

C4-Concerned Citizens for Custer County
“Keeping Custer County Special”
PO Box 862
Westcliffe, Colorado 81252

Custer County Commissioners
 PO Box 150
 Westcliffe, Co. 81252

SUBJECT: Humboldt Peak Planned Unit Development (PUD) Position Paper

2 Oct 2007

1. **Problem/Objective:** To analyze the application and define a C4 position.

2. **Points to consider:**

- In a separate PUD position paper dated 19 Sep 2007 and in a separate letter to the County Commissioners dated 17 Apr 2007, C4 has taken the position that PUDs should not be allowed on the valley floor (in zones 1 or 2). This position is in harmony with the County Master Plan and section 7 of the Zoning Resolution (ZR) both of which identify intended land use for zones 1 & 2 as low density and agricultural in nature.
- C4’s position ref PUDs in zones 1 & 2 is consistent with the Commissioner’s decision on 2 May 2007, to exempt zones 1 & 2 (80 and 35 acre areas on and West of the valley floor) from being considered from Cluster Developments and Minor Subdivisions due to the increased dwelling density they allow.
- The amended County ZR dated 19 Nov 2002 greatly increased the density standards for dwellings and dropped the previous 35 acre minimum criteria for PUDs. These new standards permitted a 1000% increase in density in zones 1 & 2 (up to 10 homes/parcel) compared to standard zoning (see chart below from the amended ZR).

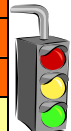
Zone	Percent of open space	Density standard (dwelling unit/acre)
Zone 1	50%	4/80
	60%	6/80
	70%	8/80
	80%	10/80
Zone 2	50%	5/35
	60%	7/35
	70%	10/35
Zone 3	50%	2/10
	60%	4/10
Zone 4	50%	2/5

- The Humboldt Peak LLC has applied for approval to form a PUD in zone 1 under the provisions of the above amended ZR which allows up to 10 dwellings/80 acres if 80% is left as open space.
- The LLC representatives have followed ZR procedures and have requested citizen input as well as official county input during the process. The LLC has demonstrated a willingness to respond to concerns derived from such input.
- No PUDs have been approved to date in zone 1 (80 acre valley floor area); therefore this application is setting a precedent.
- County Commissioners retain final approval authority on all PUD applications per the ZR.

3. **Decision criteria and analysis table:** stoplight colors: red=negative; green=positive; amber=caution

Key CD Decision Criteria:

Water demand	Red—increased density increases water demand
Home/population density	Red--Potential 1000% increase
County employee staff, supervision & budget	Red—Increases demands on County staff
Open space preservation	Red—dwelling density reduces open space
Demands on county infrastructure *	Amber--Can be minimized in PUD negotiations
Development related job/economic increase	Green--New single residence homes
Environmental impacts **	Amber—Can be minimized in PUD negotiations



* infrastructure includes increases in County staff and supervision requirements; road use; sewer systems; county services like schools, health clinic, fire and sheriff departments; etc.

** includes water filtration, erosion, drainage, increased weed growth, wildlife impacts, noise and light pollution, etc.

4. **Discussion:**

a. **Pros:**

- The LLC is cooperating with county officials and concerned citizens in an attempt to minimize the negative impacts of such a PUD in zone 1 to include where and how to locate the proposed new buildings.
- It is likely that the LLC will put much of the approximate 323 remaining acres they own in zones 1 & 2 into a conservation easement along with the associated water.

b. **Cons:**

- The amended ZR allows up to a 1000% dwelling increase in zones 1 & 2 (80 and 35 acre zones). That increase is counter to the intended land use in both zones of “low density” and “agricultural in nature. The LLC proposal is for 6 dwellings, a cookhouse, plus other older buildings currently on site.
- If approved, this PUD will set a precedence in zone 1 which could make it difficult to deny future PUD requests in the same zone unless the ZR is amended, as C4 has recommended, to disallow PUDs in zones 1 & 2.
- Absent other legally binding agreements, it is possible for the LLC to engage in commercial activity, use the facilities for a time-share arrangement, sell/rent time at the facilities or any other legal activity on the property that would be counter to the intended agricultural nature and low density in zone 1.
- The added staff and volunteer time required to process, administer and supervise PUDs will increase county costs. CSU studies estimate that it will cost the County \$1.30 for each \$1.00 in revenue gained from such residential areas.
- Water impacts associated with this PUD request is an important decision factor.

5. **C4 position:**

C4 is against allowing PUDs in zone 1 & 2 for the reasons stated. However, since the current ZR allows PUDs in all zones, it is difficult at this point in the process to find regulatory cause to recommend disapproval of this PUD. This is especially true since the applicant (the LLC) is cooperating and attempting to minimize negative effects from the PUD. Therefore, C4 recommends the following:

a. Throughout the PUD application process, insure all steps are thoroughly considered and fully met as required in the ZR. Pay particular attention to water impacts in the decision process.

b. If the Commissioners eventually decided to approve this PUD, do so only if a separate legally binding agreement is signed between the County and the applicant (LLC) which stipulates certain specific provisions and understandings upon which the approval authority would be granted. The purpose of such an agreement is to tie the approval for the PUD with specific conditions so that the mere approval of it cannot be used by future applicants as a generic precedent setting event. Examples of points to put in such an agreement follow:

- Final PUD approval is contingent upon the remaining 323 acres going into a conservation easement along with associated water and building sites. The land will be kept in its present natural state.
- There will no commercial activities on the property.
- No time share activities will exist on the property.
- The principle use of the property is for immediate family members.
- The only additional water demands or changes from current uses will be those associated with normal domestic well uses; water rights will not be sold; water may be leased but not to an entity selling the water outside of the County.
- No more than 6 new homes will be allowed and they will not exceed 2600 ft²; will not be sold separately; and will be located on small building sites (+/- 2 acres). The cookhouse will not exceed 4800 ft²

c. The Commissioners decide that PUDs will no longer be allowed in zones 1 & 2 and the County move quickly to change the ZR to exempt zones 1 & 2 from PUD consideration. Implement a moratorium on other PUD applications in zones 1 & 2 until the ZR is amended. That will close the door on future PUD applications in those zones.

For the C4 membership and board:

//signed//
Joe Arbuckle
C4 Chairman