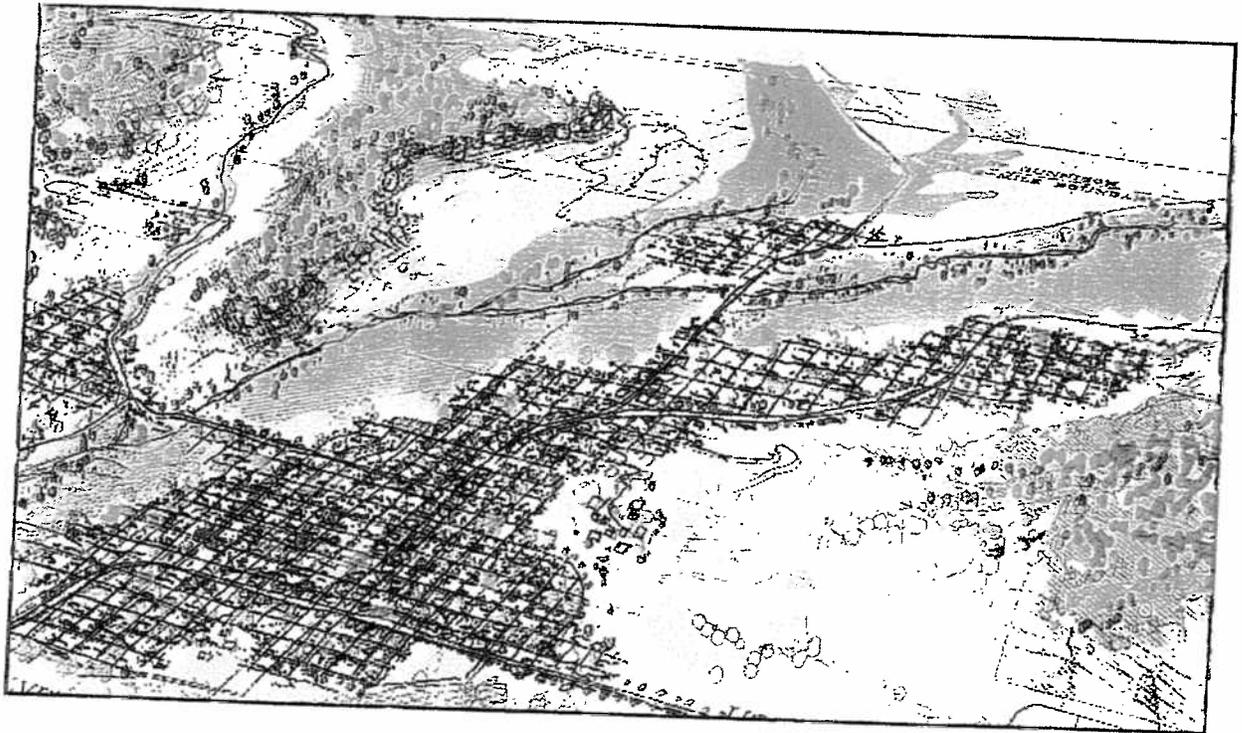


# THREE MILE PLAN AND URBAN GROWTH BOUNDARY CITY OF GUNNISON, COLORADO



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# TABLE OF CONTENTS

	PAGE
<b>I. INTRODUCTION</b> .....	<b>1</b>
A. Purpose of Three Mile Plan .....	1
B. Summary of Planning Process .....	5
C. Relationship of This Plan to Other Adopted City Plans .....	7
<b>II. EXISTING CONDITIONS AND FUTURE DEVELOPMENT POTENTIAL</b> ...	<b>9</b>
A. Growth Trends and Projections .....	9
B. Existing Development Patterns .....	14
C. Environmental Features .....	18
D. Summary of Issues and Opportunities .....	24
<b>III. GOALS AND OBJECTIVES</b> .....	<b>27</b>
Goal 1. Promote a Compact, Efficient Development Pattern .....	27
Goal 2. Preserve Sensitive Environmental Features and Agricultural Lands ...	28
Goal 3. Maintain and Enhance Water Quality and Water Quantity .....	28
Goal 4. Make Capital Investments That Support Urban Growth Boundary ...	29
Goal 5. Improve Coordination With Gunnison County .....	29
<b>IV. THREE MILE PLAN AND URBAN GROWTH BOUNDARY</b> .....	<b>31</b>
A. Overview of Plan Map and Land Use Categories .....	31
B. Description of Preferred Land Use Alternative .....	34
C. Recommended Plan Implementation Actions .....	36

## APPENDICES

- #1 Isometric Drawings of Potential Growth Patterns
- #2 Gunnison Three Mile Plan Alternatives
- #3 Model Intergovernmental Agreement

## CHAPTER 1 INTRODUCTION

### A. Purpose of Three Mile Plan

The City of Gunnison has been actively involved in community planning throughout the 1980's and 1990's. In the master plans the City adopted during this period, the City planned not only for the lands within the City limits, but also for an area beyond these limits. In the 1980 Master Plan, this area was referred to as the "Urban Service Area". In the 1986 Master Plan, this area was referred to as the "Urban Influence Area", while in the 1994 Master Plan, this area was referred to as the "Urban Growth Area and Boundary". The approximate extent of each of these three planning areas, as compared to the area currently included within the City limits is shown on the map entitled "Planning Area Boundaries". Also shown is the area that lies within three miles of the current City limits, which constitutes the planning area for this Three Mile Plan.

Authority for the City to plan outside of its territorial limits is provided by the Colorado statutes, including provisions of the annexation and subdivision laws. C.R.S. 31-12-105 (e) states that no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction in a single year. It also states that:

"Prior to completion of any annexation within the three mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually."

While the Statutes clearly provide the authority for the City to plan beyond its territorial limits, they do not explain why the City has chosen to do so. In the more than 15 years since the City first began planning for the area beyond its City limits, annexation does not appear to have been the City's primary motivating force. In fact, in 1980 the City's incorporated area consisted of approximately 1,430 acres. By 1986, this area had grown by only 40 acres, to 1,470 acres. Today, following the recent annexation of land for the new school buildings, Gunnison's incorporated area comprises approximately 1,510 acres.

If annexation has not been a primary motivation for the City in the past, then why is it important for the City to undertake this planning effort today? While the City has not annexed large areas in the past 15 years, it has felt the effects of the growth that has occurred on unincorporated lands surrounding the City. These areas are continuing to experience growth pressures and can be expected to continue to develop in the future.

It is important that the City plan for these lands on its periphery to ensure that the density and configuration in which these lands develop do not preclude the possibility of annexation. This is particularly important in Gunnison County, since the County has not adopted a master plan for lands in the unincorporated area, but instead looks to its municipalities for guidance as to the appropriate form of development on their doorsteps. The County also requires developers to comply with a very different set of development standards than does the City, and the cost of upgrading facilities in these areas to City standards may prevent such areas from becoming part of the urban fabric.

The need for the City to plan in this area has become even more important in recent years, because the County now provides water and/or sewer service to residents in certain areas beyond the City limits. When residents do not have to turn to a City government for these basic services, they may lose interest in becoming part of the City, even though they may use other City facilities (such as roads, parks, etc.) on a frequent basis and may participate in many community social activities.

The City also recognizes that the physical form of the Gunnison area is being established by development outside of its jurisdiction. While the City has adopted policies to encourage infill development, this can be difficult to achieve when the larger lots many buyers seek are in the County and when certain County development standards are less expensive for the developer to comply with than are City development standards. If the City wants to influence where development will occur and to help to determine the type of development that occurs in such critical areas as its highway entrance corridors, and the area that drains into its municipal water supply, then planning for the surrounding area needs to occur.

It is for these reasons that the City has chosen to prepare this Three Mile Plan. The Three Mile Plan is an implementation action recommended by the 1994 Master Plan, and is also a way of extending and clarifying the recommendations of the 1994 Plan to address the larger Gunnison Area.

Another purpose of this planning effort is to establish an appropriate urban growth boundary for the City. As is further described in the text box on the following page, the purpose of an urban growth boundary is to identify where the City anticipates lands will become urbanized, including areas where urban services can logically be provided and where urban densities and uses are appropriate. The City intends to refine the urban growth boundary identified in the 1994 Master Plan, to better reflect the growth and service determinations it is making for the three mile area.

## URBAN GROWTH AREAS

An *urban growth area* has been defined as "An area in which urban growth is encouraged and outside of which growth can occur only if it is not urban in nature." The urban growth area is identified by a mapped boundary, separating land that is urban, or is planned to become urban over a specified time period, from that which is to remain rural. This technique has gained increasing acceptance in recent years as communities in Colorado and other states try to contain urban sprawl and manage the area within which they provide urban services.

Some communities identify two distinct portions of the urban growth area. The core is identified as the *urban service area*. This is the area in which urban services are planned to be provided and outside of which such services will not be extended. The remaining area is the *urban reserve*, which is outside of the urban service area but within the urban growth boundary. The urban reserve is an area that is expected to receive urban services, but will not do so until beyond the time frame associated with the urban service area.

The urban growth boundary should be drawn considering two factors. One factor is need - how much land needs to become urbanized to accommodate the forecasted population growth over a specified time period? The second factor is location - where can services logically and cost-effectively be extended and where are the lands that should remain rural because they are productive agricultural lands, valued open space or sensitive environmental areas?

Lands are typically included within the urban growth boundary considering the density of existing development and the presence or absence of specified urban services, such as central water supply and sewage collection systems and an urban road network. For an urban growth boundary to be effective: (1) services (especially sewer) should not extend beyond the boundary; (2) incentives should be provided to encourage infill on vacant land within the boundary; and (3) there should be a formal agreement between the city and county regarding land use and service extensions.

### Pros:

- Urban growth boundaries can promote a compact urban form and maintain the unique identity of the urban area, avoiding a sprawling suburban pattern.
- Growth boundaries make growth more predictable for service providers, make more efficient use of existing services and prevent costly over-extension of public services.
- Growth boundaries influence growth patterns without imposing restrictive or controversial regulatory burdens.

### Cons:

- Urban growth areas provide no guidance as to development patterns within the growth boundary, nor do they address issues of development quality.
- Delineation of an urban growth boundary to manage growth can be undermined if the surrounding jurisdiction(s) allow urban-type development outside of the line.
- If the land area within the urban growth boundary is too limited, land prices may escalate; if the area is too large, it will not lead to a compact, efficient urban form.

