

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 16, 2007**

The October 16, 2007 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Hap Channell, Chairperson
Paula Swenson, Vice-Chairperson
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 8:02 am. Commissioner Jim Starr was not present for the meeting due to a scheduling conflict.

AGENDA REVIEW: Per County Manager Birnie, Assistant County Manager Marlene Crosby was not able to attend the meeting. Subsequently, her portion of the agenda was stricken.

MINUTES APPROVAL: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the September 18, 2007 Regular Meeting minutes as presented. Motion carried. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the September 25, 2007 Special Meeting minutes as presented. Motion carried.

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

1. Acknowledge County Manager Signature; VALE Grant Contract #VA-08-009
2. Acknowledge County Manager Signature; Contract for Services Between Gunnison County and Spallone Construction, Inc.
3. MOU; State of Colorado Department of Human Services for the Colorado Works Program and the Colorado Child Care Assistance Program
4. Resolution Amending Solid Waste Service Fees, Effective October 15, 2007

SCHEDULING: The Upcoming Meetings Calendar was discussed and updated.

COUNTY MANAGER'S REPORT & CORRESPONDENCE: County Manager Birnie was present for discussion.

1. Proposed Gunnison County 2008 Holiday Schedule. County Manager Birnie presented the proposed holiday schedule, as drafted by Personnel Director Debbie Moore. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Gunnison County 2008 Holiday Schedule. Motion carried.
2. Buzzard Divide Traffic Data. Undersheriff Rick Besecker provided two sets of traffic data, collected at mile markers 1.2 and 4.0 on Buzzard Divide Road, for discussion. The board stated their appreciation for the information and confirmed plans to visit Buzzard Divide Road during the site visit scheduled for Friday, October 19, 2007.
3. International City/County Management Association (ICMA) Conference. County Manager Birnie reported that the conference was beneficial and that he was able to speak with over 50 individual city and county managers from around the State of Colorado during the conference.
4. 2008 Gunnison County Budget. County Manager Birnie reported that he had relayed budget information from the October 15, 2007 meeting to all department managers and that, overall, the managers are supportive of the proposed budget. County Manager Birnie expressed his faith in the capabilities of the county staff and stated his intention to utilize a trainer in order to further realize the potential of all county personnel.

COMMISSIONER MEETING REPORTS: This item began early as made possible by a break in the schedule. Commissioner Swenson completed her meeting reports during this time while Chairperson Channell suspended his reports until later in the meeting.

Commissioner Swenson:

1. Gunnison Sage-grouse. Commissioner Swenson relayed that, during a recent Gunnison Sage-grouse meeting, she was party to a beneficial discussion with representatives from Gunnison Rising. She also stated that those discussions are ongoing and that DOW representative J Wenum plans to meet with representatives from Gunnison Rising in hopes of successful mitigation. Commissioner Swenson reported that the local working group is evolving well under Dr. Jessica Young's leadership. She also revealed that the DOW has entered into a purchase contract for Miller Ranch.
2. Habitat for Humanity (HFH). Commissioner Swenson met with Chris Christenson last week to discuss his position with the local HFH chapter. Mr. Christenson informed her that HFH is

currently seeking a long-term plan for property acquisition and that, after approximately 10 years in the Gunnison area, HFH has seen measurable success with their program.

3. Animal Shelter Task Force. Commissioner Swenson reported attending another task force meeting. She also informed the board that the City of Gunnison was scheduled to hold a work session that evening.
4. Buckhorn Ranch / Stallion Park Meeting. Commissioner Swenson reported that this public meeting went very well and that information was shared between all parties. At the meeting, County Attorney Baumgarten volunteered to mediate conversations relative to the list of current issues and the respective responsible parties.

RELEASE DEVELOPMENT IMPROVEMENTS AGREEMENT; BONANZA DEVELOPMENT, LLC, PONDEROSA PARK AND COTTONWOOD MEADOW: County Attorney Baumgarten and citizen Gary Hausler were present for discussion.

