

# Memorandum

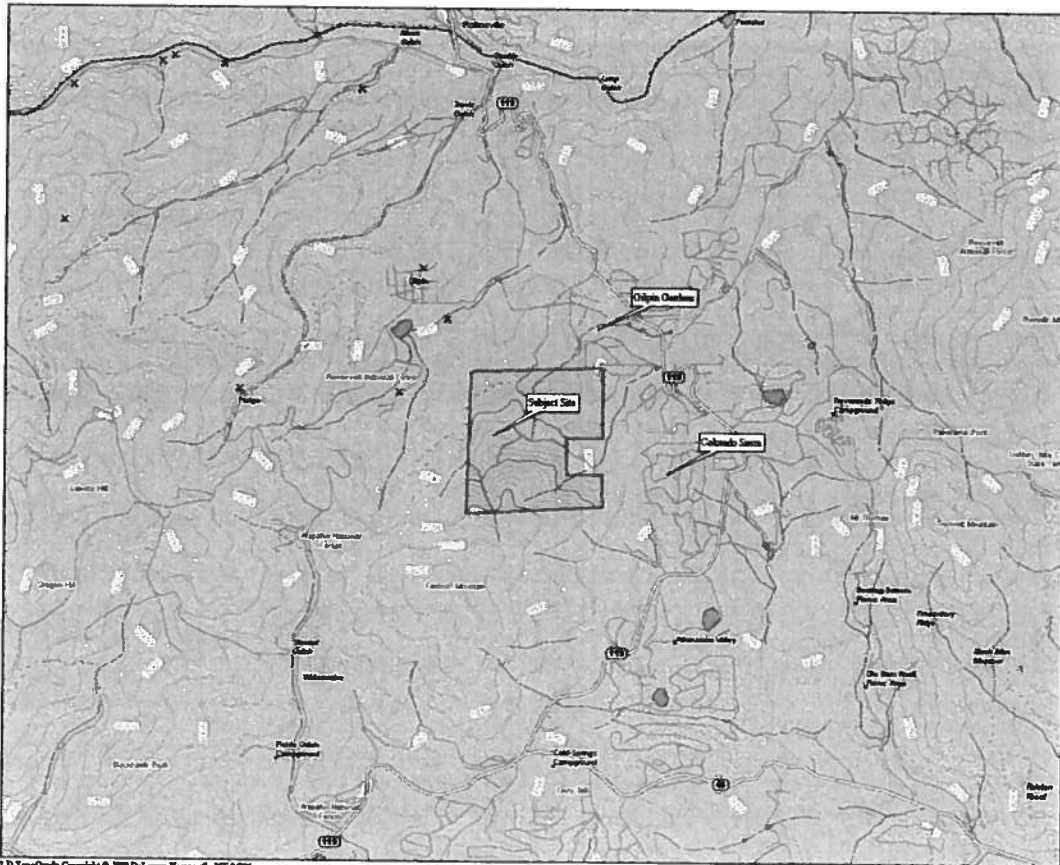
**To:** Gilpin County Plan Commission  
**From:** *APR* Tony Petersen, County Planner  
**Date:** July 12, 2005  
**Re:** Roosevelt Ridge Public Hearing

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**Applicant:** Roosevelt Ridge LLC.

**Request:** The applicant would like to divide approximately 551 acres into a maximum of 27 parcels averaging >20 acres via Gilpin County Rural Development process exempting it from the subdivision process.

**Location:** Section 18, T2S, R72W



**Present Zoning:** Forestry

**Adjacent Property:** North – USFS (80%) / Hilltop Lots Subdivision (20%)  
South – USFS (adjacent) / Colorado Sierra Sub within ¼ mile  
East – Gilpin Gardens Subdivision  
West – USFS (adjacent) / Skyline Subdivision within ½ mile

**Alienated Lands:** Two mining claims (9 acres +/-) presently divided into 8 separate parcels – all surrounded by the applicant's lands.

**Present Use:** Vacant land divided into 15 lots greater than 35 acres.

**Applicable Regulations and Guidance Documents:**

Gilpin County Zoning Code

Section 3 – Forestry District

3.1 Uses Permitted by Right

**a) One-family dwelling.**

3.2 Area Regulations

**a) Lot Size. Minimum lot area shall be 20 acres.**

Section 13 – Subdivision Exemptions (Pending BOCC Approval 7/19/05)

3.0 Rural Development Exemption (RDE)

3.1 Applicability - All land divisions or re-configurations proposing to be exempted from subdivision that would not qualify for either a BLE or BLA.

3.2 Minimum Qualifications

3.2.1 Density - Maximum proposed density shall result in one of the following:

3.2.1.1 Exemptions  $\geq$  1000 acres shall not be greater than 1 unit per 15 acres.

**3.2.1.2 Exemptions < 1000 acres shall not be greater than 1 unit per 20 acres**

3.2.1.3 Post-exemption density shall represent a minimum 50% reduction in pre-exemption density as expressed in total number of allowable units that could be developed according to current zoning and ISDS regulations.

