

# Memorandum

**To:** Cindy Houben, Community Development Director

**CC:** Members of the Emma Caucus Board

**From:** Tim Malloy

**Date:** November 2, 2005

**Re:** Emma Sub-Area Plan – Summary of Site Analysis and Property Owner Interviews

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## **INTRODUCTION**

The area, which is the focus of this study, has been a topic of discussion, in terms of land use and traffic, since the relocation of Highway 82 (Basalt Bypass) in 1988. The Highway relocation created awkward conditions for several of the properties in this area, most notably, the property that contains the historic Emma Store building. In addition, the road system that resulted from the Highway relocation created significant access and safety issues for some of the properties within the Study Area, particularly those on the north side of Highway 82. Other factors, such as topography, wildlife habitat and the historic use of some of the parcels, make it difficult to determine the best land use pattern for the future of this area. Given increasing development pressure in the Mid-valley area and the recent forming of the Emma Caucus, the County decided it was time to take a closer look at the land use issues in the Emma Area. Although the County intends to commission a master plan for the entire caucus area, it was decided that the area around the Highway 82/Emma Road intersection justified special attention. As a result, the County initiated this sub-area planning process to assist property owners and Emma Area residents in determining the most appropriate land use and circulation pattern for this area.

This memo contains a summary of the background information regarding the physical and regulatory issues associated with the properties within the Study Area. Several maps are included to help illustrate the primary issues and characteristics of the properties within the Study Area. In addition, brief telephone interviews have been conducted with the property owners and a summary of these interviews is provided in this memo.

## **SUMMARY OF ANALYSIS**

### **Neighborhood Context**

The Study Area is located along Highway 82 between East and West Basalt and encompasses the area around the Highway 82/Emma Road Intersection (see Vicinity Map – Figure 1). Figure 2 is a map that includes an aerial photograph and illustrates the major physical features of the Study Area. The Study Area is divided by Highway 82, which traverses the Study Area in an east/west direction. The largest portion of the Study Area is located on the south side of the Highway. Sopris Creek Road runs through the southern portion of the Study Area in a north/south direction and accesses Highway 82 via the Emma Road intersection. Sopris

Creek Road serves a large rural/agricultural area of Pitkin County that includes a number of rural subdivisions. The Roaring Fork River runs through the northern portion of study and all but one of the study-area-parcels located north of Highway 82 has river frontage. The boundary between Pitkin and Eagle Counties forms the northern edge of the Study Area and some of the properties within the study are located partially within Eagle County. The Basalt State Wildlife Area (Christine Unit) is located to the north of the Study Area. The eastern portion of the Study Area, known as the Emma Open Space, is owned by Pitkin County and has been encumbered with a conservation easement preserving it for open space and agricultural uses. To the east of the Study Area is a large (250 plus acres) operating ranch owned by Billy Grange. To the west is the Double K Ranch Subdivision (Horseshoe Drive), which contains 19 lots ranging in size from 2 to 4 acres. This subdivision is fully developed and there are five residential lots that abut the western boundary of the Study Area. There are several large rural residential lots and a large BLM area located to the south of the Study Area. The BLM land is characterized by steep slopes and provides significant wildlife habitat as discussed later in this report.

The Study Area constitutes the north central portion of the Emma Caucus Area. The Emma Caucus has recently been formalized as a caucus organization within Pitkin County. Caucus organizations provide a forum for area residents and landowners to come together for the purpose of identifying and debating topics of mutual concern and to provide a larger voice in Pitkin County issues. The Emma Caucus area covers most of the east and west Sopris Creek drainages and as far east along Highway 82 as Old Snowmass. The caucus area incorporates large areas of BLM land and several large rural residential subdivisions. The Town of Basalt's Three-Mile Area covers a larger portion of the Emma Caucus Area, including the entire Study Area.

### **Ownership and Existing Use**

The Study Area is comprised of twelve (12) properties containing approximately 108.2 acres. It should be noted that several of the properties within the Study Area are located partially in Eagle County. There are four lots where the actual building site is in Eagle County and is considered to be under Eagle County's jurisdiction. These lots are located in a development known as the Wirkler Subdivision. All but four of the properties within the Study Area are considered to be under the jurisdiction of Pitkin County. Table 1 below provides basic information for each of the parcels within the Study Area. Those parcels under Eagle County's jurisdiction show "Eagle County" in the zoning column. The acreage shown for those parcels that are partially divided by the Eagle/Pitkin County line reflects only that portion of the property within Pitkin County. The "Map Identifier" column in the table corresponds to the labels on the Ownership Map (Figure 3). Figure 4 depicts the existing land use pattern within the Study Area and adjacent properties. The Table below and Figure 3 show Ann Ferrel as owning two adjacent parcels on the north side of Highway 82. However, Ann was in the process of selling the easternmost parcel that contains her home and she is moving to the Denver area. The property is being purchased by a Mr. Parker Maddux. We have no phone number or address for Mr. Maddux as yet and have been unable to speak with him. With the exception of the lots within the Wirkler Subdivision, the size and configuration of the parcels within the Study Area varies greatly and there are relatively few physical similarities between the various parcels.

The first four parcels shown on Table 1 are all part of the Wirkler Subdivision. This subdivision, which was approved by Eagle County, contains 5 residential lots of approximately 4 acres each. All but one of these lots, Parcel #2 on Figure 3, has been developed with single-family homes and associated accessory buildings. The vacant lot is owned by Ann Ferrel and is currently on the market. These lots have frontage on the Roaring Fork River, though the river banks in this area are steep and the river is 60 or 70 feet below the elevation of the homes.

**Table 1**  
**Parcel Assessor Information**

Map Identifier	Owner	Parcel ID #	Acres	Current Use	Zoning
1 (Dykann)	James & Marguerite Dykann	246512303003	2.47	SF Res.	RR (Eagle Co.)
2 (Ferrel Lot)	Ann Ferrel	246512303002	4.05	Vacant	RR (Eagle Co.)
3 (Ferrel Home)	Ann Ferrel	246512300005	3.34	SF Res.	RR (Eagle Co.)
4 (Raife)	David P. Raife	246512300006	2.57	SF Res.	RR (Eagle Co.)
5 (Minney)	Owen Minney	246512400015	18.82	SF Res.	AFR-10 (Pitkin Co.)
6 (Emma Open Space)	Pitkin County	246513100013	18.30	Open Space	AFR-10 (Pitkin Co.)
7 (Emma Open Space)	Pitkin County	246513100013	39.70	Open Space	AFR-10 (Pitkin Co.)
8 (Woolley)	John Woolley	246512200004	.59	Vehicle Storage	AFR-10 (Pitkin Co.)
9 (Emma Schoolhouse)	Emma Community Trust	246513200801	.47	Community Gathering (Red Tagged)	AFR-10 (Pitkin Co.)
10 (Grace Church)	Grace Church of the Roaring Fork Valley	246513200014	19.57	Agriculture	AFR-10 (Pitkin Co.)
11 (Schwaller)	Lee Schwaller	246513200013	4.22	Contractor Storage	AFR-10 (Pitkin Co.)
12 (Larson)	Greg & Olivia Larson	246512300011	2.98	Contractor Storage	AFR-10 (Pitkin Co.)

Source: TG Malloy Consulting, LLC (Pitkin County Assessor Records)

Parcel #5, which is owed by Owen Minney, contains nearly 19 acres and is improved with one single-family residence and several other structures, including two brick buildings that were part of the original Emma Townsite. All of the existing structures are located near the west end of the property. The two westernmost historic structures are in very poor condition and may pose a safety risk, particularly the larger structure, which is located very close to the Emma Trail and the down-valley lanes of Highway 82. The Minney property is long and narrow and has over 1,800 feet of river frontage. The property also appears to contain a

pond and other wetlands associated with the riparian area of the Roaring Fork River. There are no other uses or structures on the Minney property. Mr. Minney submitted a land use application to Pitkin County in 1996 requesting rezoning and special review approval to allow additional residential units to be constructed on the property and to allow the old Emma Store building to be renovated for use as a small country store. The application was reviewed by the County and denied. Since that time, Mr. Minney has had several other discussions with the County regarding potential development of the property but no subsequent land use application has ever been submitted.