## **B. Summary of Planning Process**

The City has followed an orderly process and has incorporated the input of many area residents in preparing this plan. Figure 1 provides a simple diagram of the steps in the planning process, which can be described as follows:

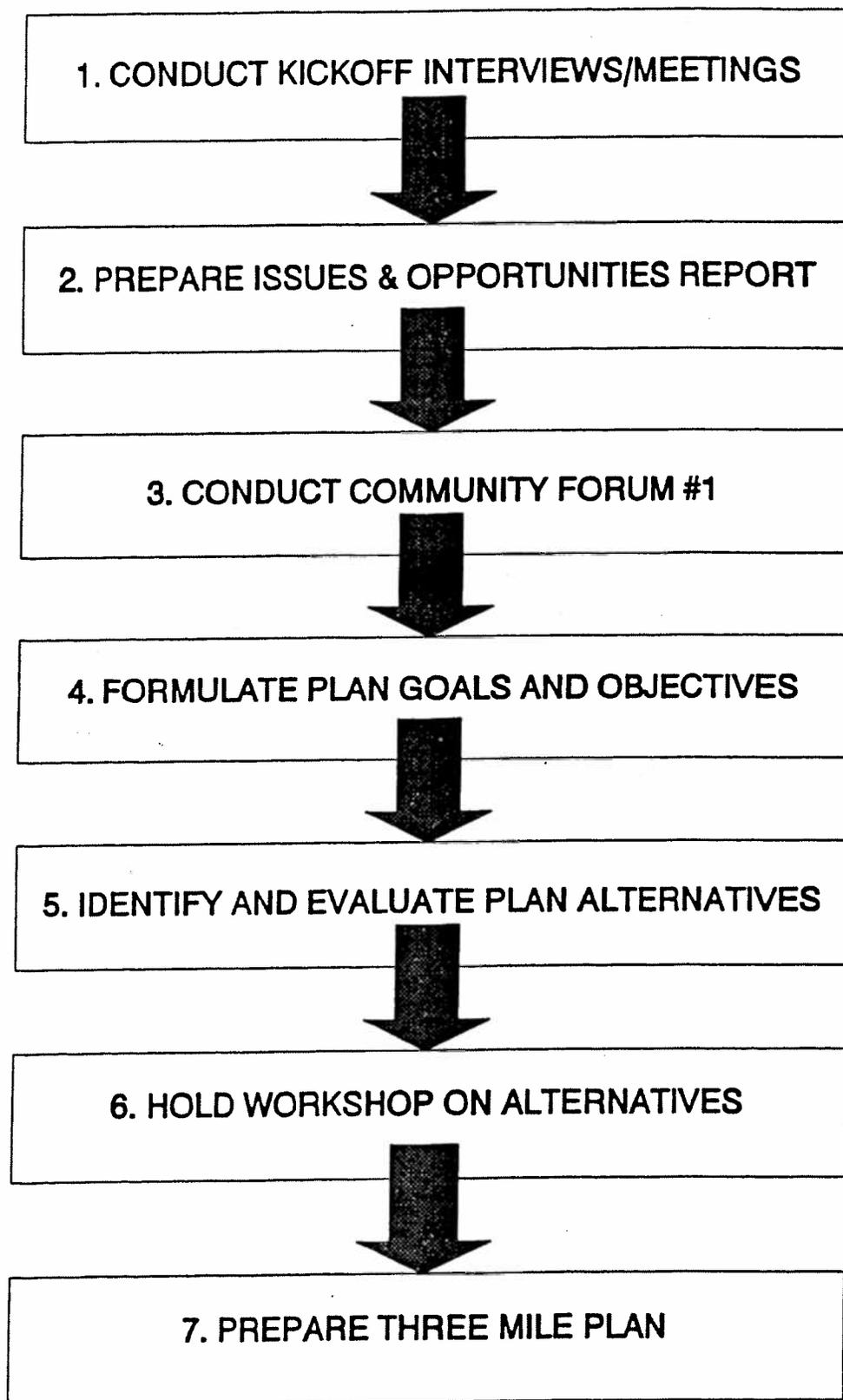
**Step 1, Conduct Kickoff Interviews/Meetings**, was conducted in April and May of 1996, shortly after the City selected a team of consultants to assist the City with the plan. Interviews were held over a three day period with local elected/appointed officials, staff, business persons, large landowners, special interest groups and others interested in the planning process. A meeting was also held with the City of Gunnison Planning Commission, which was appointed as the task force for the project. The interviews and meetings helped to identify some of the fundamental themes that would drive the planning process and to identify data that was available or that should be obtained in order to prepare the Plan.

**Step 2, Prepare Issues and Opportunities Report**, was accomplished during the second half of 1996 and the first quarter of 1997. The purpose of the Report was to provide a comprehensive summary of existing conditions in the Gunnison area and to analyze those factors that would have an important influence on future development in and around Gunnison. The Report provided an analysis of historic rates of growth and likely future development potential in the planning area. A series of map overlays were also prepared to depict existing land use patterns and environmental features in the area. The Report concluded by identifying three major opportunities that the Three Mile Plan should address, and the issues that would challenge or limit the achievement of these opportunities. The issues and opportunities are summarized in Chapter 2 of this Plan.

**Step 3, Conduct Community Forum**, took place on March 20, 1997. The preliminary findings of the Issues and Opportunities Report were presented to the City Planning and Zoning Commission and to members of the public in an informal setting. During the Community Forum, attendees also reviewed a series of isometric drawings that illustrated potential growth patterns the community could experience in the future. Comments were solicited as a basis for beginning to identify the land use alternative that would be considered during the next step of the planning process. The drawings that were presented at the Community Forum are reproduced in Appendix #1 of this Plan. Following the Community Forum, the City and County Planning and Zoning Commissions met jointly to review and comment on the Report. A final version of the Report was then completed in May, 1997.

**Step 4, Formulate Goals and Objectives**, was accomplished during April and May of 1997. An initial draft of proposed goals and objectives was prepared, considering the comments received at the Community Forum. This draft was presented to the Planning Commission on April 30, and was revised based on comments received. Additional revisions were later made to the goals and objectives, based on comments made during the Planning Commission's review of plan alternatives.

# PLANNING PROCESS FOR THREE MILE PLAN



**Step 5, Identify and Evaluate Plan Alternatives**, was accomplished from May through July of 1997. Three alternatives for the planning area were initially identified by the consultant team and were forwarded to the Planning Commission in text form. The alternatives were refined by the staff and the Planning Commission and returned to the consultants so they could be more fully described and evaluated. The three alternatives that emerged from this effort were as follows:

*Alternative 1, Leaps Beyond (Current Trends and Practices);*

*Alternative 2, Contiguous Growth (Expanding Urban Core); and*

*Alternative 3, Keep it Separate (Outlying Growth Centers).*

The alternatives were described using text, tables and maps. As part of the text, the policies that would need to be considered to realize the alternative were also identified. Maps depicting the three alternatives are included as Appendix #2 of this Plan.

An initial evaluation of the alternatives was also completed. The alternatives were evaluated considering the degree to which each would allow the community to achieve the draft goals and objectives for the planning area. According to this evaluation, alternative 2 came the closest to achieving these goals, while alternative 1 was least consistent with these goals.

**Step 6, Hold Workshop on Alternatives**, was accomplished during a Planning Commission meeting held on August 7, 1997. The Planning Commission reviewed the three alternatives and determined that none of the alternatives fully expressed their vision for the planning area. Instead, the Planning Commission selected elements of each of the alternatives and combined them into *the preferred alternative, "Compact Growth (Urban Infill and Expansion)"*. The preferred alternative is more fully described in the final section of this Plan.

**Step 7, Prepare Three Mile Plan**, was accomplished during the remainder of 1997. It included the work necessary to prepare this Plan document, its presentation to the Planning Commission on October 15, and adoption of the Plan by the Commission on March 25, 1998.

### **C. Relationship of This Plan to Other Adopted City Plans**

The Gunnison Area Three Mile Plan and Urban Growth Boundary is the officially adopted public document that establishes a vision for the future development of the Gunnison area, as envisioned by the City of Gunnison. The Plan provides a statement of how City residents hope the area will develop and identifies the means by which the City and County, working together with landowners in the area, can achieve that vision. The Plan will be used by the City when considering requests by landowners to annex their property to the City. It will also be used by the City as a basis for providing referral comments to the County regarding proposed development within the three mile area.

The Gunnison Area Three Mile Plan and Urban Growth Boundary updates and replaces the 1994

The Gunnison Area Three Mile Plan and Urban Growth Boundary updates and replaces the 1994 City of Gunnison Master Plan with respect to lands outside of the City limits. Specifically, it is intended to replace the following maps or sections of the 1994 Master Plan:

1. It replaces Section XV. of the 1994 Master Plan, "Urban Growth Boundary".
2. It replaces Map 5 of the 1994 Plan, "Urban Growth Area and Boundary".
3. It replaces Map 6 of the 1994 Master Plan, "Future Land Use Map", solely with regard to the map designations for lands outside of the City limits. The 1994 Future Land Use Map remains in effect with regard to lands within the City limits.

The Three Mile Plan is intended to complement (not to supersede) other plans that have been prepared by the City to address specific topics or government functions. These "functional plans", include, but are not limited to the 1996 Parks, Recreation and Open Space Master Plan and similar plans. It is the City's intention that the Three Mile Plan provides guidance to the formulation of functional plans for the area surrounding Gunnison, including, but not limited to, the ongoing work on a new "201 Facilities Plan" for the wastewater collection and treatment system, the ongoing County Trails Plan, and the anticipated future work to formulate a Major Streets Plan for the Gunnison area.

## CHAPTER 2

### EXISTING CONDITIONS AND FUTURE DEVELOPMENT POTENTIAL

An understanding of those factors that will influence the future development of the Gunnison Area is a critical element in formulating this Plan. First, historic trends and current conditions concerning population, dwelling units and development patterns are defined. Then, by analyzing these trends and understanding how much land is suitable for development, a projection of future growth can be made. The projected growth can then be allocated to appropriate locations within the area where adequate public facilities can be installed and where the City's goals and objectives for the Three Mile Area can be achieved.

#### A. Growth Trends and Projections

The 1990 Census determined that the City of Gunnison's population was 4,636 persons. This compares to the 1980 Census, which found that the City's population was 5,785 persons. If these numbers were correct, then the City experienced a very substantial decrease of about 20% of its population from 1980 to 1990. However, an analysis conducted as part of the 1994 City of Gunnison Master Plan concluded that the 1990 Census population count for the City was not accurate.

The City found that because of the time of year the Census is conducted, many students at Western State College and many seasonal workers were not properly counted as residents. The City recognized that while there may have been some loss of population in Gunnison due to the closing of the Homestake and Mt. Emmons mines, there was also population growth in the area, particularly due to increasing activity in the tourism and recreation sectors of the economy. Therefore, the City prepared its own population estimate. The City determined that the population in 1990, including students enrolled at Western State College, was approximately 6,380 persons.

For purposes of this Three Mile Plan, the City is re-affirming the population estimate contained in the 1994 Master Plan. The City has also re-examined the future population projections contained in the 1994 Master Plan. The projections in the 1994 Plan considered a range of possible futures, from low growth (1% per year) to moderate growth (2.5% per year) to high growth (5% per year). The results of these projections were as follows:

- The low growth rate would increase the City's population to approximately 7,800 persons by the year 2010.
- The moderate growth rate would increase the City's population to approximately 10,500 persons by the year 2010.
- The high growth rate would increase the City's population to approximately 16,900 persons by the year 2010.

The population projections in the 1994 Master Plan assumed that lands would be annexed to accommodate these levels of growth, as there is not sufficient vacant land within the City limits to achieve the higher growth rate projection. In order to determine which of these projections appears to be the most likely to occur at this time, an analysis was performed of historic dwelling unit growth rates within the City and the surrounding three mile area from 1990 to 1996. Table 1 and Figure 2 provide a summary of the results of this analysis.