County Attorney Baumgarten stated that all conditions of this DIA had been met and then requested release of the DIA. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the release of the Development Improvements Agreement for Bonanza Development, LLC, Ponderosa Park and Cottonwood Meadow and authorize chair signature. Motion carried.

Mr. Hausler stated that this project was intended for entry-level housing and expressed his opinion that it had not been appropriately viewed by the county. He also reported recently discussing his modular housing park with Housing Authority Director Denise Wise.

RELEASE DEVELOPMENT IMPROVEMENTS AGREEMENT; THREE RIVERS RESORT, PHASE 5: Paralegal Rachel Magruder was present for discussions.

Paralegal Magruder stated that the conditions of the DIA had been met and requested release of the DIA. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the release of the Development Improvements Agreement for Three Rivers Resort, Phase 5 and authorize chair signature. Motion carried.

AMENDMENT TO HURESKY LICENSE AGREEMENT: Paralegal Rachel Magruder was present for discussion. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the Amendment to the Huresky License Agreement and authorize signatures. Motion carried.

BREAK: This meeting recessed from 9:11 until 9:13 am.

FINAL REVIEW AND APPROVAL OF A PROPOSED TWO-LOT SUBDIVISION NORTH OF THE CITY OF GUNNISON AT 775 SIERRA VISTA WAY; LANCE LOKEN VIA JENNIFER BARVITSKI: Planner Cathie Pagano, citizen Lance Loken and architect Jennifer Barvitski were present for discussion. This item was moved to an earlier time on the agenda in order to allow for persons to be present during the next discussion.

Chairperson Channell asked if the pond was pre-existing and he was informed by Mr. Loken that the pond was created. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to approve the proposed Two-Lot Subdivision North of the City of Gunnison at 775 Sierra Vista Way, Lance Loken and adopt Resolution #2007-35, a Resolution Approving Land Use Change Permit No. 2005-47, a Land Use Change Permit for Lance and Abby Loken for the Subdivision of a Parcel Into Two Lots and authorize chair signature on the plat. Motion carried.

TOWNHOME PLAT APPROVAL; KID TOWNHOMES, LOT 4, BLOCK 15, CRESTED BUTTE SOUTH, FILING 3: Assistant Planning Director Neal Starkebaum was present for discussion. The board requested rescheduling this discussion for a later date so that all parties could be present.

COUNTY HEALTH OFFICER; INTERVIEW DISCUSSION AND APPOINTMENT: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to appoint Dr. John Tarr to the position of County Health Officer. The board stated appreciation for Dr. Tarr and his willingness to accept the position. Motion carried. County Manager Birnie and Health and Human Services Director Renee Brown will formalize any contracts while staff will send appropriate correspondence to Dr. Tarr.

COMMISSIONER MEETING REPORTS: (continued)

Chairperson Channell:

1. Mayor Manager's Meeting. Chairperson Channell reported attendance at the meeting on October 4, 2007, along with County Manager Birnie. During the meeting, he was informed by representatives from the Gunnison Valley Hospital that the hospital has contracted with a company to perform facility master planning, which will include Crested Butte and Mt. Crested Butte. He also learned that the hospital is pursuing a resolution to develop a support foundation.

2. Inclusionary Zoning Task Force. Chairperson Channell stated that the task force report is scheduled for presentation during the next work session.
3. Pandemic Response Committee. Chairperson Channell reported that a mass-fatality plan was presented by County Coroner Frank Vader, but also stated that estimations are difficult since Gunnison County has very little experience on which to base data. A final plan is pending.
4. Western State Intern Assistance. Chairperson Channell met with Dr. Bill Niemi, a Professor of Politics and Government at Western State College, and discussed the possibility of the county utilizing college interns, each for 40-hour blocks of time per semester, to perform research functions for the board. County Manager Birnie noted his support of this concept and suggested similar use for other avenues, such as social service. Dr. Niemi noted that 40% of his students are pre-law and would benefit greatly from any county-related experience. Commissioner Swenson supported the proposal. Chairperson Channell will contact Dr. Niemi for follow-up.