3.2.2 Open Space – Minimum dedicated open space shall include one of the following:

**3.2.2.1 All lands outside of defined building envelopes.**

3.2.2.2 67% of gross acreage.

3.2.2.3 No dedicated open space is required when post-exemption density represents a minimum 50%

reduction in pre-exemption density as expressed in total number of allowable units.

### 3.3 Review Process

3.3.1 Planning Commission Review - All Rural Development Exemption (RDE) requests must be reviewed by the Gilpin County Planning Commission. Upon review, the Planning Commission shall forward its findings and recommendation to the Gilpin County Board of County Commissioners (BOCC). Planning Commission review shall include a public hearing. Public notice of said hearing shall not be less than 14 days.

3.3.2 BOCC Review - All Rural Development Exemption (RDE) requests must be reviewed and decided by the Gilpin County Board of County Commissioners (BOCC). BOCC review shall include a public hearing. Public notice of said hearing shall not be less than 14 days.

## Master Plan

### IV. HISTORY & HERITAGE AND VISUAL CHARACTER

THE COUNTY WILL PRESERVE SIGNIFICANT ELEMENTS OF THE EXISTING VISUAL CHARACTER OF THE AREA.

#### **B. Visual Character**

**2. Vistas.** While the roadside view is important generally, there are several points along these "main streets" that offer distinctive, defining vistas; that is, a long-range view across a valley or meadow of prominent mountain ranges or peaks. **It is imperative that the county identify and protect the most significant of these vistas from being cluttered or blocked from view by new development.**

While more detailed analysis may be needed, identified significant vistas at this time include:

- a) West from Wondervu off Hwy. 72,
- b) East across Braecher meadow off Hwy. 119,
- d) West from the town site of Tolland, and
- c) **North west from mile marker 16 off Hwy. 119, near the old Marble Apple site.**

### V. ENVIRONMENT

THE COUNTY WILL PROTECT, AND NEW DEVELOPMENT WILL RESPECT, THE NATURAL ENVIROMENT.

The natural environment of Gilpin County is a dominating, significant feature in defining the character of the area. The elevation and topography constrain certain opportunities, yet also provide the setting for a unique and valued lifestyle. **In general, all land use activity should be encouraged to protect and restore the natural environment, such as by minimizing the disruption of existing vegetation and by adding new native vegetation. Developments should be encouraged to use a variety of techniques to avoid significant damage to the earth, including careful attention to the placement of buildings and other site improvements.**

**Project Description: (Applicant's Submittal)**

# **Roosevelt Ridge**

## **Preliminary Subdivision Exemption Plat**

### **Written Statement**

#### **Background**

The proposed Roosevelt Ridge Subdivision Exemption Plat is located on a 551+/- acre parcel located west of the Peak to Peak Highway (Hyw. 119) and is accessed from the Peak to Peak Highway via local streets (See Vicinity Map located on the Preliminary Subdivision Exemption Plat). The property was previously subdivided into 15 lots as the Howard – Deiker Estates Subdivision in 1993. Presently the property is within the Forestry zoning district, which allows an overall density of one unit per 20 acres. The Roosevelt Ridge property was homesteaded by the Howard family in the 1920's and has been held in the Howard-Dieker Family Trust for the past eighty years. The site is surrounded on three sides by Roosevelt National forest and is heavily forested. The property begins at an elevation of 9200' with gently sloping pine and aspen forest then rises in elevation through rock outcroppings to its peak at 9808'.

#### **Development Concept**

Based on discussions with the County Staff, the Applicant has chosen to request that the County review this proposed development through the subdivision exemption process allowed through State statute. This approach will allow increased flexibility to take advantage of the positive qualities of the site while protecting the natural resources of the property.

The development approach is to essentially integrate the community into the natural setting of the existing landscape. To accomplish this, we plan to develop approximately 20 acre lots with two acre building envelopes. In mountain environments such as Roosevelt Ridge, the natural condition is not highly tolerant of ground disturbance. By reducing the amount of land under the management of individual home owners to only the two acre building envelope, the potential disturbance of the lots and the area adjacent to the building envelopes will be limited. Proposed building envelopes will utilize the surrounding forest to preserve an atmosphere of seclusion and privacy in addition to

screening development from the Peak to Peak Scenic Highway.