The table and figure illustrate that there have been two distinct population growth periods during the 1990's in the Gunnison area. The first two years of the decade were very slow growth years, which actually were a continuation of similarly slow growth years toward the end of the 1980's. However, beginning in 1992, growth in both the City and County picked up considerably, and has been quite substantial during the last five years. In fact, growth within the City averaged 38 new dwelling units per year from 1992 through 1996, while growth in the unincorporated three mile area averaged 29 units per year during this period.

Data contained in the 1994 Master Plan indicates that the City's dwelling unit inventory consisted of approximately 1,850 dwelling units in 1992. Therefore, the recent annual average growth of 38 units per year has increased that inventory by about 2% per year.

Data provided by the County indicates that the current dwelling unit inventory within subdivisions in the Three Mile Area consists of approximately 850 dwelling units. Therefore, the recent annual average growth of 29 units per year has been increasing that inventory by more than 3% per year.

This analysis would indicate that if recent growth trends continue, the Gunnison Area will growth along the lines anticipated by the moderate growth rate projection.

A projection was made of the 2010 peak population that would reside in the Gunnison Area, assuming all units are occupied. This was done by first determining the average number of persons that now occupy each dwelling unit in the area. This factor was multiplied by the number of dwelling units that currently exist and are projected to be built in the area by the year 2010. It is important to recognize that this projection accounts for both permanent and seasonal residents, since it counts all dwelling units that will be built in the three mile area. Table 2 shows the results of these calculations, which can be further described as follows:

- Average household size in the City in 1992 was approximately 3.45 persons (6,410 persons occupied approximately 1,850 units).
- From 1992 to 1996, an annual average of 38 new units were built within the City. Assuming the average household size did not change during this period and assuming these units are occupied, then this growth added approximately 655 persons, increasing the City's population from 6,410 persons to 7,065 persons and increasing the dwelling unit inventory to 2,040 units.

**TABLE 1  
DWELLING UNIT GROWTH WITHIN THE THREE MILE AREA  
1990 - 1996**

	1990	1991	1992	1993	1994	1995	1996	Total	Annual Average	
									1990-1996	1992-1996
<b>City of Gunnison</b>										
Single-Family Dwelling Units	5	4	15	12	9	14	17	76	11.0	13.5
Multi-Family Dwelling Units	0	0	26	24	31	28	14	123	17.5	24.5
Total New Dwelling Units	5	4	41	36	40	42	31	199	28.5	38.0
<b>Unincorporated Gunnison County (Three Mile Area Only)</b>										
Total New Dwelling Units <sup>1</sup>	5	9	18	32	36	21	37	158	22.5	29.0

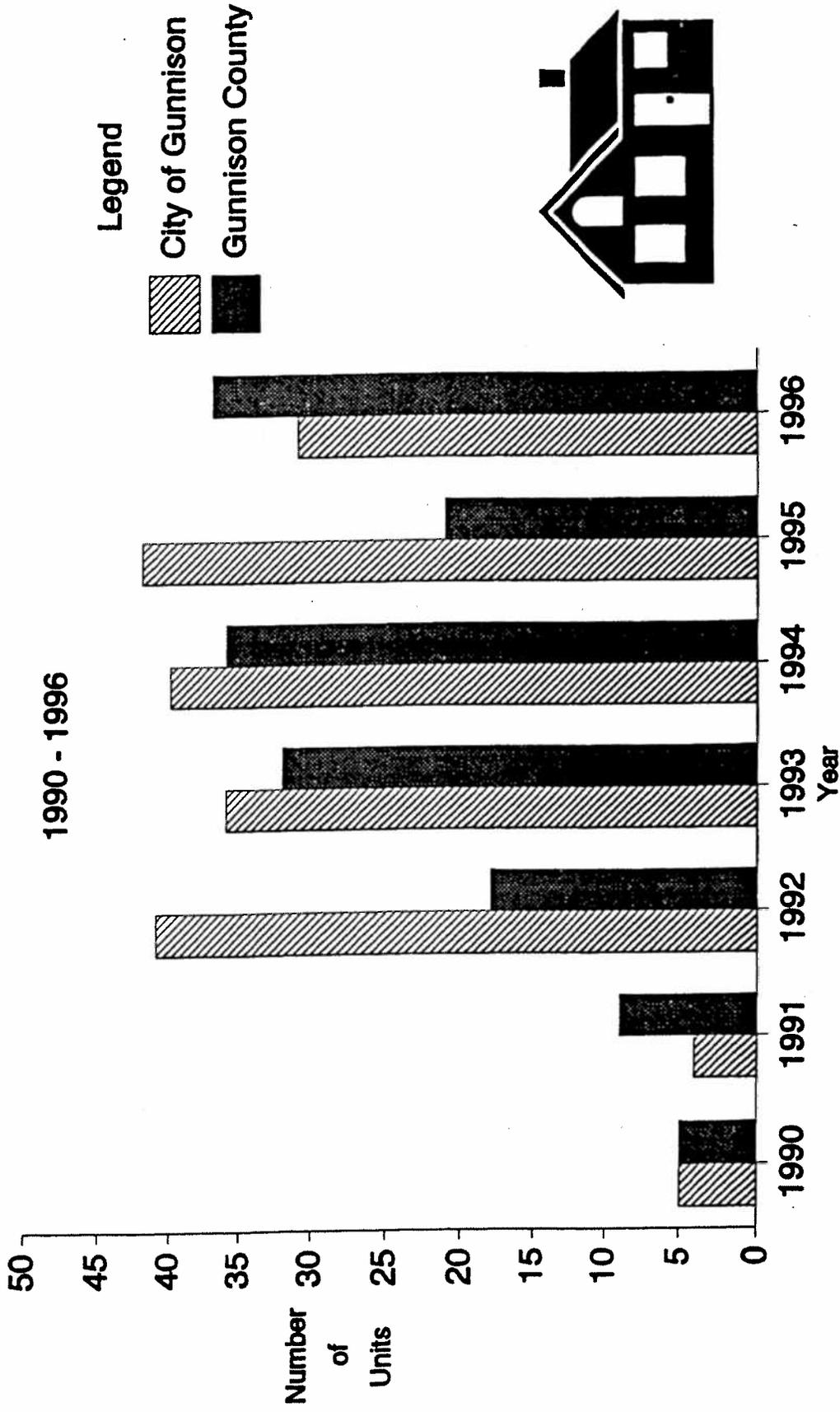
**Notes:**

1. During the period of 1990-1996, there were also 34 additional dwellings built within all of unincorporated Gunnison County that were not located within subdivisions. Data was not available on how many of these units are located within and how many are located outside of the Three Mile Plan area.

**Source:** Alan Richman Planning Services, based on data provided by City of Gunnison and Gunnison County.

FIGURE 2

# Dwelling Unit Growth in the Three Mile Area



Source: Alan Richman Planning Services, based on data provided by the City and County.

- If growth continues at this same rate over the next 14 years, then the City's population would increase by another 1,830 persons, to approximately 8,895 persons. The dwelling unit inventory would consist of approximately 2,570 units at that time.
- If there are approximately 850 units in the unincorporated three mile area today and the average household size is the same as within the City, then the population of the unincorporated area is currently approximately 2,930 persons.
- If growth continues in this area at the recent historic rate of 29 units per year over the next 14 years, then the population of the unincorporated area is projected to increase by approximately 100 persons per year, to approximately 4,330 persons. The dwelling unit inventory would consist of approximately 1,255 units at that time.
- If current trends continue, the Three Mile Area is projected to contain approximately 3,825 dwelling units and 13,225 persons by the year 2010. This means that from 1996 to 2010, the population of the area would have grown by 3,230 persons and that 935 additional units would have been built.

<b>TABLE 2 2010 GROWTH PROJECTION</b>		
	<b>Dwelling Units</b>	<b>Population</b>
<b>City of Gunnison</b>		
<b>1992</b>	1,850	6,410
<b>1996</b>	+190	+655
<b>2010</b>	+530	+1,830
<b>Total as of 2010</b>	2,570	8,895
<b>Unincorporated Lands Within Three Mile Area</b>		
<b>1996</b>	850	2,930
<b>2010</b>	+405	+1,400
<b>Total as of 2010</b>	1,255	4,330
<b>Total For Three Mile Area</b>	3,825	13,225
<b>Note: If annexation occurs, the City's population will be higher than shown, and the County's will be correspondingly lower, but the total should remain the same.</b>		

Information prepared by the City and County demonstrates that the existing inventory of subdivided vacant lots in the Gunnison Area is large enough to accommodate this growth projection. This information can be summarized as follows:

- \* In recent years, the City has approved three new developments (Gunnison Center PUD, Sunspot and Van Tuyl Subdivision) that together have been approved for a buildout of more than 750 units.
- \* A recent analysis of the County Assessor's records found that there are approximately 150 vacant, subdivided lots scattered throughout the City. Areas that each contain at least 10 vacant subdivided lots include the Original Gunnison Townsite, Gill's Addition, Meadows Subdivision, Rio Grande Addition and West Gunnison.
- \* The County reports that 853 of the 1,163 subdivided lots in the unincorporated parts of the Three Mile Area are currently developed. This means there are still 310 lots in the unincorporated area that can be developed, and most of these are located in subdivisions that have been actively developing in recent years. There are another 15-20 vacant parcels within subdivisions in the Three Mile Area containing lots in excess of 35 acres (which are exempt from County review pursuant to State statutes).
- \* The total number of vacant lots (subdivided and 35 acre) in the unincorporated portion of the Three Mile Area has been declining during the 1990's, from about 425 vacant lots in 1990 to about 325 such lots today. This means that development of such lots has been occurring more rapidly than has subdivision activity, although the number remaining still represents many years of development at current growth rates.

It can be seen, therefore, that the City and County have previously approved subdivisions and PUD's that could add considerably in excess of 1,000 units to the current inventory. This compares to a projected demand by the year 2010 for only 935 units, assuming that the relatively rapid growth rate of the last 5 years carries forward for the next 14 years. If growth should slow back to the rates of the 1980's, then the subdivided vacant lots could accommodate the area's growth for an even longer time period.

## **B. Existing Development Patterns**

The Existing Conditions Map depicts the existing development patterns in the Gunnison Area. The land use information for the unincorporated area is based on a "windshield survey" conducted in December, 1996. It depicts generalized land use patterns and does not necessarily show each individual use throughout the area. Because it is a windshield survey, individual land uses are not necessarily drawn to scale.

**1. Public/Private Lands.** The Planning Area contains approximately 47,300 acres of land; approximately 25,500 acres (54%) are public lands and 21,800 acres (46%) are private lands.

In comparison, approximately 85% of all of the lands within Gunnison County are public lands. This means that a much greater percentage of the lands in the Three Mile Plan area is in private hands than is the case Countywide.

**2. Developed and Vacant Lands.** Development within the City limits consists of commercial uses within the downtown area and along the major highway entrances to the City, industrial uses near the airport, the College in the City's northeast quadrant, with the remainder of the City being single family, duplex and multi-family residential. The City core is laid out in a grid pattern, with small platted lots and streets and sidewalks that are conducive to pedestrian activities. An extensive ditch irrigation system runs along many of the City's streets and supports the trees and planted yards that characterize the City's residential neighborhoods. Development at the edge of the City has taken on more of a suburban, auto-oriented character, particularly the commercial areas along the City's highway entries.

