



*Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623*

**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, July 11, 2019
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the June 27, 2019 meetingAttachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 7:15 p.m.
Resolution 8, Series of 2019 – 714 Lincoln Avenue Approving Condo Exemption - Attachment B
6. 7:15 p.m. – 7:35 p.m.
PUBLIC HEARING –Minor Plat Amendment.....Attachment C
Applicant: Randall & Juliet Spurrier
Location: 403 & 417 Crystal Canyon Drive
7. 7:35 p.m. – 8:00 p.m.
PUBLIC HEARING – Crystal Acres PUD Amendment.....Attachment D
Applicant: Jerome & Donna Dayton
Location: 315 Oak Run Road
8. 8:00 p.m. – 8:05 p.m.
Staff Update
9. 8:05 p.m. – 8:10 p.m.
Commissioner Comments
10. 8:10 p.m. – ADJOURN

*** Please note all times are approx.**

Upcoming P & Z Meetings: 7-25-19 – TBD

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday June 27, 2019

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Jay Engstrom
Nicholas DiFrank (1st Alternate)
Marina Skiles

Staff Present:

John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Tristan Francis (2nd Alternate)
Jeff Davlyn
Jade Wimberley
Nick Miscione

Other Persons Present

Carlo Angelini
Alan Feldman

The meeting was called to order at 7:00 p.m. by Michael Durant.

May 16, 2019 Minutes:

Ken made a motion to approve the May 16, 2019 minutes. Jay seconded the motion and they were approved unanimously with Marina abstaining.

Resolution 7, Series of 2019 - Approving Minor Site Plan & Special Use Permit for 417 Sopris Avenue

Jay made a motion to approve Resolution 7, Series of 2019, approving the Minor Site Plan Review and Special Use Permit at 417 Sopris Avenue. Ken seconded the motion and it was approved unanimously.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

CONTINUED PUBLIC HEARING – Condominium Exemption

Location: 718 Lincoln Avenue

Applicant – Carlo Angelini

John said that this is an application to divide a 4-unit apartment building into a 4-unit condominium complex. He stated that the Planning Commission is required to hold a

public hearing and approve the application or deny it. He said that the Commission may also continue the public hearing.

Marina asked for clarification on Carbondale's short term rental policy.

John stated that short term rentals are required to have a lodging tax license. He said that the topic is possibly going to be a future agenda item.

Alan Feldman introduced himself and said that he was representing Carlo Angelini. He apologized for the typos in their draft of the covenants and bylaws. He said that these units would be for the worker bees. He asked if there were any questions.

There were no further questions.

There were no members of the public present

Motion to Close Public Hearing

A motion was made by Ken to close the public hearing. Marina seconded the motion and it was approved unanimously.

Marina stated that short term rentals put long term rentals in danger of having no vacancies. She asked how many units will be rented.

Carlo explained that there were not any tenants currently as they have been giving them a cosmetic redo, which is still in process.

Motion

Jay made a motion to approve the 718 Lincoln Avenue Condominium Exemption Plat with the suggested findings and conditions indicated in the Staff report. Nicholas seconded the motion and it was approved unanimously.

Staff Update

John said that Janet had a meeting this week regarding the Stein lot. He said that there will be an application coming before the P&Z soon.

John said that City Market was planning on doing a ground breaking on July 1.

Commissioner Comments

A Commissioner asked the whereabouts of the Crystal Acres PUD.

John pointed it out on the zoning map and explained the amendment that would be before the Commission at the next meeting.

Marina complemented the school district housing on Third Street and said that it looked fantastic as it is in her neighborhood.

Motion to Adjourn

A motion was made by Ken to adjourn. Nicholas seconded the motion and the meeting was adjourned at 7:17.

DRAFT

RESOLUTION NO.8
SERIES OF 2019

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN
OF CARBONDALE, COLORADO, APPROVING
THE CONDOMINIUM EXEMPTION FOR THE
THE 718 LINCOLN CONDOMINIUMS (SECTION: 34, TOWNSHIP: 7 RANGE: 88
SUBDIVISION: WEAVERS ADDITION BLOCK:8 LOTS 4 THROUGH LOT 6)

WHEREAS, the Carlo Angelini, ("Applicant") has requested approval of the 718 Lincoln Avenue Condominium Exemption for property located at Lot 4 through Lot 6, of the Weavers Addition in order to condominiumize a structure located into four residential condominium units; and

WHEREAS, after required public notices, the Planning and Zoning Commission of the Town of Carbondale reviewed this application during a Public Hearing on June 13, 2019; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, COLORADO, that The 718 Lincoln Avenue Condominium Exemption Plat is hereby approved based on the finding that the application meets Chapter 17.02.2.6.6 D of the Unified Development Code, which regulates condominiumization and subject to the following conditions:

1. The condominium plat shall be in a form acceptable to and approved by Town Staff prior to recording. The plat shall be recorded with the Garfield County Clerk and Recorder within ninety (90) days of the date of approval.
2. The applicant shall submit a revised Condominium Declaration and associated Bylaws for Town Staff review and approval prior to recordation of the Declarations with the plat.
3. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval.
4. The Applicant shall be responsible for all recording costs and shall pay all fees associated with this application to the Town, including any professional fees, as set forth in Section 1.30.030 of the Municipal Code.

INTRODUCED, READ, AND PASSED THIS ____ day of _____, 2019.

PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE

By: _____
Michel Durant, Chair



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning Commission Agenda Memorandum

Meeting Date: 7-11-2019

TITLE: Spurrier Major Plat Amendment (Lot Consolidation)

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS:

Land Use Application
DRC Letter (in application materials)

BACKGROUND

This is a public hearing to consider a Major Plat Amendment for 403 and 417 Crystal Canyon Drive. The Planning Commission is required to hold a public hearing and approve the application or deny it. The Commission may also continue the public hearing.

The RVR HOA issued a letter of approval of the proposal on April 24, 2019 with four conditions of approval.

DISCUSSION

The purpose of the Major Plat Amendment is to Consolidate two lots, 403 and 417 Crystal Canyon Drive also known as Lot 19 and Lot 20 in Block AA phase 7 of River Valley Ranch. While a normally a consolidation would be a administrative review, staff felt that due to the size of the lot that would be created the application should be reviewed by the Planning Commission.

Plat

The Major Plat Amendment removes the dividing lot line and also the building setback lines.

The proposed new lot is 41,388 sq ft in size, Lot 19 is 20,638 sq ft and Lot 20 is 20,750 sq ft in size.

The building envelope has been increased in the front yard effectivity pushing the conceptual structure to the back of the lot and the side and rear setbacks increased to 20 feet from the original 10-foot setback.

The property owner has also worked with neighbors on the driveway and parking layout so that there are no issues.

While Staff has reservations about the overall lot and more specifically the building envelop size, staff is supportive of the application.

Findings:

1. There is no increase in the number of lots.
2. No street would be relocated.
3. No nonconformities would be created.
4. The proposed lot line adjustment is in compliance with the zoning and development regulations in the UDC.

FISCAL ANALYSIS

There do not appear to be fiscal impacts associated with the approval of the Major Plat Amendment.

RECOMMENDATION

Staff recommends that the following motion be approved: **Move to approve the Major Plat Amendment for Lots 19 and 20 Block AA River Valley Ranch Phase 7 with the following conditions and findings:**

1. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval of this Major Plat Amendment.
2. The Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. Applicant shall execute and record the plat with the Garfield County Clerk and Recorder within three (3) months of approval by the Board.
3. The applicant shall be responsible for the costs of recordation of the approval documents.

Prepared By: John Leybourne, Planner

Land Use Application

Lots # 19 & 20, BI AA, RVR #7

Major Plat Amendment (Lot Consolidation)

Carbondale, Colorado
May 2019

SECTION 1

Application Forms and Documents

- **Master Land-use application Form**
- **Final Plat Checklist**
- **Project Team**



Town of Carbondale
511 Colorado Ave
Carbondale, CO 81623
(970)963-2733

Pre-Application Meeting Date _____
Fees _____ Date Pd _____

Land Use Application

PART 1 – APPLICANT INFORMATION

Applicant Name: RANDALL & JULIET SPURRIER Phone: _____

Applicant Address: 4162 CRYSTAL BRIDGE DR.

E-mail: RANDY.SPURRIER@GMAIL.COM

Owner Name: SAME AS ABOVE Phone: _____

Address: _____

E-mail: _____

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

LOTS 19 & 20, BL AA RIVER VALLEY RANCH PH 7

PART 2 – PROJECT DESCRIPTION

General project description:

CONSOLIDATION OF 2 LOTS INTO 1 SINGLE LOT

Size of Parcel: 41,298 SF # Dwelling Units: 1 Sq Ftg Comm: NA

Type of Application(s): PLAT AMENDMENT

Existing Zoning: PUD-B/LD/10,000 Proposed Zoning: SAME

PART 3 – SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

Applicant Signature

Date

Signature of all owners of the property must appear before the application is accepted.

Owner Signature

Date

Owner Signature

Date

STATE OF COLORADO

) ss.

COUNTY OF GARFIELD

The above and foregoing document was acknowledged before me this 17th day of

May 20 19, by Randall and Juliet Spurrer

Witness my hand and official

My commission expires: 12/28/2019

PAUL JANEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074013586
MY COMMISSION EXPIRES DECEMBER 28, 2019

Notary Public



**Town of Carbondale
Subdivision - Final Plat
Checklist**

(970) 963-2733

Project Name: AMENDED PLAT- LOTS 19 & 20, RVR PHASE 7, BLAA

Applicant: RANDALL & JULIET SQUIRREL

Applicant Address: 4162 CRYSTAL BRIDGE DR.

Location: LOTS 19 & 20, RVR, PHASE 7

Date:

Staff Member:

Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

Per Section 2.3.2.B of the UDC, the Planning Director shall determine the form and number of application materials required.

Required Attachments

- ☒ Filing Fee of \$800 and Land Use Application (separate attachment)
- ☒ a. The proposed subdivision drawn at a scale of not more than 100 feet to the inch depicting:
 - i. Subdivision boundaries, street right-of-way lines, and lot lines in solid lines with accurate dimensions to the nearest 100th foot.
 - ii. Easements and other rights of way in dashed lines with accurate dimensions to the nearest 100th foot.
 - iii. Bearings of all lines and central angles, tangent distances, chord distances, and arc length of all curves shall be shown.
 - iv. Location and description of all permanent survey control points.
 - v. Legal description of the subdivision tract with references to its location in the records of Garfield County, Colorado.
 - vi. Street names, block, and lot numbers. Include street addresses where applicable.

vii. Use, area, and setback restrictions on each lot of a Planned Development when it is different from underlying zoning.

viii. The name of the subdivision.

ix. A notarized certificate of dedication and ownership.

x. Surveyor's certificate signed by a licensed surveyor responsible for the survey and final plat.

xi. Planning and Zoning Commission Certificate of Approval.

xii. Board of Trustees Certificate for Approval and Acceptance.

xiii. Clerk and Recorder's Certificate for time recording.

NA ☐ b. Protective covenants or restrictions placed on the subdivision;

NA ☐ c. Engineered plans and preliminary cost estimates, prepared by an engineer licensed in the State of Colorado, for all improvements to be installed by the subdivider in dedicated land, rights-of-way, or easements, or as may be required by this Code;

NA ☐ d. A draft subdivision agreement to be executed by the Town and the subdivider wherein the subdivider covenants and agrees to perform all conditions imposed by the Town. The agreement shall meet the specifications of Section 2.6.5.C.2.c.i, Security Guarantee. Such conditions and agreement may include, and the Town is empowered to require, the obligation of the subdivider to pay for and install or cause to be installed water distribution structures, curbs and gutters, street base course material, asphalt wearing course material, bridges, underground wiring, street lighting, underground communications system, gas distribution systems, underground cable TV wiring, underground internet wiring, fire hydrants, fire alarms, street signs, and traffic-control devices, as may be required by and according to the specifications of the Town, and sanitary sewer collection systems. The Town may also require the subdivider to comply with the provisions of subsections f and g of this section regarding public open space dedication and park development fees, and such requirements shall be set forth in the subdivision improvement agreement. The Town may also require the subdivider to reserve sites and land areas for schools not to exceed five percent of the acreage of the subdivision, or in lieu thereof, a cash contribution in the amount of not more than five percent of the market value of the subdivision at the time of the submission of the final plat. In such event, the land or cash

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Subdivision/Final Plat

equivalent for school shall be granted or transmitted to the Roaring Fork Valley School District RE-1 by the subdivider;

HA ☐ e. An agreement and covenant of the subdivider to convey ownership to the Town of all of the foregoing facilities and improvements, except for facilities, money or property of Roaring Fork School District RE-1, except for cable TV wiring and related facilities, except for those facilities which by law become the property of the state, and except for those facilities which by public utilities tariffs become the property of the public utility, its customer, or its user. At the time of the conveyance, the subdivider shall supply a statement of the costs of the facilities conveyed, mechanic's lien waivers from all involved contractors, subcontractors, and material suppliers, and existing as built specifications and other available data concerning the location, construction, operation and maintenance of such facilities. The subdivider/developer and all subcontractors shall also warrant the conveyed facilities to be fit for the purpose intended and of merchantable quality, and in addition to be free for two years from the date of conveyance from all defect in material and workmanship. The warranty shall be in writing on a form supplied by the Town. All improvements must be constructed as contained in the approved engineering plans submitted to the Town. Nothing herein shall limit the rights of the Town as to any expressed or implied warranties concerning such facilities from persons manufacturing, selling, or installing the facilities;

NA ☐ f. A dedication or conveyance by the subdivider to the Town of a minimum of 15 percent of the land within each residential subdivision for public open space. Public open space shall mean property that has been dedicated for use by the general public for recreational purposes and shall include land designated for use as a park. All parks shall be developed by the subdivider according to the standards set forth in the park master plan for the Town of Carbondale as it may be amended from time to time;

NA ☐ g. If the Town elects to accept a dedication of undeveloped park land, a park development fee, in addition to the dedication of land, shall be paid by the developer at the time of final plat approval based on the number of dwelling units created by any final subdivision plat or subdivision exemption plat. The fee shall be \$700.00 per dwelling unit;

NA ☐ h. The Board of Trustees shall make a determination of whether or not the proposal for dedication of public open space or a fee in lieu thereof as set forth more fully in Section 2.6.4.C.1.j is acceptable, and if not acceptable, the Board of Trustees may impose additional conditions or requirements in connection with the dedication of public open space lands or a fee in lieu thereof consistent with the provisions of this Code; and

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Subdivision/Final Plat

- 420

[illegible]

PROJECT TEAM

Owner/Applicant

Randall & Juliet Spurrier
4162 Crystal Bridge Drive
Carbondale, CO 81623
randall.spurrier@gmail.com

Architect

Donna Riley
PO Box 2066
Carbondale CO, 81623
970.618.0035
redhillriley@gmail.com

Planning/Coordination

Mark Chain
Mark Chain Consulting, LLC
811 Garfield Avenue
Carbondale, CO 81623
970.309.3655 (cell)
mchain@sopris.net

Surveyor

Tuttle Surveying Services
923 Cooper Avenue
Glenwood Springs, CO 81601
970.928.9708
Jeff@tss-us.com

SECTION 2

Background Information

- **Introductory Information and Background**
- **Location map**
- **Site Plan**
- **Applicants Statement**
- **Amended Plat**

AMENDED PLAT – LOTS 19 & 20, BLOCK AA, PHASE 7, PER PLAT AT REC # 620571

Legal Description: (see above)

Location: 403 and 417 Crystal Canyon Drive

Owner: Randall and Juliet Spurrier

Land-use Application Components

- Major Plat Amendment/Lot Consolidation

REQUEST

Juliet and Randall Spurrier, who have lived in RVR since 2010, have purchased two adjacent lots along Crystal Canyon Drive at the south end of RVR. They wish to consolidate the lots and build a single-family residence. Consolidating the lot requires a Plat Amendment in order to adjust the building envelope, setbacks and removing the lot line that previously separated Lots 19 and 20. Under the UDC, this is a Major Plat Amendment which in this case requires Planning Commission Approval. (Note: the RVR Design Review Committee and the Board of the HOA have previously approved this application).

BACKGROUND

River Valley Ranch Phase 7 was one of the last phases platted as part of the that development. Phase 7 was recorded in 2003. There are a total of 8 phases in RVR, including the golf course and Thompson Corner.

This portion of Phase 7 generally contains lots of 0.40 acres and larger. Many of those along Crystal Canyon Drive are relatively narrow, and generally the garages are located directly off of Crystal Canyon Drive. This is very advantageous for the lots located east and south of Crystal Canyon Drive, as view planes of the Valley and Mount Sopris are preserved. This does not work quite as well for some of the lots located west and north of Crystal Canyon as not all of the view planes are preserved.

There have been lot consolidations in the past, and all lot consolidations must be approved by the Design Review Committee and the HOA Board and such approval documented before the town will review such applications.

SITE DESCRIPTION

The site (two lots) are located along Crystal Canyon Drive in the southern portion of RVR. A site location map is attached. The lots are vacant and are essentially flat. There are one or two very large boulders that are located on the lot that were left over from the original construction/grading and utility installation. Access is from Crystal Canyon Drive. Soils are alluvial deposits characteristic of Carbondale and the surrounding area.

This part of RVR is only partially built out. Project data is below:

Lot and Building Envelope Data		
Lot #	Lot size (SF)	Building Envelope (SF)
Lot 19	20,638	12,023
Lot 20	20,750	12,688
Totals	41,388	24,711
With lot consolidation	41,388	16,688

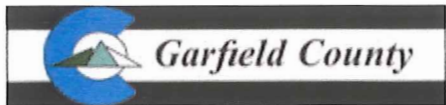
The property is located in the PUD – R/LD/10,000 SF Zone district

RVR REVIEW

A letter documenting the approval from River Valley Ranch is included in Section 3 – Miscellaneous Documents. That letter is dated May 1, 2019.

It should be noted that the review by the RVR DRC and HOA also included notice to surrounding property owners. In this particular case, the notices 300 feet but that measurement is taken from the center point of each individual lot. Therefore, the notice will as part of the Town Review will include a wider area and additional property owners will be notified as part of the process.

As you can see from the letter from RVR, many of the concerns are related to homeowners assessments and the number of votes for lot after consolidation. In this particular case, there was extensive conversation with the Homeowner to the east. While the home on this lot has been designed (Lot 18) it has not yet been constructed. There were some concerns related to the location of the parking for Lot 19/20 as it had been assumed that the parking and garage would be closer to the street. The owner and project architect engaged the adjacent property owners and various options for mitigation were considered. At the end of the day, no parking will be allowed within a certain distance of the northeast corner of not 19/20. This condition is included as a note on both the current site plan as well as the amended plat. RVR also has the ability to review the plat after town approval to ensure that the condition is maintained.



Garfield County Colorado Land Explorer



Lots 19 & 20, BL
AA, RVR # 7

0 150 300ft.

Lot 19 & 20, BI AA, RVR #7

Reasons for Lot Consolidation Proposal

The Spurrier family wrote a letter outlining their reasons for purchasing two lots and combining them. This statement is included at the end of this section and it is a pretty eloquent statement. I do not want to speak for them, but in general terms here are some of the reasons:

- the existing lots in this area are relatively long and narrow compared to similar sized lots in RVR.
- This general lot layout north and west of crystal Canyon Drive result in lots built edge-to-edge and little separation between homes.
- To improve view planes, for themselves and neighbors
- increase in open space on the south part of the lots to benefit neighbors and for people using the footpath.

Each of these items, including the general layout for both Phases 7 and 8 can be discussed at length. However, we don't think this is the forum for those issues – these items were discussed to some degree during the annexation, zoning and eventual phase layouts for various portions of River Valley Ranch. At this time, we are trying to complete the lot consolidation process and review by the Town and show that all requirements have been met.

Building Envelope and dwelling unit size

Planning staff indicated at the pre-application meeting that they would like the application to discuss potential size of the building envelope and dwelling unit as there was some concerns about the size of each.

Size of building envelope. It should be noted that the building envelope size is smaller as a result of the lot consolidation. Specifically, the building envelope for the combined lots 19/20 is nearly 8000 ft.² in size smaller than the original, platted building envelopes. Please see the previous chart in this section. The project architect and owners did make efforts to restrict the size of the building envelope to make it fit into that part of the neighborhood. As noted previously the envelope was partly designed to preserve other view planes for neighbors besides just the one to the south – that is Mount Sopris.