The following provides additional details concerning the Roosevelt Ridge development concept:

- Utilizes the natural character of the land to locate ground disturbances associated with homes on two acre building envelope and protect the remaining property as natural open space.
- Provide for low density development (one unit per 20 acres) of the property that is consistent with the goals of the County.
- **Restrict any future subdivision of the property by providing to the County a conservation easement that will assure no additional units will be created in the future.**
- **Assure that the overall density of the property includes existing units associated with mining claims within the property. In other words, the ultimate density of this property will not exceed the allowed density of one unit per 20 acres or a total of 27 units (551 acres/20 = 27 units). The Applicant is in negotiations to purchase the development rights of the existing mining claims so that the potential units associated with the mining claims can be included in the planning and design of Roosevelt Ridge. To allow for these negotiations to continue we have shown the area that includes the mining claims as Parcel "A" with a total of ten residential units allowed guaranteeing that the total number of residential units does not exceed 27 (17 + 10 =27).**
- Provide access that meets emergency vehicle standards, require residential sprinkler systems in each home and instituted wildfire mitigation plan to result in a development that responsibly protects the future property owners and their property.
- Avoid the potential hazards resulting from the potential disturbance of a 20 acre lot by requiring localizing disturbance to a two acre building envelope.
- The Applicant is not proposing any formal landscaping within any of the private open space, along any trails, adjacent to any public or private roads. As disturbances on the site occur as a result of development, revegetation will take place within a maximum of one growing season of when the disturbance occurred. When the limited site disturbances are re-established, the Community can focus on maintaining a self-sustaining natural landscape consistently throughout the project.
- The portion of the 20 acre lots outside the building envelope is designated through easements for no ground disturbing activities except for driveways, recreation trails, common parks and wildfire hazard and risk mitigation. The Roosevelt Ridge Covenants, Conditions and Restrictions (CCR's) as well as final plat notes will clearly identify the project's homeowners association as the responsible entity for maintenance of the private recreation trails and parks as well as wildfire hazard and risk mitigation allowing for a coordinated effort to manage and improve the existing landscape.
- All development within the Roosevelt Ridge development will be controlled by the Roosevelt Ridge Master Declaration of Covenants, Conditions CCR's). The

following is a general outline of the CCR's for this project:

- Describe the community in term of the maximum number of lots, the Final Plat and all encumbrances shown on the Plat and the use of property owned by the HOA.
  - Require all lot owners to be members of the HOA.
  - Require the HOA to maintain all common elements such recreation easements.
  - Allow for the formation of an Architectural Control Committee (ACC) to review all improvements made to the property including exterior design, height, materials, color, and location of the improvements, location and size of driveways, location, size, and type of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required by the Architectural Control Committee.
  - Describe how lot owners are to maintain their property, manage trash, maintain drainage and grading on their property.
  - Allows the HOA to enforce the CCR's through fines, assessments and court actions.
- Design Guidelines will require an architectural style and materials consistent with mountain living including issues related to wildfire mitigation and protection. The design guidelines are enabled through the project CCR's that each lot owners accepts as part of the purchase of a lot.
  - The existing road within the property has been constructed to Gilpin County standards except in two locations (switchbacks) that are presently too steep. These sections have been identified by the County Road and Bridge manager and the Applicant will correct the grading to meet County standards.
  - The existing roads that provide access to the property from Highway 119 have been reviewed by the County Road and Bridge manager and have identified minor modification that can be accomplished within the existing road ROW.
  - Sewage disposal will be accomplished through individual sewage disposal systems (ISDS) that will be designed and installed by each lot owner to meet County standards.
  - Potable water will be supplied by one exempt well on each lot. We have been in discussions with the State Engineer concerning the status of this approach and have confirmation that we will be able to obtain one exempt well per lot based on *Roosevelt Ridge Preliminary Subdivision Exemption 4 6/28/05* documenting to the State that the County is processing the property through the subdivision exemption process.
  - Site drainage will be minimized by conveying runoff from the roads to discharge points and discharged through energy dissipation basins. Individual lots will continue to drain per historic patterns due to the limited site disturbances. The rocky nature of the soils is expected to promote rapid infiltration of runoff.
  - Runoff water quality will be addressed by using open native lined channels for collection and conveyance of runoff generated in the roads. Water quality is not expected to be a major issue as a result of limited areas of disturbance.



**Expected Action:** Recommend to approve, approve with conditions or deny the proposed project.

**Staff Recommendation:**

Approve with the following conditions:

- Phase 1 shall include 17 parcels averaging 20 acres as shown on approved preliminary plat.
- Phase 2 shall include a maximum of 10 additional parcels calculated as follows: 3 parcel base with 1 additional parcel earned for each development right transferred from existing alienated lands.
- A conservation easement over the entire project site shall be granted to Gilpin County assuring conservation goals including no further subdivision.
- Building Envelopes shall not exceed 2 acres and shall be located in areas not visible from SH 119. Building envelope location shall be approved by Community Development Department before final platting.
- Existing roads shall be brought up to County standards as per Road & Bridge Department specifications.
- Building envelope access roads shall be build to standards that includes 16' minimum widths with limited 12' wide sections as topography dictates. All roads shall be approved by Community Development and Road & Bridge Departments.
- Off-site road improvements shall be completed by the developer as per Road & Bridge Department specifications.