Commercial activity within the City has grown considerably in recent years. Retail sales within the City more than doubled in the last decade, having grown from approximately \$62.8 million in 1987 to \$127.2 in 1995. From 1990 to 1995, City sales tax revenues collected grew by almost 60%, from \$1.45 million to almost \$2.3 million. Growth has been especially pronounced in the tourist-serving sectors (lodging, restaurants and specialty shops).

Employment data provided by the Colorado Division of Labor shows the Gunnison area remains the commercial center of Gunnison County. In 1995, the Gunnison area had 366 firms operating, employing 3,430 persons. This represented approximately half of all of the firms doing business in the County and half of all of the persons employed in the County.

Three major institutional land uses located within the City are Western State College, the Gunnison Valley Hospital and the Gunnison County Airport. Enrollment at Western State College has stabilized in the range of 2,300 - 2,500 students (down from a former peak of 2,800 students). The College does not project enrollment to increase (although its facilities can comfortably accommodate about 2,800 students) nor does it expect employment to grow beyond the level of about 275-300 persons.

Both the College and the Hospital are planning for new buildings on their existing campuses. The College has also expressed an interest in planning a more attractive entrance road from the east, but needs the cooperation of the adjacent owner to do so. The Hospital is interested in building an assisted living facility north of the existing nursing home, on West Tomichi. The Airport runway is planned to be shifted to the east in the future.

Vacant lands within the City limits are concentrated in the following three locations:

- In the northern portion of the City, along the Highway 135 entry to Gunnison;
- In the western portion of the City, north of Highway 50 and along the River; and
- In the southern portion of the City, north of the Gunnison County Airport.

Much of the private land in the unincorporated area remains in productive agricultural use. These lands establish the dominant character of the entry ways to Gunnison. Development in the unincorporated area is focused into several distinct areas, as follows:

- The most concentrated development is found immediately to the west of the City, both immediately north of the Highway 50 (Island Acres, Zuegelder and surrounding developments) and immediately south of Highway 50 (Dos Rios). Many of the lots in these developments are relatively small (less than 1 acre) and there is some multi-family development mixed in with the single-family uses. Dos Rios and Antelope Hills are both actively developing, with about 1/4 of the single-family lots in each of these subdivisions still being vacant. There is somewhat of a strip commercial pattern along Highway 50 west of the City, although much of that commercial activity is either hotels, motels or small, local serving commercial uses, and not the intensive automobile-oriented business uses that are found within the City limits.
- A second concentrated area of development is found northwest of the City, in the Gunnison River Filings, North Elk Meadows and Ohio Meadows subdivisions. Lots in these subdivisions are somewhat more spacious and the developments are more spread out than those elsewhere in the planning area. Each of these subdivisions is currently being actively developed and contain many vacant lots still to be built out.
- To the south, there are several relatively small subdivisions in the Gold Basin Meadows/Hartman Rocks/Panoview Park area. These subdivisions contain relatively smaller lots and have a number of lots still to be developed.
- To the east, Tomichi Heights is an isolated development that contains relatively smaller lots and a highway commercial center. This area is mostly built out, although a few lots still remain to be developed.
- There are a several subdivisions immediately north of the City limits that contain relatively small lots and are approaching buildout. Beyond this area is another strip of tourist accommodations uses. Further north are the developing subdivisions adjacent to the Cranor Ski Hill that also contain relatively small lots.

**3. Water Supply and Sewage Disposal.** The City obtains its water supply from nine shallow wells constructed in an historic subsurface alluvial channel of the Gunnison River. The wells are located within the City limits, throughout the northwestern and southwestern quadrants of the City. Areas northwest of the City, including the recently purchased Van Tuyl Ranch, are critical recharge areas for this supply. It is essential that the City ensure pollutants are not introduced into this recharge area. As the 1994 Master Plan states (page 13):

"The protection of the ground water recharge area which replenishes this source of water is critically important to the future quality and quantity of the resource".

A 1995 engineering study of the City's water distribution system determined that the wells are not able to reliably meet current maximum day water demands. However, the study found that water resources in this alluvial channel are more than adequate to meet current and future needs, if additional wells or a surface plant were to be developed.

The City operates a wastewater treatment plant located off McCabe Lane, near the western edge of the planning area. The plant has the capacity to treat 4.2 million gallons of sewage per day. The plant's capacity should enable it to serve up to 18,000 persons (about 3 times its present customer base); however, significant levels of infiltration into the system during the peak irrigation season and sludge handling problems currently limit its service capacity. The City is working to resolve these problems and has also initiated a "201" study, to determine the need for and the feasibility of extending sewer service to additional areas.

The Existing Conditions Map shows the developments that are served by this plant. Most, but not all lands within the City limits are connected to the City's sewage collection system. Areas not presently served by this system include lands to the south and to the east of the Airport, lands along the eastern and western edges of the City's street grid and limited areas between New York Avenue and Rio Grande Avenue. A portion of the City is served by the West Gunnison Sanitation District, which owns and maintains the sewage collection lines, but treats its wastes at the City plant. Similarly, the Dos Rios and Antelope Hills developments outside of the City have their wastes collected by County facilities and treated at the City's plant. Dos Rios is also served by a centralized water supply system.

Several developments within the unincorporated area are served by small scale wastewater treatment systems. These include Tomichi Village, North Elk Meadows, North Valley Subdivision, Tall Texan Trailer Park and Camp Gunnison.

### **C. Environmental Features**

Two maps have been prepared depicting important environmental features in the planning area. The first map depicts those lands that are characterized as steep slopes, flood plains and lands having a high water table. The second map adds wildlife habitat area for sage grouse, mule deer and elk, which cover extensive portions of the planning area.

The dominant environmental features of the planning area are as follows:

(1) **Floodplains and Wet Soils.** According to the 1994 Master Plan (page 12):

"Gunnison occupies the combined flood plains of the Gunnison River, Tomichi Creek and Ohio Creek. The broad valley bottoms were carved by the erosion of these streams as they meandered back and forth across their flood plains. Evidence that the streams have occupied almost every part of the flood plain at one time or another is found in the stream gravels encountered in most excavations in Gunnison."

The flood plains of these three streams and the associated lands having a high water table are shown on the map. Approximately 3,265 acres (7% of the planning area) are mapped as flood plains and 8,635 acres (18% of the planning area) are wet soils.

The areas shown as flood plains are those designated by the Federal Emergency Management Agency (FEMA) for Gunnison County, while the areas having a high water table are based on an analysis of Soil Conservation Service maps completed as part of the 1996 Gunnison Parks, Recreation and Open Space Master Plan.

- (2) **Steep Slopes.** Extensive areas of steep slopes surround the City of Gunnison. To the west, the Palisades cliffs provide a backdrop to the City and separate the City from the Antelope Creek valley. To the east, Signal Peak and Tenderfoot ("W") Mountain provide important backdrops. To the south, Hartman Rocks can be seen. Steep slopes on the map are based on digital data obtained from Harrison Resource Corporation and comprise approximately 8,200 acres (17% of the planning area).

The maps illustrate that while much of the steeply sloping land is found on public lands, there is also a considerable amount of private land with slopes in excess of 30%. These areas can be found in the vicinity of Cranor Ski Hill, near Hartman Rocks, and at the base of Tenderfoot Mountain.

Steeply sloping land can constrain development in several respects. First, such lands are often associated with geologic hazards, such as unstable soils, avalanche paths, or rockfall areas. Second, development on steeply sloping lands will disturb ground cover, often causing drainage and erosion problems, with consequent impacts on water quality. Finally, development on steeply sloping lands can have significant visual impacts on the community, particularly due to the construction of roads to access building sites and due to the grading activities necessary to develop the use. This is especially true in the Gunnison area, which does not support the growth of trees on most hillsides, making hillside development particularly difficult to screen.

The Gunnison area has been fortunate to not have experienced extensive "ridgeline" development to date, but as the experience in the northern part of the County indicates, such development pressure is likely to increase in the future unless land use plans and regulations are drafted to address this concern. The County Land Use Resolution is silent on this issue, although draft revisions to the Resolution prepared by the County Planning Commission would address ridgeline development.

- (3) **Wildlife Habitat.** The second environmental features map depicts the extensive areas of wildlife habitat found within the planning area. The Colorado Division of Wildlife (CDOW) provided digital data files depicting wildlife habitat areas for 3 valued or threatened species, these being elk, deer and sage grouse. The areas depicted are those which CDOW defines as being most critical to the survival of each species.

CDOW offers the following note of caution in interpreting this map:

"The activity areas portrayed here are graphic representations of phenomena that are difficult to reduce to two dimensions. Animal distribution is fluid, animal populations are dynamic, and either may vary considerably from what is shown here."

CDOW and the Consultant define the habitat types shown on the map as follows:

**Sage Grouse Active Lek Sites** are open areas, usually in low sage brush canopy cover, where sage grouse traditionally display, mate and reproduce.

**Sage Grouse Brood Areas** are those lands that support sage grouse broods and provide summer range for grouse without broods. These lands include wet areas (meadows, springs, ponds, streams and their drainages) where there is a high concentration of insects and also include healthy stands of forbs, grasses, and denser sagebrush used for nesting and cover. Brood areas are mapped as a 200 meter buffer zone around the edges of such wet areas.

**Sage Grouse Critical Winter Range** are those lands in Gunnison County which because of their aspect, elevation and soil characteristics are capable of providing sage grouse sufficient food and cover (habitat) during the most difficult months (when there is maximum snowpack or minimum temperatures) of the most severe winters (the worst two winters out of ten).

**Sage Grouse Winter Range** are those lands which because of slope, aspect, elevation and vegetation are capable of providing sage grouse sufficient food and cover (habitat) to survive average winters. Winter ranges are essential to survival of the present sage grouse population in Gunnison County, because these areas allow sage grouse to disperse over a wide range.

**Mule Deer Winter Concentration Areas** are those lands in Gunnison County which because of their slope, aspect, elevation and vegetation are capable of providing mule deer sufficient food and cover (habitat) to survive the most difficult months of average winters. The densities of mule deer in winter concentration areas is twice as great as those in the winter ranges in the average five winters out of ten.

**Mule Deer Severe Winter Ranges** are those lands that because of their physical characteristics (such as low elevation, minimum snowpack, or physical barriers either natural or man-made) provides mule deer sufficient food and cover (habitat) during the most difficult months (when there is maximum snowpack or minimum temperatures) of the most severe winters (the worst two winters out of ten).

**Mule Deer Winter Ranges** are those lands which because of slope, aspect, elevation and vegetation are capable of providing mule deer sufficient food and cover (habitat) to survive average winters. Winter ranges are essential to survival of the mule deer population in Gunnison County, because these areas allow mule deer to disperse over a wide range, which lessens overgrazing, predation and disease.

**Elk Winter Concentration Areas** are those lands in Gunnison County, which because of their slope, aspect, elevation and vegetation are capable of providing elk sufficient food and cover (habitat) to survive the most difficult winter months of average winters. Densities of elk in the winter concentration areas are twice as great as those in surrounding winter ranges in the average five winters out of ten.

**Elk Severe Winter Ranges** are those areas that because of their physical characteristics (such as low elevation, minimum snowpack, or physical barriers either natural or man-made) provide elk sufficient food and cover (habitat) during the most difficult months (where there is maximum snowpack or minimum temperatures) of the most severe winters (the worst two winters out of ten).