Parcels 6 and 7 are collectively referred to as the Emma Open Space. The Rio Grande Regional Trail divides the two parcels into a north parcel, containing 18.3 acres, and a south parcel, containing 39.7 acres. These parcels were purchased by the Pitkin County Open Space and Trails Board in June of 2000 and have been encumbered by a conservation easement that limits their future use to open space, recreation, wildlife habitat, and agricultural uses. These parcels have historically been used for irrigated pastures and are traversed by the Cramer Supply and Home Supply irrigation ditches. The Emma Open Space Interim Management Plan describes the uses and management strategies for the Emma Open Space. The management plan includes provisions for weed control and continued agricultural use. The County currently has a contract with a local rancher to maintain the irrigated pastures on the property. The Emma Open Space provides significant wildlife habitat including a migration corridors for Mule Deer. There is an existing wildlife underpass that provides a grade-separated access under Highway 82 to allow animals to move between the Light Hill and the Basalt State Wildlife Area. The location of this underpass is shown on Figure 5. There are no structures or other improvements on the property.

Parcel 8 is owned by John Woolley and is currently used to store vehicles and equipment owned by Mr. Woolley and several of his relatives. The property includes one large storage building, which contains vehicles, equipment and other materials owned by Mr. Woolley. There is also a small welding contractor who uses the property to store materials, etc. The Woolley property is relatively small and has a triangular configuration. The shape and size of the property are a direct result of relocation of Highway 82. The actual area used to store vehicles appears to encompass land within the CDOT right-of-way for Highway 82 and a narrow strip of land that appears to be part of the Emma Open Space. According to the parcel data obtained from the Pitkin County Assessor's data base, via the Aspen/Pitkin County GIS Department, a portion of Mr. Woolley's storage building is located on the Emma Open Space property. However, the Assessor parcel data is often inaccurate by as much as 400 feet. According to Mr. Woolley, the Colorado Department of transportation is aware of his encroachment on the Highway 82 right-of-way.

Parcel 9 is the Emma Schoolhouse site and is owned by the Emma Community Trust. This property has been a community gathering place for many years. The property contains the Emma Schoolhouse, which is a small stick-frame building that, until recently, had been used as a meeting room and community gathering place. In addition to housing meetings of the Emma Caucus Board and several other groups, the facility had been rented buy a small church, since the late 1990's, for use two or three days a week. Pitkin County red-tagged the site sometime over the last year and it has been used minimally since that time. The reason for the red-tag is that these uses require special review under the AFR-10 zone district. Further research regarding the history of the use of the Schoolhouse should be done to determine whether the use of the Schoolhouse as a meeting facility qualifies for legal non-conforming use status.

Parcel 10 contains approximately 19.57 acres and is currently owned by the Grace Church of the Roaring Fork Valley. There is a cluster of outbuildings located in the northwest corner of the property. It appears these buildings are not being used at the present time. The property also includes an area that is leased to Pitkin County for use as a vehicle fueling facility. The existing fueling facility is located within the fenced area in the northeast corner of the property. The existing fenced area contains approximately .5 acres, while the lease grants a right to utilize a one-acre area. The lease includes a provision granting Pitkin County right

of first refusal to purchase ground for the fueling facility. The county has elected to exercise this right and has sent a letter to the Church indicating their desire to purchase. Improvements associated with the fueling facility include the exterior fencing and two above-ground fuel storage tanks. The County has used this site to store and fuel maintenance vehicles and other equipment. The fueling facility was red-tagged by the County sometime over the past year and its future use is one of the subjects of this study.

In late 2003 or early 2004 Grace Church submitted a land use application to Pitkin County seeking approval to construct a church on the property. The proposed church and associated accessory structures were to contain approximately 12,800 square feet, including a 6,800 square foot worship space that would have seated 166 persons. The proposal also included 89 parking spaces. The proposal was for the church to be used for one service and Sunday school on Sunday mornings and special events and weddings. This application created a significant amount of discourse in the community and was ultimately denied by the County on the grounds that it did not meet the Special Review criteria due to its size and operating characteristics being out of harmony with the surrounding area, and because it was inconsistent with the Down Valley Comprehensive Plan.

Parcel 11 is owned by Lee Schwaller and is approximately 4.2 acres in size. The property has been used as a contractor storage yard since the early 1970's. Mr. Schwaller rented the property from the early 70's until a few years ago when he purchased the property. The property contains a large shop building which is used to store and maintain vehicles used in the earthmoving business, which Mr. Schwaller operates. The property does not include a residence and no one lives on the property at this time. There are two single-family residences located to the west of the Schwaller property in the Double K Ranch subdivision. There is an existing stand of trees located along the western property line that helps screen the vehicle storage areas and shop building. There is also a large stand of spruce trees located to the east of the entry drive. These trees provide some screening for the property as viewed from the east but screening for the existing use could be improved by locating trees along the east and north property lines. The vehicle storage area appears to extend onto the adjacent Grace Church property (see Figure 2).

Parcel 12 is owned by Greg and Olivia Larson and contains approximately 3 acres. The Larsons live on the property and also run a small dump truck business from the site. This property has been in the Larson family since the mid 1930's and has been used for a trucking business for over 30 years. Sopris Creek runs through the site from south to north and divides the property roughly in half. The portion of the property on the west side of Sopris Creek is where the Larson's home is located. The eastern portion of the site is where the commercial vehicle storage and other activities associated with the business occur. There are separate access drives for the residential and business portions of the property. Both access drives are on Emma Road just west of the Emma Road/Highway 82 intersection. As part of the business, the Larsons store and maintain approximately 6 dump trucks and other equipment. There is a small building in the area where the trucks are located. Presumably, this building is used for business purposes. The drivers of the trucks meet at the site and park their personal vehicles on the property during the day. The current configuration of the property is the result of the Highway 82 relocation, which significantly impacted the property for residential use. The Rio Grande Trail runs along the north side of the Larson property along the south side of Highway 82. The underpass, which provides pedestrian access under Highway 82, is located to the north of the Larson's house.

### **Access**

The relocation of Highway 82 created significant access problems for some of the properties within the Study Area, particularly those on the north side of the Highway. The intersection of Emma Road and Highway 82 within the Study Area is located between the Two Rivers Road/Hwy 82 and Emma Road (East Basalt)/Hwy 82 intersections. The Two Rivers Road intersection is located about .6 miles west of the intersection within the Study Area. The Emma Road intersection (East Basalt) is located approximately 1.5 miles to the east of the Emma Road intersection within the Study Area. There are two Highway 82 intersections within the Study

Area. One of these is the Emma Road intersection, which provides access to the area south of Highway 82, as well as to the Wirkler Subdivision on the north side of the Highway. The other intersection, which is approximately 1,300 to the east of the Emma Road intersection, serves the Minney property on the north side of Highway 82. For future reference, we will refer to this as the “Minney Access.” According to the County Engineer, the Minney Access also provides access for utility companies that need access to the Emma Trail corridor to maintain existing gas and electric lines that are located within the corridor.

