

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
October 2, 2007**

The October 2, 2007 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson  
Paula Swenson, Vice-Chairperson  
Jim Starr, Commissioner

Matthew Birnie, County Manager  
Katherine Haase, Clerk to the Board  
Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Channell called the meeting to order at 9:03 am.

**MINUTES APPROVAL:** **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the August 21, 2007 Regular Meeting minutes as submitted. Motion carried unanimously. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the September 4, 2007 Regular Meeting minutes as submitted. Motion carried unanimously.

**CONSENT AGENDA:** **Moved** Commissioner Swenson, seconded by Commissioner Starr to approve the Consent Agenda and authorize signatures. Motion carried unanimously.

1. Intergovernmental Agreement; Montrose County, Plowing on the Big Cimarron
2. Ratification of Correspondence; 9/18/07 Letter to Senator Ken Salazar, 2007 Farm Bill
3. Ratification of Resolution; Joint Climate Control Resolution #2007-32
4. Ratification of Chair Signature; MOA between Gunnison County and the City of Gunnison, Safety Expo T-Shirt Expenditure
5. Acknowledgment of County Manager Signature; Contract for Provision of Services, Envirosolve, Inc.
6. ADDED: Change Order; Stealth Roofing Corporation
7. ADDED: Ratification of County Manager Signature; MOA Amendment, Gunnison County Public Health & Colorado State University

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

**COUNTY MANAGER'S REPORT & CORRESPONDENCE:** Assistant County Manager Crosby and County Manager Birnie were present for discussion.

1. County Budget. County Manager Birnie conveyed that ample time had been scheduled for budgetary work sessions. He also stated his hope that the staff presentation will reflect the board's priorities.
2. 7<sup>th</sup> Judicial District Managers Meeting. County Manager Birnie reported attending this meeting in Montrose during the previous week along with representation from all 7<sup>th</sup> Judicial District counties, except for Hinsdale. The meeting included discussion related to District Attorney Serra's proposed 17% budget increase, during which time DA Serra and staff were available to answer questions and provide interpretation. County Manager Birnie reported that the salary increases outlined in the budget proposal appeared to be legitimate, however the consensus was that large salary deficiencies cannot be made up in only one year and would need to be spread out over several years. Following negotiations, the group was able to reach agreement on an increase of approximately 8.5%, which equals Gunnison County's growth expectation. County Manager Birnie stated that the meeting was positive and that DA Serra exited with a greater understanding of funding possibilities for 2008. Additional discussions surrounding financial responsibility for this increase included the possibility of weighing county-wide case load and each individual county's funding capabilities.
3. Budget For Results Workshop. County Manager Birnie reported attending this workshop, along with Finance Director Linda Nienhueser and Assistant Finance Director Ben Cowan, last week in Denver. He reported that the workshop was beneficial while covering topics such as employee evaluations, budget decisions, and practical implementation to measure impacts and progress toward goals. He also stated his desire to hire a consultant to work with the various department heads and will begin planning for this expense since there is currently no allocation for consulting services within the 2008 budget.
4. Rodeo Grounds Relocation. County Manager Birnie requested direction from the board regarding the possible relocation of the rodeo grounds to the new annexation site. Commissioner Swenson recommended approaching the Cattlemen's Days organization to discuss the possibility and to determine their level of desire to relocate. She also volunteered to speak to City Manager Ken Coleman and City Council member Rick Miller about approaching the Cattlemen's Days organization jointly with the county.
5. Speed Limit on Hwy 135. County Manager Birnie reported limited progress on this issue and informed the board that speed and traffic studies cannot be completed until spring. He also stated that he will follow-up on this issue in March to ensure a timely resolve.

**AGENDA ITEM SUBMITTAL FORM DISCUSSION:** Commissioner Swenson requested utilization of the agenda item submittal form by board members wishing to add topics to future agendas so that the discussions can be coordinated to include appropriate staff members, materials and forethought. County Manager Birnie confirmed that additional information is necessary at the time that items are placed on future agendas. Chairperson Channell asked County Manager Birnie and Clerk to the Board Haase to work out the mechanics and implement a system that the board will adhere to.