**Elk Winter Ranges** are areas which because of slope, aspect, elevation and vegetation are capable of providing elk sufficient food and cover (habitat) to survive average winters. Winter ranges are essential to survival of the elk population in Gunnison County, because these areas allow elk to disperse over a wide range, which lessens overgrazing, predation and disease.

The sage grouse of the Gunnison River Basin have been determined to be a distinct species of the sage grouse, found only in this area. Because this is the last viable population of its kind in the world, protection of this habitat is critical to its survival. Therefore, a working group was formed to prepare a habitat conservation plan for the sage grouse. The habitat conservation plan was completed during 1997. The overall goal of the habitat conservation plan is to restore the distribution and numbers of the Gunnison Sage Grouse, as determined by the carrying capacity of the habitat. This is to be accomplished by: (1) maintaining and improving the quality of the habitat, (2) reducing fragmentation of the habitat, and (3) identifying and managing physical disturbances to reduce adverse effects to sage grouse.

The wildlife protection strategy being employed by an increasing number of communities in Colorado is to require or encourage development to *avoid* locating within critical wildlife habitat areas, or, where avoidance is not feasible or conflicts with other community policies, to *minimize* the impacts of that development on the habitat and to *mitigate* the impacts which occur. A habitat protection program reflecting this strategy might direct development to avoid mule deer and elk winter concentration areas and severe winter ranges, since these are so critical to the survival of these species in the area.

Since the deer and elk winter ranges cover considerably more extensive parts of both public and private lands in the area, it may not be possible for development to fully avoid all of these areas. Instead, a strategy of trying to minimize the impact of development on this habitat, through controls on fencing, vegetation removal, watering areas and domestic animals, and to mitigate impacts, by enhancing the habitat value of lands not planned for development (through prescribed burns, seeding, etc.) may be more appropriate. This type of strategy is addressed in greater detail in Chapter 4 of this Three Mile Plan.

#### **D. Summary of Issues and Opportunities**

Considering the prior analysis, following is a summary of the major opportunities this Plan should address, and the issues that will challenge Gunnison in achieving these opportunities.

##### **Opportunity 1. There is Significant Potential for Infill Development Within the City**

The land use analysis demonstrates there are large areas remaining within the City that are suitable for infill development. Compact growth has been found to be more efficient to serve in terms of public utilities, police and fire protection, and road maintenance, has fewer impacts on the environment, and allows agricultural lands, wildlife habitat and other types of open space to be preserved. However, the following issues may limit this opportunity:

- a. **Infrastructure Gaps.** Gaps in the City's water supply and sewage collection system and its road network, particularly in West Gunnison and in the industrial area near the Airport make it much more costly for infill development to occur.
- b. **County Standards are Less Expensive.** It is often less expensive for development to comply with County, rather than City, standards. Most County developments in the Three Mile Area use individual sewage disposal systems and on-site wells and do not contain paved roads, sidewalks, curb and gutter or fire protection facilities.
- c. **Market Demands for Rural Character.** While there are developable lands within the City to accommodate many years of growth, recent development trends and comments made by members of the real estate community indicate these areas do not offer the larger lots, rural character and similar features that many buyers seek.

##### **Opportunity 2. Capital Investments Can Be Used To Guide Growth**

Since it is unlikely that growth can be contained solely within the City limits, this Plan provides the opportunity to guide growth to suitable portions of the Three Mile Area, where capital facilities can efficiently be built. This will require decisions to be made as to the appropriate directions in which water supply and sewage collection lines and major streets should be extended. Issues and challenges in this regard are as follows:

- a. **Water Supply/Water Quality Concerns.** Growth is occurring northwest of the City, in locations that drain toward the City's water supply wells. There is considerable concern among local officials that this development is introducing pollutants into the aquifer and that this problem must be resolved if development is to continue.
- b. **Existing City and County Service Areas.** The City's first priority for future capital improvements is to serve areas within the City limits that are not yet served by urban water supply, sewage collection and road facilities before it looks to extend facilities beyond its current limits. However, the County has approved urban-style development in the unincorporated area and provides water supply and sewage collection services in selected areas beyond the City limits, leaving the City in the position of reacting to County actions. In fact, parts of the current County service area extend beyond the City's 1994 Urban Growth Boundary.
- c. **Define Suitable Lands.** The City needs to establish priorities for the types of lands that are most and least suitable for future development. These priorities can be a guide to the most appropriate locations for infrastructure extensions.

### **Opportunity 3. City and County Officials Want To Cooperate in this Planning Effort**

City and County officials have both expressed their willingness to work cooperatively to formulate and implement this Three Mile Plan. County officials have come to recognize that the adopted Land Use Resolution is not effectively dealing with growth in the more rapidly growing areas around Gunnison and Crested Butte/Mt. Crested Butte. Since this Three Mile Plan is being prepared at the same time the County is re-evaluating its Land Use Resolution, there is an opportunity for the City and County to cooperatively look at land in the Three Mile Area and to consider what types of land use tools may best be used to effectively manage land development in the area. Developers and other landowners in the area are frustrated with the County's regulatory system because it lacks specific standards and does not provide direction as to the most appropriate areas in which to locate development.

Despite this atmosphere of cooperation, the following challenges must be overcome for this Plan to be successfully implemented:

- a. **Differences Between City and County Regulatory Systems.** The County does not apply zoning to lands in the unincorporated area. While developers might be comfortable using the City's land development regulations (or using revised County regulations that employ elements of a zoning system) families who have owned land in the County for many years may be less comfortable with having zoning standards applied to their property. On the other hand, landowners who have been frustrated by the uncertainty of the County's system and who have land well suited for urban purposes might welcome the specificity and certainty of the City's regulations.

- b. **Lack of Interaction Regarding County Referrals.** Statements in prior City Master Plans recommend that the City comment to the County on major land use change applications in the surrounding area, or even conduct joint review with the County of such applications. In addition, the City and the County have had an intergovernmental agreement in effect since 1985 that establishes a formal process for the County to refer applications in the Three Mile Area to the City for comments. The County has made such referrals to the City, but until quite recently, such referrals were not a staff priority. For this Plan to be successful, the City will need to continue, and possibly expand upon, its recent efforts to work closely with the County in the development review process in the Three Mile Area.
- c. **Obstacles to Annexation.** If the County were to continue to expand the areas to which it provides water and sewer service, this would eliminate one of the most powerful "lures" the City has to induce annexation. It is important that the City plan outside of its boundaries in terms of land use and services, or it could become surrounded by developed areas that see no reason to annex, other than to gain the right to vote in City elections. This could foreclose the City's expansion potential and leave the City in the position of having to respond to increasing demands on some facilities (such as parks and roads), without any corresponding increase in its tax base.

## CHAPTER 3 GOALS AND OBJECTIVES

Considering the analysis that is documented in Chapter 2, the Planning Commission formulated a set of goals and objectives to guide the preparation of the Three Mile Plan. Goals and objectives can be defined as follows:

Goals describe the vision which the Three Mile Plan is intended to achieve. Goals are written as broad statements that express ideals.

Objectives are intermediate milestones the community needs to accomplish along the way towards achievement of its goals. Objectives are written so as to be measurable and attainable. Some objectives describe milestones the City has achieved within this Three Mile Plan; other objectives represent milestones the City intends to achieve following adoption of this Plan.

The actions which the City should follow to achieve the goals and objectives of this Three Mile Plan are described in detail in Chapter 4, Section C., Recommended Plan Implementation Actions.

The City of Gunnison's goals and objectives for the Three Mile Plan follow below.

*Goal 1. Promote a compact, efficient development pattern in the Gunnison area, in order to maintain the quality and availability of the City's water supply, to minimize the need for new infrastructure, and to limit future increases in traffic.*

### Objectives:

- A. Draw an urban growth boundary within the three mile area that provides sufficient land to meet growth needs in the Gunnison area over the next 10-20 years and provides opportunities for development of housing that will be "attainable" by residents. It is anticipated that development within the urban growth boundary will receive City services and will ultimately be annexed.
- B. Encourage infill development within the City limits. Limit new commercial and industrial development to lands within or immediately adjacent to existing City commercial and industrial zones. Do not allow new commercial or industrial uses to develop along the highways outside of the City limits, but consider allowing new tourist accommodation uses where appropriate.
- C. Ensure residential development planned at urban densities (generally, lot sizes of less than 1 acre) occurs within or immediately adjacent to the City limits; discourage development at such densities beyond the urban growth boundary.

**Goal 2**     *Preserve sensitive environmental features, cultural resources and agricultural lands.*

**Objectives:**

- A.    Limit disruptions to critical wildlife habitat; development within or adjacent to these areas should mitigate or minimize its impacts on wildlife habitat.
- B.    Establish buffers along river and stream corridors and around wetlands to preserve wildlife habitat and maintain water quality, while also encouraging recreational activities.
- C.    Adopt standards to minimize the visual impacts of development on steep slopes and along the major highway entrances to Gunnison. Also adopt standards to ensure that development does not penetrate prominent natural ridgelines (as viewed from the public right-of-way or other public places) when there are other locations on the property that could be developed.
- D.    Direct development to avoid areas designated as geologic or wildfire hazards, or designated as 100 year floodplains; where such areas cannot be avoided, ensure that development mitigates or minimizes the dangers these areas can pose to life and property.
- E.    Preserve sensitive features and agricultural lands by using incentive techniques that respect private property rights. Protect important cultural resources, such as the Tenderfoot Archaeological Site.

**Goal 3.**     *Maintain and enhance water quality and water quantity.*

**Objectives:**

- A.    Prepare a map showing the extent of the critical aquifer recharge area for the City's water supply. Compare this map to a U.S.G.S. map prepared for the Gunnison area in 1980, to determine how development in the last two decades has affected the aquifer. Only allow further development to occur within this area when it can be shown it will not adversely affect water quality or quantity, or when the development employs measures to fully mitigate such impacts.
- B.    As part of the ongoing study of the City's wastewater treatment plant and service area ("the 201 study"), determine whether existing development is adversely impacting the aquifer recharge area. If negative impacts are found, take actions to reduce these impacts, if such actions are consistent with the other goals and objectives of this Three Mile Plan.

**Goal 4.     *Make capital investments that support the urban growth boundary.***

**Objectives:**

- A.    Focus capital improvements on filling infrastructure gaps within the City limits, to encourage infill industrial, commercial and residential growth.
  
- B.    Only extend water supply and sewage treatment services to lands within the urban growth boundary that are suitable for urban development and are capable of being annexed; or when necessary to resolve water quality or water supply problems that have an impact on, or are relevant to, the City.
  
- C.    Update the City's Major Streets Plan to identify the street extensions needed to implement this Three Mile Plan.
  
- D.    Incorporate the recommendations of the 1996 Parks, Recreation and Open Space Master Plan and, if adopted, the 1997 Gunnison County Trails Master Plan, into this Three Mile Plan as they apply to the Gunnison area.
  
- E.    Consider implementation of impact fees or other techniques to ensure that new development pays its own way. Ensure that any technique the City adopts is sensitive to the ability of local residents to afford new housing.