Actually, the building envelope is slightly larger than earlier in the design process. The owner would like space for some type of shed, perhaps a telescope shed, on the western part of the site. In actuality, comments to maintain building envelope flexibility were made during the review process from the DRC as they did not want the owners to unreasonably restrict some potential uses that may be outside of the principal building itself.

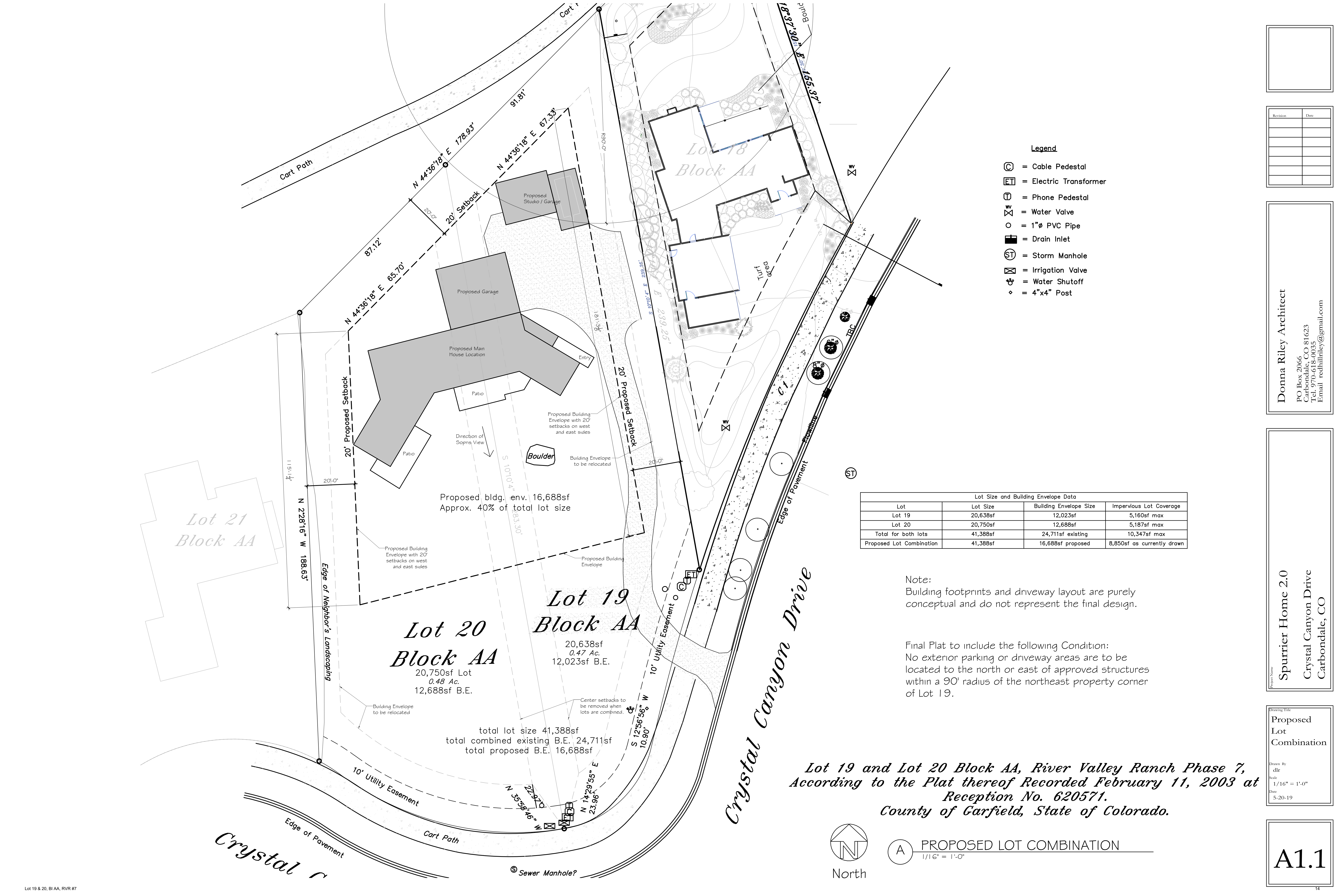
Building size. The design that you see from the project architect in the application is conceptual at this time. As noted by the owner, the majority of the building will be one story in size and the approximate size of living area at this stage is approximately 4000 ft.². This is probably about average for this area in River Valley Ranch. A quick survey of developed lots in the Crystal Canyon Drive and the connecting courts show that there are 14 other homes in that area with the total heated square feet of 4000 ft.² or larger. One home was 8509 ft.² in size and eight others were over 5000 ft.² in size. Please note that the largest home we are aware of and RVR is almost 9200 ft.² in size. In summary, it appears that there are many other homes in RVR will be greater in size and the proposed applicants at this stage in design.

Maximum Home Size. We understand that there have been concerns about maximum Home size within the town limits in the past. It is our understanding that this time there are no maximum home sizes set out in the UDC. Given the existing situation and the fact that there is no maximum Home size for the town and the fact that there are many in this section of RVR that are larger, we do not see this as a significant issue.

Other Issues and Various Design Considerations

The Planning Commission may want to discuss other design issues that came up. For that reason, the project architect and the owner will be present and they can give you further background or provide more detailed information is necessary.

Finally, we also want to make clear that the design is still at a actual level. They are trying to get the town to approve this lot consolidation as quickly as possible so further design development can proceed.



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Revision	Date

Donna Riley Architect
PO Box 2066
Carbondale, CO 81623
Tel 970-618-0035
Email redhillriley@gmail.com

Spurrier Home 2.0
Crystal Canyon Drive
Carbondale, CO

Proposed Lot Combination
Drawn By: dlr
Scale: 1/16" = 1'-0"
Date: 5-20-19

A1.1

Proposal to Combine Lots at 403 & 417 Crystal Canyon Drive



Executive Summary

Juliet and RJ Spurrier, who have resided in RVR since 2010 with their two kids in a 3,725 sq ft home at 4162 Crystal Bridge Drive, purchased two lots in 2018 located on the south end of RVR: 403 and 417 Crystal Canyon Drive. It is their goal to build their dream home there, and move their family to that home once completed. The two lots are relatively long and narrow compared to similar sized lots in RVR. As a result, most homes built on these kinds of lots are built edge-to-edge in the narrow (east-west) dimension of the lots, resulting in homes with little separation. Views of Mount Sopris to the south are viewed through the narrow dimension of the lot, which limits the view opportunities (especially since the garage is typically placed to the south, between the core home and the street). The Spurriers' hope is to gain approval to combine the two lots, so they can locate the home in the north end of the combined lot, with the garage placed behind the house (north side), thus locking in more of the view of Sopris and leaving significant landscaped open space in the southern 2/3rds of the combined lot.

The Spurriers' propose, as part of combining the lots, that the neighbor-facing building envelope set-backs (east and west side) be increased from the current 10' set-back, to 20' set-backs, and substantially increase the front setback, providing better view lines and more privacy for both the Spurriers and neighboring lot owners. The proposed home placement, as illustrated below, would be shifted to the north end of the lot, and oriented to face square to Sopris.

The implications of doing so:

- Improved *view lines for neighbors on all sides* of the combined lots, due to the much smaller visual footprint of the single home on the combined lots, versus the visual impact of the homes that would be built on the lots if left separate.
- A significant increase in open space both for neighbors and for people using the popular foot path
- Improved Mt Sopris views and a large grass play area for the Spurriers, their kids, and their dog

This document describes their proposal in a bit more detail, including an image showing the desired location and footprint of the hoped for future home on the combined lots.

RVR Design Guidelines on Combining Lots

We have attempted to come up with a proposal consistent with RVR design guidelines for combining lots.

6.11 Combining Lots: If an Owner owns two contiguous homesites and wants to combine the homesites into a single homesite with a reconfigured building envelope, the Owner may do so with the consent of the Board. When combining homesites, the DRC must consider that while joining two or more homesites may provide more open space, a relocated building envelope may also have an adverse impact on the views and privacy of other nearby homesites or common areas and therefore may not be approved by the DRC. The plat for the newly configured single homesite must also be approved by the Town of Carbondale and recorded by Garfield County. All expenses associated with recording the new homesite and building envelope and pursuing any required government approvals are the responsibility of the Owner.

About the Existing Lots at 403 & 417 Crystal Canyon Drive

These two lots are relatively narrow and long, compared to most similarly sized (half acre) lots in RVR:

- 403 Crystal Bridge Drive
 - 0.47 acres, approximately 270 ft long x 70 ft wide
 - Original building envelope
 - 10-foot set-backs on sides facing neighboring lots (east west)
 - 20-foot set-backs from street and golf course sides (south north)
- 417 Crystal Bridge Drive
 - 0.48 acres, approximately 270 ft long x 80 ft wide
 - Original building envelope
 - 10-foot set-backs on sides facing neighboring lots (east west)
 - 20-foot set-backs from street and golf course sides (south north)

Narrow Lots Nearby Often Extend Edge-to-Edge in Building Envelope's Narrow Dimension

An examination of existing homes located on similarly narrow and long lots on Crystal Canyon Drive shows that most homes use with entire width of the building envelope, thus many homes are relatively close together, with just 20 feet spacing between neighboring homes (10' for each building envelope set-back).

The Spurriers' Propose Doubling the Neighbor-facing Building Envelope Set-backs to 20 feet

To increase privacy and improve view lines of both neighbors and the Spurriers, we propose that the combined lot building envelope set-backs facing neighboring lots (east and west), be *increased to 20 feet* for the combined lots. Doing so will provide:

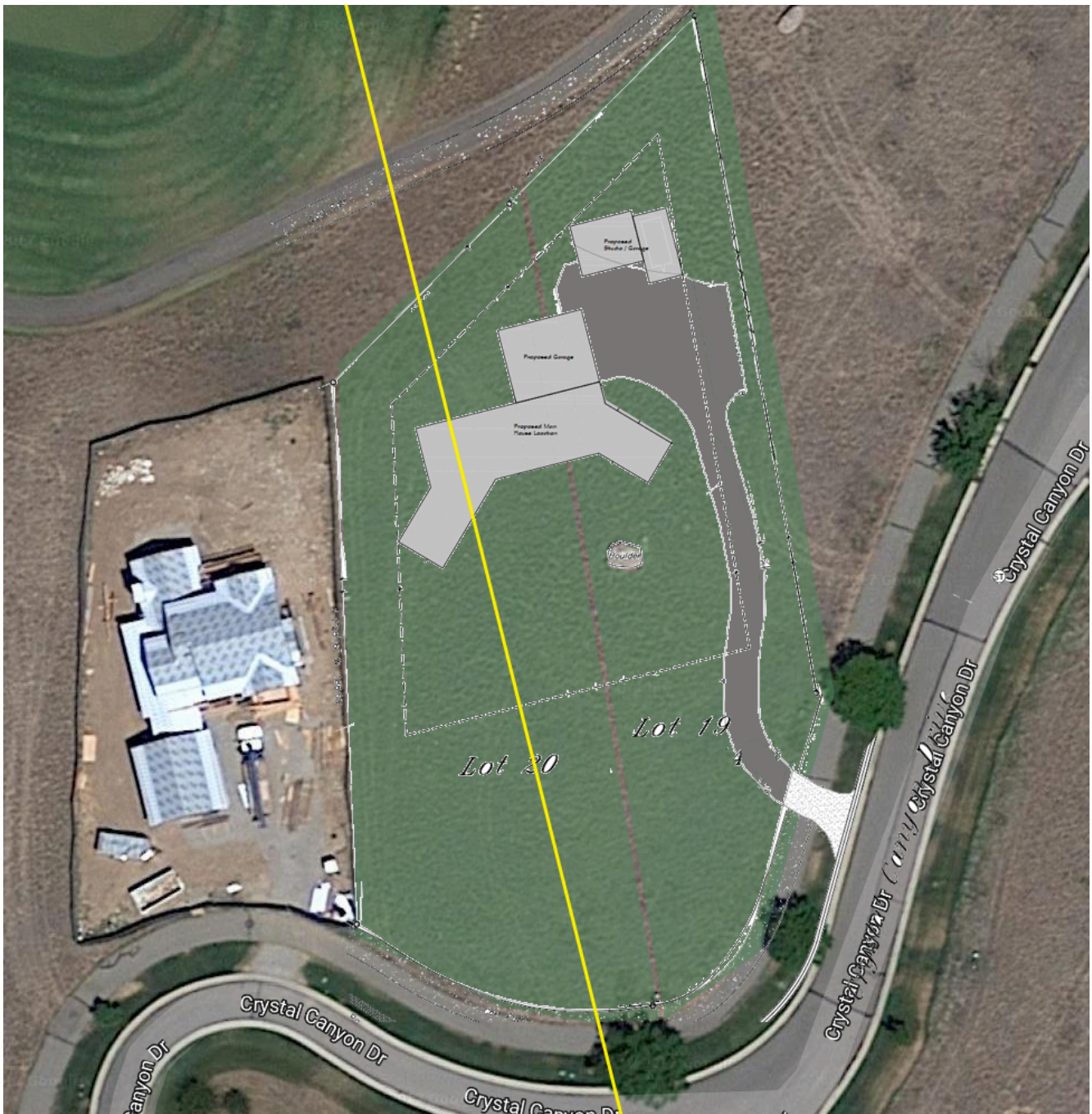
- Significantly improved privacy, open space, and view lines for neighbors when compared to the likely homes that would be built on the lots if kept separate

The Spurriers' also propose that the existing 20 ft set-backs to the north and south, between the street (front, south) and golf course (back, north) be left *as is in the back* (north), but to be *increased substantially in the front*, which will provide significantly more open space than if the two lots were built on separately.

Desired Home Location Will Provide Much Improved Open Space and View Lines

While the Spurriers' home has not undergone a full architectural design process, the image below shows the approximate size and location for the Spurriers' dream home on the combined lots. Note the approximately 4,000 sq. ft. home is pushed back to the north end of the combined lot to improve views and rotated to face square to Sopris to maximize views. The garage is placed on the north side of the home so it does not obstruct

Sopris views. This layout results in *a substantial increase in open space in the southern 2/3rds of the combined lot*, and much improved view lines for neighbors on all sides.



For example, the neighbor to the west (427 Crystal Canyon, a newly built spec-home, not yet sold) will enjoy view lines to the Crown and Basalt mountain that would presumably be blocked by structures if the lots were left separate. Similarly, neighbors in all directions, north, south, east, and west, as well as those utilizing the walking path, will enjoy improved view lines by combining the lots and the Spurriers' plan to leave approximately 2/3rds of the southern portion of the combined lots as landscaped open space.

It is worth noting that most of the footprint of the Spurriers' envisioned home will be single story, further reducing the visual impact for neighbors when compared the home structures that would be likely built on the

two lots if left separate. Of the estimated 4,000 sq ft future Spurrier home, only about 1,400 sqft are anticipated to be 2nd-story.

FYI, the yellow diagonal line is provided to show the direction toward Sopris.



Thanks for considering our proposal!

– The Spurrier Family (RJ, Amelia, Juliet, and Jack)

Section 3

Miscellaneous Documents

- **Deed**
- **Letter of Approval from RVR DRC and HOA**
- **List – Property Owners within 300 feet**

SPECIAL WARRANTY DEED

THIS DEED, made on June 19, 2018,

between **Sachs Bridge Investments, LLC, a Delaware limited liability company, a Delaware limited liability company**

of the County of Los Angeles, and State of California, grantor,

and **Randall J. Spurrier and Juliet B. Spurrier**

whose legal address is : 4162 Crystal Bridge Drive, Carbondale, CO 81623

of the County of Garfield, and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee(s), their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

Lot 19 and Lot 20

Block AA

River Valley Ranch Phase 7

According to the plat thereof recorded February 11, 2003 as Reception No. 620571

also known by street and number as: 403 and 417 Crystal Canyon Drive, Carbondale, CO 81623

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), their heirs and assigns forever. The grantor, for itself, its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor, excepting from grantor's warranty all those matters described on Exhibit "A" hereto.

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

Sachs Bridge Investments, LLC, a Delaware limited liability company

By: 

STATE OF *California*)

COUNTY OF *Los Angeles*) ss.

The foregoing instrument was acknowledged before me on June 18, 2018, by Frederick Chin, Chief Executive Officer of Woodbridge Group of Companies, LLC, authorized signatory for Sachs Bridge Investments, LLC, a Delaware limited liability company



My commission expires:

2/21/2022

WITNESS my hand and official seal

Mandana Yedidson
Notary Public

ID: 908230

County: _____

Date: 6-21-18 Time: _____

SPECIAL WARRANTY DEED

THIS DEED, made on June 19, 2018,

between **Sachs Bridge Investments, LLC, a Delaware limited liability company, a Delaware limited liability**company
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WITNESS, that the grantor, for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee(s), their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

Lot 19 and Lot 20

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TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), their heirs and assigns forever. The grantor, for itself, its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor, excepting from grantor's warranty all those matters described on Exhibit "A" hereto.

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Sachs Bridge Investments, LLC, a Delaware limited liability company

By: _____

STATE OF California)

) ss.

COUNTY OF Los Angeles)

The foregoing instrument was acknowledged before me on June 18, 2018, by Frederick Chin, Chief Executive Officer of Woodbridge Group of Companies, LLC, authorized signatory for Sachs Bridge Investments, LLC, a Delaware limited liability company



My commission expires:

2/21/2022

WITNESS my hand and official seal

Mandana Yedidson

Notary Public

CWT 1803087

Exhibit "A"

Any and all water rights, claims, or title to water, whether or not the matters excepted are shown by the public record.

Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches or canals as constructed by the authority of the United States, as reserved in United States Patent recorded June 11, 1893 in Book 12 at Page 204.

Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches or canals as constructed by the authority of the United States, as reserved in United States Patent recorded June 11, 1893 in Book 12 at Page 205.

Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches or canals as constructed by the authority of the United States, as reserved in United States Patent recorded October 15, 1910 in Book 73 at Page 34.

Reservation of an undivided one-fourth (¼) interest in all oil, gas and other minerals in instrument recorded February 28, 1949 in Book 240 at Page 577 and any and all assignments thereof or interests therein.

Town of Carbondale Ordinance No. 19 Series of 1994 recorded January 16, 1995 in Book 928 at Page 862.

Town of Carbondale Ordinance No. 21 recorded December 8, 1982 in Book 614 at Page 356.

Town of Carbondale Ordinance No. 20 Series of 1994 recorded January 16, 1995 in Book 928 at Page 911.

Town of Carbondale Ordinance No. 6 Series of 2001 recorded June 6, 2001 in Book 1258 at Page 794.

Terms and conditions of agreement recorded January 15, 1995 in Book 928 at Page 865.

Amendment recorded January 16, 1995 in Book 928 at Page 897.

Terms and conditions of Declaration of Restrictive Covenants and Reserved Easement Rights recorded January 16, 1995 in Book 928 at Page 994.

Terms, conditions and all matters set forth in Ditch Ownership, Ditch Allocation, Ditch Use and Ditch Maintenance Agreement recorded January 16, 1995 in Book 928 at Page 983.

Town of Carbondale Ordinance No. 23 Series of 1996 recorded September 27, 1996 in Book 993 at Page 840.

Terms and conditions of Master Subdivision Improvements Agreement and Development Covenants for Phase I, River Valley Ranch recorded September 27, 1996 in Book 993 at Page 851.

Supplemental Subdivision Improvements Agreement recorded August 12, 1997 in Book 1029 at Page 822.

Amendment recorded February 9, 1998 in Book 1052 at Page 901.

Supplemental Subdivision Improvements Agreement recorded June 5, 2001 in Book 1258 at Page 808.

Supplemental Subdivision Improvements Agreement recorded February 11, 2003 in Book 1435 at Page 881.

Terms and conditions of Master Declaration of Protective Covenants for River Valley Ranch recorded September 27, 1996 in Book 994 at Page 24.

Supplemental Declaration recorded December 6, 1996 in Book 1002 at Page 458.

First Amendment recorded January 28, 1997 in Book 1007 at Page 509.

Second Supplemental Declaration recorded August 12, 1997 in Book 1029 at Page 843.

Third Supplemental Declaration recorded May 28, 1998 in Book 1069 at Page 823.

Fourth Supplemental Declaration recorded May 13, 1999 in Book 1129 at Page 702.

Fifth Supplemental Declaration recorded September 23, 1999 in Book 1151 at Page 789.

Sixth Supplemental Declaration recorded February 28, 2000 in Book 1174 at Page 737.

Seventh Supplemental Declaration recorded June 5, 2001 in Book 1258 at Page 866.

Eighth Supplemental Declaration recorded February 11, 2003 in Book 1435 at Page 896.

Ninth Supplemental Declaration recorded November 12, 2003 in Book 1537 at Page 119.