Access conditions for the Study Area can be best described by breaking the study into three areas: 1) Wirkler Subdivision (Emma Road Intersection – North); 2) South Area (Emma Road Intersection – South); 3) Minney Access. A brief description of the access for each of these areas and comments regarding problems or issues is provided below:

**Wirkler Subdivision (Emma Road – North):** The Wirkler Subdivision includes 5 lots that are all accessed via a service road on the north side of Highway 82. This service road then accesses Highway 82 via the north leg of the Emma Road intersection. The intersection of Emma Road and Highway 82 intersection is controlled by a stop sign on the Emma Road leg. There are acceleration and deceleration lanes for the west-bound right-hand turns and a left-hand turn lane for the east-bound movement from Highway 82 onto Emma Road. The Emma Road intersection is located along a stretch of Highway 82 that has a short straight segment between two sharp curves and the grade of the Highway is relatively flat. As a result, the right hand turn onto the westbound lanes of Highway 82 from the Wirkler neighborhood is relatively safe, though westbound drivers tend to be looking for vehicles entering from the south side of the intersection and can be surprised by vehicles entering from the north. However, making a left-hand turn toward East Basalt from the Wirkler area can be very difficult, especially when vehicles are traveling in excess of the posted speed limit (55mph) and/or when traffic is heavy. Highway 82 also has a center barrier which begins approximately 800 feet west of the Emma Road intersection. There have been a number of vehicles that have collided with this barrier. Due to these conditions, many residents of the Wirkler Subdivision stated that to avoid making the left-hand turn onto Highway 82 they frequently turn right and take Two Rivers Road into Basalt. The fact that there are relatively few properties that access from this side of the Highway keeps this situation from being worse.

**South Area (Emma Road Intersection – South):** Properties in the portion of the Study Area on the south side of Highway 82 are accessed via Emma Road. Emma Road serves development to the west of the Study Area and eventually connects to Willits Road, which has a controlled intersection with Highway 82 near El Jebel. To the east, Emma Road turns south and changes to Sopris Creek Road. Sopris Creek Road serves a large area of Pitkin County to the south. This includes several large rural subdivisions, including the Nystrom Tracts, Flatbush Farm, Tract 36 and Sopris Mountain Ranch. Emma Road connects to Highway 82 via a short road that we will call the Emma Road Access, which runs between Emma Road and the Highway. The Emma Road Access is approximately 115 long and intersects Highway 82 at a ninety degree angle. The intersection with Highway 82 is controlled by a stop sign, while the intersection of the Emma Road Access and Emma Road has yield signs. The intersection of Highway 82 and Emma Road Access was constructed with a full set of right and left-hand turn lanes with room for acceleration and deceleration. The sight distance for vehicles turning onto Highway 82 from the Emma Road Access intersection is relatively good because the intersection is located on the outside of the curve that the Highway makes through this area. As a result, the right-hand turn onto, and off of, the east-bound lanes of Highway 82 is reasonably safe. However, the left-hand turns both into and out of the Emma Road Access are much more difficult, particularly during peak hours, due to traffic volumes and the fact that there is no traffic light.

The design of the Emma Road/Emma Road Access/Highway 82 intersection presents some problems for higher traffic volumes. The short distance between Emma Road and Highway 82 doesn't allow much stacking distance for vehicles waiting to make right and left-hand turning movements onto the Highway. This

results in vehicles backing up onto Emma Road and blocking the flow of traffic. A Traffic Impact Study<sup>1</sup> was conducted as part of the Grace Church land use application. This study found that the Emma Road/Highway 82 intersection would continue to operate at Level of Service (LOS) A or B through the year 2023 even if the proposed church were developed. However, this analysis only looked at Sunday morning peak hours; since this is the time the church would generate the most traffic. Peak times for traffic on Highway 82 are the weekday morning and afternoon commuter hours. If properties on the south side of the Study Area were to be developed with uses that generate larger volumes of traffic during the commuter peak hours on Highway 82, there could be significant problems with traffic at the Emma Road/Emma Road Access/Highway 82 intersection.

**Minney Access:** The Minney access drive serves the 18.8 acre Minney property, which currently contains one single-family residence. The intersection with Highway 82 is located near the middle a large curve. The grade of Highway 82 also drops off to the east and there is a berm which divides the Highway from the frontage road that serves the Minney property. This berm, together with the grade change of the Highway, makes it very difficult to see vehicles approaching from the east. There are acceleration and deceleration lanes for the right-hand turns in and out of the Minney Access from the west-bound lanes of the Highway, but there are is no left-hand turn lane for vehicles wanting to enter this area from the east-bound lanes of the Highway. These conditions make this a very difficult and dangerous intersection for both left and right-hand turns especially during heavy traffic times.

### **Topography, Vegetation and Other Physical Features**

Figure 2 depicts the existing topography (10-foot contours) and includes an aerial photograph that shows vegetation and other prominent physical features within the Study Area. The Roaring Fork River, which runs through the northern portion of the Study Area, is a relatively deep valley in this area with steeply sloping banks that drop 60 to 70 feet from the flat terrain located along the north side of Highway 82. The corridor is heavily vegetated and slopes along the river corridor exceed 30 percent in grade throughout the Study Area (see the crosshatch pattern on Figure 2). The river corridor also includes ponds and what appear to be wetlands adjacent to the river on the lower portions of the Minney property. Figure 2 also shows steep slopes (greater than 30 percent) on the south side of the Emma Open Space parcel and the BLM lands to the south. This is the northwestern end of Light Hill, which provides important wildlife habitat in this region. The terrain for most of the remainder of the Study Area is relatively flat and does not represent a significant limitation for development. The elevation within the Study Area ranges from 6800 in the southeast corner of the Emma Open Space parcel to 6530 at the lowest point along the Roaring Fork River.

Sopris Creek runs along the western edge of the Study Area and through the middle of the Larson property. The Creek then runs under Highway 82 via the underpass, which also contains the pedestrian trail that connects the Rio Grande Trail on the south with the Emma Trail on the north. The Rio Grande Trail parallels Highway 82 in the western half of the Study Area and then proceeds southeast through the middle of the Emma Open Space and onto the Grange Ranch. The Emma Trail parallels Highway 82 through the eastern portion of the Study Area and then follows the old Emma Road alignment along the south side of the Minney property and between the vacant Emma Store building and the barriers along the north side of Highway 82. The trail then follows the Emma Road alignment along the north side of the Wirkler lots, and then continues west to the underpass just west of the Study Area. The Town of Basalt is planning to extend the Emma Trail further to the west and across the Roaring Fork River, ultimately connecting it to the Willits Trail near its intersection with Two Rivers Road. The Emma Open Space parcels are also traversed by the Cramer Supply

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<sup>1</sup> "Grace Church of the Roaring Fork Valley Traffic Impact Study", Prepared by Mathew J. Delich, P.E., January 2004.

and Home Supply irrigation ditches which provide irrigation water for the Emma Open Space and Grace Church parcels within the Study Area.

### **Historic Resources**

The Study Area contains the original Emma Townsite, which is a unique historic resource in the region. The Emma Townsite was built around a rail stop on the Denver & Rio-Grande railroad line. This station was used to deliver goods to the ranching and farming community that existed at that time and to deliver food produced by ranchers and farmers in the surrounding region. During World War II this area was instrumental in producing food for the war effort. While it is believed that the Emma Townsite included a number of buildings, including a train station, the only structures that remain are the Emma Schoolhouse and the white house and other brick buildings on the Minney property. The largest brick building on the Minney property contained the original Emma Store (east half) and the livery stable, jail and produce storage (west half). The smaller building, located to the north of the Emma Store building, was a storehouse. All of these buildings, including the white house, were built around 1898 and were determined to be eligible for inclusion on the National Register of Historic Buildings back in 2000 when they were surveyed. The house has been renovated and is in good condition. However, the Emma Store and Storehouse buildings are in very poor condition and may be in danger of collapsing.

The Emma School house was built during the same era and is also a candidate for inclusion on the National Register. At one time, there was an effort to have the Emma Schoolhouse included on the State Register. The building has been used a gathering place for many years and has been well maintained.

According to Suzannah Reid, the County's historic preservation consultant, the destruction of the buildings on the Minney property or the Emma Schoolhouse would be a significant loss because, as the only examples of commercial and public buildings of the ranching community in the Mid-valley area, these structures have region-wide significance.