**Goal 5.     *Improve coordination with Gunnison County.***

**Objectives:**

- A.    Revise the 1985 City/County Intergovernmental Agreement to:
  - 1.    Provide procedures and standards for joint Planning Commission review in the three mile area; and
  
  - 2.    Ensure the City and County only extend services to lands within the urban growth boundary that are designated in this Three Mile Plan as being suitable for urban development, or when the extension is necessary to resolve water quality or water supply problems that have an impact on, or are relevant to, the City. Ensure the County will not permit urban development to be served by individual sewage disposal systems or wells, or to be located outside of the urban growth boundary. Urban development is defined as development that conforms to the standards of the Moderate and High Density Residential, Commercial/Industrial or Tourist Accommodations land use categories of this Three Mile Plan.

- B. Work with Gunnison County to adopt future urbanizing standards as part of the County's ongoing efforts to revise the Land Use Resolution. These standards would require development within the urban growth boundary to be consistent with City improvement and design standards, or make provisions to assure the development is capable of being upgraded to meet such standards.
- C. Encourage the County to adopt locational standards that would direct planned urban development to suitable lands within the urban growth boundary, and that would limit new development outside of the urban growth boundary to non-urban land uses. Non-urban land uses is defined as development that conforms to the standards of the Rural Residential and Low Density Residential land use categories of this Three Mile Plan.
- D. Encourage annexation of lands within the urban growth boundary that are contiguous to the City limits, contain urban development, or are designated in this Three Mile Plan as being suitable for urban development.
- E. Enforce the standard in the Land Development Code (Section 15-16-2) that requires all proposed subdivisions within three miles of the City limits to be consistent with the City's Major Streets Plan and to be approved by the City Planning Commission.

## CHAPTER 4 THREE MILE PLAN AND URBAN GROWTH BOUNDARY

### A. Overview of Plan Map and Land Use Categories

The 1994 Master Plan includes the "Future Land Use Map", which depicts the urban growth boundary the City designated as the area within which the City was anticipated to expand. This map depicts future land uses within the urban growth boundary as broad, generalized patterns, that were intended to: "Act as a guide until further analysis of land use is conducted and specific measures are adopted to govern land use in that area" (page 48).

This Three Mile Plan and Urban Growth Boundary documents the further analysis the City has conducted to refine the 1994 Future Land Use Map for lands outside of the City limits. The map that depicts the City's refined vision for future land use in the three mile area is shown on the following page. The map illustrates the *Preferred Alternative* from among the four alternatives evaluated during the planning process. The Preferred Alternative is known as "Compact Growth" (Urban Infill and Expansion). The other three alternatives are depicted on maps included as Appendix #2 of this Plan.

The Preferred Alternative provides a long term guide to the future development pattern the City of Gunnison considers to be most appropriate for the unincorporated area surrounding the City limits. It identifies the most appropriate areas in which growth should be directed to occur and the approximate magnitude of this development. Since it depicts land uses as relatively generalized patterns (although in a much more detailed manner than the 1994 Future Land Use Map), it is meant to be used for planning purposes only and not for site specific application. Since plans in Colorado are advisory only, the map designations should not be confused with zoning districts or similar tools that regulate how land may be used.

The map depicting the Preferred Alternative establishes the overall vision for how the three mile area is expected to grow over the next ten to twenty years, showing how the goals and objectives of this plan and the community's other adopted planning policies can be achieved. The land uses shown on the map will allow for an overall level and type of development that will more than accommodate the growth this plan forecasts will occur in the Gunnison area.

The map shows land uses in the following categories (densities are expressed as gross acres):

1. **Non-Urban Residential.** There are two categories of non-urban residential uses, these being *Rural Residential*, which provides for dwellings in the range of 1 unit per 5 acres up to 1 unit per 35 or more acres; and *Low Density Residential*, which provides for dwellings in the range of 1 unit per acre up to 1 unit per 5 acres. It is expected that land uses in these areas would be served by on-site wells and individualized sewage disposal systems. Non-urban residential designations are expected to be applied primarily to lands outside of the urban growth boundary.

2. **Urban Residential.** There are two categories of urban residential uses, these being *Moderate Density Residential*, which provides for dwellings at 1 to 6 units per acre; and *High Density Residential*, which provides for dwellings at more than 6 units per acre. It is expected that development in these areas would be served by community or public water supply and sewage disposal systems. Urban residential designations are expected to be applied primarily to lands within the urban growth boundary.
3. **Commercial/Industrial.** There are two categories of commercial and industrial uses. The *Commercial* land use category includes retail, office and restaurant uses. Within the City limits only, this category also includes tourist accommodations uses. The *Industrial* land use category includes lands used for manufacture, assembly or processing of products, utilities, warehousing and contracting and construction related activities. These categories have been applied primarily to lands within the City.
4. **Tourist Accommodations.** Outside of the City limits, *Tourist Accommodations* have been mapped as a distinct category, and have been applied to existing concentrations of lodging and to lands that would be appropriate for new lodging units.
5. **Public.** There are two categories of public uses, these being the *Public/Institutional* category (airport, schools, hospital, etc.) and *City Parks/County Fairgrounds*. These designations all are located within the City limits.
6. **Sensitive Lands.** There is an *Environmental Conservation Overlay*, designating rivers, 100 year floodplains, wet soils and steep slopes within the planning area. The Overlay is a tool used in this Plan to determine the relative "environmental sensitivity" of lands within the planning area, and to steer proposals for relatively more intensive development away from lands that may not be suitable for such uses. Wildlife habitat has been excluded from the Overlay, since virtually all of the planning area is mapped as wildlife habitat, making it difficult to use that feature to determine the relative environmental sensitivity of lands within the planning area.

Because the Environmental Conservation Overlay has been mapped from relatively general sources, it should be considered to be an "early warning system" that indicates a site specific analysis should be conducted prior to any development being approved to identify the precise location and nature of the sensitive lands and the density and type of development that can be supported by these lands. Since the Overlay has been designated in a general manner, there may also be lands located outside of its boundaries that contain environmental features that should receive site specific study.

Recommended changes to the way that the City and County regulate the features that comprise the Environmental Conservation Overlay, and to the way wildlife habitat and other environmental resources should be conserved, are described in the proposed plan implementation actions that conclude this chapter.

## **B. Description of Preferred Land Use Alternative**

The Preferred Alternative reflects the City's intention to work together with the County to discourage sprawl and to direct growth into a more concentrated land use pattern than would occur if current practices were to continue. Fundamental City policies that underlie this alternative are that infill development should be encouraged to occur within the City limits and that growth in the unincorporated area should occur in a compact form, primarily on lands immediately contiguous to the City, rather than "leap frogging" to peripheral areas.

Compact growth was found to be preferable to current practices or the other alternatives the City evaluated for the following reasons:

1. Compact growth is less likely than the other alternatives to cause pollution of the aquifer from which the City obtains its water;
2. Compact growth will result in less of an increase in traffic generation along Highways 135 and 50 than the other alternatives, and will offer opportunities for more persons to travel without having to use their cars; and
3. Compact growth will require less infrastructure to be developed outside of the City to serve new development than will any of the other alternatives.

The Preferred Alternative also reflects the determination that it is not appropriate to encourage a strip commercial pattern along Highways 50 and 135 outside of the City. Although there are limited areas of tourist accommodation uses along these highways, it has been City and the County policy to discourage further expansion of these areas and to encourage new retail, office, industrial and tourist accommodation uses to locate within the City. Therefore, the preferred alternative depicts a pattern that recognizes, but does not extend, the existing tourist accommodation uses and directs most new retail, office and industrial uses to areas within the City (with the exception of a limited area of planned commercial development designated immediately east of the City limits). The decision not to identify new areas for these uses is not meant, however, to preclude the opportunity for the development of home occupations, small bed and breakfast facilities or similar home-oriented uses in the three mile area, provided such uses have primarily a residential or agricultural (not a commercial) character.

The land use pattern shown on the Preferred Alternative can be described as follows:

**Within City Limits:** Infill development is shown occurring on the remaining vacant private lands within the City limits. The major infill areas include the industrial development shown surrounding the Airport, the moderate and high density residential development shown in the northern and western neighborhoods of the City, and the commercial development shown along the northern and western highway entrances to the City.

**North of the City:** Lands immediately to the north of the City are shown growing in a relatively dense, compact form, including residential development at 1 to 6 units per acre contiguous to the City limits and at lower densities along Slaughter House Road. It will be important for development to respect the recommendation of the 1996 Parks, Recreation and Open Space Master Plan that a "greenway" be established along the Gunnison River. Further north, the existing moderate density areas within the Gunnison River Filings and Spring Meadows/North Elk Meadows area are shown, along with other lower density development in the Castle Mountain area. The existing highway-oriented areas of tourist accommodations uses and moderate density residential development are also depicted.

**West of the City:** Lands to the west of the City have been depicted as an appropriate location for moderate and high density residential development. This area is considered to be appropriate for such development because it has recently been served by a new sewage collection line along Antelope Creek, is reasonably accessible to the City, exhibits few environmental constraints to development, is not highly visible from the entry highways, and does not contain large areas of irrigated meadows. One of the community's main objectives for directing relatively dense residential development to this area is to provide the opportunity to develop housing that will be attainable by residents of the Gunnison area. It will also be important that development immediately to the west of the City respect the recommendation of the 1996 Parks Master Plan to establish the Gunnison River Greenway.

**South of the City:** A considerable portion of the lands south of the City have been mapped as floodplains and wet soils. The area also includes lands that require hazardous materials remediation, and is adjacent to the Airport. Due to these conditions, this area has not been designated as a direction in which urban growth should be encouraged to occur at this time, except for a new area of industrial land shown south of the Airport, along Gold Basin Road.

**East of the City:** The City is interested in protecting the image of the eastern gateway to Gunnison, while at the same time recognizing the legitimate rights of landowners to have a reasonable use of their property. Therefore, in this area, it will be particularly important for the City to manage the form of the commercial and residential development that takes place, to protect the highly valued views toward Western State College. It is anticipated that the "Entrance Overlay" from the City's recently adopted Land Development Code would be extended to include this area. This overlay is intended to ensure there is a visually pleasing entrance to the City that retains the distinctive character of Gunnison and avoids a strip commercial pattern along the highways. This is accomplished by a combination of landscaping standards, building setbacks and provisions for pedestrian and vehicular access.

**Urban Growth Boundary:** The preferred alternative also depicts a revised urban growth boundary for the Gunnison area. The urban growth boundary encompasses a similar total area to that included in the 1994 urban growth boundary; its shape has changed to only include those areas that have been determined to be appropriate for urban uses and services and to exclude most lands that are designated as environmental conservation areas.

### C. Recommended Plan Implementation Actions

If the preferred alternative for the Gunnison Area is to be realized, it will require the City and County to work together in several new ways. Changes to each jurisdiction's land use policies and regulations should be made, along with changes to their utility extension policies. The recommended actions intended to achieve the goals and objectives of this Plan are listed in Table 3 and are further described below; they include revisions to land use regulations, changes to utility and annexation policies, and new capital improvements projects.