Tenth Supplemental Declaration recorded November 12, 2003 in Book 1537 at Page 126, and re-recorded January 22, 2004 in Book 1556 at Page 471.

Eleventh Supplemental Declaration recorded June 29, 2004 in Book 1600 at Page 677.

Terms and conditions of Water Rights Operating Agreement recorded September 27, 1996 in Book 994 at Page 1.

Terms and conditions of Declaration of Golf Course Plat and Operational Easement recorded September 27, 1996 in Book 994 at Page 13.

Terms and conditions of Amended and Restated Master Declaration of Protective Covenants for River Valley Ranch recorded March 25, 1998 in Book 1059 at Page 623.

Reallocation Amendment recorded December 5, 1997 in Book 1045 at Page 237.

First Amendment recorded January 18, 1999 in Book 1109 at Page 450.

Second Amendment recorded August 22, 2000 in Book 1203 at Page 79.

Reallocation Amendment recorded July 26, 2001 in Book 1272 at Page 345.

Reallocation Amendment recorded October 5, 2001 in Book 1292 at Page 573.

Reallocation Amendment recorded July 16, 2002 in Book 1369 at Page 770.

Reallocation Amendment recorded February 24, 2004 in Book 1563 at Page 480.

Third Amendment recorded June 2, 2005 in Book 1692 at Page 657.

Town of Carbondale Ordinance No. 6 Series of 2001 recorded June 5, 2001 in Book 1258 at Page 794.

Town of Carbondale Ordinance No. 19 Series of 2002 recorded February 11, 2003 in Book 1435 at Page 871.

Town of Carbondale Resolution No. 6 Series of 2004 recorded April 14, 2004 in Book 1577 at Page 461.

Right of way easement granted to Holy Cross Energy in instrument recorded May 16, 2005 in Book 1687 at Page 963.

Easements, rights of way and all other matters shown on the plat of River Valley Ranch, Phase 8 recorded February 11, 2003 as Reception No. 620572.



RIVER VALLEY RANCH

May 1, 2019

Juliet and Randy Spurrier
4163 Crystal Bridge Drive
Carbondale, CO 81623
RVR Lots AA19 + AA20

Dear Juliet and Randy:

During the April 24, 2019 RVRMA Executive Board meeting, the Executive Board members considered your request to combine Lots AA 19 +AA 20 and reassign a building envelope for the combined lot.

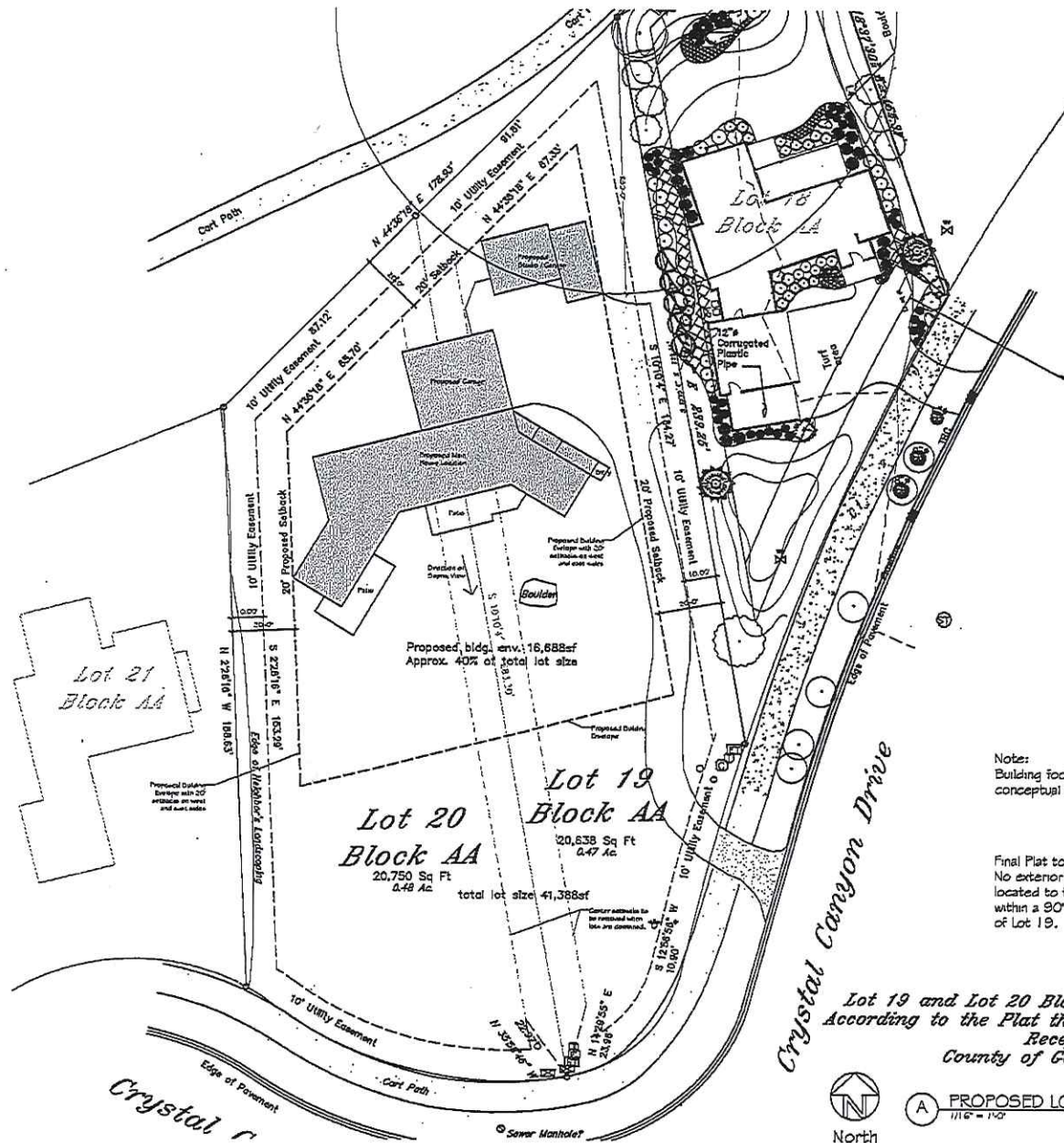
After discussion and review of your request and the supporting information you provided, the Board voted unanimously to approve the request with the following conditions:

1. The combined lot to pay two assessments and residential water charges;
2. The combined lot will have one vote;
3. The final merger plat be recorded with the plat notes and condition as presented to the BOD on 4.24.19 (attached);
4. RVRMA has the right to review the final merger plat prior to its recordation for conformity with these conditions.

Sincerely,

Kendra K. Ford , DRC Administrator

Yvonne Perry, RVRMA Executive Board President



- Legend**
- ⊗ = Cable Pedestal
 - ⊕ = Electric Transformer
 - ⊙ = Phone Pedestal
 - ⊗ = Water Valve
 - ⊗ = 1" PVC Pipe
 - ⊗ = Drain Inlet
 - ⊗ = Storm Manhole
 - ⊗ = Irrigation Valve
 - ⊗ = Water Shutoff
 - ⊗ = 4"x4" Post

Note:
Building footprints and driveway layout are purely conceptual and do not represent the final design.

Final Plat to include the following Condition:
No exterior parking or driveway areas are to be located to the north or east of approved structures within a 30' radius of the northeast property corner of Lot 19.

*Lot 19 and Lot 20 Block AA, River Valley Ranch Phase 7,
According to the Plat thereof Recorded February 11, 2003 at
Reception No. 620571,
County of Garfield, State of Colorado.*



North

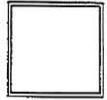


PROPOSED LOT COMBINATION

1/16" = 1'-0"

RIVER VALLEY RANCH **MASTER ASSOCIATION**

PRELIMINARY



Area	Size

Donna Riley Architect
PO Box 2066
PO Box 81623
143 3rd Street
Final: rileyd@earthlink.net



Spurrer Home 2.0
Crystal Canyon Drive
Carbondale, CO

**Proposed
Lot
Combination**
1/16" = 1'-0"
A-23-19

A1.1

ACCOUNTNB	OWNER	OWNERADDR	OWNERCITY	OWNERST	OWNERZIP	PHYSFULL
R009531	RIVER VALLEY RANCH MASTER ASSOCIATION	1000 HIGHWAY 133 CARBONDALE, CO 81623-1884	CARBONDALE	CO	81623-1884	Not available CARBONDALE CO 81623
R009511	RADLER, MICHAEL G TRUSTEE	1320 S UNIVERSITY DRIVE, SUITE 500 FORT WORTH, TX 76107	FORT WORTH	TX	76107	124 PINE RIDGE CT CARBONDALE CO 81623
R043828	BAILEY FAMILY INVESTMENT COMPANY	1000 BLUE HERON LANE CARBONDALE, CO 81623-7750	CARBONDALE	CO	81623-7750	118 COUNTY RD CARBONDALE CO 81623
R009479	SACHS BRIDGE INVESTMENTS LLC	14140 VENTURA BLVD SUITE 302 SHERMAN OAKS, CA 91423	SHERMAN OAKS	CA	91423	424 CRYSTAL CANYON DR CARBONDALE CO 81623
R009480	LIMACHER, ROBERT JAMES & CRISPEN SMITH	PO BOX 2568 ASPEN, CO 81612	ASPEN	CO	81612	432 CRYSTAL CANYON DR CARBONDALE CO 81623
R009478	SACHS BRIDGE INVESTMENTS LLC	14140 VENTURA BLVD SUITE 302 SHERMAN OAKS, CA 91423	SHERMAN OAKS	CA	91423	416 CRYSTAL CANYON DR CARBONDALE CO 81623
R009481	MATHIAS, DANIEL J & TANYA D	908 SAHLIN FARM ROAD ANNAPOLIS, MD 21401	ANNAPOLIS	MD	21401	438 CRYSTAL CANYON DR CARBONDALE CO 81623
R009524	LOURAS, PETER & MARY M	280 MOUNTAIN LAUREL DRIVE ASPEN, CO 81611	ASPEN	CO	81611	870 PERRY RIDGE CARBONDALE CO 81623
R009483	RIVER VALLEY RANCH MASTER ASSOCIATION	PO BOX 4970 ASPEN, CO 81612-4970	ASPEN	CO	81612-4970	Not available CARBONDALE CO 81623
R009477	BEVINGTON, AARON & MICHELLE	42 FERGUSON DRIVE CARBONDALE, CO 81623	CARBONDALE	CO	81623	406 CRYSTAL CANYON DR CARBONDALE CO 81623
R009525	DEHAN FINACIAL GROUP LLC	3609 DALI LANE AUSTIN, TX 78703	AUSTIN	TX	78703	860 PERRY RIDGE CARBONDALE CO 81623
R009476	WILLINS, DONN B	PO BOX 1119 CARBONDALE, CO 81623	CARBONDALE	CO	81623	394 CRYSTAL CANYON DR CARBONDALE CO 81623
R009475	WILLINS, DONN B	PO BOX 1119 CARBONDALE, CO 81623	CARBONDALE	CO	81623	384 CRYSTAL CANYON DR CARBONDALE CO 81623
R009506	DEHAN FINACIAL GROUP LLC	3609 DALI LANE AUSTIN, TX 78703	AUSTIN	TX	78703	427 CRYSTAL CANYON DR CARBONDALE CO 81623
R009526	DIXON, DANIEL P	PO BOX 508 CARBONDALE, CO 81623	CARBONDALE	CO	81623	850 PERRY RIDGE CARBONDALE CO 81623
R009474	SACHS BRIDGE INVESTMENTS LLC	14140 VENTURA BLVD SUITE 302 SHERMAN OAKS, CA 91423	SHERMAN OAKS	CA	91423	376 CRYSTAL CANYON DR CARBONDALE CO 81623
R009507	DEHAN FINACIAL GROUP LLC	3609 DALI LANE AUSTIN, TX 78703	AUSTIN	TX	78703	435 CRYSTAL CANYON DR CARBONDALE CO 81623
R009482	RIVER VALLEY RANCH MASTER ASSOCIATION	1000 HIGHWAY 133 CARBONDALE, CO 81623-1884	CARBONDALE	CO	81623-1884	Not available CARBONDALE CO 81623
R009505	SPURRIER, RANDALL J & JULIET B	4162 CRYSTAL BRIDGE DRIVE CARBONDALE, CO 81623	CARBONDALE	CO	81623	417 CRYSTAL CANYON DR CARBONDALE CO 81623
R009473	SIMPSON OBERMAN, CYNTHIA ANN	812 VIA CONEJO PALOS VERDES PENINSULA, CA 90274	PALOS VERDES PENI CA		90274	368 CRYSTAL CANYON DR CARBONDALE CO 81623
R009527	GARRETT, STACEY KARL & WALLING, AMANDA R	PO BOX 3854 BASALT, CO 81621	BASALT	CO	81621	842 PERRY RIDGE CARBONDALE CO 81623
R009504	SPURRIER, RANDALL J & JULIET B	4162 CRYSTAL BRIDGE DRIVE CARBONDALE, CO 81623	CARBONDALE	CO	81623	403 CRYSTAL CANYON DR CARBONDALE CO 81623
R009503	STUMPF, RICHARD J	245 RIVERSIDE DRIVE BASALT, CO 81621	BASALT	CO	81621	389 CRYSTAL CANYON DR CARBONDALE CO 81623
R009528	LITTLE ESH LLC	7380 COUNTY ROAD 100 CARBONDALE, CO 81623	CARBONDALE	CO	81623	832 PERRY RIDGE CARBONDALE CO 81623
R009484	RIVER VALLEY RANCH MASTER ASSOCIATION	PO BOX 4970 ASPEN, CO 81612-4970	ASPEN	CO	81612-4970	Not available CARBONDALE CO 81623
R009502	SACHS BRIDGE INVESTMENTS LLC	14140 VENTURA BLVD SUITE 302 SHERMAN OAKS, CA 91423	SHERMAN OAKS	CA	91423	379 CRYSTAL CANYON DR CARBONDALE CO 81623
R009501	SACHS BRIDGE INVESTMENTS LLC	14140 VENTURA BLVD SUITE 302 SHERMAN OAKS, CA 91423	SHERMAN OAKS	CA	91423	369 CRYSTAL CANYON DR CARBONDALE CO 81623
R009500	MARCUS, DAVID MITCHELL & LESLIE GASTON	359 CRYSTAL CANYON DRIVE CARBONDALE, CO 81623	CARBONDALE	CO	81623	359 CRYSTAL CANYON DR CARBONDALE CO 81623
R009513	RADLER, MICHAEL G TRUSTEE	1320 S UNIVERSITY DRIVE, SUITE 500 FORT WORTH, TX 76107	FORT WORTH	TX	76107	102 PINE RIDGE CT CARBONDALE CO 81623

R009512	RADLER, MICHAEL G TRUSTEE	1320 S UNIVERSITY DRIVE, SUITE 500 FORT WORTH, TX 76107	FORT WORTH	TX	76107	116 PINE RIDGE CT CARBONDALE CO 81623
R450041	CRYSTAL OUTDOORS LLC	201 CRYSTAL CANYON DRIVE CARBONDALE, CO 81623	CARBONDALE	CO	81623	Not available CARBONDALE CO None



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 7-11-19

TITLE: Crystal Acres Planned Unit Development Amendment

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Land Use Application (with PUD regulations existing)
Referral Comments

BACKGROUND

This is an application for a Major PUD amendment for the Crystal Acres Planned Unit Development. The Planning commission is required to hold a public hearing and either approve, deny or continue the application.

The purpose of the amendment is to update Section 12, Special Restrictions of the PUD to better define what a "Primitive Trail" is by providing a review through a conditional use permit with review criteria and providing design and construction details for a "low Impact trail".

The PUD was annexed in 1978/1979 and the PUD was established in 1992. The PUD consists of Residential Low Density Lots. The PUD is almost entirely built out with only one lot left vacant today.

Comments pertaining to the applicaiton were provided by CPW and the Planning Director and are attached.

DISCUSSION

Section 12, Special Restrictions: A. Riparian Zone

This section pertains to the designated riparian zone between the building rear setback line and the Town owned Public Open space on lots 18 through 31 along Oak Run Road. Specifically, the section states that the indicated lots are entitled to have one primitive footpath leading to the Crystal River. It states that the footpath may not be constructed with any materials of any nature that alters the existing grade and the path may not have an adverse effect on soil erosion.

The purpose of the application is to revise the section to provide guidance and provide a permitting process so that the trail does not have more of an impact on the hillside and on the riparian zone. Several trails have been built and they consist of several different types of construction methods. The applicant included picture of these trails in the

application packet. There are no proposed changes to any of the district zoning parameters such as setbacks and building heights.

Proposed PUD language/changes

Staff is supportive of the proposed Construction Standards indicated in the application and would suggest the following additions/changes.

Section 12

The application proposes to rename the Riparian Zone as the Riparian and Hillside Protection Zone. While staff is supportive of this change as it better reflects the nature of the existing conditions the change may require that the plat be revised to reflect this change or the proposed language will need to reference the recorded plat and Riparian Zone on the plat.

Staff is supportive of the change from a “one primitive footpath” to a “low impact footpath” In researching the issue, Staff and the applicant could not find a actual definition of a “primitive footpath”, Staff would suggest that the applicant indicate that only one footpath is allowed. Suggested language would be “one low impact footpath”

12.B.3

This section should add a reference to the Wildfire Mitigation Permit as established in 2012 for the clearing of vegetation for defensible space. This Suggestion also applies to section 12. F.

12.C.1.b

Suggested added language to include the restriction of structures being placed in the Zone such as picnic tables, landings shade structures, fire pits and other improvements other than the approved and permitted footpath.

Add that the footpath may not exceed 24” in tread width.

12.E

Lighting. Staff would suggest that no lighting is allowed in the Hillside and Riparian Zone.

Submittal Requirements

Staff is also supportive of the proposed Conditional Use Permit submittal requirements and suggest that a requirement be added that a site inspection be performed as part of the application before work is to commence and after work is completed.

Comprehensive Plan

The proposed amendment seems to be in compliance with the uses section of the Comprehensive Plan to protect the existing zoning and quality of life.

Established PUD Policy

Several owners expressed concern that the PUD amendment would lead to more changes in the overall PUD and stated that they would not be interested in larger changes to the PUD.

PUD Criteria – Zone Text Amendment

Amendments to a PUD may be approved if the Board of Trustees finds that all of the following approval criteria have been met:

- a. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD.
- b. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.
- c. After amendment, the PUD will continue to have an appropriate relationship to the surrounding area, with any unreasonable adverse effects on the surrounding area being minimized or mitigated.
- d. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- e. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.
- f. The amendment will promote the public health, safety, and general welfare; and
- g. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.

FISCAL ANALYSIS

There may be an impact on staff time in relation to the Conditional Use Permit review process.

RECOMMENDATION

Overall, Staff supports the addition of specific criteria for the construction of the footpath and of the proposed review process. This also provided an opportunity to clean up the PUD documents as there is not a recorded version on file.

If the Planning Commission is supportive of the PUD amendment, Staff would recommend that the Planning Commission approve the following motion: **Move to recommend approval of a Major Planned Unit Development amendment for the**

Crystal Acres Planned Unit Development with the following conditions and findings:

Conditions:

1. The applicant shall submit a revised and restated Crystal River PUD to reflect the changes indicated by staff for recordation no more than 90 days after approval.
2. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval.
3. The Applicant shall be responsible for all recording costs and shall pay all fees associated with this application to the Town, including any professional fees, as set forth in Section 1-8-10 of the Municipal Code.

Findings:

- a. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD.
- b. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.
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- d. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- e. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.
- f. The amendment will promote the public health, safety, and general welfare; and
- g. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.

Prepared by: John Leybourne, Planner

CRYSTAL ACRES PUD AMENDMENT

MAJOR PUD AMENDMENT

RE: Changes to clarify requirements related to path construction on river lots

Carbondale, Colorado
April 2018

SECTION 1

Application Forms and Documents

- **Master Land-use application Form**
- **Letter of Authorization**
- **Major PUD Amendment Checklist**
- **Project Team**



Town of Carbondale
511 Colorado Ave
Carbondale, CO 81623
(970)963-2733

Pre-Application Meeting Date _____
Fees _____ Date Pd _____

Land Use Application

PART 1 - APPLICANT INFORMATION

Applicant Name: JEROME/DONNA DAYTON Phone: 805.886.0945
Applicant Address: 315 OAK RUN CARBONDALE, CO 81623
E-mail: JEROMEDAYTON@YAHOO.COM
Owner Name: SAME AS ABOVE Phone: _____
Address: _____
E-mail: _____

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

CRYSTAL ACRES PUD

PART 2 - PROJECT DESCRIPTION

General project description:

AMEND SECTION 12 OF PUD - RIPARIAN ZONE -
TO PROVIDE GUIDANCE FOR PERMISSIVE TRAIL CONSTRUCTION

Size of Parcel: _____ # Dwelling Units: _____ Sq Ftg Comm: _____

Type of Application(s): MAJOR PUD AMENDMENT

Existing Zoning: PUD Proposed Zoning: NO CHANGE

PART 3 - SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

[Signature] 3/1/19
Applicant Signature Date

Signature of all owners of the property must appear before the application is accepted.

