

ORDINANCE NO. 20
Series of 1994

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF CARBONDALE, COLORADO, APPROVING THE
PUD APPLICATION OF THE CRYSTAL RIVER LAND
COMPANY FOR PROPERTY KNOWN AS THE GRAY RANCH.

WHEREAS, Crystal River Land Company has submitted an application for a Planned Unit Development of the property described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale commenced a public hearing October 19, 1993 and which was continued for consideration to the following dates at which times various elements of the PUD proposal were discussed:

October 21, 1993	November 18, 1993
October 28, 1993	November 30, 1993
November 2, 1993	December 7, 1993
November 4, 1993	December 16, 1993; and
November 11, 1993	

WHEREAS, the Planning and Zoning Commission recommended that the application be approved with conditions; and

WHEREAS, the Board of Trustees of the Town of Carbondale commenced a public hearing on November 23, 1993 which was continued to the various dates noted below:

December 14, 1993	March 2, 1994
January 11, 1994	March 22, 1994
January 19, 1994	April 6, 1994
January 25, 1994	April 26, 1994
February 2, 1994	May 5, 1994
February 8, 1994	May 24, 1994; and
February 16, 1994	June 14, 1994

WHEREAS, during said public hearings, the Board of Trustees heard and considered the statements of Town Staff, the Applicant and members of the public, and reviewed and considered all the relevant documents and information presented at such hearings, all as required by law; and



WHEREAS, the Board of Trustees of the Town of Carbondale finds that it is appropriate to approve said application on the terms and

ROBERT B. EMERSON
86 S. THIRD ST.
CARBONDALE, CO 81623

Recorded at 3:12 o'clock P M JAN 16 1995
Reception No. 473426 MILDRED ALSDORF, RECORDER
GARFIELD COUNTY, COLORADO

conditions set forth below so that said property will be developed consistent with the purposes of Title 18 and Title 17 of the Carbondale Municipal Code;

BE IT THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that the Planned Unit Development application of the Crystal River Land Company for the property described in Exhibit A known as the Gray Ranch is hereby approved upon the following conditions:

WATER QUALITY

1. At the time of preliminary plat submittal, the Applicant will submit for approval a detailed description of a water quality monitoring plan for surface water in the Crystal River. This plan shall describe the location, timing, analytical techniques, detection methods and the method of interpreting the results of the tests. The tests will be performed at regular intervals starting six months prior to any construction or earthmoving on the site.
2. At the time of preliminary plat submittal, the Applicant shall submit for approval a detailed specific integrated pest management plan for the golf course area. This shall include a detailed description of all golf course pest management, fertilization and weed management programs. As part of this submittal the Applicant shall prepare a detailed grading and drainage plan for all areas of the golf course. The golf course area shall not drain directly into the Crystal River or designated riparian or wetland areas.
3. At the time of preliminary plat submittal, the Applicant shall submit for approval a specific drainage plan for all residential areas. Off-site drainage from the alluvial fans to the west may be incorporated into either the residential drainage or the golf course drainage plan. In no case shall there be direct drainage into the river or a riparian/wetland areas without appropriate mitigation techniques.

WATER SUPPLY

4. At the time of preliminary plat submittal, the Applicant shall submit for approval a detailed plan showing irrigation to golf course, designated open space areas, areas outside of each residential lot, and each residential lot itself shall be supplied with untreated irrigation water. The issue of

whether or not a piped and pressurized system for irrigation purposes shall be determined.

5. There shall be incorporated into an amended annexation agreement or subdivision improvements agreement any specific cost sharing or financing plan for the provision for payment of the Gray Ranch's portion of capital costs for water supply facilities to be constructed by the Town. This may include construction of a well, storage tank or other facilities.

WASTE WATER

6. The Applicant shall make arrangements with the Town through an amended annexation agreement or subdivision improvements agreement to pay for incremental expansion of the sewer treatment plant attributable to Gray Ranch.
7. At the time of preliminary plat submittal, a detailed plan shall be submitted for approval regarding the Crystal River/CRMS interceptor to serve the west-most part of the project. Plans shall include a route from the present terminus of this interceptor in Crystal Village through CRMS property and eventually to the Sanitation Plant. The cost of acquisition of necessary easements as well as the costs of engineering, construction, and other costs attributable to the project shall be shared between the parties utilizing said line, including the Town, CRMS, Crystal River Land Company and any other interested parties. This plan shall be submitted with the specific development phase to which the sewer interceptor pertains.
8. The capacity of the Highway 133 sewer interceptor shall be defined by the Town and an agreement shall be made between Gray Ranch and the Town which would cap on the number of dwelling units and/or commercial facilities which can utilize this sewer interceptor.

CIRCULATION

9. Prior to consideration of any preliminary plat application, the Applicant will obtain necessary access permits required by the Colorado Department of Transportation.
10. At the time of preliminary plat application, the Applicant shall submit for approval a detailed landscaping plan for any landscaping within the State Highway 133 right-of-way and for

any landscaping to be done 50 foot within the project. This landscape plan shall include landscaping and screening on the 133 boundary along the area to be developed as a driving range. The Town may require changes in this screening or landscaping and location of the driving range area.