**WILLOWS AT GUNNISON LIVING COMMUNITY:** County Manager Birnie relayed that the Gunnison Valley Hospital Board of Trustees had reached an agreement via unanimous decision and that a formal agreement, reflecting the most recent county proposal, was subsequently needed. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to direct staff to prepare the agreements to memorialize the agreement reached with the hospital board and the agreement with the Gunnison Home Association. Motion carried unanimously.

**ASSISTANT COUNTY MANAGER'S REPORTS & PROJECT UPDATES:** County Attorney Baumgarten and Assistant County Manager Crosby were present for discussion.

1. Contract for Snow Removal Services with Mt. Crested Butte. Assistant County Manager Crosby stated that the agreement was stricken from the agenda because Mt. Crested Butte Town Manager Joe Fitzpatrick had not been available for signature. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve the extension of the agreement with the Town of Mt. Crested Butte for winter snow plowing services for a period of five years subject to final review by County Manager Birnie. Motion carried unanimously.
2. Solid Waste User Fees. Assistant County Manager Crosby presented new pricing information received from the Colorado Department of Public Health and Environment, effective as of July 1, 2007, per the memorandum dated August 23, 2007. She also indicated that the landfill currently pays state fees of approximately \$8,000 annually and that those fees will increase to approximately \$20,000 as a result of the new pricing. She further stated that landfill fees had not increased for the past several years. Chairperson Channell questioned the rationale for the state increasing fees at a local landfill and County Attorney Baumgarten explained that the state will use any county-collected funds to issue recycling grants. Assistant County Manager Crosby requested, and received, board consensus to begin public advertisement of the increase. She also stated that the county does not intend to pursue retroactive collections.
3. White Water Park. Assistant County Manager Crosby reported that the White Water Park maintenance and modifications are on schedule and should be completed by the end of October.
4. White River Forest Agreements. Assistant County Manager Crosby reported that she was in receipt of the agreements, although she had not yet had a chance to review them. She then requested authorization for County Manager Birnie's signature, provided that the agreements are deemed appropriate. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to authorize the signature of the White River Forest Agreements as proposed by Assistant County Manager Crosby. Motion carried unanimously.
5. Recycling Task Force. Assistant County Manager Crosby reported that she had been contacted by Waste Management, who had been prompted by the Town of Crested Butte for immediate action. Neither Assistant County Manager Crosby nor Commissioner Starr had any updates to provide regarding the task force.

**JOINT PUBLIC HEARING SCHEDULING PROCESS:** There was discussion regarding the process for scheduling Joint Public Hearings between the Planning Commission and the Gunnison County Board of County Commissioners. County Manager Birnie will schedule a work session to discuss these issues with the Planning Commission after the first of the year.

**COMMISSIONER DISCRETIONARY SPENDING:** Chairperson Channell asked for a review of Community Based Organizations appropriations and justifications. The board asked that County Manager Birnie develop criteria for CBO funding while he is reviewing performance-based budgeting.

**BREAK:** This meeting recessed from 10:29 until 10:35.

**WASHINGTON GULCH / BOOTER CAMP; UPDATE FROM STAFF:** County Attorney Baumgarten, Assistant Planning Director Neal Starkebaum, engineering representative for the Public Works Department Allen Moores, attorney Art Tresize and property owner Mary Frame were present for discussion.

County Attorney Baumgarten presented correspondence dated October 1, 2007 from attorney Tresize and asked for guidance from the board.

Commissioner Starr questioned whether or not this issue addressed the historic use of the property and County Attorney Baumgarten explained that the four new platforms and yurts were the issue brought before the board today and that the historic use would best be evaluated separately. County Attorney Baumgarten stated that he had received records from the property owner for only the previous six years.

Commissioner Starr noted that the owners of the property have stated their financial inability to erect yurts at this time and questioned what timeframe should be expected. County Attorney Baumgarten stated that funding is irrelevant because permits should have been issued prior to platform construction.

