

**MEMORANDUM**

TO: City Council  
FROM: Steve Westbay  
DATE: May 19, 2015  
RE: Gunnison Rising Annexation Agreement – Development Conditions

The purpose of this memorandum is to provide an overview of certain conditions in the Gunnison Rising Annexation Agreement that must be met prior to any subdivision of property in Gunnison Rising. Gunnison Valley Properties, LLC has fulfilled the pre-subdivision conditions established by the Annexation Agreement and the Council will be asked to formally recognize the fulfillment of these contractual obligations.

***Annexation Agreement Summary***

In December 2009 the City Council adopted the Gunnison Rising Annexation Ordinance (Ordinance 12, Series 2009) and this approval was under the pretext of conditions established by the *Gunnison Rising Annexation Agreement* (December 3 2009). The *Annexation Agreement* is a contractual document containing provisions that address a variety of topics including but not limited to completing a Highway Access Control Plan with the Colorado Department of Transportation (CDOT), establishing a Master Stormwater Drainage Plan, and demonstrating adequate quality of the domestic water source is from the Tomichi Basin. Under the *Annexation Agreement* terms, the developer is required to address these three specific provisions prior to any subdivision or development of the property.

**Highway Access Control Plan.** During the annexation review CDOT provided comments and notification to the City and the annexation applicant that only one access permit would be granted for each side of the highway, unless the project was developed under the confines of an adopted Highway Access Control Plan. In order to address this CDOT mandate, the annexation applicant agreed to complete a CDOT Highway Access Control Plan (see *Annexation Agreement*, Section 16.5). In 2012, this planning program was initiated. The plan assessed all existing and future highway access points from the corner of Main and Tomichi to a point approximately three miles east of town. After detailed scoping and review the plan was completed in 2013. The culmination of the plan resulted in an Intergovernmental Agreement between the Board of County Commissioners, CDOT and the City. This pre-subdivision condition has now been met.

**Master Stormwater Drainage Plan.** Contemplating how stormwater would be managed as Gunnison Rising develops in the future was a critical factor of consideration during the annexation review. Managing stormwater is important because it can affect the basin's water quality if not controlled in a sustainable manner. Section 11.8 of the Annexation Agreement requires the annexation developer to establish a master stormwater plan prior to subdividing property. In 2013 the Gunnison Valley Properties, LLC contracted with an engineering firm to complete a master stormwater plan. This document quantified the amount of pre-development stormwater discharge, the anticipated post-development discharge, and mapped the general conveyance paths required to accommodate development of the site. The City Council adopted Ordinance 10, Series 2013 which integrated the Master Drainage Study for Gunnison Rising as part of the Planned Unit Development Standards for the annexation, and this pre-subdivision condition has now been met.

**Domestic Water Quality.** Section 15.2 of the *Annexation Agreement* addresses water supply quality provisions associated with the service of future site development. The developers were contemplating a new domestic groundwater source from the Tomichi basin, but as an alternative, they also considered using water from the City's existing water delivery system. The City's existing domestic water source is exclusively groundwater in the Gunnison basin. During annexation review, water project engineers

suggested that the City ensure that water from the Tomichi basin be of an adequate quality as not to negatively affect the existing city water (smell, taste, etc.).

Based on a letter dated April 17, 2015 from Dick Bratton (Gunnison Valley Properties, LLC), the annexation developer has decided that the Gunnison Rising domestic water source would originate from the City's existing delivery system in the Gunnison basin. This means that the water quality assessment is no longer needed. Additionally, while the specific details for improvements to the delivery system have not been established, the annexation developer will be responsible for costs and construction of any required upgrades. Based on the April 17, 2015 letter, this pre-subdivision condition has now been met.

***Conclusion***

The annexation developer has fulfilled the three specific obligations that are contained in the Annexation Agreement restricting any subdivision of the property. Staff recommends that Council take formal action to recognize the three pre-subdivision requirements contained in the Annexation Agreement have been fulfilled.

A copy of the Annexation Agreement can be found at the following link:

[http://www.cityofgunnison-co.gov/Community%20Development/planning\\_department/planning\\_documents/annexation\\_agreement\\_12.03.09.pdf](http://www.cityofgunnison-co.gov/Community%20Development/planning_department/planning_documents/annexation_agreement_12.03.09.pdf)

April 17, 2015

Mr. Steve Westbay  
Community Development Director  
City of Gunnison  
201 W Virginia Avenue  
Gunnison, CO 81230

Re: Gunnison Rising Annexation Agreement  
Requirements for Development

Dear Steve:

Pursuant to Section 15.2 Water Supply Quality of the Gunnison Rising Annexation Agreement, Gunnison Valley Properties, LLC elects to and requests from the City to hook up to the City's existing water supply rather than develop a new supply in the Tomichi basin.

We also want to confirm that in accordance with Section 16.5 State Highway Access, that the "highway corridor access control plan" has been completed and adopted by the Colorado Department of Transportation and the City of Gunnison. The adoption of Ordinance No. 10, Series 2013, by the City of Gunnison fulfills the requirements for the Stormwater Master Plan.

Please let us know if you have any questions about this letter and request.

Best Regards,

A handwritten signature in cursive script that reads "L. Richard Bratton".

Gunnison Valley Properties, LLC  
L. Richard Bratton, Co-Manager