[Signature] 3/1/19 [Signature] 3/1/19
Owner Signature Date Owner Signature Date

STATE OF COLORADO

COUNTY OF GARFIELD

) ss.
)

The above and foregoing document was acknowledged before me this 1st day of March 2019, by Jerome Dayton and Donna Dayton

Witness my hand and official

My commission expires: 12/28/2019

PAUL JANEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074013586
MY COMMISSION EXPIRES DECEMBER 28, 2019

[Signature]
Notary Public

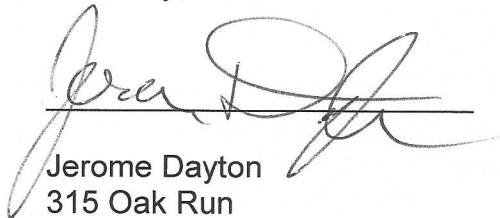
April 14, 2019

Janet Buck, Director
Town of Carbondale Planning Department
511 Colorado Ave.
Carbondale, CO 81623

RE: Crystal Acres PUD – Amendment to Section 12, Regulations for the Riparian Zone

This letter authorizes Mark Chain of Mark Chain Consulting, LLC to submit a land use application for the purposes of Amending Section 12 of the Crystal Acres PUD regarding clarification of path construction standards for the Riparian Zone. This letter also authorizes Jason Jaynes of DHM Design to represent the owners during any discussion in the land use and review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerome Dayton", written over a horizontal line.

Jerome Dayton
315 Oak Run
Carbondale, CO 81623

A handwritten signature in cursive script, appearing to read "Donna Dayton", written over a horizontal line.

Donna Dayton



Town of Carbondale
P.U.D. Zoning or Major P.U.D. Amendment
Checklist
(970) 963-2733

Project Name: Crystal Acres PUD Amendent

Applicant: Jerome & Donna Dayton

Applicant Address: 315 Oak Run Carbondale

Location: Riparian Zone - along the Hillside for the lots on west side Of Oak Run

Date:

Staff Member:

**Section 2.3 of the UDC requires a pre-application meeting with
planning staff prior to submittal of a land use application.**

**Per Section 2.3.2.B of the UDC, the Planning Director shall
determine the form and number of application materials required.**

Required Attachments

- ☐ Filing Fee - New PUD -\$2200 **and Land Use Application (separate attachment)**
Modification or Amendment - \$1000 **and Land Use Application (separate attachment)**
- ☐ a. A statement indicating the ownership of all interest in the property included in the PUD, with the written consent of all owners and evidence of title;
- ☐ b. A Master Plan indicating the broad concept of the proposed development, the location of each use and the location of lots, blocks, or other parcels within each area devoted to each use. The project shall be shown as the area proposed to be subdivided and platted as allowed for in this Code. The plan shall indicate:
 - i. Generally, where each type of use will be located in the PUD and the total acreage devoted to each use. Label proposed uses on the plan with the symbol of the most similar zoning classification in the Town Code followed by a hyphen and the letter "P." The Town's planner will determine which of the Town's zone districts are most similar to those zone districts proposed in the PUD.
 - ii. Areas designated for residential uses shall indicate the maximum number of dwelling units per gross acre to be permitted for each residential area indicated including sizes of building lots and types of dwelling units anticipated.
 - iii. The minimum acreage to be dedicated to common open space, the proposed use and the location of open space.

- iv. Major internal circulation systems, locations of roadways, conceptual location of trails, bicycle paths, etc.
 - v. The acreage and location of areas which will be dedicated for school sites or other public uses.
 - vi. Illustrations of the general character of all proposed uses in the PUD and plans showing the location and size of each use within the PUD.
 - vii. Provision for water, sewer, telephone, electricity, gas and cable television, if applicable.
- c. If the applicant is proposing to create different development standards than those of this code, the application shall include:
- i. Development standards and other restrictions proposed by the applicant to be applied to each proposed use or reference standards in similar zoning districts contained in this code which shall apply to each proposed use in particular areas such as: building setbacks, height limits, access requirements and grade or slope restrictions, special provisions addressing sensitive areas, parking requirements, landscape requirements, street graphic regulations, impervious surface and floor area ratios.
 - ii. Written explanation and graphic material illustrating the consideration that the modified standards will produce, demonstrating how the modifications will produce a living environment, landscape quality and lifestyle equal or superior to that produced by the existing standards.
 - iii. Graphic illustrations and written explanations of how the PUD addresses the specific constraints and opportunities of the site and surrounding area in a superior manner to what might be accomplished without the PUD process.
 - iv. Conceptual building evaluations, sketches and plans illustrating the general character and quality of each type of use in the proposed development.
- d. A regional location map showing the relationship of the site to connecting roadways, public facilities, commercial and cultural facilities and surrounding land uses.
- e. A site map illustrating site boundaries, acreage, existing structures and existing zoning.

- ☐ f. A site topographic map showing at least two-foot contour intervals for slopes of 10 percent or less, and five-foot intervals for slopes over 10 percent, major vegetation elements, streams, rivers, ditches, and areas subject to 100-year flooding.
- ☐ g. An explanation of the objectives to be achieved by the PUD and a statement of purpose for each zoning district within the PUD.
- ☐ h. A development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the PUD is anticipated to begin and be completed.
- ☐ i. Copies of any special covenants, conditions and restrictions which will govern the use or occupancy of the PUD. The applicant can impose additional covenants, conditions, and restrictions on any particular area during the subdivision process.
- ☐ j. A list of owners of properties located within 300 feet of the boundaries of the PUD and their addresses.
- ☐ k. A statement by a licensed engineer which shall provide evidence of the following:
 - i. The proposed water source is adequate to service the PUD;
 - ii. The proposed method of sewage treatment;
 - iii. The general manner in which storm drainage will be handled; and
 - iv. The general manner in which provision will be made for any potential natural hazards in the area such as steep slopes, erosive soils, avalanche areas, landscape areas, floodplain areas and unstable soils.
- ☐ l. Easements showing vested legal access for ingress and egress from a public road to the PUD.
- ☐ m. Evidence that the PUD has been designed with the consideration of the site's natural environment and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation, or unique natural or historic features.
- ☐ n. The applicant may submit any other information or exhibits which he/she deems pertinent to the evaluation of the proposed PUD.
- ☐ o. Approval of the PUD plan is required prior to development in a PUD district.

- ☐ p. The regulations of this Code remain applicable to all PUD development, except as specifically modified pursuant to the provisions contained in the approved PUD plan.

☒ Additional information requested at the pre-application meeting:

INCLUDE MAJOR PUD CHECKLIST
BOARD APPROVAL

TRY NOT TO BE TOO COMPLICATED
TRY TO RETRIEVE BAHARAV REPORT

CONCERNS:

- VISIBILITY
- HABITAT
- MATERIALS
- BLEND IN

ENGAGE WITH FIRE DISTRICT

PROJECT TEAM

Owner/Applicant

Jerome and Donna Dayton
315 Oak Run Road
Carbondale, CO 81623

Planning/Coordination

Mark Chain
Mark Chain Consulting, LLC
811 Garfield Avenue
Carbondale, CO 81623
970.309.3655 (cell)
mchain@sopris.net

Technical Review

Jason Jaynes
DHM Design
311 Main St., Suite 102
Carbondale, CO 81623
jjaynes@dhmdesign.com

Survey

Tuttle Surveying Services
923 Cooper Avenue
Glenwood Springs, CO 81601
970.928.9708

SECTION 2

Background Information & Application Information

- **Background Information**
- **Project Justification**
- **Project Data for Major PUD Amendment**
- **Location Maps**
- **New PUD Zoning Text for Section 12**
- **Design/ Materials/Construction Standards/Best Management Practices**
- **Photos of other river paths in area**

LAND USE APPLICATION

Amendment to Section 12 of the Crystal Acres PUD

APPLICATION REQUEST

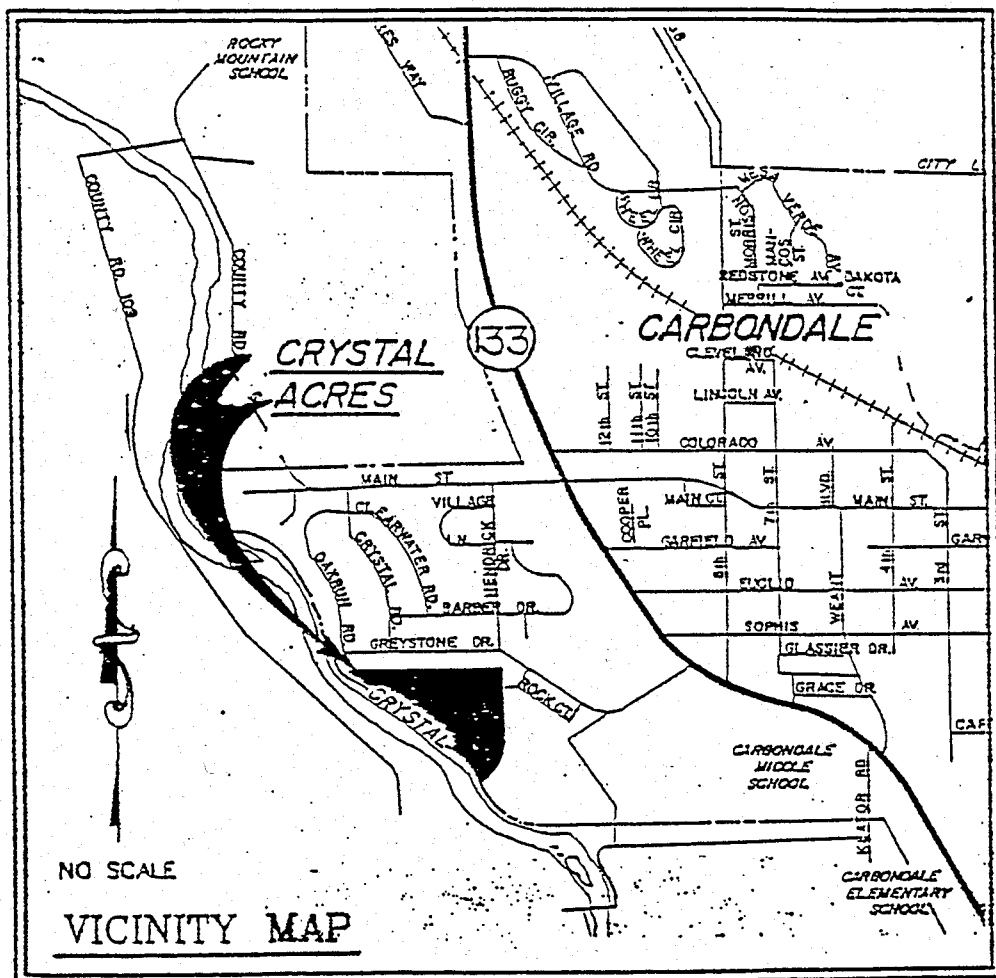
This is an application to amend Section 12 of the Crystal Acres PUD. The proposal is to rewrite this Section in its entirety. Section 12 outlines the use and restriction of the Riparian Zone which exists along the Western/Riverside boundaries for Lots 18 through 31. These 13 lots are along the Western side of Oak Run Road.

The purpose of the amendment is to provide more definition and guidance related to the development of footpaths which are allowed on each of these lots for the purposes of providing access to the Crystal River. These paths are meant to provide access to the river for the individual owners of the above-noted lots. Public access is allowed to public open space along the Crystal River at two locations along this run of the Crystal River, which generally runs from the boundary along the river between the Hendrick Ranch Subdivision to the northwestern edge of Crystal Village. The main public access point for the Crystal Acres subdivision is just South of Lot 20. (See attached Maps). Public access is also located at Staircase Park which is part of the public open space plan for Crystal Village.

BACKGROUND

Crystal Acres Subdivision

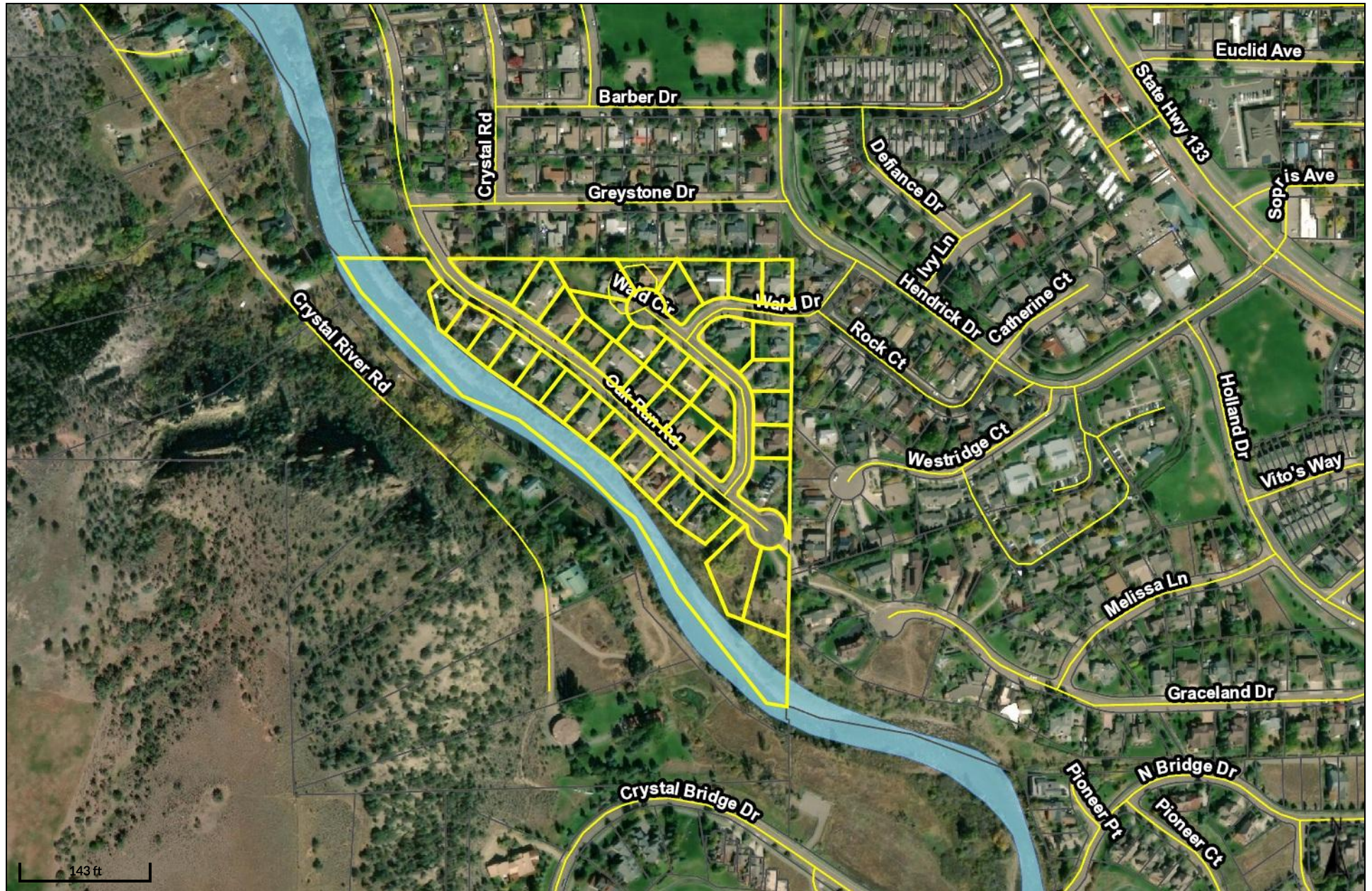
Before going into the description of any issues related to the Riparian Zone and the pathways that are allowed to be constructed, we will first provide some basic background of the Crystal Acres Subdivision. Crystal Acres is a PUD and subdivision and is located south and west of Crystal Village and Northwest of the Hendrick subdivision. See attached Location Map. This area includes parts of Wald Drive, Wald Circle and the southern portions of Oak Run Road. Crystal acres was a ranch owned by a local family (Ray Fender Family). It was annexed in town in 1978 or 1979. A Preliminary Subdivision plat was approved in 1982 and was amended in 1983. Due to the economy at that time, there was no application for a Final Subdivision Plat and



PUD Amendment Area Reference Map

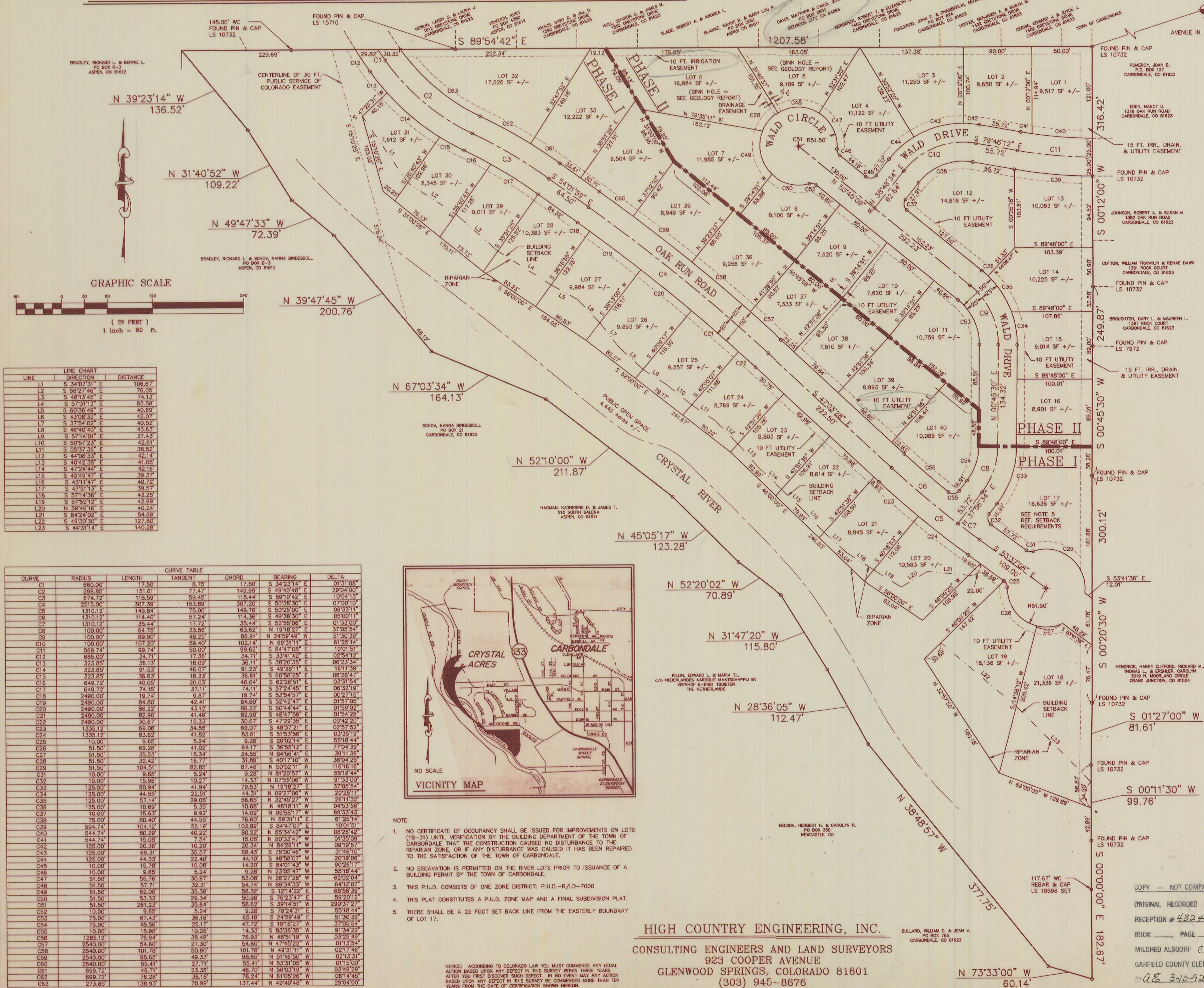
Created by: Casey D. Lawrence, Garfield County Assessor GIS Technician II