Ms. Frame stated that she has owned her Elkton property since 1970 and that the booter camp, used for snowboarding, is separate from her property. She acknowledged fault for constructing the platforms without a permit, but stated that she was not aware of the requirement. She also stated that one yurt is used solely for supplies and is not inhabitable. Further, she stated that her original intent was to provide three yurts for sleeping while reserving one yurt for kitchen use. She declared that she attempted to obtain a building permit for the decks, but that it was not accepted because the required application would have been for a residence, including kitchen and bathroom capability, and not just decking. Ms. Frame agreed to dismantle the decks, if requested by the county, but also stated her hesitancy to waste the construction materials. She requested permission to leave the storage yurt as erected. Ms. Frame expressed frustration with the county permitting system and the requirement to produce historic records predating the compilation that she has already submitted.

Chairperson Channell requested clarification on the building permit that was not accepted and Assistant Planning Director Starkebaum stated that he was unaware of any permit applications. Attorney Tresize stated that he submitted four building permit applications, one for each deck, during the previous week and was told that the proper application would entail just one permit for a residence, which the property owner did not wish to apply for. He also reported being informed that permits cannot be accepted after the issuance of a stop order.

Assistant Planning Director Starkebaum stated that the application process has been hampered by the evolving direction taken by the property owner and the absence of concrete site plans.

County Attorney Baumgarten recommended that the land use change process be followed in order to obtain the four building permits requested by the owner. He also recommended that the platforms be dismantled, saving as much material as possible, until the owner has made a decision regarding the eventual use of the property.

Commissioner Starr asked how the county might separate the original intention from the eventual use of the property since historic usage cannot be proven to have occurred prior to 1972. He also questioned the disposition of the storage unit. County Attorney Baumgarten stated that the use of yurts does not date back to 1972 and that the county should follow the proper process so that future yurt-related complaints can be preempted. Attorney Tresize stated that his client will attempt to assemble any personal recollections of historic use, but that a 30-year record retention requirement was unrealistic.

Commissioner Starr offered to meet with County Attorney Baumgarten and attorney Tresize in order to formulate a path on which to proceed. Chairperson Channell and Commissioner Swenson both stated support of this direction and stressed that protocol must be followed.

County Attorney Baumgarten stated his opinion that historic use and the current yurts should be viewed as separate issues. He also stated that it would be appropriate for Commissioner Starr's discussions to address historic use only. Chairperson Channell agreed that the issues should be evaluated separately.

**Moved** by Commissioner Starr, seconded by Commissioner Swenson to require the removal of the decking from the three platforms without yurts and that he will meet with staff and other representatives to report back to the board as soon as reasonably possible about proposed actions concerning the yurt which is currently being used for storage and, as a separate matter, the existing facilities and to reach agreement on how the process will continue. Motion carried unanimously.

**RELEASE LANDSCAPING IMPROVEMENTS AGREEMENT; RED MOUNTAIN RANCH ENTRANCE PARCEL:** County Attorney Baumgarten and Paralegal Rachel Magruder were present for discussion.

Chairperson Channell asked for an explanation as to why funds are dispersed prior to release of an improvements agreement. County Attorney Baumgarten explained that funds are released incrementally as the project proceeds. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Release of Landscaping Improvements Agreement for Red Mountain Ranch Entrance Parcel and authorize the chair signature. Motion carried unanimously.

**RELEASE DEVELOPMENT IMPROVEMENTS AGREEMENT; THREE VALLEYS SUBDIVISION:** County Attorney Baumgarten and Paralegal Magruder were present for discussion.

Paralegal Magruder requested that this item be removed from the agenda because the fireflow had not yet been confirmed. This item will be placed on a future agenda.

**ADDENDUM TO DEVELOPMENT IMPROVEMENTS AGREEMENT; EXTEND THE WORK COMPLETION DATE FOR ELK RIVER RANCH, PHASE 2:** County Attorney Baumgarten and Paralegal Magruder were present for discussion.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Addendum to the Development Improvements Agreement to extend the work completion date for Elk River Ranch, Phase 2 to June 30, 2008 and authorize chair signature. Motion carried unanimously.

**RELEASE LANDSCAPING IMPROVEMENTS AGREEMENT; LOT 21, RIVERLAND INDUSTRIAL PARK, FILING 2:** County Attorney Baumgarten and Paralegal Magruder were present for discussion.

**Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Release of Landscaping Improvements Agreement with Riverland Industrial Park, Filing 2 and authorize chair signature. Commissioner Starr asked if this project had a requirement for landscape plants to grow for a certain number of years. Paralegal Magruder confirmed the requirement and stated that the county will withhold funding for several years until the homeowner's association has approved the landscaping and reclamation. Motion carried unanimously.

**REVISED PERSONNEL POLICIES:** Personnel Director Debbie Moore was present for discussion.

Personnel Director Moore presented personnel policy modifications, as recommended by the Personnel Board, for discussion and approval. The amendments were discussed and modified. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to approve all of the proposed amendments to the county's personnel policies, including the modified language in paragraph 8-1(2)c., as amended. Motion carried unanimously.

**BUILDING ENVELOPE ADJUSTMENT; LOT 11, HIDDEN RIVER RANCH:** Assistant Planning Director Starkebaum was present for discussion.

Assistant Planning Director Starkebaum presented this item and explained that the applicable homeowner's association is in agreement with this request as it alters the building location within the lot in order to preserve wetlands. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to approve the Building Envelope Adjustment for Hidden River Ranch, Ranch Site #11 and authorize the chair's signature. Motion carried unanimously.

**TOWNHOME PLAT APPROVAL; KID TOWNHOMES, LOT 4, BLOCK 15, CRESTED BUTTE SOUTH, FILING 3:** Assistant Planning Director Starkebaum and attorney David Leinsdorf were present for discussion.

Assistant Planning Director Starkebaum relayed that all documents had not yet been signed by the applicant. Attorney Leinsdorf explained that paperwork was en-route to Tucson, Arizona for signature by one of the property owners. This item was suspended and placed on the October 16, 2007 agenda for approval to allow sufficient time for all documents to be executed and returned.

**FINAL PLAN REVIEW & APPROVAL; THORNTON MEADOWS SUBDIVISION:** Assistant Planning Director Starkebaum and attorney David Leinsdorf were present for discussion.

Assistant Planning Director Starkebaum summarized that this issue had followed the Public Hearing process and then presented a draft resolution for review and approval. He further stated that all water issues had been resolved and that the applicant had complied with all conditions. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to adopt Resolution #2007-34, a Resolution and Certificate of Major Impact Approval Approving the Final Plan for the Thornton Meadows Subdivision, Submitted by Deloray, LLC, LUC #2005-74 and authorize the chair's signature on the plat. Motion carried unanimously.

**BUILDING ENVELOPE ADJUSTMENT; LOT 15, GUNNISON RIVERBANKS RANCH, MIKE WILSON:** Assistant Planning Director Starkebaum was present for discussion.

Assistant Planning Director Starkebaum stated that this minor adjustment was approved by the Riverbanks Ranch Homeowner's Association. He further stated that the HOA has an allowance in their covenants to allow for minor adjustments once building plans are final. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Building Envelope Adjustment for Gunnison Riverbanks Ranch, Lot 15 and authorize the chair's signature. Commissioner Starr recused himself from the vote due to a potential conflict of interest. Motion carried.

**BREAK:** This meeting recessed from 11:48 am until 1:00 pm in order to convene as the County Board of Equalization (see separate minutes) and for a lunch break.

**COLORADO RIVER WATER CONSERVANCY DISTRICT REPORT:** CRWCD Chairman Bill Trampe was present for discussion.

Mr. Trampe thanked Chairperson Channell for attending the 2007 Water Seminar, entitled "Water: Fueling the Future Seminar". He also reported that the seminar had good attendance with 100 pre-registered attendees and over 200 total attendees by the day of the seminar.

Mr. Trampe reported that the recent budget workshop revealed that the River District's assessed valuation rose from less than \$4billion in 1996 to over \$16billion in 2007. The budget is scheduled for approval at the River District's October board meeting.

Mr. Trampe also informed the board that the Black Canyon Mediation process is underway and that he will be involved in a limited capacity.

Per Mr. Trampe, Representative Kathleen Curry has stepped down from the Interbasin Compact Committee (IBCC) and has been replaced by Representative Dan Gibbs.