11. There shall be a street connection to the Hendrick Ranch property at the southeast boundary of the Hendrick Ranch. The preliminary plat submittal shall show this location, grading, and other information required by the Town.
12. The south-most street within the final Gray Ranch development plan shall be required to be connected with a public right-of-way to State Highway 133 at the Mt. Sopris Ranch Road bridge when any development commences with the non-annexed portion of the Perry or Sopris Ranch properties.
13. At the time of preliminary plat submittal, the Applicant shall submit for approval detailed design specifications for the cul-de-sac turnaround areas. These areas shall be approved by the Carbondale and Rural Fire Protection District. "Eyebrow" turnaround areas may be required by the Carbondale Fire District on any cul-de-sac.
14. The Applicant shall provide a roadway instead of the proposed "emergency access easement" on the north side of the property adjacent to the Hendrick property boundary. The Applicant may address this issue during the preliminary plat process and a final determination may be made as to whether the original, proposed emergency access shall be reinstated.
15. All roads shall be located within a dedicated public right-of-way and shall be maintained by the Town. Detailed specifications shall be submitted for approval at time of preliminary plat application. The Town, at any time, may require construction of parking lanes if necessary to correct inadequate off-street parking.
16. The Applicant shall provide a 10-foot wide paved bike path linking the Hendrick Ranch PUD with the Gray Ranch. The bike path at a minimum shall extend along the entire "looped road" and the bike path shall be taken out to the Highway 133 right-of-way and extended to the south-most part of the property along Highway 133. Provision for a bike path within a street right-of-way or its own right-of-way shall be made during the subdivision process from the south-most part of the looped

road to the south-most part of the property. The purpose of this extension would be to provide for a future bike path connection if additional portions of the Sopris Ranch are developed.

WILDLIFE/RIVER CORRIDOR

17. The PUD Plan shall describe any necessary seasonal closing times to river access, riparian areas, golf areas, etc. as may be necessary due to eagle or other wildlife habitat. Seasonal closings shall be December 1st through March 15th.
18. The Applicant shall install fencing as may be required by the Town. Any fencing shall be as approved by the Colorado Division of Wildlife. Fencing along the western perimeter of the property shall be 42 inches high, four strand or less with a 12 inch kick space between the top two strands or be 48 inches high, three rails or less, with 18 inches between two of the rails. The fencing should be designed to inhibit domestic dogs, keep cows out and allow wildlife to pass.

HOUSING AFFORDABILITY

19. The Applicant has provided a "housing affordability" plan which has been approved by the Town. It shall be included in the PUD text.

GOLF ACCESS PLAN

20. The golf course, driving range, club house, and related facilities shall be privately owned but open to public at all times.

SOILS/GEOLOGY

21. The preliminary plan shall include a building envelope designated for every lot within the PUD. All building envelopes shall avoid sink holes.
22. The Applicant shall submit for approval a detailed debris flow and engineering study for development on the alluvial fans. Construction upon the fans with debris flow potential shall be avoided unless properly mitigated. Additional soils investigations by a geotechnical engineer may be required by the Town. Areas where there may be required an engineered foundation shall be determined at time of preliminary plat.

ZONING

23. The following changes should be made to the R/LD 10,000 Zone District:
 - a. Increase required number of parking spaces for each lot from 2 to 4.
 - b. Include proper Town Code citation for home occupations.
 - c. Satellite dish location shall be subject to Town Code or specific requirements made in the PUD zone text.
 - d. Change fence requirements to coincide with Town standards for Residential Zone District.
24. The following changes should be made to the R/LD 6,000/Recreation Zone District:
 - a. Same requirements as in the R/LD 10,000/Recreation Zone District. [23 (a) - (d) above]
 - b. For Residential/Low Density 6,000 square feet, parking lanes may be required.
25. The following changes should be made to the R/MD/Recreation Zone District:
 - a. The average density of the R/MD Zone District shall be at a minimum 10.4 units per acre. The density of each R/MD pod shall be monitored at the time of preliminary plat in the case that the R/MD area is subject to more than one preliminary plat filing application. The Applicant may be instructed to increase or decrease density at the time of final filing submittal in order to obtain the above-noted density.
 - b. There shall be a statement which will allow the lot width of multi-family units to be as narrow as 18 feet in the case townhouse-type units. Approval of lots with width below the specified minimum lot width for the Zoning Code shall be determined at time of subdivision approval.
 - c. Include minimum floor areas for multi-family structures.

- d. The guest parking requirements in the Town Zoning Ordinances shall apply to the R/MD Zone District. Stacked parking may be allowed if approved at the time of subdivision submittal. Stacked parking will require additional guest parking requirements approved by the Planning and Zoning Commission.
 - e. Other comments as per above Residential Zone Districts should be included.
 - f. There shall be a 50 foot setback from Highway 133 property boundary.
 - g. During the preliminary plat process, the developer may identify a certain area of the multi-family residential for which the Applicant may propose a zone change in order to allow limited commercial uses. The Applicant shall process a PUD Zone District change in order to facilitate these limited commercial uses. The Planning and Zoning Commission and Board of Trustees will then conduct public hearings and make appropriate findings and decisions on such application.
26. The following changes should be made to the Open Space/Parks Zone District:
- a. Maximum height for structures is 15 feet.
 - b. Specify allowed non-impervious lot coverage at time of preliminary plat submittal.
27. The zoning text shall include a Conservation Overlay Zone District, incorporating the specifics of any approved wildlife setback and mitigation plan, riparian plan and/or Open Space/River Access Plan. The Plan has been submitted and the areas along the river have been identified for primitive trails. Appropriate signage indicating where public access is allowed shall be required.