Prepared for Mark Chain to verify account list reporting accuracy



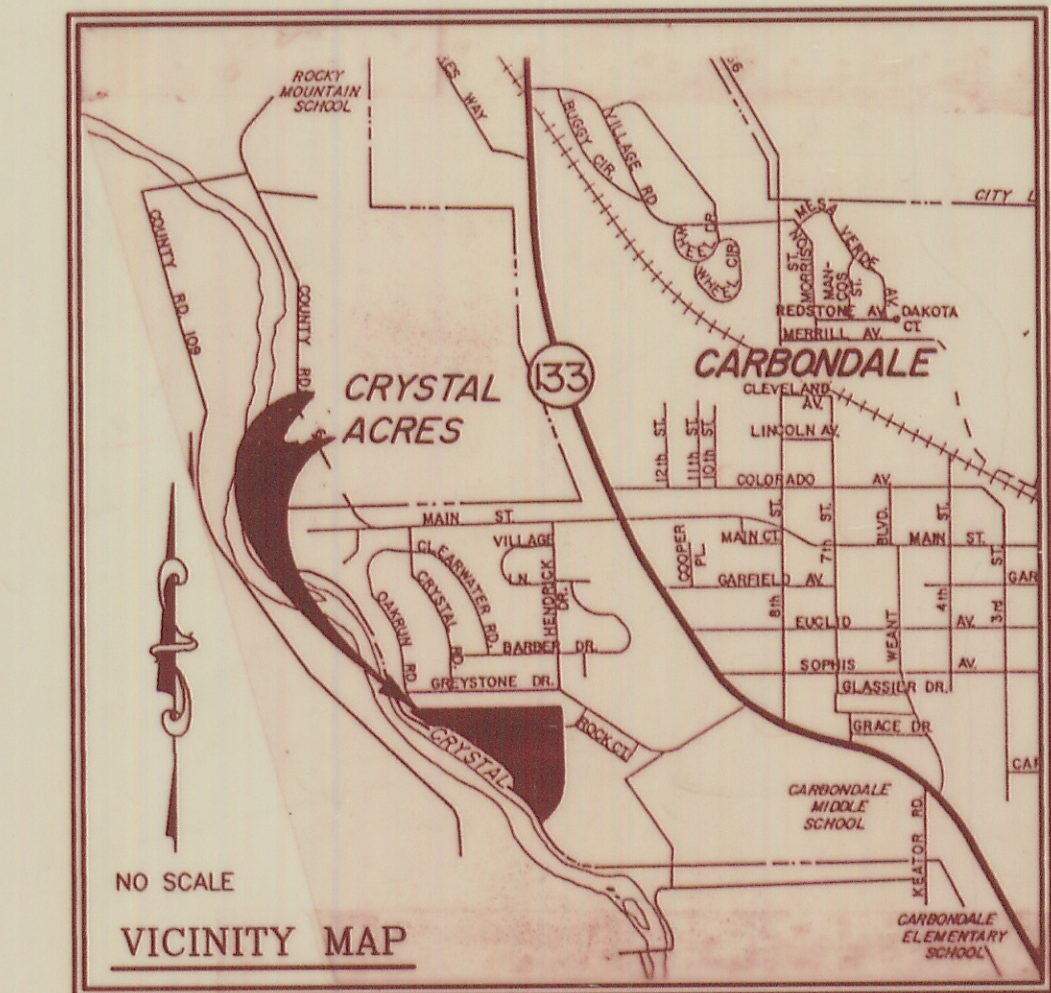
CRYSTAL ACRES P.U.D. SUBDIVISION

A PARCEL OF LAND SITUATED IN SEC. 33, T.7 S., & SEC. 4, T.8 S., R.88 W. OF THE 6TH P.M.
COUNTY OF GARFIELD, STATE OF COLORADO



LINE	DIRECTION	DISTANCE
L1	S 34°07'31" E	106.67'
L2	S 56°27'46" E	76.05'
L3	S 48°13'45" E	74.13'
L4	S 57°31'13" E	83.58'
L5	S 60°36'42" E	40.69'
L6	S 43°08'32" E	42.07'
L7	S 37°54'02" E	40.52'
L8	S 46°40'40" E	43.63'
L9	S 57°14'01" E	37.43'
L10	S 50°57'23" E	42.61'
L11	S 55°37'36" E	38.52'
L12	S 44°08'33" E	42.14'
L13	S 40°42'38" E	41.08'
L14	S 47°24'44" E	42.16'
L15	S 45°49'47" E	39.37'
L16	S 43°11'47" E	40.72'
L17	S 47°51'13" E	38.57'
L18	S 57°14'36" E	43.25'
L19	S 57°52'12" E	42.99'
L20	N 38°46'18" E	40.24'
L21	S 84°24'02" E	54.68'
L22	S 49°30'30" E	127.80'
L23	S 44°31'14" E	140.28'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	660.00'	17.50'	8.75'	17.50'	S 34°23'14" E	01°31'08"
C2	298.85'	151.61'	77.47'	149.99'	S 49°40'48" E	29°04'00"
C3	674.72'	118.59'	59.45'	118.44'	S 59°10'42" E	10°04'13"
C4	2615.00'	307.39'	153.89'	307.29'	S 50°38'30" E	07°00'10"
C5	1310.12'	149.84'	75.00'	149.76'	S 50°25'00" E	08°33'11"
C6	1310.12'	114.40'	57.24'	114.36'	S 49°38'30" E	05°00'11"
C7	1310.12'	35.44'	17.72'	35.44'	S 52°55'06" E	01°33'00"
C8	100.00'	64.75'	33.56'	63.62'	S 19°18'27" E	37°05'54"
C9	100.00'	89.90'	48.25'	88.91'	N 24°59'49" W	31°30'39"
C10	100.00'	107.20'	59.40'	102.14'	N 69°31'11" E	61°25'14"
C11	569.74'	99.74'	50.00'	99.62'	S 84°47'08" E	10°01'51"
C12	685.00'	34.71'	17.36'	34.71'	S 33°14'42" E	02°54'12"
C13	323.85'	36.13'	18.09'	36.11'	S 38°20'35" E	06°23'34"
C14	323.85'	91.53'	46.07'	91.23'	S 49°38'11" E	16°11'39"
C15	323.85'	36.63'	18.33'	36.61'	S 60°58'25" E	06°28'47"
C16	649.72'	40.05'	20.03'	40.04'	S 62°26'51" E	03°51'54"
C17	649.72'	74.19'	37.11'	74.11'	S 57°24'45" E	06°32'19"
C18	2490.00'	19.74'	9.87'	19.74'	S 53°54'57" E	00°27'15"
C19	2490.00'	84.80'	42.41'	84.80'	S 52°42'47" E	01°57'05"
C20	2490.00'	86.22'	43.12'	86.22'	S 50°44'44" E	01°59'02"
C21	2490.00'	82.90'	41.46'	82.90'	S 48°47'49" E	01°54'26"
C22	2490.00'	30.67'	15.33'	30.67'	S 47°29'35" E	00°42'20"
C23	1335.12'	69.08'	34.55'	69.07'	S 48°37'21" E	02°57'52"
C24	1335.12'	83.62'	41.82'	83.61'	S 51°53'56" E	03°55'19"
C25	10.00'	9.65'	5.24'	9.28'	S 26°02'14" E	55°18'44"
C26	51.50'	69.28'	41.02'	64.17'	S 36°55'12" E	77°04'39"
C27	51.50'	35.23'	18.34'	34.55'	N 84°56'41" E	39°11'36"
C28	51.50'	32.42'	16.77'	31.89'	S 40°17'10" W	36°04'25"
C29	51.50'	104.50'	52.25'	44.31'	N 09°27'06" W	116°16'16"
C30	10.00'	9.65'	5.24'	9.28'	N 81°20'57" W	55°18'44"
C31	10.00'	15.98'	10.27'	14.33'	N 07°55'06" W	91°33'00"
C32	125.00'	80.94'	41.94'	79.53'	N 19°18'27" E	37°05'54"
C33	125.00'	44.33'	22.51'	44.31'	N 09°27'06" W	116°16'16"
C34	125.00'	57.14'	29.08'	56.65'	N 32°45'27" W	26°11'32"
C35	125.00'	10.69'	5.35'	10.68'	N 48°18'11" W	04°53'56"
C36	10.00'	15.63'	9.92'	14.09'	N 05°58'17" W	89°33'43"
C37	5.00'	80.40'	44.53'	76.60'	N 69°31'11" E	61°25'14"
C38	5.00'	104.12'	52.19'	103.98'	S 84°47'07" E	10°01'51"
C39	544.74'	80.29'	40.22'	80.22'	N 85°34'42" W	08°26'42"
C40	544.74'	15.08'	7.54'	15.08'	N 80°33'47" W	01°35'09"
C41	125.00'	20.38'	10.20'	20.34'	N 84°28'11" W	09°19'57"
C42	125.00'	69.43'	35.57'	69.43'	S 75°00'46" W	31°46'10"
C43	125.00'	44.33'	22.51'	44.31'	S 48°58'07" W	20°19'06"
C44	10.00'	15.78'	10.08'	14.20'	S 84°01'43" W	90°26'17"
C45	10.00'	9.65'	5.24'	9.28'	N 23°08'47" W	55°18'44"
C46	51.50'	55.78'	30.97'	53.08'	N 26°27'28" W	62°02'04"
C47	51.50'	32.31'	16.15'	54.74'	N 89°34'33" W	64°12'07"
C48	51.50'	62.00'	35.38'	58.32'	S 12°14'22" E	68°58'39"
C49	51.50'	29.33'	14.66'	29.28'	S 76°23'47" E	59°20'12"
C50	51.50'	261.23'	131.61'	260.62'	S 39°14'51" E	280°37'27"
C51	10.00'	9.65'	5.24'	9.28'	S 78°24'31" E	55°18'44"
C52	75.00'	67.43'	36.18'	65.18'	S 24°59'49" E	51°30'39"
C53	75.00'	48.58'	25.17'	47.72'	S 19°18'27" E	37°05'54"
C54	10.00'	15.98'	10.27'	14.33'	S 83°38'35" W	91°34'22"
C55	1285.12'	76.94'	38.48'	76.93'	N 48°51'19" W	03°25'49"
C56	2540.00'	54.60'	27.30'	54.60'	N 47°45'22" W	01°35'54"
C57	2540.00'	101.78'	50.90'	101.78'	N 49°31'11" W	02°17'46"
C58	2540.00'	98.65'	49.33'	98.65'	N 51°46'50" W	02°13'31"
C59	2540.00'	55.41'	27.71'	55.41'	N 53°31'05" W	01°15'00"
C60	699.72'	46.71'	23.36'	46.70'	N 56°03'19" W	03°49'29"
C61	699.72'	76.28'	38.18'	76.24'	N 61°05'28" W	06°14'45"
C62	273.65'	136.93'	70.99'	137.44'	N 49°40'48" W	29°04'00"



NOTE:

- NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR IMPROVEMENTS ON LOTS (18-31) UNTIL VERIFICATION BY THE BUILDING DEPARTMENT OF THE TOWN OF CARBONDALE THAT THE CONSTRUCTION CAUSED NO DISTURBANCE TO THE RIPARIAN ZONE, OR IF ANY DISTURBANCE WAS CAUSED IT HAS BEEN REPAIRED TO THE SATISFACTION OF THE TOWN OF CARBONDALE.
- NO EXCAVATION IS PERMITTED ON THE RIVER LOTS PRIOR TO ISSUANCE OF A BUILDING PERMIT BY THE TOWN OF CARBONDALE.
- THIS P.U.D. CONSISTS OF ONE ZONE DISTRICT: P.U.D.-R/LD-7000
- THIS PLAT CONSTITUTES A P.U.D. ZONE MAP AND A FINAL SUBDIVISION PLAT.
- THERE SHALL BE A 25 FOOT SET BACK LINE FROM THE EASTERLY BOUNDARY OF LOT 17.

NOTE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

HIGH COUNTRY ENGINEERING, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
923 COOPER AVENUE
GLENWOOD SPRINGS, COLORADO 81601
(303) 945-8676

CERTIFICATION OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS: A TRACT OF LAND SITUATED IN LOT 15, SECTION 33, TOWNSHIP 7 SOUTH, RANGE 88 WEST AND LOT 2, SECTION 4, TOWNSHIP 8 SOUTH, RANGE 88 WEST ALL OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE SURVEY MONUMENT AT THE INTERSECTION OF THE CENTERLINES OF EIGHTH STREET AND EUCLID AVENUE IN THE TOWN OF CARBONDALE, COLORADO BEARS: N 72°16'49" E 1707.29 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE TO A BEARING OF N 89°57' W ON THE CENTERLINE OF MAIN STREET IN SAID TOWN OF CARBONDALE; THENCE S 01°27'00" W 316.42 FEET ALONG THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED IN RECEPTION NO. 265837 IN BOOK 461 AT PAGE 509 OF THE RECORDS OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO; THENCE S 00°45'30" W 249.87 FEET ALONG THE WEST LINE DESCRIBED IN RECEPTION NO. 265837 AND ALSO ALONG THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED IN RECEPTION NO. 245147 IN BOOK 406 AT PAGE 518 OF SAID GARFIELD COUNTY RECORDS; THENCE S 00°20'30" W 300.12 FEET ALONG SAID WEST LINE; THENCE S 01°27'00" W 81.61 FEET ALONG SAID WEST LINE; THENCE S 00°11'30" W 99.76 FEET ALONG SAID WEST LINE; THENCE SOUTH 182.67 FEET TO THE CENTER OF THE CRYSTAL RIVER; THENCE ALONG THE CENTER OF THE CRYSTAL RIVER THE FOLLOWING COURSES: N 73°33'00" W 60.14 FEET; THENCE N 38°48'57" W 377.75 FEET; THENCE SOUTH 164.13 FEET; THENCE N 39°47'45" W 200.76 FEET; THENCE N 49°47'33" W 72.39 FEET; THENCE N 31°40'52" W 109.22 FEET; THENCE N 39°23'14" W 136.52 FEET; THENCE LEAVING THE CENTER OF THE CRYSTAL RIVER ON A COURSE BEARING S 89°54'42" E 1207.58 FEET, A PORTION OF THE PRECEDING COURSE BEING ALONG THE SOUTHERLY BOUNDARY LINE OF CRYSTAL VILLAGE PLANNED UNIT DEVELOPMENT, SINGLE FAMILY AREA, FILING NO. 2, COUNTY OF GARFIELD, STATE OF COLORADO, TO THE POINT OF BEGINNING, DESCRIBED PARCEL CONTAINING 16.92 ACRES, MORE OR LESS.

HAS BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AS SHOWN HEREON AND DESIGNATES THE SAME AS CRYSTAL ACRES P.U.D. SUBDIVISION IN THE TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO, AND DEDICATES TO THE TOWN OF CARBONDALE, COLORADO AS PUBLIC STREETS AND RIGHTS-OF-WAY OAK RUN ROAD, WALD DRIVE AND WALD CIRCLE AS SHOWN HEREON, DEDICATES THE DITCH AND IRRIGATION EASEMENTS AND DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON TO THE TOWN OF CARBONDALE, COLORADO FOR SAID USES, AND FURTHER DEDICATES THE PUBLIC OPEN SPACE SHOWN HEREON TO THE TOWN OF CARBONDALE, COLORADO FOR USE BY THE PUBLIC, AND SO FURTHER STATE THAT THIS SUBDIVISION SHALL BE SUBJECT TO THE PROTECTIVE COVENANTS FILED AND RECORDED FOR THE SUBDIVISION IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO AS DOCUMENT NO.

EXECUTED THIS 27 DAY OF February, A.D. 1992.

OWNER: CRYSTAL ASSOCIATES, LTD.
A LIMITED LIABILITY COMPANY, A Wyoming Limited Liability Company

STATE OF COLORADO }
COUNTY OF GARFIELD } SS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 27 DAY OF February, A.D. 1992, BY JOE WILSON, OWNER.

MY COMMISSION EXPIRES: 1/1/97

WITNESS MY HAND AND SEAL

Margaret C. Jones
NOTARY PUBLIC

SURVEYOR'S STATEMENT

I, FRANK W. HARRINGTON, DO HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF THE CRYSTAL ACRES P.U.D. SUBDIVISION AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND. I FURTHER STATE THAT ONLY THE OUTSIDE BOUNDARY OF THIS SUBDIVISION WAS MONUMENTED PER COLORADO STATUTE 38-51-101-1 (REV. 1989).

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS 27 DAY OF February, A.D. 1992.

HARRINGTON, FRANK W.
19598

PLANNING COMMISSION CERTIFICATE

THIS PLAT APPROVED BY THE TOWN OF CARBONDALE PLANNING AND ZONING COMMISSION THIS 27 DAY OF February, A.D. 1992.

Chairman

BOARD OF TRUSTEES CERTIFICATE

THIS PLAT APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, GARFIELD COUNTY, STATE OF COLORADO, THIS 27 DAY OF February, A.D. 1992, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, STATE OF COLORADO, AND FOR THE CONVEYANCE TO THE TOWN OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT THE APPROVAL IN NO WAY OBLIGATES THE TOWN OF CARBONDALE FOR FINANCING OR CONSTRUCTING IMPROVEMENTS ON THE LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF TRUSTEES.

Mayor

Town Clerk

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, THIS 27 DAY OF February, A.D. 1992.

Clerk and Recorder

Deputy

COPY - NOT COMPARED

ORIGINAL RECORDED WITH

RECEPTION # 432413

BOOK PAGE

MILDRED ALDSORF Can 3-544 B

GARFIELD COUNTY CLERK 10th pad

BY QE 3-10-92 4⁵⁰ p

related development for a number of years. The owner received a series of extensions to maintain approval of that Preliminary Plat until conditions changed.

Developer Jon Seigel, under the name Crystal Associates LTD, proposed a subdivision in 1991. The PUD zoning and the subdivision were approved in early 1992 (Final Plat recorded March 10, 1992 as Reception # 432413). A quick summary of land use data relevant to Crystal Acres is below:

Total Size: 16.90 Acres
Total Open Space: 4.442 Acres
of Lots: 40 (in 2 phases)
Minimum Lot Size: 7,000 SF
Build out Status: 97.5 % (1 lot remains unbuilt)

The Riparian Zone

The area called the Riparian Zone is the hillside and slope down to the river which lies to the west of Oak Run. Each lot adjacent to the river in this area – Lots 18-31 -have this hillside Riparian Zone identified for their respective lot on the plat. These lines were staked at the time of platting as well as at the time of the initial sales of those lots. Before going further, this area should more realistically be called a Hillside and Riparian Protection Zone rather than a “Riparian Zone”. The area included in the Riparian Zone can be 20 feet or higher in elevation than normal edge of the Roaring Fork River. This zone includes the slope on the western portion of these lots down to the bottomland. The bottomland, floodplain and the river bed itself was dedicated to the Town as Open Space as part of the PUD/Subdivision approval.

The staff and the Boards at the time wanted to make sure that the riverbed, river bank and the steep hillside were protected from development activities cutting into hillside, from significant erosion, as well as disturbance to the wetlands/riparian vegetation, etc. As there was also a concern for preserving the hillside as well as the area close to the river, calling it strictly a “Riparian Zone” was probably a misnomer.

The writing of these regulations was not taken lightly. The Town at that time required a study to be done by a wetland ecologist and that ecologist was asked to make

recommendations. At the end of the day, these recommendations were approved and inserted into what is now Section 12 of the PUD documents. Those final recommendations as taken from the minutes of the Board of Trustees meeting of February 11, 1992 were:

- The only development allowed in the riparian zone on each lot is one primitive footpath.
- The footpath shall not be allowed to create erosion.
- That the recommendations from the ecologist (Dan Baharav) be incorporated into the regulations and that the developer be required to do the cutting of pruning identified for the trees before the sale of any lot.
- That a cutting permit or permission of the Town be obtained before any further cutting/removal of vegetation.
- That any lighting on the river lots be “downlighting”.
- That the riparian boundary be considered a zero setback and that there be limits to any excavation, construction activities, placing fill, deck or building setbacks, etc.
- That no development uphill be allowed to create any erosion.

These regulations have worked well over the years. Development has not encroached into that area defined as the Riparian Zone. Only two lots have built paths down to the river, but lot owners have been able to cut vegetation where appropriate after getting permission from the town, sometimes in cooperation with the Fire District (i.e., where the trees could have created a dangerous situation or where there could be a fire hazard).