**TREASURER'S MONTHLY REPORT:** Treasurer Melody Marks was present for discussion and provided the Treasurer's Monthly Report, dated August 2007, and an Investment Report, dated August 31, 2007, for discussion. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to accept the Treasurer's Monthly report for August 2007 and authorize the chair's signature. Motion carried unanimously.

#### **UNSCHEDULED CITIZENS:**

1. Gerald Lain. Mr. Lain reported being approached by many citizens regarding the recent property tax valuations and asked for any analytical information, as derived by the board, that he can relay to constituents. Commissioner Swenson stated that revenue increases are limited to 5.5% and that the mill levy will adjust accordingly. Mr. Lain also requested the dissemination of information to the public so that common questions can be answered and the board was receptive to the idea.

#### **COMMISSIONER MEETING REPORTS:**

##### **Commissioner Starr:**

1. Rural Transportation Authority (RTA). Commissioner Starr presented a draft bus schedule for the winter season and reported that the RTA accepted a bid from Alpine Express to perform the service. He also reported that a logo was agreed upon and that the Denver Inner-city Route will begin in the near future. There will be no charge for the winter shuttle in an attempt to immediately increase usage. Commissioner Starr relayed that the RTA plans to begin talks with local airline carriers regarding travel information and options.
2. Schmalz Gravel Pit. Commissioner Starr expressed his opinion that the board should perform a site visit to the Schmalz Gravel Pit. Commissioner Swenson noted that she had previously performed site visits to this location and that Fred Schmalz was agreeable to welcoming any other county personnel for individual site visits. Commissioner Starr noted that the minor impact approval may be outdated. There was discussion that perhaps each of the commissioners may desire to visit the gravel pit independently since a public site visit could invite unwanted trespassing on private property.
3. San Miguel Power Plant. Commissioner Starr noted that the deadline for submitting comments on this issue is October 9, 2007. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to send a letter expressing the county's concerns about the proposed power plant in the four corners area and ratify the letter's wording at the next meeting on October 16, 2007. Motion carried unanimously. Commissioner Starr will complete the letter.

##### **Commissioner Swenson:**

1. Colorado Department of Transportation (CDOT). Commissioner Swenson reported that a meeting occurred between Sue Oates and CDOT representatives to discuss the landscaping at the entrance to Gunnison near the airport hangars. She also reported that the City of Gunnison has budgeted \$5,000 for landscaping in this location and Airport Manager John DeVore has matched that amount with an additional \$5,000 from the airport budget. Since the meeting, Airport Administrative Director Kathie Lucas has been in contact with CDOT and discussions are progressing.
2. Beautification/Scenic Corridors Committee. Commissioner Swenson reported attendance at a recent meeting during which time the attendees discussed committee protocol and state highway building esthetics pertaining to CDOT buildings on the south side of Crested Butte South. She stated that she and County Manager Birnie will be formalizing committee protocol this winter. She further stated that the BSCC board was agreeable with the current budget.
3. FAA Airport Meeting. Commissioner Swenson reported attendance at this recent meeting. A work session was scheduled for December 11, 2007 to discuss the future of the Public Works

facility. She also reported that, per the current plan, the Public Works facility issue falls into the 11 to 20 year portion of the plan and that she thought it should be addressed sooner.

4. Senator Wayne Allard. Commissioner Swenson noted that she recently had short discussions with a new staff member from Senator Allard's office and that the representative seemed very receptive to Gunnison issues.
5. Stockgrower's Association. Commissioner Swenson reported attendance at this meeting on October 1, 2007, along with Mapping and Planning Services Department Manager Mike Pelletier. Commissioner Swenson stated that overall attendance was low.

#### **Chairperson Channell:**

1. Office for Resource Efficiency (ORE). Chairperson Channell reported his continuing efforts to try and promote a possible partnership between the City of Gunnison and ORE.
2. Inclusionary Housing Task Force Report. Chairperson Channell stated that this report is scheduled to be presented during the October 23, 2007 work session.
3. Climate Control Resolution. Chairperson Channell and Commissioner Swenson both attended the recent multi-jurisdictional resolution signing. **Moved** by Commissioner Swenson, seconded by Commissioner Starr to nominate Chairperson Channell as the county nominee to serve on the temporary task force. Motion carried unanimously. County Manager Birnie volunteered to inform the other municipalities of this appointment.