### **Wildlife Habitat**

The continuing loss of winter and migration habitat is the most serious problem for mule deer and elk in the Roaring Fork Valley and the western U.S. Of particular concern, is the resident herd of mule deer that use the Emma Open Space as part of a home range that also includes the Christine Sate Wildlife Area to the north and Light Hill to the south. Light Hill and the Christine State Wildlife Area provide critical winter range and winter concentration areas for the mule deer in the Roaring Fork Valley in even the worst winters.<sup>2</sup> Figure 5 shows the lands within the Study Area that are mapped for wildlife habitat on the Wildlife Resource Information System (WRIS) maps developed and maintained by the Colorado DOW. The mapped habitat within the Study Area includes a mule deer migration corridor that is a very important link between the Light Hill Area and the Basalt State Wildlife Area (Christine Unit). In 1988 the Colorado Department of Transportation (CDOT) completed the installation of a wildlife underpass beneath Highway 82 during the construction of the Basalt Bypass. The location of the wildlife underpass is shown on Figure 5. Due to some design problems this underpass was rarely used by animals. Repairs and improvements were made to the underpass in 2000 and 2001 and mule deer are now actively moving back and forth across the Emma Open Space area between these protected areas.

Most of the mapped wildlife habitat within the Study Area is located on the Emma Open Space land. However, the entire Woolley property and the eastern half of the Minney property, up to the Roaring Fork

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<sup>2</sup> "Emma Open Space Interim Resource Management Plan," Prepared by: Pitkin County Natural Resource Department, Pitkin County Open Space and Trails and Roaring Fork Conservancy, *October 2001*.

River, are also mapped for elk and deer habitat. The Emma Open Space purchase has ensured the permanent preservation of a majority of the mapped wildlife habitat through the establishment of a conservation easement.

### **Existing Utilities**

Central sewer and water service are not currently available to the properties within the Study Area. Domestic water and wastewater treatment are currently handled by on-site wells and septic systems. The Study Area is located between the service areas of the Basalt Sanitation District and the Mid-valley Metro District (see Figure 6). The District boundaries would have to be extended before service could be provided. The economic feasibility of extending service is beyond the scope of this study and would have to be evaluated by the District in the context of the potential future land use for the properties within the Study Area. Telephone and electricity are available within the Study Area. There is a gas line located near the study but we are still inquiring as to whether natural gas service is available in the area.

### **Regulatory and Planning Environment**

The regulatory environment of the Study Area and surrounding lands involves zoning regulations and planning documents from several jurisdictions, including Pitkin and Eagle Counties and the Town of Basalt. The Study Area is located entirely within Pitkin County and most of the properties within the Study Area fall under Pitkin County jurisdiction with respect to planning and zoning. However, several of the properties are located partially in Eagle County and at least four of these parcels fall under Eagle County jurisdiction. Those properties governed by Eagle County are shown on Table 1. In addition, the Study Area is located within the Town of Basalt's Three-Mile Planning Area. While the Town of Basalt does not have jurisdiction over areas outside its municipal boundaries, it has gathered information for the Three-Mile-Area in an effort to better understand the land use and development issues affecting the land surrounding the Town. The Town has also entered into an intergovernmental agreement with Pitkin County. This agreement provides both jurisdictions with referral authority in land use applications and other planning matters. The regulatory environment for each of the three jurisdictions is summarized in the following paragraphs.

#### Pitkin County

*Zoning Regulations:* All of the study area properties located within the jurisdiction of Pitkin County are zoned AFR-10. This is the Agriculture/Forestry/Residential zone district. The AFR-10 district is intended to maintain the rural character of lands proximate to development centers and State highways by preserving agricultural operations, wildlife habitat and scenic quality while permitting low density, single-family housing. The zone district regulations require a minimum of 10 acres per dwelling unit. As a result, none of the privately-owned properties within the Study Area, including the Minney and Grace Church properties, are eligible for subdivision under the current zoning.

The list of allowed uses for this zone district is also very limited and includes primarily agricultural uses, single-family dwellings and park uses. The list of uses allowed by special review is more varied and includes duplex dwelling units and employee dwelling units. However, multi-family dwellings (other than duplexes) are considered prohibited in this zone district. There are a number of other institutional, public and quasi-public uses that are allowed by special review including churches, cemeteries, golf courses, schools and universities. Most traditional commercial uses like retail shops, restaurants, service outlets, offices and entertainment establishments are prohibited in the AFR-10 zone district.

*Master Plan/Comprehensive Plan:* Another document used to guide decisions related to land use and development is the master plan or comprehensive plan. The applicable Pitkin County master plan for this area is currently the Down Valley Comprehensive Plan (DVCP), which was adopted in 1987. The DVCP is

used in the review of land use applications for properties within the Emma Area when master plan compliance is required. Master plan compliance is particularly important for evaluating development proposals involving rezoning and special review approval under the Pitkin County Land Use Code.

The fundamental objective of the DVCP is to identify the highest priority lands in the County for preservation while recommending the most suitable locations for development. There are a number of policies recommended to accomplish this objective in the DVCP. About 40% of the lands in the DVCP planning area are designated on the Future Land Use Map as "Agricultural/Wildlife Reserve (AWR), a designation which strongly discourages residential development. Most of the rest of the lands in the planning area are designated "Rural Residential", which calls for low density residential uses that avoid environmental resources and constraints. Several limited "Cluster Residential" areas are also designated. Commercial and retail uses are encouraged only within the municipal boundaries and highway retail and neighborhood commercial uses are discouraged. Environmental issues receiving support in the DVCP include protection of minimum stream flows, maintenance of air quality, protection of sensitive lands (including riparian areas and wildlife habitat), and control of noxious weeds.

The land within the Study Area is divided into two land use designations on the Future Land Use Map in the DVCP. Everything west of Sopris Creek Road on the south side of Highway 82 and the Wirkler Subdivision on the north side of Highway 82 is designated Rural Residential (RR). The remainder of the study is designated Agricultural/Wildlife/Reserve (AWR). The Plan includes the following statements regarding AWR designated lands. "Residential development is not prohibited on AWR lands but it is strongly discouraged. The AWR district is comprised of agricultural land and those private lands which in the opinion of the Colorado Division of Wildlife are absolutely essential for the maintenance of deer and elk herds in their present numbers. Critical wildlife migration corridors which link the summer ranges in the Elk Mountains to winter ranges on the south facing slopes of Cozy Point, Williams Hill, Light Hill and the Crown comprise the wildlife portion of the district. The goal of the plan is to keep agricultural land in agricultural production and preserve these critical wildlife areas."

The DVCP includes the following language regarding lands designated RR on the Future Land Use Map. "Generally, RR land is non-irrigated land which is located outside of critical wildlife winter range and migration corridors. Although careful site planning will be required to avoid other environmental hazards, low density, residential development consistent with existing zoning is envisioned for this district." The existing development pattern within the Study Area matches reasonably well with the intent of this district except that there are several parcels that are smaller than would be permitted under the existing AFR-10 zoning. However, most of the smaller parcels either existed before the DVCP was adopted or they were made non-conforming when the Highway was rerouted.

In general, the existing land use pattern within the Study Area complies with the future land uses recommended in the Down Valley Comprehensive Plan.

Part of the purpose of this sub-area planning process is to evaluate whether the current Down Valley Comprehensive Plan is still a meaningful policy document for the Study Area given the age of the DVCP and the changes that have occurred in the Emma Area since the DVCP was adopted. The findings and recommendations of this sub-area plan process will likely usurp the DVCP and become the applicable master plan for the properties within the Study Area. The Emma Caucus Board is also planning to prepare a new master plan for the entire Caucus Area. Once the new master plan has been completed and adopted it will either incorporate the findings and recommendations contained in this sub-area plan or incorporate the entire sub-area plan either in total or by reference. Since this sub-area planning process will be considering new policies for guiding land use and development within the Study Area, we recommend that the Pitkin County

Land Use Policy Guidelines<sup>3</sup> be used to direct those policy discussions. Another document which may also be helpful during this sub-area planning process is the Overview Plan, which is a document that contains summaries of the existing Pitkin County master plans and discusses common themes among the various master plans. Both the Land Use Policy Guidelines and the Overview Plan can be found on the Pitkin County Community Development Department's web page at the following link: <http://www.aspenpitkin.com/>.