The one problem that has arisen is that a neighbor across the river objected to the path being built by the property owners at 315 Oak Run. It was stated that the path was not primitive and that it was too visible. There has been some back and forth between staff, the owner and others on what the intent is/was and the definition of a “primitive path”. Some research was done and there is no precise definition of a primitive path - either for this particular PUD or for primitive paths in general. Many experts and public agencies look at this type of development very differently. The property owners, staff and I took stabs at examining appropriate websites and trying to obtain a fairly specific definition. After considerable discussion it was decided to amend the PUD, include some guidance/criteria to embody the original intent and to define a simple process for approval. It is also our understanding that no other construction activities have encroached into the Riparian Zone (including the hillside itself).



VICINITY MAP
SCALE: 1" = 500'



CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING
C1	74.15'	649.72'	37.11'	74.11'	N 57°24'45" W
					6'32'19"

LEGEND AND NOTES:

- INDICATES FOUND #5 REBAR WITH ORANGE PLASTIC CAP L.S. NO. 19598.
- INDICATES FOUND #5 REBAR WITH ORANGE PLASTIC CAP L.S. NO. 23648 (WITNESS CORNER)
- INDICATES SET #5 REBAR WITH RED PLASTIC CAP L.S. NO. 36638.
- DATE OF SURVEY: MAY 12, 2015.
- UNIT OF MEASUREMENT: US SURVEY FOOT
- 100 YEAR FLOOD PLAIN LINE DETERMINED FROM FEMA FIRM 080205-1858B, DATED JANUARY 3, 1986.
- BEARINGS ARE BASED UPON FOUND #5 REBAR WITH ORANGE PLASTIC CAP L.S. NO. 19598 AT THE MOST NORTHWESTERLY CORNER AND A FOUND #5 REBAR ORANGE PLASTIC CAP L.S. NO. 23648 (WITNESS CORNER) ALONG THE NORTHWESTERLY LINE OF SAID LOT 29. USING A BEARING OF S 35°40'43" W BETWEEN THE TWO DESCRIBED MONUMENTS.
- THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS SURVEYOR TO DETERMINE OWNERSHIP OR TO DISCOVER EASEMENTS OR OTHER ENCUMBRANCES OF RECORD. ALL INFORMATION PERTAINING TO OWNERSHIP, EASEMENTS OR OTHER ENCUMBRANCES OF RECORD HAS BEEN TAKEN FROM A TITLE COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY DATED APRIL 01, 2015 AS ORDER NO. GW63009562

IMPROVEMENT SURVEY PLAT

Lot 29, Crystal Acres P.U.D. Subdivision, According to the plat thereof
recorded March 10, 1992 as reception no. 432413
County of Garfield, State of Colorado.

THE LAND REFERRED TO IN THIS LAND TITLE GUARANTEE COMPANY COMMITMENT DATED APRIL 01, 2015 IS LOCATED IN THE COUNTY OF GARFIELD, STATE OF COLORADO, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 29
CRYSTAL ACRES PLANNED UNIT DEVELOPMENT SUBDIVISION,
COUNTY OF GARFIELD,
STATE OF COLORADO.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING EXCEPTIONS PER SAID TITLE COMMITMENT NO. GW63009562

- ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED BY HARALD PABST IN DEED RECORDED JULY 22, 1951 IN BOOK 265 AT PAGE 132. (Nothing to Show)
- EASEMENTS AND RIGHTS OF WAY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION LINES AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO BY INSTRUMENT RECORDED JULY 30, 1959 IN BOOK 319 AT PAGE 292 AND RECORDED AUGUST 1, 1968, IN BOOK 396 AT PAGE 30 AS RECEPTION NO. 241435, AS THE SAME MAY EFFECT SUBJECT PROPERTY. (As shown hereon)
- TERMS AND CONDITIONS OF THE AGREEMENT BETWEEN RAY R. FENDER, LOIS J. FENDER AND THE CARBONDALE SANITATION DISTRICT RECORDED JUNE 14, 1982 IN BOOK 601 AT PAGE 183. (Nothing to Show)
- TERMS AND CONDITIONS OF THE ANNEXATION AGREEMENT FOR CRYSTAL ACRES BETWEEN RAY R. FENDER, LOIS J. FENDER AND THE TOWN OF CARBONDALE RECORDED FEBRUARY 28, 1983 IN BOOK 621 AT PAGE 105. (Nothing to Show)
- CONDITIONS, RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY AS SET FORTH ON THE PLAT OF CRYSTAL ACRES PLANNED UNIT DEVELOPMENT SUBDIVISION, RECORDED MARCH 10, 1992 AS RECEPTION NO. 432413. (As shown hereon)
- RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MARCH 10, 1992, IN BOOK 825 AT PAGE 627. (As shown hereon)
- TERMS, CONDITIONS, OBLIGATIONS AND RESTRICTIONS CONTAINED IN SUBDIVISION IMPROVEMENT AGREEMENT RECORDED MARCH 10, 1992 IN BOOK 825 AT PAGE 596. (As shown hereon)
- TERMS, CONDITIONS, OBLIGATIONS, RESTRICTIONS AND RESERVATIONS CONTAINED IN ORDINANCE RECORDED MARCH 10, 1992 IN BOOK 825 AT PAGE 617. (Nothing to Show)

SURVEYOR'S CERTIFICATE:

I, JEFFREY ALLEN TUTTLE, BEING A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO JEROME AND DONNA DAYTON FAMILY TRUST AND LAND TITLE GUARANTEE COMPANY THAT THIS IMPROVEMENT SURVEY WAS PREPARED FROM AN ACTUAL MONUMENTED LAND SURVEY OF THE PROPERTY CORNER MONUMENTS, BOTH FOUND AND SET, UNDER MY DIRECT SUPERVISION AND CHECKING, THAT IT IS CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE AND THAT ALL DIMENSIONS, BOTH LINEAR AND ANGULAR WERE DETERMINED BY AN ACCURATE CONTROL SURVEY IN THE FIELD WHICH BALANCED AND CLOSED WITHIN A LIMIT OF 1 IN 15,000 (WHICH COMPLIES WITH COLORADO PROFESSIONAL STANDARDS FOR A LAND SURVEY PLAT AND THE CURRENT ACCURACY STANDARDS FOR ALTA/ACSM LAND TITLE SURVEYS). I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE MAY 12, 2015, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

JEFFREY ALLEN TUTTLE
LAND SURVEYOR
No. 33638

MAY 29, 2015
DATE

Notice:

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TUTTLE SURVEYING SERVICES

727 Blake Avenue
Glenwood Springs, Colorado 81601
(970) 928-9708 (FAX 947-9007)
Email- jeff@tss-us.com



IMPROVEMENT SURVEY PLAT

315 Oak Run Road
Carbondale, Colorado. 81623

Drawn by: DMC
Date: 05/12/2015
Z: \\2015\CRYSTAL
ACRES\CRYSTAL
ACRES29.DWG

1
OF 1

Please note that this land use application has two elements. They are:

1. Update the PUD by proposing a major PUD Amendment. This would allow low impact paths to continue to be built but will provide more guidance on the development of such paths. We would propose that such paths be allowed by Conditional Use Permit – a staff level review. The documentation would outline submittal requirements and outline standards and best practices.
2. If approved, the owners of 315 Oak Run could then submit their application for such development.

Goals of the Riparian Zone in the Crystal Acres PUD

We would propose that the PUD Amendment provide the following:

- Rename what has been called the riparian zone and call it a Riparian and Hillside Protection Zone.
- Incorporate the original goals of the riparian zone as originally noted above.
- Retain the ability of a property owner to build what properly should be called a “low impact trail” and provide guidance on any such construction.
- Have town staff review the proposed construction before any construction is undertaken
- Ensure that the Carbondale & Rural Fire Protection District is involved when requested to review any requests for Wildfire Mitigation or for tree removal where necessary due to insurance concerns.
- Continue to have Town Staff review any proposals for tree or vegetation removal when there is fear that such vegetation poses a risk to a residential structure.
- Proposed low impact Path standards
 - disturbance – minimal
 - visibility – minimal
 - minimum alteration of grade
 - no adverse effects on soil erosion
 - natural materials.
 - “Colors” fit in to the surrounding area

SECTION 12 PROPOSED TEXT LANGUAGE

- A. Riparian and Hillside Protection Zone: There shall be designated as a Riparian and Hillside Protection Zone that area lying between the public open space and the platted building set-backs for Lots 18-31 (per the plat recorded at Reception # 432413 in the Garfield County records) in which no development of any nature shall be permitted except for each owner of Lots 18-31 shall be entitled to have a low impact footpath through the riparian and hillside zone for purposes of access to the Roaring Fork River. Such footpath shall be constructed as to achieve the following:
- 1) Have no alteration or minimize any alteration of the existing grade.
 - 2) Minimize soil erosion, both during construction and on a permanent basis.
 - 3) Minimize visibility from adjacent lots and those lots located across the river.
 - 4) Utilize native construction materials or those that would appear to be part of the hillside or natural vegetation of the area.
 - 5) Pick earth tones or other colors that fit into the lot or surrounding area. In some cases, this may be achieved by having any imported materials treated in some manner to achieve a “weathered look” within a short time frame.
 - 6) Revegetate any disturbed area within the current building season or at an agreed upon time frame.
- B. Standards (note: includes original standards which are intended to be retained in the updated PUD Regulations)
- 1) Riparian and Hillside Zone shall be left in its natural condition and no owner shall alter same, including discharge of wastewater water of any nature except for natural run-off from the lot after final grading including run-off from roofs.
 - 2) No lot owner shall take any action that changes the natural character of the zone except with approval from the Town.
 - 3) No lot owner shall be entitled to alter vegetation including the cutting of trees, bushes, plants or other vegetation without Town approval. Trees/brush posing a danger to structures or that may be fire hazard may be removed after approval by the Town and/or the Carbondale & Rural Fire Protection District. (See Paragraph F).

Note: Property owners are encouraged to consult the C&RFPD to create “Defensible Space” to mitigate wildfire potential/hazard per Firewise or other recognized “Best Management Practices” standards recognized by the State, County or local fire district.

- The Riparian and Hillside Zone shall be considered a zero-setback related to any structures that are built or placed on the lot.

C. Construction Standards/Best Management Practices

1. Design/Materials

- a. Horizontal and vertical alignment of stairs and trail are to be designed to minimize ground disturbance and removal of mature vegetation.
- b. Permanent structures, such as cast concrete footers or structural steel members are prohibited.
- c. Stairways, landings, and trails are to be built on grade. Boardwalks, suspended structures, or above-grade framing are not allowed.
- d. Steel pins and rebar are acceptable anchoring devices.
- e. Materials shall be selected to be harmonious in color and texture with the surrounding native hillside.
- f. For landscape timber stairs, crushed river gravel or compacted native earth are appropriate materials for infill of steps.

2. Construction Standards / Best Management Practices

- a. Establish limits of ground disturbance prior to any clearing activities. Do not disturb existing hillside outside of limits of ground disturbance; this includes carrying of materials, tracking equipment, and lay-down/staging areas.
- b. Heavy equipment is not appropriate for use in constructing stairs and trails in the hillside zone unless unique circumstances require the use of machinery as approved via the permitting process.
- c. Grading and ground disturbance is to re-connect to existing grades within 24" of the edge of stair tread or landing. Ground disturbance may extend

to no more than 48" from the edge of stair tread or landing on one side of the stairway to allow for access, work zone, and materials handling.

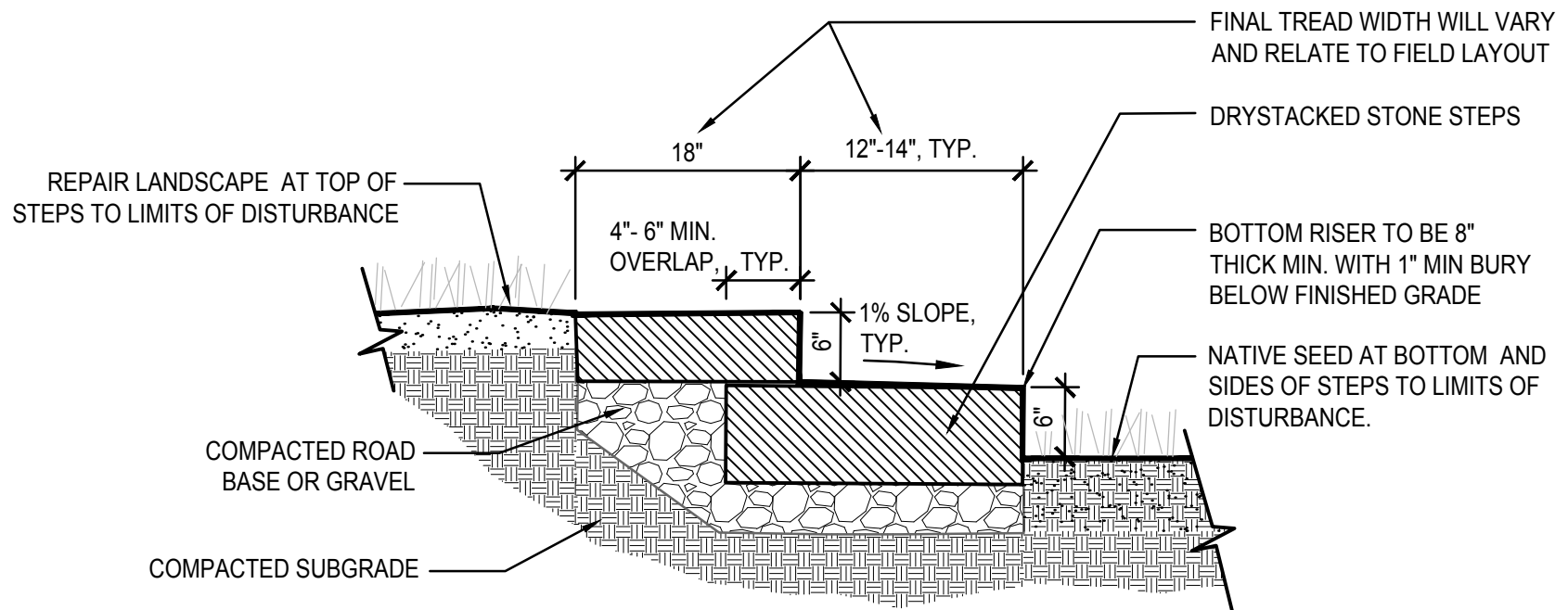
- d. Revegetation of disturbed areas is required following the completion of stair/trail installation. Unirrigated areas are to receive twice the supplier's recommended seeding rate, and straw mulch cover. Slopes steeper than 3:1 require bio-degradable erosion control fabric after seeding. Do not use photo-degradable fabric in the hillside zone.
- e. Place straw wattles parallel to grade at each vertical interval of 5', and along the bottom limit of disturbance. Straw wattles are to be keyed into grade no less than 2" and securely pinned into place. Wattles may be removed when ground disturbance is completely revegetated.
- f. Temporarily divert upslope-generated runoff away from the work zone to avoid erosion of bare soil; maintain runoff diversion until the ground disturbance has been completely revegetated. Other pre- and post-construction erosion control measures may be required per applicable and current Town of Carbondale codes.
- g. Actively manage weeds by mechanical removal throughout the establishment period of revegetation (minimum of two growing seasons).



Figure 1: Example landscape timber stair installation



Figure 2: Example stone stair installation



NOTES:

1. DETAIL HAS BEEN PROVIDED TO ILLUSTRATE DESIGN INTENT.
2. STAIR LAYOUT TO BE DETERMINED BY SITE CONDITIONS.

D. Process to allow construction of paths in the Riparian and Hillside Protection Zone.

Any owner proposing to construct a path in the Riparian and Hillside Protection Zone shall obtain a Conditional Use Permit according to the procedures outlined in section 2.5.1 of the UDC, as amended. A pre-application meeting with Planning Staff is required.

Submittal requirements are those as required as part of a Conditional Use Permit and the following which shall be identified as part of the pre-application conference or as a result of that meeting:

- 1) Improvement Survey Plat and topography of the Riparian and Hillside zone as they exist on the subject lot.
- 2) Construction details and grading plan of the path from a Landscape Architect or other qualified professional. Please show limits of disturbance and construction activity.
- 3) Listing of materials and specifications.
- 4) Cut sheets/drawings or photos of materials as required.
- 5) Revegetation Plan/notes.
- 6) Soil Erosion Prevention Plan.
- 7) Photos of subject area.

The Community Development Director may waive any of the above requirements or require other submittal materials if the subject site and proposed construction requires such submittal. Photos of the path post construction are suggested

- E. Lighting. Any exterior lighting shall meet the standards contained in Section 5.10 – Exterior Lighting of the UDC, as amended.
- F. Clearing of brush/vegetation and clearing of trees. At the time of approval of the annexation, deadfall and unhealthy live foliage, as designated by Dan Baharav in a consulting report dated January 31, 1991 was to be removed by the owner prior to individual lot sales. Thereafter, no lot owner is entitled to alter vegetation in the Riparian and Hillside Protection Zone without approval of the Town of Carbondale. It is understood that as trees and vegetation age, it may be appropriate to trim or remove certain vegetative areas. Periodic removal may also be important because of concerns related to wildfire or for “defensible space” due to homeowners Hazard Insurance requirements. Homeowners shall work with the Town and the Carbondale and Rural Fire Protection District and receive approval of the town prior to removal of vegetation.

CRITERIA FOR APPROVAL OF A PUD AMENDMENT

Amendments to a PUD may be approved if there is a finding that all of the following approval criteria have been met. This section shows a response to each of the criteria found in Section 2.4.3 D.1 of the UDC – responses are in italics.

- a. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD purpose.

Response: 1) The amendment, providing a simple review process and some guidance related to the trail construction should assist with the efficient development and preservation of certain areas within the PUD; 2) the amendment would hopefully provide for the enjoyment of land on particular properties and minimize any adverse impacts - including visual impacts to other lands within the PUD, neighbors across the river or to the public; and 3) meets or exceeds the benefits to the town provided by one of the original purposes of this PUD – enjoyment of the river open space to adjoining property owners while keeping the Hillside/Riparian area in an holistic condition.

- b. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.

Response: The amendment addresses a unique situation. Specifically, it provides a review process to ensure that the design of any trail across the Riparian and Hillside Zone is properly designed to be low impact in nature and fulfills the original intent of the Riparian/Hillside area. Guidance related to construction of paths in this area in the initial PUD language was not clear enough to provide its intended purpose for some people. It also requires that a qualified design professional be involved to some degree which will help provide professional oversight and help in mitigating potential adverse impacts.

- c. After amendment, the PUD will continue to have an appropriate relationship to the surrounding area, with any unreasonable adverse effects on the surrounding area being minimized or mitigated.

Response: The amendment will not change the relationship to the surrounding area, and it may improve it by providing oversight of planning and path construction. Involvement of a qualified design professional will also help the property owner find solutions to minimize any potential adverse effects of trail construction. Finally, no other development standards changes to the PUD Zoning text are being proposed.

- d. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.

Response: The amendment will hopefully reduce any potential adverse impacts from a path upon the natural environment and to vegetation while allowing for enjoyment of the owner/renter of the property. Preservation of the hillside, and general River environment will be maintained.

- e. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

Response: Generally, facilities and services should not be affected. Fire protection may be enhanced by involvement of the Fire Department in any review of vegetation removal for Wildfire Mitigation.

- f. The amendment will promote the public health, safety, and general welfare; and

Response: The amendment should provide for the public health, safety and general welfare.

- g. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.

Response: The amendment would appear to be consistent with the Comprehensive Plan philosophy of environmental stewardship expressed in various sections of the Comprehensive Plan. It will also help provide some owners in the PUD to enjoy the Open Space available adjacent to their property and mitigate unnecessary construction impacts such as soil erosion and unnecessary visual impacts.

Fire District Site Visit

At the direction of staff, we met with the Fire Marshal of the Carbondale & Rural Fire Protection District. We showed Bill Gavette the path in question, the hillside at 315 Oak Run Drive and the adjoining lots, the public river access and walked portions of the river's edge in order to better inspect the hillside of the various river lots in Crystal Acres. Bill thought that path in question could be low impact in nature and provide safe and enjoyable access to the river for the property owners. He also quickly assessed the wildfire risk in the area. The hillside was typical of vegetated hillsides in the area and there was some fire risk in late spring prior to "green up" as well as in late summer and early fall depending on the particular year.

Bill is very familiar with "protective space" concepts for this environment and did note that some homeowner insurance companies were starting to assess these areas more closely. He offered the help of the Fire Department in evaluating the risk of these hillsides on request and in working with the homeowners and Town on implementing individual "protective space" for specific lots.