BREAK: This meeting recessed from 9:53 until 10:15 am.

GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE; ORGANIZATIONAL AND PROCEDURAL GUIDELINES REVIEW: Gunnison Sage-grouse Conservation Coordinator Jim Cochran was present for discussion.

Sage-grouse Conservation Coordinator Cochran presented the Gunnison Basin Sage-grouse Strategic Committee Gunnison, Colorado Organization and Procedure Guidelines for review and approval. He also provided a list of current strategic committee members. The guidelines, which require annual approval, were previously adopted by the board on September 6, 2005 and later amended on April 18, 2006. The guidelines and vacancies were discussed. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to reappoint the Gunnison Sage-grouse Strategic Committee as presented. Motion carried.

RESOLUTION AMENDING THE GUNNISON COUNTY LAND USE RESOLUTION CONCERNING EXTERIOR LIGHTING, AGGREGATE RESIDENCE SIZE, DENSITY OF RESIDENTIAL DEVELOPMENT, AND REGULATION OF LIGHT INDUSTRIAL USES: Planning Director Joanne Williams was present for discussion.

Planning Director Williams presented an amended resolution for discussion and approval. A new set of amendments were discussed and agreed upon. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adopt Resolution #2007-36, a Resolution Amending the Gunnison County Land Use Resolution Concerning Exterior Lighting, Aggregate Residence Size, Density of Residential Development, and Regulation of Light Industrial Uses and authorize signatures. Motion carried.

UNSCHEDULED CITIZENS: No citizens reported for this agenda item.

EAST MUDDY CREEK / CR 265, BRIDGE REPLACEMENT PROJECT CONTRACT: County Manager Birnie presented this contract for chairperson signature. He also explained that the bid had already been awarded and that County Attorney Baumgarten had reviewed the contract. The contract was signed and placed on the November 6, 2007 agenda for ratification.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried. The meeting adjourned at 10:52 am.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

(Absent from meeting – no signature)

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. 35, SERIES 2007****A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2005-47
A LAND USE CHANGE PERMIT FOR LANCE AND ABBY LOKEN
FOR THE SUBDIVISION OF A PARCEL INTO TWO LOTS**

WHEREAS, Lance and Abby Loken, represented by Jennifer Barvitski, have applied for a Land Use Change permit to subdivide a 20-acre parcel into two lots; Lot A will be 6.29 acres and Lot B will be 13.87 acres. The parcel is legally described as being in the East half of the Northwest quarter of the Northwest quarter, Section 13, Township 50 North, Range 1 West, N.M.P.M. The parcel is commonly described as being approximately two miles north of the City of Gunnison; the address of the current residence is 775 Sierra Vista Way.; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on September 21, 2007 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This application, by definition, is classified as a Minor Impact.
2. The proposed lot sizes are similar and compatible to other lots within the area.
3. The applicant will utilize individual wells for the water supply. The augmentation plan was approved August 6, 2007 in Case No. 06CW162.
4. There is an existing individual sewage disposal system on the parcel.
5. Richard Stenson, Gunnison County Environmental Health Official, has conducted an onsite visit and determined that it is feasible to place an individual sewage disposal system on the proposed Lot B.
6. This application is generally consistent with the standards and requirements of this *Resolution*.
7. No phases are proposed for this development.
8. Access will be from Sierra Vista Way. A new driveway shall be required to meet Gunnison County Road and Bridge Standards.
9. Language regarding the containment of domestic animals and the "fence-out" requirement has been noted on the plat.
10. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the former *Land Use Resolution*.
11. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

CONDITIONS:

1. There shall be no further subdivision of the subject parcel unless and until central sewer service is available. Availability of central sewer does not guarantee approval of further subdivision.
2. A stubble height of 4 inches shall be maintained on Lot B.
3. All domestic animals shall be confined to the property.
4. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