TABLE 3 SUMMARY OF RECOMMENDED PLAN IMPLEMENTATION ACTIONS		
Proposed Action	Implementing Jurisdiction	
	City of Gunnison	Gunnison County
<b>Actions That Should Be Covered in an Intergovernmental Agreement</b>		
1. Joint Review Process	X	X
2. Locational Standards		X
3. Utility Extension and Service Policies	X	X
4. Future Urbanizing Standards		X
5. Annexation Policies	X	X
<b>Actions That Need Not Be Covered in an Intergovernmental Agreement</b>		
6. Lower Density Zone District	X*	
7. Cluster Development Options	X	X
8. Steep Slope and Ridgeline Provisions	X*	X
9. Geologic Hazard Provisions	X*	X
10. Wildlife Habitat Protection Provisions	X*	X
11. Entrance Overlay	X*	X
12. Miscellaneous Capital Improvements	X	X
13. Adopt Park and Recreation Impact Fee	X	X
14. Annual Plan Update	X	
*: The City will only need to consider enacting regulations such as these if and when it annexes lands to which such provisions would apply.		

Table 3 categorizes the implementation actions as: (a) those that should be covered within an intergovernmental agreement (IGA) that the City and County would enter into to jointly accomplish aspects of this plan; and (b) those the City or County could accomplish individually, that need not be covered by the IGA. It also identifies which actions should be taken solely by the City or the County, and which should be taken by both jurisdictions.

The first priority for implementation of this Plan is that the City and County enter into an intergovernmental agreement that jointly addresses issues of mutual concern. A preliminary draft of a model intergovernmental agreement is included as Appendix 3, as a means of getting this discussion started.

As presently written, the model intergovernmental agreement covers the following issues:

1. **Joint Review Process.** The City and County should establish a process for joint City/County Planning and Zoning Commission review of projects within the urban growth boundary, to supersede the review process established in the 1985 IGA. This Plan proposes that the joint review process would require: (a) joint City/County P&Z hearings be held to make joint P&Z recommendations to the Board of County Commissioners on moderate or major impact applications submitted to the County outside of the City limits, but within the urban growth boundary; and (b) County referral of the following applications to the City for review and comment by the City P&Z to the County P&Z:
  - applications submitted to the County for minor impact projects outside of the City limits but within the urban growth boundary; and
  - applications submitted to the County for major or moderate impact review outside of the urban growth boundary but within the three mile area.

If, during discussions to adopt the intergovernmental agreement, it is found that the joint hearing process will be too cumbersome for applicants or for Commission members, then the City and County should draft the agreement to require applicants proposing a moderate or major impact development within the urban growth boundary to attend a meeting with the City P&Z prior to the initial meeting with the County P&Z, so the City P&Z could provide referral comments to the County P&Z.

Finally, the County should also agree to withhold action on any moderate or major impact development proposed on land that is contiguous to the City and is otherwise eligible for annexation to the City, until such time as the owner submits a petition to the City for annexation and that petition has been acted upon by the City. If the City fails to approve the petition within a reasonable time period, then the County would be authorized to initiate the joint review process for the application, as described above.

2. **Locational Standards.** The County should adopt "locational standards" or zoning regulations that would direct planned urban development to suitable lands within the urban growth boundary, and that would limit new development outside of the urban growth boundary to that which conforms to the rural residential or low density residential land use categories. "Suitable lands" are lands close to, and capable of being served by, urban facilities, such as central water supply and sewage collection systems, paved and plowed roads, fire stations and emergency medical facilities. Suitable lands exclude sensitive or valued lands, such as wetlands, wildlife habitat, riparian areas, prime agricultural lands and visually sensitive lands.
3. **Utility Extension and Service Policies.** The City and County should require planned urban development to connect to public utility systems and should not extend utilities to areas designated as rural or low density residential. The City should continue to consider filling of existing infrastructure gaps within the City to be its highest priority for capital improvements, but should also offer service extensions as a carrot to induce annexation of contiguous lands within the urban growth boundary that are designated in this Three Mile Plan as being appropriate for urban development. The City and County should not extend new utility lines beyond the urban growth boundary, unless the extension is necessary to resolve problems that have an impact on, or are relevant to, the quality or quantity of the City's water supply.

The County should consider community systems to be an interim solution to sewage disposal within the three mile area. Existing and new community systems that are owned and operated by the County will be permitted, provided the homeowners agree to connect their system to a City utility line, if it becomes available, and agree to annex their property to the City as a condition of receiving utility service.

4. **Future Urbanizing Standards.** The County should adopt "future urbanizing standards" that require development within the urban growth boundary to be consistent with City standards or to be capable of being upgraded to meet such standards. These standards would ensure there is the opportunity for facilities to be upgraded to urban standards in areas that will eventually be annexed to the City. For example, future urbanizing standards could require the dedication of sufficient right-of-way to widen the road and provide curb and gutter, to meet City standards, or might require a project that uses individual disposal systems and wells to dedicate an easement for future water supply or sewage collection lines.

City standards the County should consider when formulating these standards include the Improvements Standards and the Landscaping and Illumination Standards (Articles 11 and 9, respectively) of the City's Land Development Code. The County should also respect the standards of the City's Entrance Overlay (EO) zone district for development proposed along Highway 135 or Highway 50 outside of the City, or should adopt its own version of the EO for these lands (see recommendation 11, below).

5. **Annexation Policies.** Annexation is the process by which a municipality adds new territory to its municipal limits. Colorado's annexation procedures and standards are prescribed in the Municipal Annexation Act of 1965, as amended. In Colorado, annexation is a process that may only be initiated by more than 50% of the landowners in the area that is to be annexed, who must own more than 50% of the land. Annexations may not be initiated by a municipality, except to annex an "enclave", which is an unincorporated area that is entirely surrounded by municipal land. A City may initiate the annexation of any land that has been an enclave for at least three years.

To be eligible for annexation, at least 1/6 of the land area to be annexed must be contiguous to the municipality. The land area in question must be urban or be capable of being urbanized in the near future and it must be practical to extend urban services to it.

In recognition of these state statutes, the City should adopt policies that limit future annexations to lands contiguous to the municipal limits that are within the urban growth boundary. The City should also agree to ensure that development proposed in annexed areas is compatible with existing land uses in adjacent unincorporated areas.

The County should agree to waive the requirement that the City prepare an annexation impact report for any proposed annexation that is within the urban growth boundary, as authorized by C.R.S. 31-12-108.5. The County should also agree to require any applicant proposing moderate or major impact development within the urban growth boundary on property that is not eligible for annexation to enter into an agreement stating that the property will be voluntarily annexed at such time as it becomes contiguous to the City, and is otherwise eligible to be annexed.

Beyond the scope of the IGA, the City and County, acting individually, should also make the following additional changes to their Land Development Code/Land Use Resolution:

6. **Lower Density Zone District.** The City should adopt a new zone district(s) to apply to newly annexed lands on which development should be limited to lower densities than those allowed in the City's current R-1 zone district.
7. **Cluster Development Options.** The County should consider adopting revisions to its Land Use Resolution to provide incentives for clustering of development, as a means of helping to protect sensitive features and agricultural lands, while also respecting private property rights. The City should consider whether revisions need to be made to its PUD regulations, to ensure that such incentives are also available for developments within the City limits.

8. **Steep Slope and Ridgeline Provisions.** The City and County should adopt standards to minimize the visual impacts of development on steep slopes.

Factors to address would include: (a) directing development away from locations where it penetrates the skyline; (b) limiting site disturbance to a designated building envelope; (c) requiring restoration of disturbed areas; (d) requiring planting of vegetation to screen or soften development (when water, aspect and other physiographic features will allow vegetation to grow); (e) requiring roads and driveways to follow natural contours; (f) requiring utilities to be buried; (g) discouraging benching or terracing to accommodate a flat building platform; and (h) prohibiting reflective roof materials and requiring exterior lighting to be shielded.

9. **Geologic Hazard Provisions.** The City and County should adopt standards to direct development to avoid areas that have the potential to cause geologic hazards to life and property, including but not limited to, unstable slopes, slopes in excess of thirty percent, and avalanche, rockfall, landslide and mud flow hazard areas. Where such hazards could not be avoided, the standards would ensure that the dangers to life and property are minimized or mitigated through appropriate construction practices.
10. **Wildlife Habitat Protection Provisions.** The City and County should adopt standards to minimize the impact of development on critical wildlife habitat areas.

Factors to address would include: (a) directing development to the least critical portions of the property; (b) requiring replacement of vegetation (for food and cover) and preservation of watering areas; (c) establishing minimum buffers along river and stream corridors and around wetlands (although facilities that must be located in such areas, or whose impacts can be managed, such as bridges and utilities, could be exempted from the buffer); (d) regulating the design and location of fences; (e) controlling pets; and (f) placing seasonal limits on commercial recreation and construction.

11. **Entrance Overlay.** The City should extend the Entrance Overlay (EO) zone district to newly annexed lands along Highway 135 or Highway 50. The County should enact standards similar to the City's Entrance Overlay (EO) zone district for lands along these highways that are outside of the City limits.
12. **Miscellaneous Capital Improvements.** The City should work to implement the "gateways" proposed in the 1996 Parks, Recreation and Open Space Master Plan for the entrances to the City along Highways 135 and 50.

The City should also work together with other interest groups (including Gunnison County) to implement the trail recommendations of the 1996 Parks, Recreation and Open Space Master Plan and the 1997 Draft Gunnison County Trails Master Plan.

Trail priorities identified in these plans (and by participants in this Three Mile Plan) include:

- (a) a trail that loops around the City, with connections into neighborhoods in Town;
- (b) a trail along Gold Basin Road, to Hartman Rocks;
- (c) a trail along the Gunnison River corridor;
- (d) a trail connecting the Gunnison area to Crested Butte; and
- (e) a trail west of Gunnison to McIntosh Mountain.

13. **Adopt Park and Recreation Impact Fee.** The City should consider the adoption of a park and recreation impact fee, to ensure that as development occurs within the City and as the City annexes new lands the City's current standards for park land and recreation facilities are maintained. The regulations should allow applicants to develop park or recreation facilities or dedicate public trails as a method of complying with the impact fee. The regulations should include provisions to ensure the fee is sensitive to the ability of local residents to afford new housing.

The City should also encourage the County to adopt a park and recreation fee. Today, many County residents are users of the City's park system. It is the position of this Plan that the County should apply any park and recreation impact fees it collects from new development in the Gunnison area to improving the trail network in the Gunnison area, to connect County residents to City parks and other facilities.

14. **Annual Plan Update.** Finally, it is recommended that the City Planning Commission regularly update and, as necessary, revise this Plan. As noted in the introduction to this document, C.R.S. 31-12-105 (e) requires this Plan to be updated annually. It is recommended that the City Planning Commission designate an annual meeting date, during which it will hold a public hearing to consider the need for Plan amendments. If any amendments are adopted, the amendment would become a part of this Plan and the Plan would be revised to include the change or changes.

Approximately every three to five years, the annual hearing should be expanded into a comprehensive review of the effectiveness of this Plan. The review should include a thorough re-evaluation of the projections and other planning factors upon which this Plan has been based, and should consider changes that have occurred in the City and County, including any plans that have been adopted during the intervening time period, and any new developments within the planning area that should be accounted for in this Plan.

**APPENDIX #1**

**ISOMETRIC DRAWINGS OF POTENTIAL GROWTH PATTERNS**

**APPENDIX #2**

**GUNNISON THREE MILE PLAN ALTERNATIVES**

**APPENDIX #3**

**MODEL INTERGOVERNMENTAL AGREEMENT**

## MODEL INTERGOVERNMENTAL AGREEMENT

**THIS INTERGOVERNMENTAL AGREEMENT**, entered into by and between the **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO**, a statutory Colorado county organized under and existing by virtue of the laws of the State of Colorado, hereinafter referred to as the "County", and **THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO**, a Municipal Corporation, hereinafter referred to as the "City", is to be made effective on the --- day of ---.