The public shall have the right to use the river for fishing, boating and other recreational purposes throughout the property. The public shall also have the right to access the banks along the Crystal River up to a point 5 feet beyond the high water mark measured horizontally. The public will be encouraged to access or exit the river area at the three identified points of public access. This right of perpetual

access shall be provided in a separate legal document to be submitted for Town approval at the time of preliminary plat. In this agreement, the parties shall agree to a specific level of maintenance to be performed by the Applicant or its successors. The Town shall have the right to enforce the maintenance provisions if the Applicant or its successors do not maintain property as agreed. The three areas identified for public access shall have only a primitive trail.

28. Establish a Golf Club Facilities District which would take into account development of the golf clubhouse and the maintenance facilities. Building height, lot coverage, and any specific parking requirements shall be included.
29. Phasing -
 - A. General Construction. The Applicant shall submit a preliminary plat within one year of the date of approval of the PUD application. Construction shall start on the project within three years. The Town shall review progress made on construction at the end of this three-year time period. If no construction has been initiated, the Town may revoke or suggest changes to the PUD zone plan. If construction on physical structures have not commenced within this three year period but there has been construction activity (example, grading on the golf course but otherwise no significant construction activity), the Town shall review the construction schedule with the developer and take action as appropriate.
 - B. Housing Elements. The different types of housing elements shall have the following phasing requirements:
 1. Multi-family housing - no restrictions or cap.
 2. Single family homes in the R/LD 6000 zone district shall be limited to 15 percent of the total buildout for each year, with the provision that 20 percent of the total may be built in any one year if there are more than 50 building permits issued for multi-family units. Credit

for any unused building permits in any year shall be carried over to future years.

3. Single family homes in the R/LD 10000 district shall be limited to 15 percent of the total buildout for each year allowed number of units per year for first three years, with 10 percent allowed in any year thereafter. Credit for any unused building permits in any year shall be carried over to future years.
30. Details of a preservation plan for the existing log cabin and barn at the existing bridge shall be provided with preliminary plat submittal subject to Town approval. The original homestead building should be inventoried and photographed.
31. Provisions for recreational vehicle storage shall be governed in the CC&R's.
32. There shall be a reclamation bond posted prior to any construction. The amount shall be sufficient to allow ranching to be reinstated on the property. The specific terms shall be set forth in the Subdivision Improvements Agreement.
33. A revised PUD zoning text containing the changes set forth herein shall be submitted for Town approval which shall be recorded with this Ordinance. If there are substantial changes to the recorded PUD site plan, a revised PUD site plan containing such changes shall be submitted to the Planning and Zoning Commission at least one month prior to submittal of any preliminary plat application.
34. Legal boundary discrepancies shall be resolved to the satisfaction of the Town prior to any preliminary plat submittal.
35. Public open space shall be provided as follows:
 - a. There shall be a 4-acre park at the northeast edge of the property which shall contain a soccer field and a softball field. The property will be developed by the Applicant.

- b. The 3.5 acre site identified as "community park" in the center of the project shall be landscaped by the Applicant. A soccer field may be placed on this community park if necessary.
- c. River front parks. The three river front parks identified on the Amended PUD Plan dated December 10, 1993, shall be developed pursuant to the provisions of Condition No. 27. Plans for development of the parks shall be submitted to the Town for approval during the preliminary plat. Final details including the maintenance agreements may be established at the final plat stage and included in the Subdivision Improvements Agreement.
- d. The 6 acre area known as the Turnbull bull pasture shall be annexed in the future to the Town and made a part of this project. The property shall be added to enhance the eagle sanctuary. This area is to be kept in a primitive state with the exception of a small parking area unless a development plan is approved by the Town.
- e. A \$400,000.00 fee for future park development shall be given by the Applicant to the Town. This fee is payable on a pro rata share at the rate of \$611 per dwelling unit for each individual filing to be paid at the time of final plat approval.
- f. The Applicant or its successors shall maintain these park sites in perpetuity.

AIR QUALITY

- 36. There will be no solid fuel burning devices allowed within the PUD. Natural gas fireplaces shall be allowed.

MISCELLANEOUS

- 37. All local, state and federal permits, such as 404 Permit (Wetlands), Storm Water Discharge Permit, Fugitive Dust Permit, etc. shall be obtained as regulations require.
- 38. The following documents shall be submitted for Town approval with the preliminary plat:

- a. Final proposed CC&R's.
 - b. Engineered floodplain certification.
 - c. Wetlands delineation confirmation by U.S. Army Corps of Engineers.
39. The Applicant shall obtain approval from any ditch associations if any ditches need to be moved on the property. The Applicant shall submit for Town approval at preliminary plat engineered plans to divert or otherwise deal with wintertime irrigation flow from the Perry/Fale properties.
40. The Applicant shall resolve winter drainage issues related to the low lying ditch at the Perry/Fale's property boundary to the Town's satisfaction.
41. There shall be two vehicular bridge crossings as identified on the revised PUD site plan constructed by the Applicant.
42. At the time of preliminary plat submittal, any additional wildlife mitigation plans, wildlife corridors, etc. shall be submitted. The Planning and Zoning Commission shall review the approved riparian, wildlife mitigation plans, etc. as contained in the PUD document and amended plan to make sure that all representations are being complied with.
43. A plan for a safety crossing shall be submitted to the Town for approval for that area of State Highway 133 between the Carbondale Elementary School and the 4 acre open space parcel opposite the Elementary School. Proposals shall be made at the preliminary plat submittal and may contain overpass, underpass or other safe crossing options. Comments from the School District and Department of Transportation shall be obtained and reviewed.
44. The access road to the Stover/MacCready properties shall be kept in its present condition (dirt and gravel) unless a paved road is approved by the Town.
45. A street lighting plan, or a specific proposal for reduced or no street lighting (west area) shall be submitted for approval by the Town as part of the preliminary plat submittal.

46. The Applicant shall follow the recommendations of the Colorado Division of Wildlife as contained in its letter of December 6, 1993 with the following exceptions:
- a. Division of Wildlife will not be creating an eagle feeding station north of the Fish Hatchery.
 - b. Items No. 7 and 9 in said letter which refer to wildlife setbacks for the northern "S" curve of the Crystal River will be included in an updated analysis which shall be submitted with the Second Phase Subdivision Application. The Board of Trustees at that time shall determine whether to allow development at this Northern S curve as per the PUD Plan dated December 10, 1993 or as per Division of Wildlife Letter dated December 6, 1993.
47. The Applicant will provide screening for eagle habitat as generally outlined in the proposal by Rick Thompson (Western Ecosystems, Inc.) and may be required by the Town as eagle "setback" areas. This screening plan will be incorporated with the other landscape plans at the time of preliminary plat.

INTRODUCED, READ AND PASSED THIS 21st DAY OF JUNE, 1994.

TOWN OF CARBONDALE

BY:

S. Randall Vanderhurst
~~William K. Gray~~, Mayor *pro tem*
S. Randall Vanderhurst

ATTEST:

Suzanne Cerise
Suzanne Cerise, Town Clerk

LEGAL DESCRIPTION

800x0928 PAGE 933

PARCEL 1

A PARCEL OF LAND SITUATE WITHIN LOTS 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, AND 19, SECTION 3, AND LOTS 1, 6, 7, 8, 9, AND THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, ALL IN TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NUMBER 133, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF THE PROPERTY COVEYED TO THE GRAYLINE COMPANY, AN ILLINOIS CORPORATION, AND RECORDED JULY 12, 1977, AS DOCUMENT NO. 279481 IN BOOK 498 AT PAGE 347. WHENCE THE NORTH ONE-QUARTER CORNER OF SAID SECTION 3 BEARS N 57°52'49"E A DISTANCE OF 616.40 FT.; THENCE ALONG SAID RIGHT-OF-WAY S 30°22'38"E A DIST. OF 72.13 FT.; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S 28°44'08"E A DIST. OF 377.46 FT.; THENCE N 61°15'00" E A DIST. OF 120.00 FT. TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF SAID HIGHWAY.; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY THE FOLLOWING 6 COURSES S 28°45'00"E A DIST. OF 983.40 FT.; THENCE N63°26'00"E A DIST. OF 52.90 FT.; THENCE S 26°34'00"E A DIST. OF 1097.50 FT.; THENCE S 63°26'00"W A DIST. OF 35.00 FT.; THENCE S 06°41'30"E A DIST. OF 88.30 FT.; THENCE S 26°34'00"E A DIST. OF 462.13 FT.; THENCE S 65°12'31" W A DIST. OF 90.21 FT. TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF SAID HIGHWAY NO. 133 AND A POINT IN THE CENTERLINE OF THE CARBONDALE TOWN DITCH.; THENCE ALONG THE CENTERLINE OF THE CARBONDALE TOWN DITCH AS CONSTRUCTED AND IN PLACE THE FOLLOWING THREE COURSES:

S 11°58'10"W A DIST. OF 67.80 FT.; THENCE S 06°47'55"E A DIST. OF 136.26 FT.; THENCE S 07°45'46"W A DIST. OF 99.73 FT.; TO A POINT AT THE INTERSECTION OF THE CENTERLINE OF THE CARBONDALE TOWN DITCH AND A FENCE AS CONSTRUCTED AND IN PLACE.; THENCE S 87°47'47"W ALONG SAID FENCE A DIST. OF 444.21 FT. SAID FENCE BEING THE NORTHERLY LINE OF A PARCEL OF LAND AS CONVEYED IN BOOK 482 AT PAGE 949.; THENCE S 31°20'35"E ALONG THE WESTERLY LINE OF SAID PARCEL AND ALONG THE EASTERLY BANK OF THE CRYSTAL RIVER A DIST. OF 244.24 FT.; THENCE ALONG SAID EASTERLY BANK THE FOLLOWING SIX COURSES AS RECITED ON A MAP PREPARED BY SCARROW AND WALKER IN 1970, S 23°18'22"E A DIST. OF 253.79 FT.; THENCE S 38°21'21"E A DIST. OF 232.58 FT.; THENCE S 51°41'46"E A DIST. OF 189.35 FT.; THENCE S 43°27'57"E A DIST. OF 305.03 FT.; THENCE S 32°11'55"E A DIST. OF 375.05 FT.; THENCE S 30°23'01"E A DIST. OF 113.15 FT. TO A POINT OF INTERSECTION WITH THE EASTERLY BANK OF THE CRYSTAL RIVER WITH A FENCE LINE AS CONSTRUCTED AND IN PLACE; THENCE N 89°58'02"W ALONG SAID FENCE LINE AS DESCRIBED IN BOOK 75 AT PAGE 194 AND IN BOOK 277 AT PAGE 259 A DIST. OF 3002.59 FT.; THENCE ALONG A FENCE AS CONSTRUCTED AND IN PLACE THE FOLLOWING FOUR COURSES: S 06°50'56"W A DIST. OF 123.32 FT.; THENCE S 04°15'05"W A DIST. OF 120.22 FT.; THENCE S 07°47'54"E A DIST. OF 27.98 FT.; THENCE S 00°35'28"E A DIST. OF 193.15 FT. TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 3.; THENCE CONTINUING ALONG SAID LINE N 89°35'39"W A DIST. OF 500.00 FT.; THENCE N 37°15'00"W A DIST. OF 1360.00 FT.; THENCE N 30°30'00"W A DIST. OF 2700.00 FT.; THENCE N 00°00'00"E A DIST. OF 975.85 FT. TO A POINT ON THE SOUTH LINE OF ROCK CREEK SUBDIVISION,

SAID POINT ALSO BEING A POINT ON THE SOUTHERLY LINE OF LOT 3 OF SAID SECTION 4.; THENCE ALONG THE SOUTHERLY LINE OF LOT 2 AND LOT 3 SAID SECTION 4 AND ALONG THE SOUTHERLY LINE OF ROCK CREEK SUBDIVISION N 88°10'32"E A DIST. OF 933.02 FT. TO THE SOUTHEAST CORNER OF SAID LOT 2 AND THE SOUTHEAST CORNER OF ROCK CREEK SUBDIVISION, MONUMENTED BY A REBAR AND CAP LS 3317.; THENCE NORTHERLY ALONG THE LINE COMMON TO LOTS 1 AND 2 SAID SECTION 4 AND THE EASTERLY LINE OF ROCK CREEK SUBDIVISION N 00°06'28"E A DIST. OF 140.76 FT. TO A POINT IN THE CENTERLINE OF THE CRYSTAL RIVER.; THENCE ALONG THE CENTERLINE OF THE CRYSTAL RIVER S 74°31'17"E A DIST. OF 472.99 FT. TO A POINT ON THE NORTHERLY LINE OF LOT 7 AND A POINT ON THE SOUTHERLY LINE OF LOT 1 SAID SECTION 4.; THENCE N 88°10'32"E ALONG THE LINE COMMON TO LOTS 1 AND 7 SAID SECTION 4 AND LOTS 4 AND 5 SAID SECTION 3 A DIST. OF 1580.89 FT. TO A POINT OF INTERSECTION OF SAID LINE AND A FENCE LINE AS CONSTRUCTED AND IN PLACE AND DESCRIBED IN THE AGREEMENT FOR SALE AND PURCHASE AS RECORDED IN BOOK 494 AT PAGE 822 BETWEEN LEWIS R. THOMPSON, PARTY OF THE FIRST PART, AND THE GRAYLINE COMPANY, AN ILLINOIS CORPORATION, PARTY OF THE SECOND PART.; THENCE CONTINUING ALONG SAID FENCE LINE THE FOLLOWING THREE COURSES: S 20°48'43"E A DIST. OF 176.06 FT.; THENCE S 55°14'39"E A DIST. OF 827.40 FT.; THENCE N 00°36'46"E A DIST. OF 1000.04 FT. TO THE POINT OF BEGINNING.

PARCEL 2

Legal Description:

A parcel of land situated in Sections 9 and 10, Township 8 South, Range 88 West of the 6th Principal Meridian, County of Garfield, State of Colorado, said parcel being more particularly described as follows:

Beginning at a point on the South line of said Section 9 whence the North 1/4 corner of said Section 9 bears North 17 degrees 30 minutes 50 seconds East (N 17°30'50" E), a distance of 5436.29 feet, said point being also on the present town limits line; thence along said present town limits line the following six (6) courses:

- 1] South 89 degrees 35 minutes 39 seconds East (S 89°35'39" E), a distance of 63.39 feet;
- 2] North 00 degrees 35 minutes 28 seconds West (N 00°35'28" W), a distance of 183.15 feet;
- 3] North 07 degrees 47 minutes 54 seconds West (N 07°47'54" W), a distance of 27.98 feet;
- 4] North 04 degrees 15 minutes 05 seconds East (N 04°15'05" E), a distance of 120.22 feet;
- 5] North 06 degrees 50 minutes 56 seconds East (N 06°50'56" E), a distance of 123.32 feet;
- 6] South 89 degrees 58 minutes 02 seconds East (S 89°58'02" E), a distance of 2778.37 feet; thence