Pitkin County is currently in the process of completely rewriting its Land Use Code. As part of this effort, emphasis is being placed on honoring and implementing the policy recommendations contained in the various master plans that have been adopted throughout the County.

### Eagle County

*Zoning:* There are four parcels, which are partially located in the Study Area, that are under the jurisdiction of Eagle County. These are the lots within the Wirkler Subdivision on the north side of Highway 82. These properties are designated Rural Residential (RR) on the Eagle County Zoning Map. This zone district is intended for low-density single-family residential development with lot sizes of 2 acres and greater. The Wirkler Subdivision lots are all over 4 acres in size, so technically there is additional development potential associated with these lots. One of the Wirkler Subdivision lots is currently on the market.

### Town of Basalt

*Basalt Master Plan:* The current Basalt Master Plan was adopted in 1999 and contains several policies related to development in the Three-Mile-Area. It should be noted that the Town is currently in the process of amending its Master Plan. The Master Plan goals and policies discussed in this report relative to the Emma Area have not been altered to this point in the amendment process. One change that has been discussed is to improve the connections, both vehicular and pedestrian, between East and West Basalt.

In general, the Basalt Master Plan seeks to preserve agricultural land and open space around the existing developed areas. One objective of the plan that deals specifically with the Emma Area is to *"maintain an open space buffer between East Basalt and West Basalt to prevent urban scale development which would merge these two developed area."* Another pertinent objective of the Basalt Master Plan reads as follows; *"Strictly enforce the Urban Growth Boundary (UGB) and Urban Service Area (USA) identified in this Master Plan to ensure that future development occurs within or close to existing developed areas."* The UGB and USA boundaries define an area relatively close to the existing Town boundaries. No portion of the Study Area is located within the UGB or USA boundaries.

The Future Land Use Map contained in the Basalt Master Plan shows the lands within Study Area as agriculture, public open space and rural residential. The approach taken when the Future Land Use Map was developed was to show all lands outside of the UGB with the land use that existed on these properties at that time.

When the Grace Church proposal was being reviewed by Pitkin County, the application was referred to the Town of Basalt for comment, pursuant to the terms of the intergovernmental agreement between the Town and Pitkin County. The Town of Basalt's Planning Commission reviewed an original proposal, and then a revised proposal, in 2004 and urged the County to deny the proposal citing, among other things, that the facility constituted urban level development outside of the Town's UGB and that such a facility should be built within the UGB and not within the rural area. This position is consistent with goals and objectives of the Basalt Master Plan and is a relatively recent expression of the Town's position regarding development within the Emma Area.

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<sup>3</sup> Pitkin County Land Use Policy Guidelines, September 2002.

### Conservation Easement

The Emma Open Space has been encumbered by a conservation easement as mentioned earlier in this report. The conservation easement preserves the property for open space, agricultural, wildlife habitat and recreational (trail) uses and prevents the property from being developed for any use that would compromise the conservation objectives. The conservation easement is a restriction on the deed for these parcels and provides a level of protection over and above zoning regulations.

## **SUMMARY OF PROPERTY OWNER INTERVIEWS**

### **Interview Process**

An attempt was made to interview all of the current property owners within the Study Area as part of this analysis. These interviews were conducted by phone and occurred during the period between October 7<sup>th</sup> and October 29<sup>th</sup>. All property owners were contacted except for one who was in the process of purchasing a lot within the Wirkler Subdivision when these interviews were being conducted. Of the property owners contacted, all but two agreed to be interviewed and their comments are incorporated in this summary. An interview summary form was used to guide the interviews in an effort to obtain comments that would allow comparisons on a similar set of issues. It should be noted that in the process of responding to the various questions and requests for comments contained on interview summary form, the interviewees tended to offer comments on other topics as well. In addition, the last question on the interview summary form provided an opportunity for interviewees to provide other comments or thoughts not covered on the form.

Grace Church had not been interviewed at the time this report was prepared. When contacted, Grace Church, who has filed a lawsuit seeking to overturn Pitkin County's denial of their land use application, stated that they did not feel comfortable providing comments given the pending lawsuit. A copy of the interview summary form was provided to the Church's Pastor, Terry Maner, for their information. When contacted, Friday, October 28<sup>th</sup>, Mr. Minney requested a copy of the interview summary form and stated that he would get back to me if he had any comments. Mr. Minney provided written comments on a copy of the interview summary form on November 1<sup>st</sup>. All of the property owners were informed of the date, time and place of the Emma Caucus Board meeting at which this report is to be presented. They were encouraged to attend this meeting and to participate in this planning process.