### WITNESSETH:

**WHEREAS**, continued growth pressures in the Gunnison area suggests that increased coordination between the City and the County can result in better management and control of the development in this area; and

**WHEREAS**, pursuant to Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has found and declared that in order to provide for planned and orderly development within Colorado and a balancing of the basic human needs of a changing population with legitimate environmental concerns, the policy of the State of Colorado is to clarify and provide broad authority to local governments to plan for and regulate the use of land within their respective jurisdictions; and

**WHEREAS**, pursuant to Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has designated certain powers to local governments, among them the power to regulate the location of activities and developments that may result in significant changes in population density, the power to provide for phased development of services and facilities, the power to regulate the use of land on the basis of the impact thereof on the community or surrounding areas, and the power to otherwise plan for and regulate the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights; and

**WHEREAS**, pursuant to Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has authorized and encouraged local governments to cooperate or contract with other units of government for the purpose of planning and regulating the development of land, including but not limited to the joint exercise of planning, zoning, subdivision, building, and related regulations; and

**WHEREAS**, pursuant to various statutes of the State of Colorado (including 31-23-255, Colorado Revised Statutes, as amended), the General Assembly of the State of Colorado has enacted various supervisory tools in order that the State may better monitor the planning activities of units of local governments; and

**WHEREAS**, pursuant to the Municipal Annexation Act of the State of Colorado, CRS 31-12-101 through 123, the City has the authority to annex property; and

WHEREAS, the City of Gunnison and Gunnison County entered into an intergovernmental agreement on July 2, 1985, concerning the wastewater treatment facility; and

WHEREAS, the City and County wish to supersede that agreement with respect to its definition of an "urban influence area," and with respect to the procedure it outlined for joint land development review; and

WHEREAS, the City and County have agreed to the following policies to be applied to the unincorporated portion of Gunnison County defined herein as the three-mile area and area within the urban growth boundary.

## **I. DEFINITIONS**

For the purpose of this Agreement, certain terms and words are hereby defined as follows:

### **A. Major Growth Impact**

A growth impact defined as "major" in Section 3-104 of the Gunnison County Land Use Resolution.

### **B. Minor Growth Impact**

A growth impact defined as "minor" in Section 3-102 of the Gunnison County Land Use Resolution.

### **C. Moderate Growth Impact**

A growth impact defined as "moderate" in Section 3-103 of the Gunnison County Land Use Resolution.

### **D. Non-Urban Land Uses**

Development that conforms to the standards of the rural residential and low-density residential land use categories, as described in the City of Gunnison Three Mile Plan.

### **E. Three-Mile Area**

The area within three miles of the municipal boundaries of the City of Gunnison, as depicted on the map entitled "Planning Area Boundaries" in the City of Gunnison Three Mile Plan.

**F. Urban Development**

Development that conforms to the standards of the Moderate and High Density Residential, Commercial/Industrial or Tourist Accommodations land use categories, as described in the City of Gunnison Three Mile Plan.

**G. Urban Growth Boundary**

The boundary indicated on the map entitled Preferred Alternative, "Compact Growth (Urban Infill and Expansion) in the City of Gunnison Three Mile Plan.

**II. POLICIES**

The City of Gunnison Three Mile Plan establishes the following policies for intergovernmental coordination between the City of Gunnison and Gunnison County that are hereby incorporated into this Agreement.

**A. Joint Review Process**

The City and County shall establish a process for joint City and County Planning and Zoning Commission review of projects within the urban growth boundary. This process shall supersede the review process established in the 1985 Intergovernmental Agreement.

**B. Locational Standards**

The County shall adopt locational standards to direct planned urban development to suitable lands within the urban growth boundary and to limit new development outside of the urban growth boundary to non-urban land uses.

**C. Utility Extension and Service Policies**

The City and County shall require planned urban development to connect to public utility systems and should not extend utilities to areas designated as rural or low density residential. The City and County shall only extend services to lands within the urban growth boundary that are designated in the Three Mile Plan as being suitable for urban development, or when the extension is necessary to resolve water quality or water supply problems that have an impact on, or are relevant to, the City.

**D. Future Urbanizing Standards**

The County shall adopt "future urbanizing standards" that require development within the urban growth boundary to be consistent with City improvement and design

standards or to assure the development is capable of being upgraded to meet such standards.

#### **E. Annexation**

The City shall consider the annexation only of properties that are contiguous to its municipal limits and within the urban growth boundary. The City shall ensure that development proposed in annexed areas is compatible with existing land uses in adjacent unincorporated areas.

WHEREAS, in order to effectuate the policies agreed upon by the County and the City, it is appropriate that an Intergovernmental Agreement be entered into.

### **III. AGREEMENTS**

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, it is agreed by and between the parties hereto as follows:

#### **A. Joint Review Process**

1. The City and County shall establish a process for joint City and County Planning and Zoning Commission review of projects within the urban growth boundary, to supersede the review process established in the 1985 Intergovernmental Agreement.<sup>1</sup> This joint process shall require the following:
  - a. The City and County Planning and Zoning Commissions shall hold joint hearings and make joint recommendations to the Board of County Commissioners on moderate or major impact applications submitted to the County outside of the City limits, but within the urban growth boundary; and
  - b. The County Planning and Zoning Commission shall refer the following applications to the City for review and comment by the City Planning and Zoning Commission:

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<sup>1</sup> NOTE: If, during discussions to adopt this Agreement, it is decided that the joint hearing process will be too cumbersome for applicants or for Commission members, then the City and County should re-draft the Agreement to require applicants proposing a moderate or major impact development within the urban growth boundary to attend a meeting with the City Planning and Zoning Commission prior to the initial meeting with the County Planning and Zoning Commission, so that the City Commission may provide referral comments to the County Commission.

- (1) Applications submitted to the County for minor impact projects outside of the City limits but within the urban growth boundary; and
  - (2) Applications submitted to the County for major or moderate impact review outside of the urban growth boundary but within the three mile area.
- c. Such referrals shall be forwarded to the City for recommendation at least forty five (45) days prior to initial action thereon by the County. After review of development proposals by the City Planning and Zoning Commission and the recommendation for approval, approval with conditions, or disapproval is forwarded to the County Planning and Zoning Commission, final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners. Should the Board of County Commissioners take action on a development proposal which is contrary to the City's recommendations, then they shall provide the reasons for doing so in writing to the City Council within 30 days following such action.
2. The County shall withhold any action on any moderate or major impact development proposed on land that is contiguous to the City and is otherwise eligible for annexation to the City, until such time as the owner submits a petition to the City for annexation and that petition has been acted upon by the City. If the City fails to approve the petition within a 180-day time period, then the County is authorized to initiate the joint review process for the application, as described above.

**B. Locational Standards**

1. The County shall adopt locational standards that direct planned urban development to suitable lands within the urban growth boundary, and that limit new development outside of the urban growth boundary to non-urban land uses. The County shall refer a draft version of the locational standards to the City for review and comment prior to adoption by the County.
2. For purposes of this section, criteria for determining "suitable lands" shall include, but shall not be limited to, proximity to urban facilities, such as central water supply and sewage collection systems, paved and plowed roads, fire stations, emergency medical facilities, and transit and other alternative transportation facilities. "Suitable lands" shall not

include sensitive or valued lands such as wetlands, wildlife habitat, riparian areas, prime agricultural lands, and visually sensitive lands.

**C. Utility Extension and Service Policies**

1. The City and County shall require planned urban development to connect to the City or County utility systems and shall not extend utilities to areas designated as non-urban land uses in the City of Gunnison Three Mile Plan.
2. The City shall continue to consider the filling of existing infrastructure gaps within the City to be its highest priority for capital improvements, but shall also offer service extensions to induce annexation of contiguous lands within the urban growth boundary that are designated in the City of Gunnison Three Mile Plan as being suitable for urban development.
3. The County shall consider community systems to be an interim solution to sewage disposal within the three mile area. Existing and new community systems that are owned and operated by the County shall be permitted, provided the homeowners agree to connect their system to a City utility line, if it becomes available, and agree to annex their property to the City as a condition of receiving utility service.
4. The City and County shall not extend any new utility lines beyond the urban growth boundary, unless the extension is necessary to resolve problems that have an impact on, or are relevant to, the quality or quantity of the City's water supply.

**D. Future Urbanizing Standards**

1. The County shall adopt "future urbanizing standards" that require development within the urban growth boundary to be consistent with City standards or to be capable of being upgraded to meet such standards. These standards would ensure there is the opportunity for facilities to be upgraded to urban standards in areas that will eventually be annexed to the City.
2. In formulating its future urbanizing standards, the County shall consider, but shall not be limited to, the Landscaping and Illumination Standards and the Improvements Standards (Articles 9 and 11, respectively) of the City's Land Development Code. The County also shall consider the City's Entrance Overlay (EO) zone district for development proposed along Highway 135 or Highway 50 outside of

the City limits, or shall adopt its own version of an entrance overlay for these lands.

3. The County shall refer a draft version of the future urbanizing standards to the City for review and comment prior to adoption.

#### **E. Annexation**

1. The City shall consider the annexation of parcels of land only when the land is contiguous to the City boundary and located within the urban growth boundary.
2. The County hereby waives the requirement that the City prepare an annexation impact report for any proposed annexation that is within the urban growth boundary, as authorized by C.R.S. 31-12-108.5.
3. The County shall require any applicant proposing moderate or major impact development within the urban growth boundary on property that is not eligible for annexation to enter into an agreement stating that the property will be voluntarily annexed at such time as it becomes contiguous to the City, and is otherwise eligible to be annexed.
4. The City agrees to ensure that development proposed in annexed areas is compatible with existing land uses in adjacent unincorporated areas.

#### **IV. ENFORCEMENT**

It is the intent of both the City and the County that this Agreement be binding upon both the City and the County, and that either party hereto shall be permitted to specifically enforce any provision of this Agreement in a Court of competent jurisdiction.

#### **V. AMENDMENT**

This Agreement may be amended from time-to-time as required, subject to the approval of both the City and the County.

#### **VI. TERM**

This Agreement shall remain in force and effect for a period of one year from the date of its execution. Thereafter, it shall be automatically renewed for an additional one-year term unless at least ninety (90) days prior to its scheduled expiration, either party should notify the other party of its decision that the Agreement not be renewed. Such notification shall be sent by certified letter, with a return receipt requested.

**VII. APPLICABILITY**

Whenever a provision of the 1985 Intergovernmental Agreement is inconsistent with a specific provision of this Agreement, the provisions of this Agreement shall apply.

**VIII. TERMINATION**

In the event either party makes unilateral changes to regulations or practices that materially change the intent of this Agreement, then the aggrieved party shall have the option of terminating this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this day and year first above written.

ATTEST:

COUNTY OF GUNNISON, STATE OF  
COLORADO, By and Through Its  
BOARD OF COUNTY  
COMMISSIONERS

\_\_\_\_\_  
Clerk to the Board of County  
Commissioners

By: \_\_\_\_\_

Chairperson

ATTEST:

CITY OF GUNNISON,  
A Colorado Municipal Corporation

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_

Mayor