Excerpts of Letter from Jerome Dayton to John Leybourne – Spring of 2018

To: John Leybourne
Carbondale City Planner

Our primitive footpath is steep and unstable. My wife refuses to use it. I strongly discourage guests from using for fear they will fall. I've used it mainly the last two summers to access the invasive thistle plant and remove it. I've slipped and fallen several times and I'm about to give up on the activity if I can't make the footpath safer because of the consequences of falling are simply too great as I get older.

We undertook the boxing step structure to make the path useable and to help stabilize the bank. If the existing footpath had been used regularly (by someone much younger than us), it would have been a significant source of erosion.

This is the same boxing structure that the Forest Service would use if this trail were in the national forest. Without these stabilizing structures, the path is basically unusable. I had retired Carbondale Public Works Director, Larry Ballinger, come look at the work and he concurred that it was the only way to make the trail usable without making the erosion worse. In fact he said the erosion will be less than before the work was undertaken. He found it to be good job.

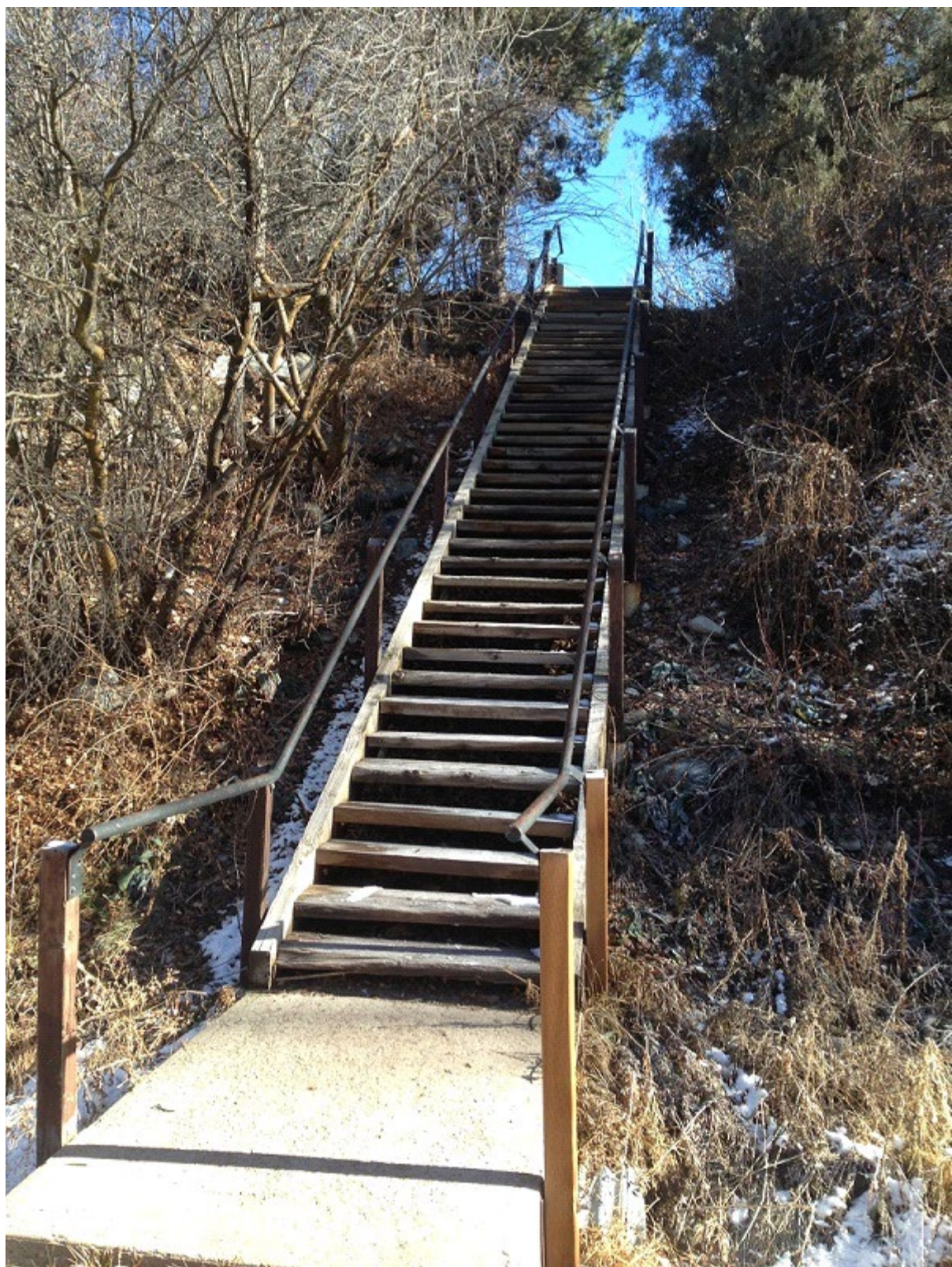
Below are examples of footpaths in the Crystal Village PUD. While there is no restriction on footpaths (as far as I know) in this PUD, it does show that there already exist footpaths of various styles through the Riparian zone:



235 Oak Run Rd



195 Oak Run Rd



Staircase Park



135 Oak Run Rd



End of Eastbank Point Rd (2093 County Rd 106?)

So basically we have a footpath we can't use which appears not to be the original intent of the PUD.

I apologize that we didn't clear this with you first but it didn't seem like it was necessary as I was making the path more stable and more erosion proof. I would appreciate working with you to resolve this.

Thanks

Sincerely,

Jerome Dayton

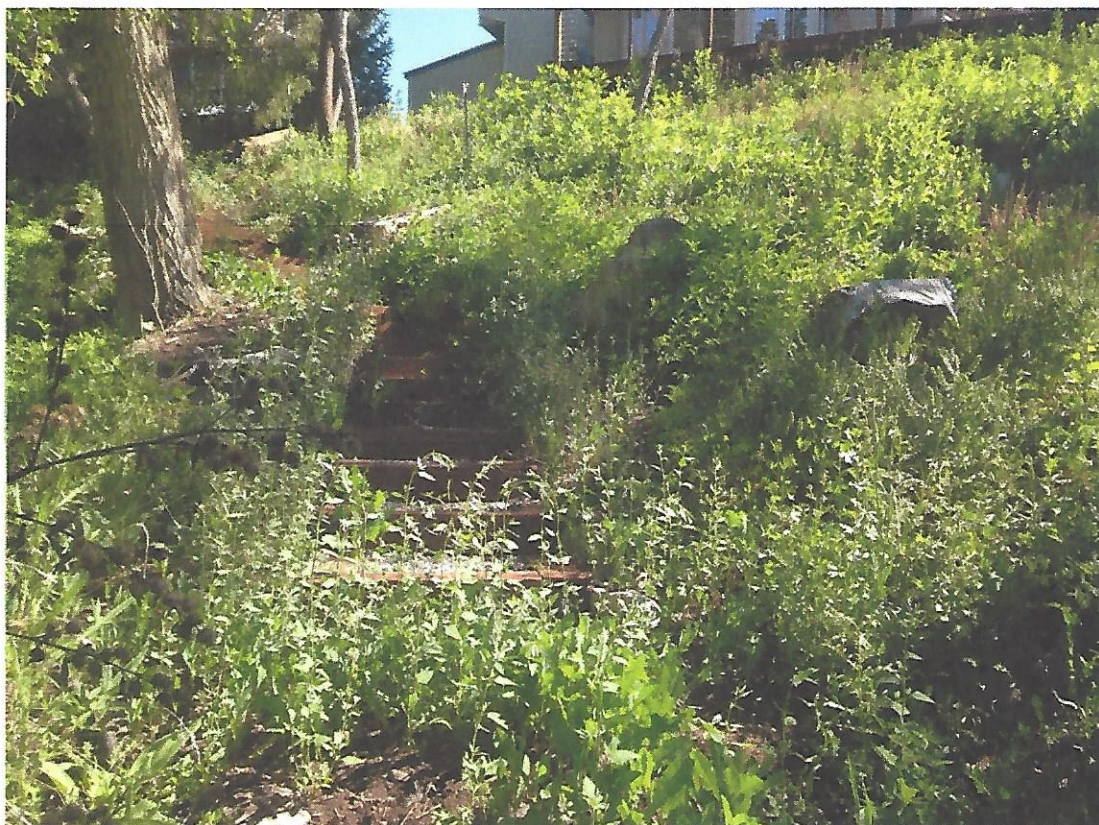
315 Oak Run Rd

805 886-0945

PHOTOS OF 315 OAK RUN PATH



Path from Our Deck



Path from River



315 Oak Run path: from top of path – Late winter 2019



3156 Oak Run Path: River perspective – Late winter 2019

Miscellaneous Documents

- **List – Property Owners within Crystal Acres PUD**
- **Crystal Acres PUD – Recorded Document**
- **Comment from Roaring Fork Conservancy**

ADAMS, MICHAEL KEITH & KAREN FULTI
1262 WALD DR
CARBONDALE CO 81623-2816

ANDA, IRIS R & TALLMADGE, LAWRENCE
310 OAK RUN RD
CARBONDALE CO 81623-2811

BINGHAM, ROSEMARY C REVOCABLE TRUST
PO BOX 1516
FRISCO CO 80443

BROYLES, VICTORIA W
1359 WALD DRIVE
CARBONDALE CO 81623

CARBONDALE, TOWN OF
511 COLORADO AVENUE
CARBONDALE CO 81623-2067

CORBETT, GERALD F & SARAH CATHER
1362 WALD DRIVE
CARBONDALE CO 81623

CROCKER, DAMON & COREY
PO BOX 702
CARBONDALE CO 81623

DAYTON, JEROME & DONNA TRUST
315 OAK RUN ROAD
CARBONDALE CO 81623

DEWEESE, JENNIFER
360 OAK RUN ROAD
CARBONDALE CO 81623

FELDMAN, KIRK
1329 WALD CIRCLE
CARBONDALE CO 81623-2815

FOGLESONG, DAISIE & BARRETTE, GRACE
1369 WALD DR
CARBONDALE CO 81623-2827

FOULKROD, JOHN F JR & CHAMBERLAIN
PO BOX 624
CARBONDALE CO 81623-0624

FUGATE, TODD L
PO BOX 352
CARBONDALE CO 81623

GERDIN, FRIEDA
1282 WALD DRIVE
CARBONDALE CO 81623

GFT LAND CO LLC
PO BOX 680240
PARK CITY UT 84068

GRIFFIN, PATRICK J & LEVE, BELINDA
1292 WALD DRIVE
CARBONDALE CO 81623-2816

GRIFFITHS, ROBERT E & PATIENCE M
1269 WALD DRIVE
CARBONDALE CO 81623

HANDY, THERON DRU & TRACY JANE
1342 WALD DRIVE
CARBONDALE CO 81623

HASSELBRING, CHERYL A & BRUCE
300 OAK RUN ROAD
CARBONDALE CO 81623-2811

KENNEDY, TODD & GWENDOLYN G
380 OAK RUN ROAD
CARBONDALE CO 81623

LAIRD, ALICE H & COLIN
330 OAK RUN ROAD
CARBONDALE CO 81623

LAVELLE, STEPHEN H & RANDALL E
1279 WALD DRIVE
CARBONDALE CO 81623-2817

LOVE, ELISA ILLENI
1309 WALD CIRCLE
CARBONDALE CO 81623

MCALLISTER, SARA L REVOCABLE TRUST
425 OAK RUN ROAD
CARBONDALE CO 81623

MOLNAR, GABRIEL & RACHEL
375 OAK RUN ROAD
CARBONDALE CO 81623

MUNN, JEFFREY D & CAMPBELL, JENNIFER
1339 WALD CIRCLE
CARBONDALE CO 81623

MURPHY, BRIAN C
345 OAK RUN ROAD
CARBONDALE CO 81623

O NEILL, JACK O & DORIS A
340 OAK RUN ROAD
CARBONDALE CO 81623

OAK RUN LLC
PO BOX 686
CARBONDALE CO 81623

PAZIK, ROBERT & NANCY ANN
365 OAK RUN ROAD
CARBONDALE CO 81623-2802

SHAPIRO, STEPHEN & MEAGAN
335 OAK RUN ROAD
CARBONDALE CO 81623

SONTAG, NICHOLAS & LAUREN
305 OAK RUN ROAD
CARBONDALE CO 81623

SPENCE, KIMBALL & LORI OLENICK
295 OAK RUN ROAD
CARBONDALE CO 81623-2804

TAVERNA, FRANK X & SHARON HAIRSTON
405 OAK RUN ROAD
CARBONDALE CO 81623-2809

TOWNE, JONATHAN B & SANDRA J REVOCABLE TRUST
395 OAK RUN ROAD
CARBONDALE CO 81623

WADDICK, JAMES R & PATRICIA A
1272 WALD DRIVE
CARBONDALE CO 81623-2816

WELLS, GAYLE A REVOCABLE TRUST
320 OAK RUN
CARBONDALE CO 81623

WHALEN, MEGAN I LIVING TRUST
1418 PACIFIC STREET
SANTA MONICA CA 90405

WHEELER, STEPHANIE C & JOHN H IV
PO BOX 4005
BASALT CO 81621

WINOKUR, MEGHAN NICHOLS & JASON
1289 WALD DRIVE
CARBONDALE CO 81623

ZUPANCIS, ROBERT L
PO BOX 9609
ASPEN CO 81612

CRYSTAL ACRES PLANNED UNIT DEVELOPMENT
CARBONDALE, COLORADO

APPLICANT: Crystal Associates, Ltd.,

ADDRESS: c/o Jon David Seigle, 925 Chatfield Road, Aspen,
Colorado 81611

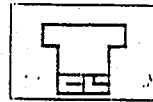
TELEPHONE: (303) 925-6938

CIVIL ENGINEERING: Schmueser Gordon Meyer, Inc. 1001 Grand Avenue,
Suite 2E, Glenwood Springs, Colorado 81601

TABLE OF CONTENTS

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Section 12.	Special Restrictions.
Section 13.	Conflict Provision

CTL/THOMPSON, INC.
CONSULTING GEOTECHNICAL AND MATERIALS ENGINEERS



May 5, 1992

963-2906

Crystal Associates, Ltd.
c/o Jon Siegle
925 Chatfield Road
Aspen, CO 81611

Subject: Lots 5 and 6
Crystal Acres Subdivision
Carbondale, Colorado
Job No. 18582

Gentlemen:


This letter summarizes our involvement at the Crystal Acres Subdivision and presents our opinion of residential construction on Lots 5 and 6.

Our firm began observing and checking backfill placement above utility lines within the subdivision on March 24, 1992. We have since visited the site several times a week to observe the backfill. We were asked by Mr. Sean Mello of Earthworks Construction to look at a depression in the ground surface on Lots 5 and 6. Our engineering geologist, Mr. Wilson "Liv" L. Bowden visited the site on March 24, 1992. Based on observation and excavation in the depression, the depression is a topographic expression of abandoned stream meander resulting in an oxbow lake. Excavation showed 5 to 6 feet of sediment above the natural alluvial sands on the lot. The depression was not a sink hole as we understand it is shown on some published mapping. The sedimentary fill was removed to the natural sands. The resulting excavation was filled with natural sandy gravels and cobbles, placed in lifts, moisture treated and densely compacted with a heavy vibratory sheepsfoot. Our personnel observed the backfill procedure. In our opinion the backfill can support the residential construction that will be built on it without significantly more risk of settlement than other lots in the subdivision.

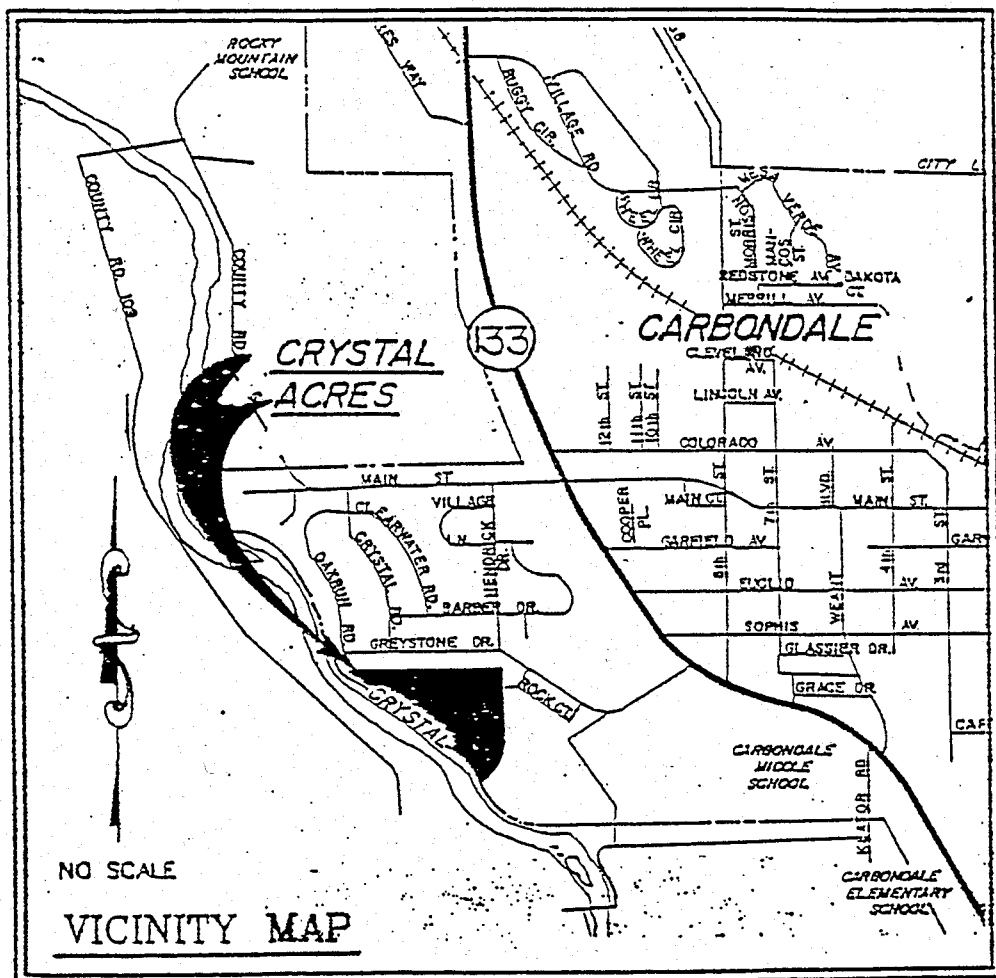
If you have any questions regarding this letter, please call.

Very truly yours,

CTL/THOMPSON, INC.


John Mechling, P.E.
Branch Manager

JM:gs



Section 4. The Site: The site consists of 16.92 acres located directly south of Crystal Village single family area (Greystone Drive) and on the east bank of the Crystal River.

The site slopes towards the northwest, terminating at the Crystal River. The majority of the site is on a shelf approximately 25 - 30 feet above the river. Along the Crystal River there is dense vegetation consisting of cottonwoods, alders, serviceberrys and Gambel's oaks which provide an important songbird habitat. As the bank rises above the river there is a transition zone marked by a change in vegetation and slope configuration which is conducive for development. The site is bisected by a narrow change of slope of approximately 4% - 8%. There are two depressions on the property filled with irrigation water which according to the soils report are not sink holes. There are two sink holes identified in the soils report.

Section 5. Proposed Development: The proposed development consists of 40 single family lots. Since 14 of the lots border on the Roaring Fork River, the planned unit development format is being utilized for purposes of designating appropriate set-backs.

The total acreage for the project is 16.92 acres. 4.442 acres adjoining the river have been dedicated as public open space.

Section 6. Zone District Summary: All lots shall be zoned Planned Unit Development residential/low density, PUD R/LD-7000.

Section 7. Zone Regulations: The permitted uses, density schedule and supplementary requirements applicable to the residential low density zone district shall be as follows:

A. Permitted Uses:

- (1) Single family dwelling;
- (2) Non-commercial gardening;
- (3) Fences;
- (4) Garage, utility shed and other accessory buildings provided that the garage is attached to a residence;
- (5) Home occupations;
- (6) One renter other than the primary occupant who pays money or performs services as consideration for rent.

B. Permitted density:

- (1) Minimum lot size allowed: 7,0000 sq.ft.;
- (2) Minimum lot width: 75 ft.;
- (3) Minimum lot depth: (i) interior lots 75 ft; (ii) corner lots 75 ft;
- (4) Setbacks (see Exhibit A attached hereto for setbacks for each particular lot).
- (5) Lot Coverage : (i) principal building, parking garages,

sheds, other accessory buildings, sidewalks, patios, porches, stairway areas or strips paved or otherwise covered with material impervious to water or open space 50% (iii) open space, 50%.