**MILLER RANCH:** Commissioner Swenson reported that the Division of Wildlife entered into an agreement to purchase the Miller Ranch last week. She further reported that the Miller family will be able to remain on the ranch until they are able to build other housing. County Manager Birnie noted that this purchase will allow the conservation easement to be utilized elsewhere.

**BOCC EVALUATION:** Chairperson Channell asked about the possibility of county staff participating in an assessment of the board with the results of that assessment aiding in increasing board efficiency. County Manager Birnie relayed that department directors have recently given positive comments about the focus and productivity of the board. The board unanimously agreed that staff direction and morale have improved dramatically since the recent hire of County Manager Birnie. A suggestion box will be installed outside the commissioner's boardroom in order to invite constructive comments from not only staff members, but the community as a whole.

**BREAK:** This meeting recessed from 2:55 until 5:47 pm in order to enjoy a break and to conduct the below Public Hearing.

### **PUBLIC HEARING**

#### **Proposed Amendments to the Gunnison County Land Use Resolution (LUR)**

Chairperson Channell opened the hearing at 4:00 pm. Planning Director Joanne Williams confirmed proper public notice in both local newspapers.

Planning Director Williams presented a Planning Commission summary of proposed amendments to the LUR. The individual sections were discussed and modified as follows:

1. **GUNNISON SAGE-GROUSE LEK AND OCCUPIED HABITAT MAPS:** Planning Director Williams relayed the Planning Commission's recommendation to adopt the 2007 version of the Gunnison Sage-grouse lek map and remove the requirement to amend the LUR upon each successive map update. She also stated that adoption of the map should occur only after public comments have been allowed. There was no public comment at this time.
2. **REDUCTION IN MINIMUM RESIDENCE SIZE:** Planning Director Williams outlined the Planning Commission's request to reduce the minimum residence size to 400 square feet and explained that a residence is defined as a building that includes kitchen, bath and bedroom facilities. There was discussion related to unit location and usage. Chairperson Channell stated that, if a residence cannot meet current energy and building code standards, then it should also not meet the criteria to be considered a full-time residence. There was additional discussion related to size requirements relevant to current building codes, however the board agreed to suspend decision on this item until appropriate language changes have been provided by the Planning Commission.
3. **CHANGES TO EXTERIOR LIGHTING REQUIREMENTS:** Planning Director Williams explained that this modification would require that all lighting fixtures be fully-shielded, removing the exception for bulbs 60 watts or less. She also confirmed that this modification would apply only to new building permits without retroactivity. There was discussion related to justifying the agricultural operations exemption, however there were no agricultural representatives available for comment. Consensus was to proceed with this change while also requesting that the Planning Commission reexamine all of the exempted entities. Building Inspector Rich Wojdakowski questioned whether or not the City of Gunnison street lights follow these

requirements and it was explained that the county does not have jurisdiction in that instance. Crested Butte Town Planner John Hess stated Crested Butte's support of the modification with respect to the 60-watt bulbs.

4. **CORRECTION OF LANGUAGE REGARDING AGGREGATE RESIDENCE SIZE, SPECIFICALLY RELATED TO ATTACHED GARAGES:** Planning Director Williams explained that this modification would not change the maximum 10,000 square foot requirement.
5. **CHANGE TO CRITERIA DETERMINING ALLOWED DENSITY OF RESIDENTIAL DEVELOPMENT:** Planning Director Williams outlined this Planning Commission recommendation to modify density requirements. She further explained that public facilities include water supplies, schools and public transportation. Chairperson Channell stated his preference that public transportation be specifically mentioned in this section and Commissioner Starr agreed that it was an essential element to consider. Commissioner Swenson stated her opinion that any development should be able to be connected to the wastewater treatment system. Planning Director Williams stated that, if these items were specifically mentioned, it could reason that other elements also be included. Commissioner Swenson proposed that wastewater treatment should be fully-mandated, while public transportation should be required only to the maximum extent feasible.

Planning Commission board member Ramon Reed was asked to represent the dissenting opinion discussed within the Planning Commission and he stated that, from his recollection, it was based upon open space and clustering being used as a tool for mitigation purposes while not a requirement. He also reported that the Additional Open Space paragraph was confusing and that there was more than one method of interpretation related to the 10% change.