South 26 degrees 10 minutes 45 seconds East (S 26°10'45" E), a distance of 207.24 feet; thence
 South 06 degrees 22 minutes 00 seconds East (S 06°22'00" E), a distance of 276.66 feet; thence
 South 00 degrees 53 minutes 48 seconds West (S 00°53'48" W), a distance of 216.98 feet; thence
 South 08 degrees 54 minutes 04 seconds West (S 08°54'04" W), a distance of 207.88 feet; thence
 South 72 degrees 03 minutes 22 seconds West (S 72°03'22" W), a distance of 54.24 feet; thence
 South 58 degrees 36 minutes 45 seconds West (S 58°36'45" W), a distance of 161.68 feet; thence
 North 39 degrees 32 minutes 50 seconds West (N 39°32'50" W), a distance of 132.80 feet; thence
 North 75 degrees 52 minutes 23 seconds West (N 75°52'23" W), a distance of 723.89 feet; thence
 South 07 degrees 40 minutes 36 seconds East (S 07°40'36" E), a distance of 634.12 feet; thence
 South 58 degrees 51 minutes 14 seconds West (S 58°51'14" W), a distance of 354.17 feet; thence
 South 36 degrees 51 minutes 30 seconds West (S 36°51'30" W), a distance of 267.31 feet; thence
 South 22 degrees 34 minutes 19 seconds West (S 22°34'19" W), a distance of 692.69 feet; thence
 South 08 degrees 24 minutes 16 seconds West (S 08°24'16" W), a distance of 247.62 feet; thence
 North 88 degrees 24 minutes 20 seconds West (N 88°24'20" W), a distance of 240.73 feet; thence
 South 15 degrees 29 minutes 30 seconds West (S 15°29'30" W), a distance of 367.07 feet; thence
 South 79 degrees 45 minutes 12 seconds West (S 79°45'12" W), a distance of 727.24 feet; thence
 North 35 degrees 24 minutes 16 seconds West (N 35°24'16" W), a distance of 329.29 feet; thence
 North 05 degrees 38 minutes 36 seconds East (N 05°38'36" E), a distance of 369.47 feet; thence
 North 02 degrees 08 minutes 08 seconds West (N 02°08'08" W), a distance of 642.96 feet; thence
 North 17 degrees 09 minutes 18 seconds East (N 17°09'18" E), a distance of 524.21 feet; thence
 North 03 degrees 36 minutes 57 seconds West (N 03°36'57" W), a distance of 210.99 feet; thence
 North 25 degrees 51 minutes 13 seconds West (N 25°51'13" W), a distance of 432.43 feet; thence
 North 02 degrees 01 minutes 51 seconds West (N 02°01'51" W), a distance of 261.39 feet to the point of beginning, said parcel contains 127.931 acres more or less.



IV. GRAY RANCH PUD ZONE DISTRICTS/USE AND DENSITY

6.10 Residential/Low Density-10,000/Recreation, R/LD-10,000/R.

The permitted uses, density schedule and supplemental requirements applicable to the residential/low density-10,000/recreation zone district shall be as follows:

A. Permitted Uses

1. Single family dwelling
2. Garage, carport, utility shed, and other accessory buildings
3. Fences
4. Non-commercial gardening
5. Home occupations subject to the conditional use requirements prescribed by Municipal Code Section 18.20.015C
6. Recreational facilities including public golf club and course and ancillary facilities including tennis courts and swimming pools.

B. Permitted Density

1. One unit per 10,000 sq. ft. of lot area
2. Minimum lot size: 10,000 sq. ft.
3. Minimum lot width: 75 ft.
4. Minimum lot depth: 100 ft.
5. Minimum yard setbacks: Set by building envelope at time of subdivision.
6. Maximum impervious lot coverage: Per Municipal Code Section 18.20.025
7. Maximum building height: Principal building--27 feet; Accessory uses--20 feet, measured as per Municipal Code Section 18.50.020.
8. Minimum floor area: 1,500 feet.

C. Supplementary Requirements

1. Fence standards per Municipal Code Section 18.20.025
2. Minimum off-street parking: 4 spaces



IV. GRAY RANCH PUD ZONE DISTRICTS/USE AND DENSITY

3. Satellite dish siting shall be subject to Municipal Code Section 18.50.010D.

6.20 Residential/Low Density-6,000/Recreation, R/LD-6,000/R. The permitted uses, density schedule and supplemental requirements applicable to the residential/ low density-6,000/recreation zone district shall be as follows:

A. Permitted Uses

1. Single family dwelling
2. Garage, carport, utility shed, and other accessory buildings
3. Fences
4. Non-commercial gardening
5. Home occupations subject to the conditional use requirements prescribed by Municipal Code Section 18.20.015C
6. Recreational facilities including public golf club and course and ancillary facilities including tennis courts and swimming pools.

B. Permitted Density

1. One unit per 6,000 sq. feet of lot area.
2. Minimum lot size: 6,000 sq. feet.
3. Minimum lot width: 50 feet.
4. Minimum lot depth: 100 feet.
5. Minimum yard setbacks: Set by building envelope at time of subdivision.
6. Maximum impervious lot coverage: Per Municipal Code Section 18.20.025
7. Maximum building height: Principal building--27 feet; Accessory uses--20 feet, measured as per Municipal Code Section 18.50.020
8. Minimum floor area: 1,000 feet.



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C. Supplementary Requirements

1. Fence standards per Municipal Code Section 18.20.025.
2. Minimum off-street parking: 4 spaces.
3. Satellite dish siting shall be subject to Municipal Code Section 18.50.010D.