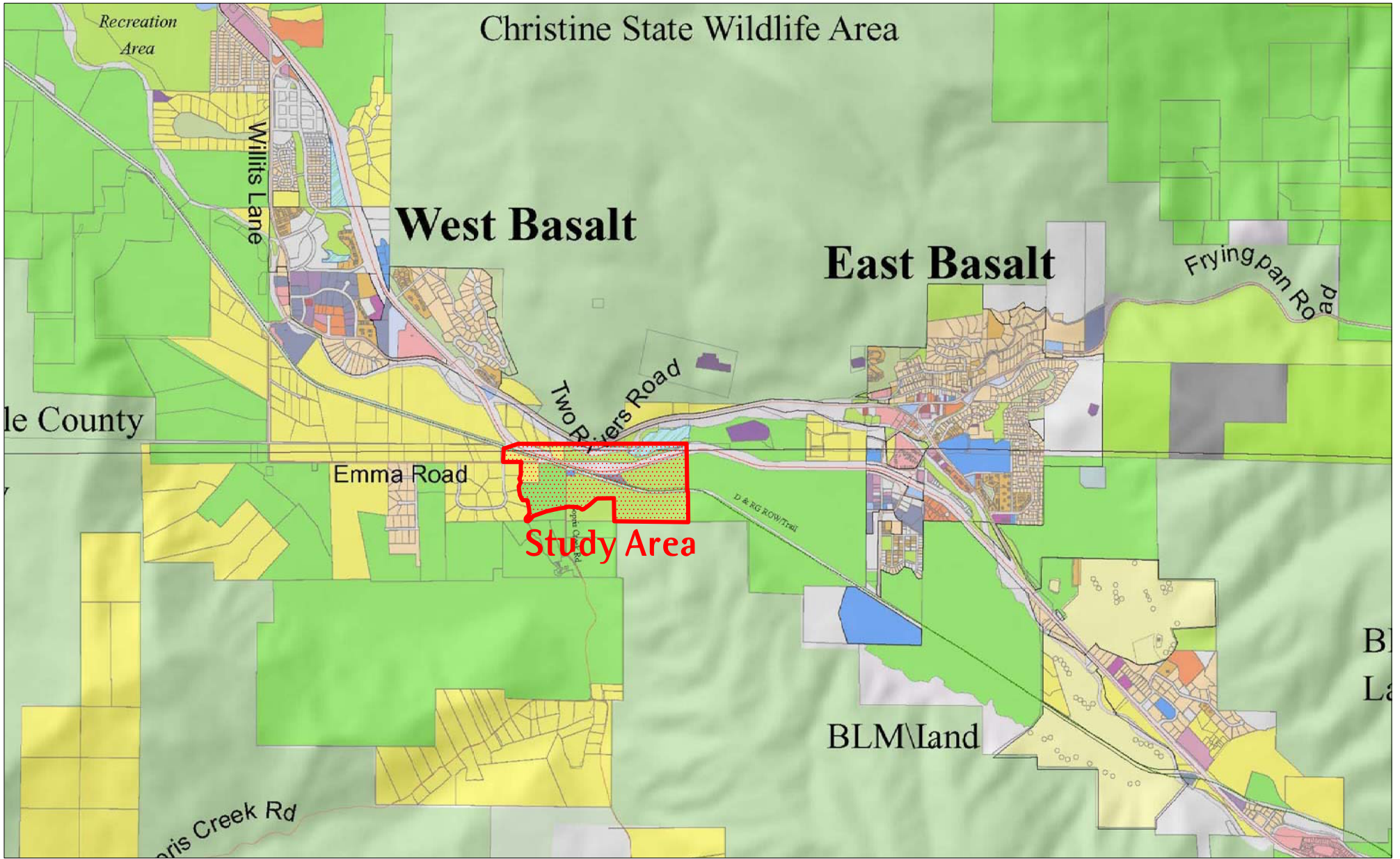
### **Summary of Comments**

Many of the owners cited the unique character of the Emma Area and the quiet rural atmosphere among the things they like about the area. Most of the owners prefer the rural development pattern that currently exists and are relatively tolerant of the land use anomalies (Schwaller earthmoving/shop business, Larson dump truck business, County fuel facility, Emma Schoolhouse). Most everyone expressed appreciation for the Emma Open Space purchase and the Emma and Rio Grande Trails. Very few people have had any trouble with trail users and most believe the trail is great asset to the area. Mr. Woolley has had a little vandalism that he suspects is from trail users. The Larsons expressed concern about the fact that the trail is above their property and people on the trail can look right into their house. They were disappointed that no screening was installed when the trail was built and said that it would be difficult from them to screen the trail themselves due the grade change between their property and the trail.

Though not specifically asked, several people commented on the Grace Church proposal. Of the six people who commented specifically on the Church, two were firmly opposed, one was slightly opposed and two seemed to be neutral. One person thought the church would be acceptable if they adhered to strict hours of

operation and installed a traffic light at the Emma Road intersection. Several people expressed concern or opposition to any kind of new commercial development particularly, on the north side of Highway 82. These comments came primarily from the residents of the Wirkler Subdivision. There was fairly uniform agreement that access onto and off of Highway 82 was a problem, especially on the north side of the Highway. However, only two people expressed an interest in having a traffic light installed in the area. Most people thought that the buildings on the Minney property were worth saving but there was no clear consensus on how this could be done. Some people felt Mr. Minney should be allowed to do something with his property to help preserve the buildings, but few felt this should involve any commercial or other development that would generate significant traffic.

Of the people interviewed, few had given much thought to developing their property more intensely, though some people stated they might consider something in the future. For the most part, people seemed content with the current use of their property, Grace Church and Mr. Minney Excepted. Mr. Schwaller and Mr. Woolley both expressed an interest in the possibility of building a house on their property in the future. Mr. Larson stated that he had not given further development much thought but he hoped it might be possible in the future, primarily for investment reasons. Mr. Minney stated that he would provide a site plan showing how he would like to develop his property. At the time this report was prepared the site plan had not been received.



# Emma Sub-Area Plan

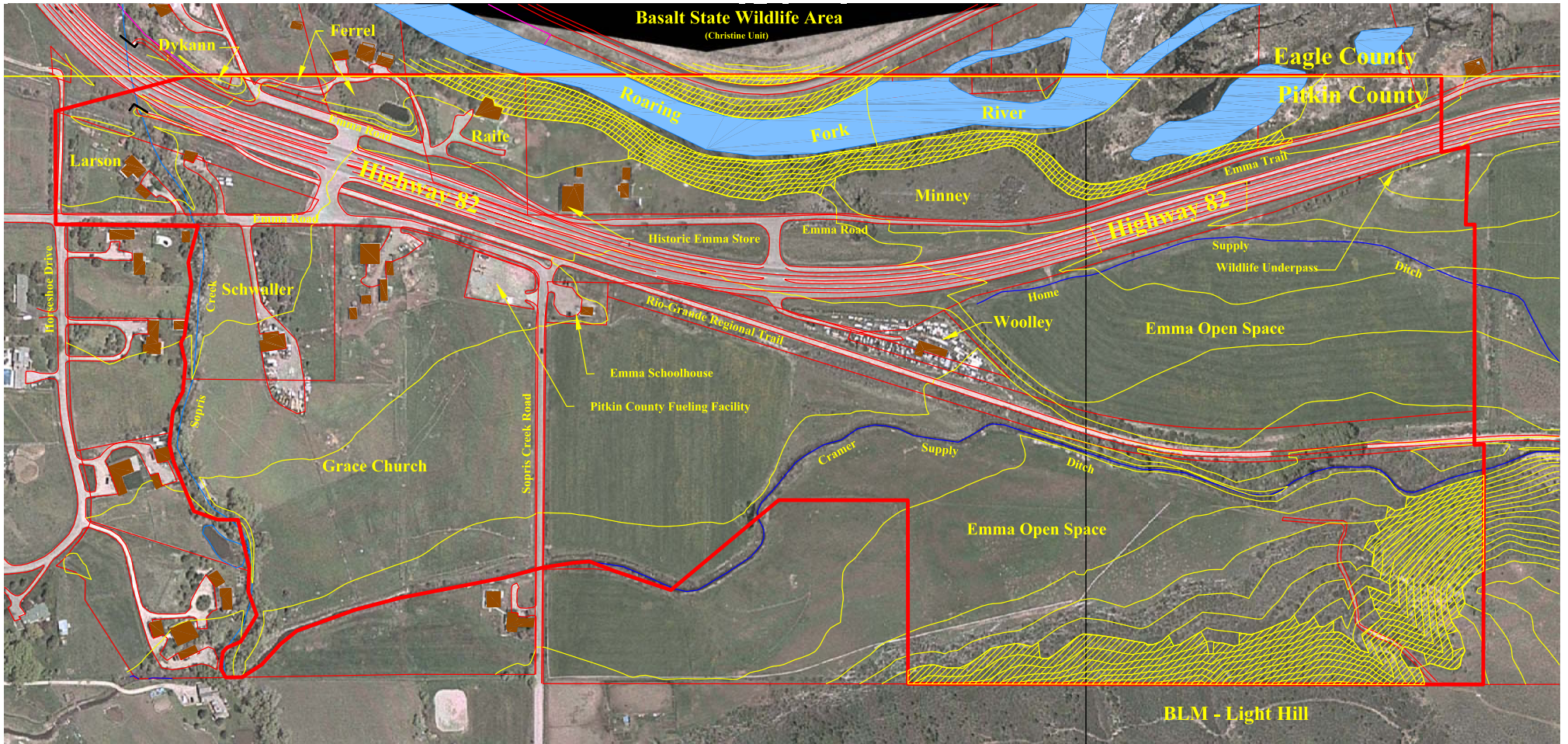
November, 2005

## Vicinity Map

Prepared by: TG Malloy Consulting, LLC  
 402 Park Drive  
 Glenwood Springs, CO 81601  
 970-945-0832



Figure 1



# Emma Sub-Area Plan

## Aerial Exhibit

November, 2005

Prepared by: TG Malloy Consulting, LLC  
 402 Park Drive  
 Glenwood Springs, CO 81601  
 970-945-0832