Crested Butte Town Planner Hess stated his opinion that adjacent property owners should receive some type of benefit attributable to impacts caused by the new structure. He further stated that new structures should not be considered compatible because they would be creating a density change. Planning Commission board member Reed stated that compatibility does not translate to similar size and that there are clear definitions as to the meaning of compatibility relative to this application. Planning Director Williams explained that any expectations of benefit to adjoining property owners would be unrealistic.

Crested Butte Town Planner Hess also asked for possible language changes that would encompass minimum and maximum unit size, as well as minimum lot size. Commissioner Swenson stated that the county cannot dictate these criteria because lot size cannot be determined at this time. It was agreed upon to modify the language to include building size and exterior design standards.

Commissioner Starr expressed his opinion that language should be added to include mitigation for directly-impacted adjacent land owners, however Planning Commission board member Reed felt that this would limit mitigation to only the adjacent owners.

6. **ADDITION OF "LIGHT INDUSTRIAL" LAND USE REGULATIONS:** Planning Director Williams stated that there is currently no reference to light industrial operations, which prompted the Planning Commission recommendation to add an appropriate definition. This new definition would also create a new set of design standards and a new category. The new section was discussed and amended. Planning Commission board member Reed expressed that the standards will be required in entirety and that, if all standards are not met, the use will not qualify for the light industrial designation.

Chairperson Channell closed the Public Hearing at 5:47 pm and immediately called the Gunnison County Board of County Commissioners meeting back to order.

Crested Butte Town Planner Hess stated that the Crested Butte Town Council was not aware of the language modifications and that additional time was necessary to evaluate all changes prior to adoption by the board. Commissioner Swenson stated that the advertisement period in excess of 30 days was sufficient to allow for such instances. Commissioner Starr explained that an additional opportunity for public comment will be given when the resolution is modified and brought before the board for adoption.

Chairperson Channell summarized the above discussed modifications to ensure that all parties were in agreement about the newly-proposed changes. **Moved** by Commissioner Starr, seconded by Commissioner Swenson to instruct staff to prepare the resolution reflecting the discussed modifications. Chairperson Channell thanked the Planning Commission and county staff for their diligence in preparing this proposal. Motion carried unanimously.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Commissioner Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:53 pm.

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Hap Channell, Chairperson

\_\_\_\_\_  
Paula Swenson, Vice-Chairperson

\_\_\_\_\_  
Jim Starr, Commissioner

Minutes Prepared By:

\_\_\_\_\_  
Katherine Haase, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 34 SERIES 2007

A RESOLUTION AND CERTIFICATE OF MAJOR IMPACT APPROVAL APPROVING THE FINAL PLAN FOR THE THORNTON MEADOWS SUBDIVISION, SUBMITTED BY DELORAY LLC LUC #2005-74

WHEREAS, Mark Schumacher, Managing Member, Deloray LLC, submitted the *Thornton Meadows Subdivision Final Plan* on August 28, 2007. The applicant requests final plan approval for *Thornton Meadows Subdivision*, the subdivision Lot M-I, Spring Meadows Subdivision, according to the official plat filed with the Gunnison County Clerk and Recorder, Reception No. 332126, October 11, 1978, consisting of 13.57-acres, into 19 single-family residential lots; and

WHEREAS, the Gunnison County Planning Commission recommended approval of the Thornton Meadows Subdivision Preliminary Plan on March 2, 2007 which was followed by Board of County Commissioners' approval on April 3, 2007, including all conditions of approval recommended by the Planning Commission. As referenced by *Gunnison County Land Use Resolution* Section 7-402: C., Planning Commission review of the Final Plan is not required; and

WHEREAS, the Board has considered the submitted Final Plan, and the Decision Document prepared by staff and attached as "Exhibit A".

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the attached "Exhibit A" Decision Document is hereby affirmed, and the Final Plan for *Thornton Meadows Subdivision* is approved, subject to each and all conditions iterated within the Decision Document.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and passed on this 2<sup>nd</sup> day of October, 2007.

Channell – yes; Starr – yes; Swenson – yes