D. Road Standards. The cross section of Town streets will be reviewed at time of preliminary plat. The requirement for parking lanes will be analyzed at that time and will depend upon lot design and layout.

6.30 Residential/Medium Density/Recreation, R/MD/R. The permitted uses, density schedule and supplemental requirements applicable to the residential/medium density/recreation zone district shall be as follows:

A. Permitted Uses

1. Single family dwelling.
2. Multiplex (2-6 units per structure).
3. Garage, carport, utility shed, and other accessory buildings.
4. Fences.
5. Non-commercial gardening.
6. Home occupations subject to conditional use requirements prescribed by Municipal Code Section 18.20.015C.
7. Recreational facilities including golf course, clubhouse and ancillary facilities, tennis courts and swimming pools.
8. Limited commercial use: During the preliminary plat process, the developer may identify a certain area for which the Developer may propose a zone change to allow limited commercial uses. The Developer shall process a PUD Zone District change in order to facilitate these limited commercial uses. The Planning and Zoning Commission and Board of Trustees will then conduct public hearings and make appropriate findings and decisions on such application.



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B. Permitted Density

1. Minimum lot size allowed, 3,000 sq. ft.; provided, however, the average density of the R/MD /R Zone District shall be a minimum of 10.4 units per acre. The density of each R/MD pod shall be monitored at the time of preliminary plat in the case that the R/MD area is subject to more than one Preliminary Plat filing application. The Applicant may be instructed to increase or decrease density at the time of final filing submittal in order to obtain the minimum density provided herein.

2. Minimum lot size per unit:: 3,000 square feet.

3. Minimum lot width: 25 ft; provided, however, in the case of townhouse type units, lot width may be as narrow as 18 ft. Approval of lots with widths below the specified minimum lot width as provided in the Municipal Zoning Code shall be determined at the time of subdivision approval.

4. Minimum lot depth: 50 feet.

5. Minimum yard setbacks: Set by building envelope at time of subdivision.

6. Minimum setback from Hwy 133: 50 feet.

7. Maximum lot coverage: Per Municipal Code Section 18.20.025.

8. Minimum floor area: 400 feet.

9. Maximum building height, measured as per Municipal Code Section 18.50.020:

(a) Principal bldg: 27 feet.

(b) Accessory uses: 20 feet.

C. Supplementary Requirements

1. Maximum fence height per Municipal Code Section 18.20.025.

2. Minimum off-street parking: 2 spaces.

3. Guest parking requirements per Municipal Zoning Code;



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provided, however, stacked parking may be allowed if approved at the time of subdivision submittal. Stacked parking will require additional guest parking requirements approved by the Planning & Zoning Commission.

6.40 Open Space/Parks. The permitted uses, density schedule and supplemental requirements applicable to the open space/parks zone district shall be as follows

A. Permitted Uses

1. Passive and active recreation including pedestrian trails, fishing, picnic areas, playgrounds/areas and parks.
2. Structures associated with passive and/or active recreational activities approved by the Homeowner's Association.
3. Drainage retention earthwork.

B. Supplementary Requirements

1. Maximum structure height: 15 feet.
2. Non-impervious lot coverage shall be specified at the time of preliminary plat submittal.

6.50 Golf Facilities Zone District, GF. The permitted uses, density schedule and supplemental requirements applicable to the golf facilities zone district shall be as follows:

A. Permitted Uses.

1. Golf Course
2. Driving range
3. Practice areas
4. Clubhouse
5. Restaaraant
6. Pro Shop
7. Swimming Pool



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- 8. Tennis Courts
- 9. Maintenance and storage buildings
- 10. Irrigation facilities
- 11. Water Reservoirs
- 12. Administrative offices

B. Permitted Density.

1. Minimum lot size, minimum depth, minimum width, setbacks, and maximum lot coverage and minimum floor area shall be determined at or prior to preliminary plat approval based on specific proposed golf facilities and structures as approved by the Planning and Zoning Commission.

2. Maximum building height, measured as per Municipal Code Section 18.50.020:

- (a) Principal bldg: 27 feet.
- (b) Golf Clubhouse: 35 feet.
- (c) Accessory uses: 20 feet.

C. Supplementary Requirements.

1. Minimum off-street parking will include one (1) space per each 100 square feet of restaurant floor space exclusive of kitchen and storage areas. Additional minimum parking requirements will be provided in a golf course and clubhouse parking plan to be submitted at preliminary plat.

6.60 Conservation Overlay District

A. Purpose. The purpose of this Conservation District is to protect, restore or enhance environmentally sensitive areas along the Crystal River corridor. River ecosystem components to be protected are the water quality of the Crystal River, the floodplain area, riparian habitat, wildlife species and habitat in the area, including bald eagles. Another goal of this District is to enhance riparian lands that have been



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degraded over time due to historic land uses. The imposition of this Overlay District is to insure that special design, management consideration and planning occurs in the development and post-development process in order to protect these areas.

B. Lands Included. The entire stretch of the Crystal River through the property is included as well as all 100-year floodplain area and areas identified as jurisdictional wetland. Areas of sensitive riparian habitats and critical bald eagle habitat as identified during the PUD analysis are also included. These areas are identified on the map labeled Conservation Overlay District.