- (6) Maximum height of building: (i) principal building 27 ft, measured according to Section 18.36.030, as amended from time to time.
(ii) accessory building, 20 ft.
- (7) Minimum floor area: (i) principal building 1300 sq.ft.

C. Supplementary Requirements:

Fences: A. No fence shall be erected which is within 40 ft. from the front property line. Maximum fence height shall be 4 ft., unless approval of the homeowners' association is obtained prior to construction and then, 8 ft. Fencing of the Irrigation Easement as designated on the Plat shall be controlled by the provisions of a Subdivision Improvement Agreement between the Town of Carbondale and Crystal Associates, LTD. a Limited Liability Company which will be recorded simultaneously with this PUD plan.

Minimum off-street parking: For each residential use, 2 spaces.

Section 8. Development Phasing: The project may be constructed in two phases with the first phase being constructed in 1992 consisting of Lots 17 through 40. The second phase consisting of Lots 1 through 16 shall be constructed by October, 1, 1994. Construction of Phase 1 shall commence on March 15, 1992 and be completed by July 1, 1992.

Section 11. Site Plan Summary:

Residential Low Density Zone: 10.678 acres;

Roads: 2.3 acres;

Open space: 4.442 acres.

Section 12. Special Restrictions:

A. Riparian Zone: There shall be designated as a riparian zone that area lying between the public open space and the building set-backs for Lots 18 through 31, in which no development of any nature shall be permitted except for each owner of Lots 18 through 31 shall be entitled to have one primitive footpath through the riparian zone for purposes of access to the river. Such footpath may not be constructed with any materials of any nature which alters existing grades nor shall such footpath have an adverse affect on soil erosion. Except as provided herein, the riparian zone shall be left in its natural condition and no owner shall alter the same, including discharge of waste water of any nature except for natural run-off from the lot after final grading

including run-off from roofs, or take any other action that changes the natural character of the riparian zone. Prior to the sale of any lot, the developer shall remove such dead fall and unhealthy live foliage as designated by Dan Baharav in a consulting report dated January 31, 1991 to enhance and promote new growth in order to assure dense healthy riparian cover. Thereafter no lot owner shall be entitled to alter vegetation in the Riparian zone without the approval of the Town of Carbondale.

B. River Lighting: All exterior lighting on the river side of Lots 18-31 shall be down lighting and no exterior lighting shall directly illuminate the river.

Section 13. Conflict with Provisions of Title 18 of the Carbondale Municipal Code.

The provisions of Title 18 of the Carbondale Municipal Code shall apply to the P.U.D. unless specific provisions contained in the approved P.U.D. conflict with any provisions of Title 18, in which event the provisions of the approved P.U.D. shall supersede.

\doc\crys.pud

EXHIBIT A
CRYSTAL ACRES P.U.D.
LOT SET BACKS

<u>Lot Number</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
# 1	20	7.5	25
# 2	20	7.5	25
# 3	20	7.5	25
# 4	20	7.5 *	7.5 (Note 1)
# 5	20	7.5	25
# 6	20	7.5	25
# 7	20	7.5	7.5
# 8	20	7.5	7.5
# 9	20	7.5	7.5
# 10	20	7.5	7.5
# 11	20	7.5 *	7.5
# 12	10****	7.5 *	7.5
# 13	10****	15	7.5
# 14	20	7.5	15
# 15	20	7.5	15
# 16	20	7.5	20
# 17 (Note 2)	20	7.5 *	25
# 18	20	15	***
# 19	20	15	***
# 20	20	7.5	***
# 21	20	7.5	***
# 22	20	7.5	***
# 23	20	7.5	***
# 24	20	7.5	***
# 25	20	7.5	***
# 26	20	7.5	***
# 27	20	7.5	***
# 28	20	7.5	***
# 29	20	7.5	***
# 30	20	7.5	***
# 31	20	7.5	***
# 32	20	7.5	25 (Note 1)
# 33	20	7.5	7.5 (Note 1)
# 34	20	7.5	7.5
# 35	20	7.5	7.5
# 36	20	7.5	7.5
# 37	20	7.5	7.5
# 38	20	7.5	7.5
# 39	20	7.5	7.5
# 40	20	7.5 *	7.5

* Street side 12.5 ft.

** On side adjoining ditch, 10 ft.

*** As depicted upon plat

**** Any garage must be setback a minimum of 20 feet from the front yard.

Note (1): Notwithstanding the setbacks set forth, no structure may be closer than 25 feet to the common boundary line with any lot in Crystal Village Subdivision that is accessed from Greystone Drive.

Note (2): Lot 17 shall have minimum set back of 25 feet along the line that bears S 00 20'30 W

\doc\setbacks

From: [Jerome Dayton](#)
To: [Mark Chain](#)
Subject: Fw: Amending the PUD
Date: Friday, April 12, 2019 5:38:48 PM
Attachments: [image003.png](#)

Jerome Dayton-

----- Forwarded Message -----

From: Rick Lofaro <rick@roaringfork.org>
To: Jerome Dayton <jeromedayton@yahoo.com>; Jerome Dayton <donnadayton@yahoo.com>
Cc: John Leybourne <jleybourne@carbondaleco.net>
Sent: Friday, April 20, 2018, 11:34:32 AM MDT
Subject: RE: Amending the PUD

The steps are an improvement over the existing trail comprised of loose fill and/or topsoil. The configuration of the walkway now allows for a better and direct percolation of any precipitation or runoff instead of accelerating it toward the river.

Rick Lofaro

Executive Director



ROARING FORK CONSERVANCY

P.O. Box 3349, Basalt, CO 81621
tel: (970) 927-1290 cell: (970) 379-9844
www.roaringfork.org

WIN a Boulder Boat Works Pro Guide Drift Boat! Get your raffle ticket today at www.RFCRaffle.com!

From: Jerome Dayton [<mailto:jeromedayton@yahoo.com>]
Sent: Friday, April 20, 2018 10:51 AM
To: Jerome Dayton <donnadayton@yahoo.com>
Cc: John Leybourne <jleybourne@carbondaleco.net>; Rick Lofaro <rick@roaringfork.org>
Subject: Amending the PUD

Donna-

I spoke with John today and he said we needed to start the formal process for amending the PUD. It involves getting 50% of the members of our PUD (Crystal Acres I think) to sign off on the amendment. He said he could wait until I return from Texas and then have a pre-application meeting to walk us through the process.

Rick, having a statement from you that the steps are an improvement over the primitive footpath will help us convince neighbors to sign. And we are still more than willing to do some remediation work on the hillside in terms of establishing trees.

So we will be busy in June.

Jerome Dayton-

Jerome & Donna Dayton

315 Oak Run Rd
Carbondale, CO 81623
805-886-0945
jeromedayton@yahoo.com

Date

Dear Recipient Name,

You are receiving this letter because you are an owner of property within the Crystal Acres Subdivision. We are owners of 315 Oak Run Rd. We are writing you today to ask you to express your opinion on our desire to put in steps on the backside of our property through the riparian zone to the city property line on the Crystal River. The existing "primitive footpath" is loose and unstable. I've fallen several times on the path and my wife refuses to use it or allow our guests to do so. Our major motivation for this path is to tend to the riparian zone, especially removing invasive weeds.

We want to put in the same kind of steps the Forest Service would do by using 6" x 6" timbers to create 36" wide boxes that contain a weed barrier and then gravel to absorb any runoff. Under the mistaken impression that these kinds of steps would constitute a "primitive footpath", we proceeded to put in those steps until we were asked by the City to stop until the language of the Planned Unit Development (PUD) for Crystal Acres could be clarified.

This is the same kind of path that the Roaring Fork Conservancy Director, Rick Lofaro, recommends we put in. "The steps are an improvement over the existing trail comprised of loose fill and/or topsoil. The configuration of the walkway now allows for a better and direct percolation of any precipitation or runoff instead of accelerating it toward the river."

In order to put in these steps, we would like to amend the PUD, to clarify and/or modify what is meant by a "primitive footpath" in that document. Before proceeding with that formal process, we wish to do a straw poll of how current Crystal Acres property owners would feel about this. So please use the enclosed post card to indicate your preference and drop in the mail.

Please call or email us with any questions.

Your attention to this is appreciated.

Warm regards,

Jerome and Donna Dayton





Path from Our Deck



Path from River

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Donna Trust
Date: 6/27/18

Dayton, Jerome & Donna Trust

Owners of : 315 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: As Forest Service Volunteers, we feel, as Rich Japan does, that this type of primitive foot path is appropriate and environmentally sound

Signature: Gayle Wells Richard Wells
Date: 7/19/18

Wells, Gayle A Revocable Trust

Owners of : 320 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

We would have liked to have had this discussion prior to installation - as we are sure you would have, too.

Signature: Robert
Date: 7/20/18

Sontag, Nicholas & Lauren

Owners of : 305 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: OK with me. Too bad to waste the resources already put in. It was a ^{miss} looking with the materials. Shouldn't be wasted!

Signature: Larry Tallmadge Iris Anda
Date: 6-19-2018

Anda, Iris R & Tallmadge, Lawrence P

Owners of : 310 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: _____

Date: 6-28-18

Shapiro, Stephen & Meagan

Owners of : 335 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: I think is a great idea

Signature: _____

Date: 6/29/18

Murphy, Brian C

Owners of : 345 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Alice Laird

Date: 7/23/18

Alice H & Colin Laird

Owners of : 330 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: This is a great community approach

Signature: Jack O'Neill

Date: 7/21/18

O'Neill, Jack O & Doris A

Owners of : 340 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Todd L
Date: 6/28/18

Fugate, Todd L
Owners of : 385 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Sara L
Date: 7/9/18

Mcallister, Sara L Revocable Trust 1/4/12
Owners of : 425 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: this style path will help prevent erosion and degraded river water quality.
Signature: [Signature]
Date: 7/3/18

Crocker, Damon & Corey
Owners of : 370 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: [Signature]
Date: 7/15/18

Kennedy, Todd & Gwendolyn G
Owners of : 380 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments:

It looks like a nice project!

Signature:

Patience & Bob Griffiths

Date:

7/4/18

Griffiths, Robert E & Patience M

Owners of : 1269 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments:

I used to go down to the River, near the first Owners House bought your house. You certainly should be allowed to have Forest Service

Signature:

Frieda Gerdin steps made for safety.

Date:

6.27.18

Gerdin, Frieda

Owners of : 1282 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments:

Looks wonderful, you should be able to continue good luck!

Signature:

Michael Keith & Karen Fulton

Date:

6/30/18

Adams, Michael Keith & Karen Fulton

Owners of : 1262 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments:

Signature:

Robert H & Randall E Lavelle

Date:

6.28.18

Lavelle, Stephen H & Randall E

Owners of : 1279 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Gerald Corbett
Date: 7/7/18

Munn, Jeffrey D & Campbell, Jennifer S

Owners of : 1339 Wald Cir

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Gerald Corbett
Date: 7/23/18

Gerald & Sarah Corbett

Owners of : 1362 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: THANK YOU FOR FORTHCOMING OUT TO YOUR NEIGHBORS. I FIND YOUR ARGUMENT VERY REASONABLE.

IT SEEMS YOUR CONSIDERATION OF STEPS - SUPPORTED BY THE FOREST SERVICE WORK CONSENSUS OPINION - BOTH IMPROVE SAFETY FOR

Signature: Jeff A. Dru
Date: 7/8/18

Winokur, Meghan Nichols & Jason Paul

Owners of : 1289 Wald Dr

USERS, AS WELL AS BETTER RUN OFF MANAGEMENT. STEPS LIKE A "WIN-WIN" DECISION. I APPROVE AMENDMENT OF THE PUD FOR YOUR PROJECT.

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Theron Dru
Date: 7/8/18

Handy, Theron Dru & Tracy Jane

Owners of : 1342 Wald Dr

	A	B	C	D	E	F	G	H	I	J
	Account Number	OwnerName	Situs House Number	Street Name	Date Signed	Approve	Disapprove	Abstain	Comments	
1	R590097	SPENCE, KIMBALL & LORI OLENICK	295	OAK RUN	07/04/18		x			
2	R590098	HASSELBRING, CHERYL A & BRUCE	300	OAK RUN	07/23/18			x		
3	R590096	SONTAG, NICHOLAS & LAUREN	305	OAK RUN	07/20/18	x				
4	R590099	ANDA, IRIS R & TALLMADGE, LAWRENCE P	310	OAK RUN	06/29/18	x				
5	R590095	DAYTON, JEROME & DONNA TRUST	315	OAK RUN	06/29/18	x				
6	R590100	WELLS, GAYLE A REVOCABLE TRUST	320	OAK RUN	07/18/18	x				
7	R590094	BINGHAM, ROSEMARY C REVOCABLE TRUST	325	OAK RUN						
8	R590101	LAIRD, ALICE H & COLIN	330	OAK RUN	07/23/18	x				
9	R590093	SHAPIRO, STEPHEN & MEAGAN	335	OAK RUN	06/28/18	x				
10	R590102	O NEILL, JACK O & DORIS A	340	OAK RUN	07/03/18	x				
11	R590092	MURPHY, BRIAN C	345	OAK RUN	06/29/18	x				
12	R590103	GFT LAND CO LLC	350	OAK RUN						
13	R590091	OAK RUN LLC	355	OAK RUN						
14	R590104	DEWEESE, JENNIFER	360	OAK RUN						
15	R590090	PAZIK , ROBERT & NANCY ANN	365	OAK RUN			x			
16	R590105	CROCKER, DAMON & COREY	370	OAK RUN	07/03/18	x				
17	R590089	MOLNAR, GABRIEL & RACHEL	375	OAK RUN						
18	R590106	KENNEDY, TODD & GWENDOLYN G	380	OAK RUN		x				
19	R590088	FUGATE, TODD L	385	OAK RUN	06/28/18	x				
20	R590087	TOWNE, JONATHAN B & SANDRA J REVOCABLE TRUST	395	OAK RUN	07/23/18			x		
21	R590086	TAVERNA, FRANK x & SHARON HAIRSTON	405	OAK RUN	07/02/18		x			
22	R590085	ZUPANCIS, ROBERT L	415	OAK RUN	07/24/18	x				
23	R590084	MCALLISTER, SARA L REVOCABLE TRUST 1/4/12	425	OAK RUN	07/07/18	x				
24	R590080	ADAMS, MICHAEL KEITH & KAREN FULTON	1262	WALD	06/30/18	x				
25	R590077	GRIFFITHS, ROBERT E & PATIENCE M	1269	WALD	07/04/18	x				
26	R590081	WADDICK, JAMES R & PATRICIA A	1272	WALD	07/29/18	x				
27	R590076	LAVELLE, STEPHEN H & RANDALL E	1279	WALD	06/28/18	x				
28	R590082	GERDIN, FRIEDA	1282	WALD	06/27/18	x				
29	R590075	WINOKUR, MEGHAN NICHOLS & JASON PAUL	1289	WALD	07/08/18	x				
30	R590083	GRIFFIN, PATRICK J & LEVE, BELINDA	1292	WALD	06/30/18		x			
31	R590074	WHALEN, MEGAN I LIVING TRUST	1299	WALD						
32	R590073	LOVE, ELISA ILLENI	1309	WALD						
33	R590072	WHEELER, STEPHANIE C & JOHN H IV	1319	WALD						
34	R590071	FELDMAN, KIRK	1329	WALD						
35	R590070	MUNN, JEFFREY D & CAMPBELL, JENNIFER S	1339	WALD	07/07/18	x				
36	R590078	HANDY, THERON DRU & TRACY JANE	1342	WALD	07/08/18	x				
37	R590069	FOULKROD, JOHN F JR & CHAMBERLAIN, GEORGIA	1349	WALD	07/03/18		x			
38	R590068	BROYLES, VICTORIA W	1359	WALD	07/23/18			x		
39	R590079	CORBETT, GERALD F & SARAH CATHERINE	1362	WALD	07/23/18	x				
40	R590067	FOGLESONG, DAISIE & BARRETTE, GRANT	1369	WALD						
41	R590107	CARBONDALE, TOWN OF								
42										
43										
44		Totals	40			22	5	3		
45										
46		Returned	30							
47		Remaining	10							



Town of Carbondale
511 Colorado Ave
Carbondale, CO 81623

Transmittal

Item Number: TBD

Date Routed: 4-19-2019

Comments Due: 5-3-2019

TO: _____

To assist the Town in its review of this project, your review and written comments are requested. Please notify the planning department if you will not be able to respond by the date listed above. Please contact the planning department should you have any additional questions regarding this project.

Applicant: Jerome and Donna Dayton

Owner of Record: Jerome and Donna Dayton

Location: Crystal Acres Planned Unit Development

Zone: PUD

Project Description: Amend section 12 of the Crystal Acres PUD to provide design standards for primitive path construction.

Planner: John Leybourne

COMMENTS:

1. I have no issues with the proposed PUD amendment.

Date: April 25, 2019

Bill Gavette
Deputy Chief
Carbondale & Rural Fire Protection District
970-963-2491



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Memorandum

TO: John Leybourne, Planner
FROM: Janet Buck, Planning Director
RE: Crystal Acres PUD Amendment
DATE: July 2, 2019

Thank you for the opportunity to review the application for the Crystal Acres PUD Amendment. These are my comments:

1. The application proposes a name change from "Riparian Zone" to "Riparian and Hillside Protection Zone." The recorded Crystal Acres Subdivision Plat shows this area as "Riparian Zone." Changing the language on the plat to match up with the proposed designation would require a plat amendment so it may be best to leave this designation as currently described in the PUD and on the plat.
2. The description of what type of trail is allowed is changed from "one primitive footpath" to "low impact footpath" with no limit on number. I would suggest that the number be limited to one and to retain the use of the word "primitive" as it better reflects the intent of the PUD.
3. The bullet point under Paragraph 12.B.3) is unclear. This needs to be re-worded or otherwise clarified. Also, is it intended to be a bullet point under Paragraph 12.B.3)? It seems like a different topic.
4. Add language in Paragraph 12.B that prohibits items such as picnic tables, fire pits, decks, platforms, picnic shelters and gazebos, etc.
5. Add language in Paragraph 12.C.1.c. that prohibits roofs. (Handrails may be necessary in some circumstances for safety.) Also, limit the width of the steps leading to the river to two feet in width to minimize amount of disturbance.
6. Add the language "including colors" at the end of Paragraph 12.D.3).
7. In Paragraph 12.F., rather than referencing the 1991 Baharav report, incorporate appropriate sections of that report within the zone district text.

8. The Crystal Acres PUD included in the application is not recorded. In addition, the Crystal Acres PUD in the Town's PUD book used to administer the code is not recorded. If the amendment to the PUD is approved, I would suggest that the Crystal Acres PUD zone text be re-typed in its entirety into a new document with the same zoning parameters such as allowed uses, setbacks, etc., as established in 1992. If the new language for Paragraph 12 is approved, this can be incorporated into the newly-typed document. The amended and re-stated Crystal Acres PUD document can then be recorded.

I would suggest that the above items be included as conditions of approval in the Staff report. Thanks and let me know if you have any questions.

From: Groves - DNR, John <john.groves@state.co.us>
Sent: Tuesday, June 25, 2019 9:22 PM
To: John Leybourne; Neumann - DNR, Danielle; Yamashita, Matt
Subject: Re: PUD application request for comments

John,

I have reviewed the Crystal Acres PUD Amendment as it relates to trails in the Riparian Protection Zone. CPW typically discourages trails and development in riparian areas due to impacts to wildlife habitat. As this is a historical use in a developed area, approved by the Town of Carbondale, CPW feels the proposed language to more clearly define trail standards adequately addresses the issue. These improved standards should help owners create a path that is sustainable and less prone to erosion.

Thanks for the opportunity to review. If you have any questions or concerns please let me know.

John Groves.

On Fri, May 17, 2019 at 10:24 AM John Leybourne <jleybourne@carbondaleco.net> wrote:
John,

I'm not sure if you would be the correct person to send this referral request to.

We have an applicant here in Carbondale that is asking to amend a PUD that borders the Crystal River. The request is to allow standards to more clearly define what a primitive path is that is currently allowed to be constructed in the Riparian Zone.

Any comments would be greatly appreciated.

Many thanks,

John M Leybourne
Town of Carbondale
511 Colorado Ave.
Carbondale, CO 81623
970-510-1212
jleybourne@carbondaleco.net

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John Groves
District Wildlife Manager-Carbondale
Colorado Parks and Wildlife
970-947-2933