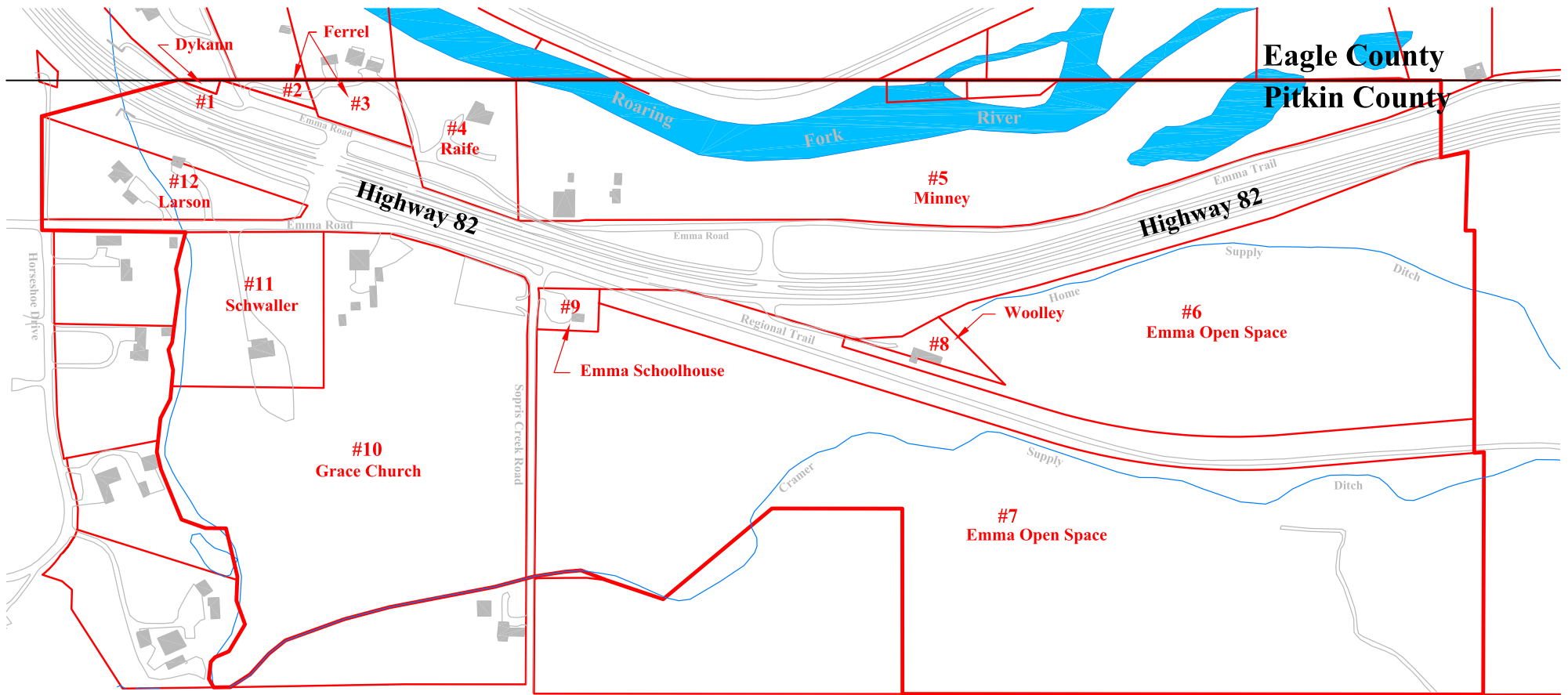
SCALE: 1" = 150'



Steep Slopes (Greater than 30%)

**Map Information and Sources:** This map was generated by compiling digital maps and aerial photographs including GIS data from both Pitkin and Eagle Counties. Due to inaccuracies and discrepancies inherent in the various sources of information adjustments were made to various portions of this map for the sake of readability and continuity. This map is approximate and is intended for planning purposes, it should not be relied upon for detailed measurements.

Figure 2



# Emma Sub-Area Plan

## Ownership Map

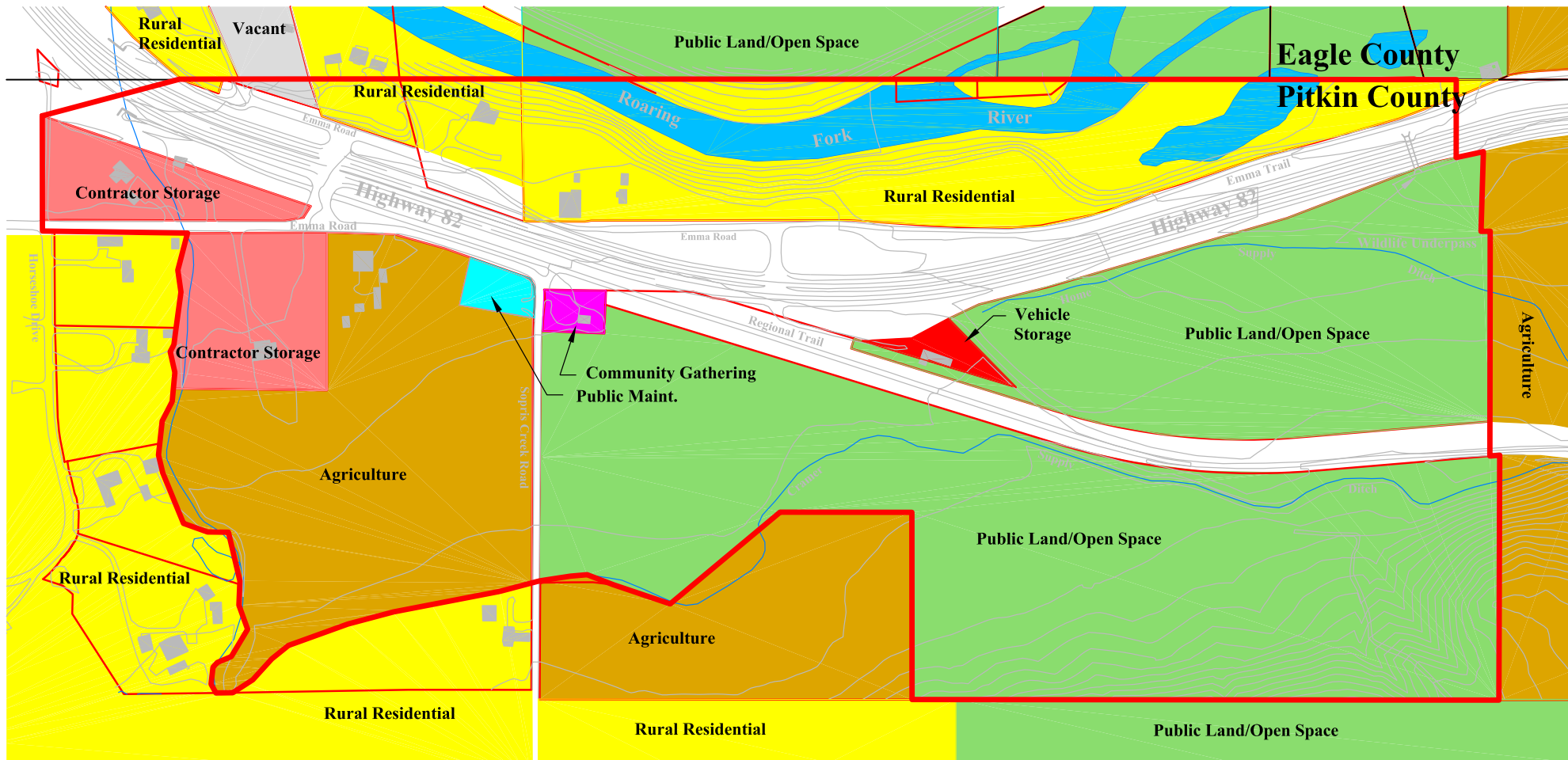
November, 2005

Prepared by: TG Malloy Consulting, LLC  
 402 Park Drive  
 Glenwood Springs, CO 81601  
 970-945-0832