C. Use. The following uses are allowed except as noted within the bald eagle sanctuary area within the District. Plans for any of these uses may be submitted with a preliminary plat. These plans will carefully be analyzed during the preliminary plat process for conformance with the purposes provided in Section A above.

1. Golf holes, including greens, fairways, rough/hazards and cart paths.
2. Vehicular bridges and associated roads.
3. Park/fishing access area at the southeastern area of the project.
4. Three identified park areas for public access. These areas will include primitive trails, picnic areas and appropriate signage.
5. Pedestrian bridges across the river for golf access and for access to the identified river park areas.
6. Fishing.
7. General Matters. Specific plans for the above uses may be approved with the preliminary plat. If there is not a specific plan for any of these land use items submitted with a preliminary plat, the procedures outlined in Section 18.45.010 of the Carbondale Municipal Code may be



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followed. These uses would be allowed by either Special Use Permit or simplified PUD plan as enumerated in the Municipal Code. Any other uses proposed for this District may be allowed through amendment of the Gray Ranch PUD plan. Specific closure regulations for the bald eagle protection areas will be established at subdivision and will affect the uses provided in 1-6 above.

D. Performance Standards

1. Golf course development

a. All drainage shall be sloped away and otherwise prevented from directly draining into the Crystal River.

b. No leaching of pesticides, herbicides, etc. from the golf course will be allowed to percolate into the Crystal River except in accordance with the approved drainage plan.

c. All areas between the river and defined fairway and greens shall be in natural landscaping materials.

d. Sensitive riparian areas defined during preliminary plat may have restrictions in terms of golf course use (e.g. no ball retrieval in marsh area).

2. Vehicular Bridges and Associated Roads. There shall be minimum disturbance of wetlands or riparian areas impacted by roads and bridges. Post construction restoration may be required with appropriate permits.

3. Parks/Fishing Areas Along Southeastern River Stretch

a. This area shall be seasonally closed from December 1 to March 15 in order to avoid human disturbance to bald eagles using the "sanctuary".

b. There shall be appropriate signage directing users of this area away from sensitive areas.

c. There shall be an approved grading plan for an access path from the bridge down to the designated fishing area.

4. Public Access Trails

a. Signs describing use of trails in order to encourage responsible use of the primitive path and picnicking areas only.



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b. There shall be an approved signage plan designating areas that are not available for hiking, etc. The signage plan shall be submitted at time of preliminary plat and may include any educational signage.

c. Any associated grading plan along areas for the primitive trails shall be submitted at time of preliminary plat. Precise location of trails, signage and picnic areas shall be identified.

5. Pedestrian Crossing Bridges

a. These areas shall be defined at the time of preliminary plat .

b. The location and construction of these bridges shall be submitted to the Army Corps of Engineer in accordance with wetland permitting requirements.

c. If necessary to achieve the purposes of this District, these bridges shall be closed from December 1 to March 15. Such determination may be made by the Town.

d. At the time of preliminary plat, any areas in the vicinity of these bridges which should not be used because of their sensitive riparian nature shall be identified as well as a signage plan designed to discourage such use.

6. Fishing (Other than in designated fishing easement areas)

a. Fishermen may access the river in the designated fishing easements or via the other identified primitive paths.

b. Fishermen may wade up and down the river in its entirety but may enter or exit only at approved fishermen access easement points.

7. Riparian Enhancement. It has been stated during the PUD review process that some "degraded" riparian lands may recover unaided, but others may need assistance. There shall be a riparian analysis two years after all agricultural uses cease on the property. If necessary, an active restoration and enhancement program may be proposed and approved by the Town.



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8. Public Access. The public shall have the right to use the Crystal River for fishing, boating and other recreational purposes throughout the subject property. The public shall also have access to the banks along the Crystal River up to a point five (5) feet beyond the high water mark measured horizontally. The public will be encouraged to access or exit the river at the three designated points of access. This right of perpetual access shall be provided in a separate legal document to be submitted for Town approval at the time of preliminary plat.

6.70. Subdivision and zoning regulations applicable. Title 17, "Subdivisions", and Title 18 "Zoning", (except as provided within this chapter) of the Carbondale Municipal code pertaining to subdivisions and zoning, respectively, shall be applicable to this PUD in so far as such applicability is consistent with this chapter. To the extent that any specific subdivision or zoning regulations as contained in Title 17, "Subdivisions" or Title 18, Zoning conflict with the provisions of the density, use and supplementary requirements of this PUD, such regulations shall not be applicable and the provisions of this PUD shall control.

6.80 Housing Diversity and Affordability.

A. General. Pursuant to that certain letter dated November 10, 1993 from the Developer to the Town of Carbondale, the following units are included in the zone districts as indicated:

1. 40 duplex units in the R/LD zone district
2. 40 rental units in the R/MD zone district
3. 30 caretaker units as attached or accessory units to single family homes in the R/LD zone district.



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B. Special Affordable Housing. The Developer has been working with the Carbondale Affordable Housing Alliance to make available up to 6 acres in the R/MD/R zone district for affordable housing and to assist up to 30 Carbondale residents in qualifying and acquiring owner occupied units in the Gray Ranch PUD. During the preliminary plat process, the Developer will present a specific plan for such affordable housing in cooperation with the Carbondale Affordable Housing Alliance. Such approved affordable housing plan will become part of this PUD.