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Figure 3



# Emma Sub-Area Plan

## Existing Land Use Map

November, 2005

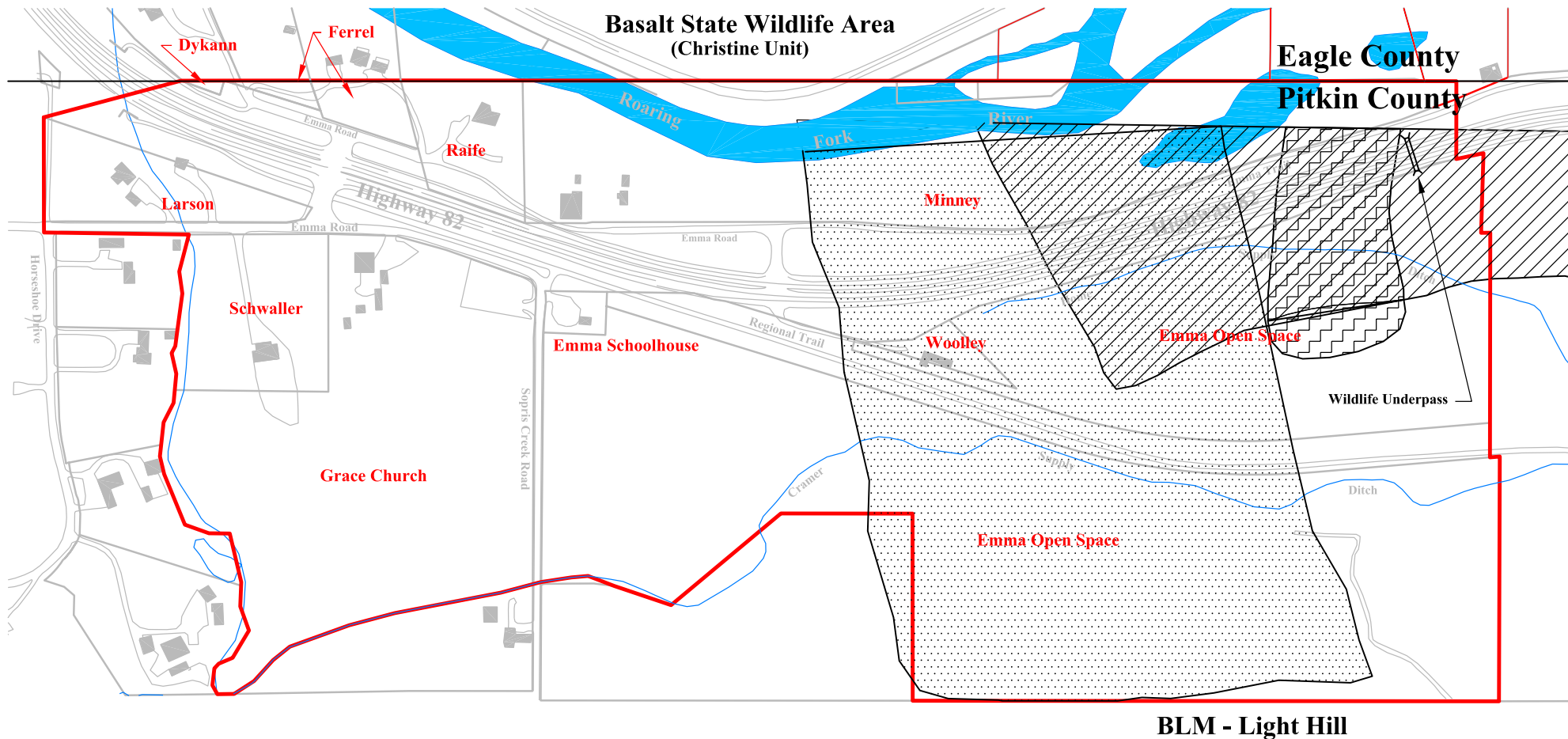
Prepared by: TG Malloy Consulting, LLC  
 402 Park Drive  
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 970-945-0832



SCALE: 1" = 150'

**Map Information and Sources:** This map was generated by compiling digital maps and aerial photographs including GIS data from both Pitkin and Eagle Counties. Due to inaccuracies and discrepancies inherent in the various sources of information adjustments were made to various portions of this map for the sake of readability and continuity. This map is approximate and is intended for planning purposes, it should not be relied upon for detailed measurements.

Figure 4

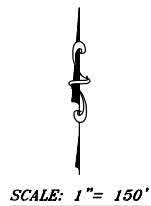





# Emma Sub-Area Plan

## Wildlife Habitat Map

November, 2005

Prepared by: TG Malloy Consulting, LLC  
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 970-945-0832



-  Elk Habitat
-  Deer Migration
-  Deer Highway Crossing

**Map Information and Sources:** This map was generated by compiling digital maps and aerial photographs including GIS data from both Pitkin and Eagle Counties. Due to inaccuracies and discrepancies inherent in the various sources of information adjustments were made to various portions of this map for the sake of readability and continuity. This map is approximate and is intended for planning purposes, it should not be relied upon for detailed measurements.

Figure 5

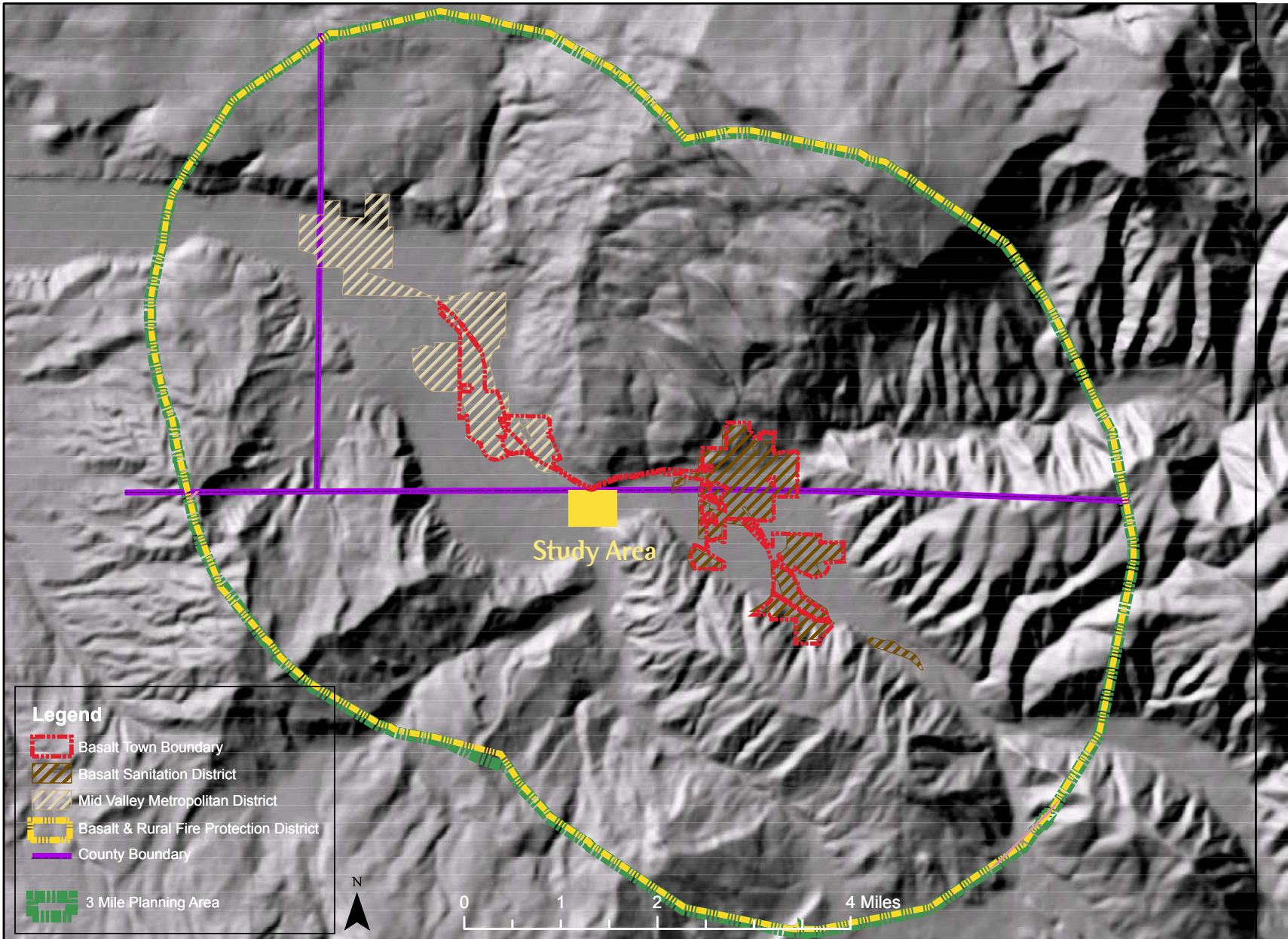


Figure 6