5. This approval is founded on each individual and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
6. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
8. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2005-47, for Lance and Abby Loken is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

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 Channell and passed on this 16th day of October, 2007.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 07-36**

**A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*
CONCERNING EXTERIOR LIGHTING, AGGREGATE RESIDENCE SIZE, DENSITY OF
RESIDENTIAL DEVELOPMENT, AND REGULATION OF LIGHT INDUSTRIAL USES**

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* ("the *Resolution*"), Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution*, and

WHEREAS, pursuant to Section 1-113, the Planning Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution*; and

WHEREAS, the Planning Commission on July 6, 2007 and July 20, 2007 forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments October 2, 2007; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

- Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;
- Changed conditions, including the economy of Gunnison County;
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Changes in applicable law;
- Public health, safety and welfare; and
- Compliance with any applicable intergovernmental agreements adopted by Gunnison County; and

WHEREAS, testimony at the Board's public hearing noted that the potential lowering of the required minimum residence size as recommended by the Commission may result in unintended consequences concerning the use of "park homes" within the unincorporated county, that there is the likelihood that there will be an increasing request for location of such homes within the county and there currently is no

County regulation of those homes; and the Board found it appropriate to table action on such amendment and remand it to the Planning Commission for further review;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

FURTHER, an additional amendment recommended by the Commission July 20, 2007 titled "Reduction in minimum residence size" is hereby tabled and remanded to the Planning Commission for further review, specifically 1) how a change in minimum residence size requirement might affect, and be influenced by, the potential use of park homes in the unincorporated part of the county, and 2) consideration and recommendation concerning regulations of park homes within the *Land Use Resolution*. If the Commission finds it reasonable and appropriate for regulation of park homes to be included within the *Resolution*, the BOCC directs the Commission to include in its recommendation such regulatory language.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell and passed on this 16th day of October, 2007.

Channell – yes; Swenson – yes; Starr - absent

"EXHIBIT A"

Changes to Section 1-112: A. 3.:

GUNNISON SAGE-GROUSE LEK AND OCCUPIED HABITAT MAPS. Gunnison County ~~*Gunnison Sage-grouse Lek Map maps*~~ that depicts private lands located within 0.6 miles of known Gunnison Sage-grouse leks; and the Gunnison County ~~*Gunnison Sage-grouse Occupied Habitat Map*~~ that generally depicts Gunnison Sage-grouse occupied habitat, as currently adopted by the Board.

Changes to exterior lighting requirements, Section 13-114:

The proposed changes do not affect any other part of the section. The accompanying Figure 9 is changed to reflect the amended language.

The following is the proposed amendment to Section 13-114: D. 1.:, affecting exterior lighting:

STANDARDS. Exterior lighting shall meet the following standards:

EXTERIOR LIGHTING FIXTURES SHALL BE FULL CUTOFF/FULLY-SHIELDED, SHIELDED BY ROOF ELEMENT OR EFFECTIVELY RECESSED. Except as otherwise restricted in this Section, all exterior lighting fixtures, including those used to illuminate roadways, parking lots, walkways and buildings, used for residential, commercial, or industrial purposes shall be of the full cutoff/fully-shielded type or be shielded by a roof element so that there is the effect of a full cutoff/ fully-shielded light fixture. All fixtures that are installed in recessed locations shall maintain this full-cutoff/fully-shielded characteristic.

~~*UNSHIELDED. A fixture may be unshielded so long as it is mounted so that the maximum center height of the fixture is no higher than ten feet from finished grade, and the bulb or bulbs are frosted, and, in the aggregate, total no greater than 60 watts; or,*~~

~~*PARTIALLY SHIELDED. A fixture may be partially shielded, so long as it is mounted no higher than ten feet above the floor level of a doorway, deck, walkway, driveway or the highest finished grade point immediately adjacent to the fixture, except that recessed luminaries are permitted in roof overhangs if located directly over walkways or decks. A partially shielded fixture shall have a bulb or bulbs that are frosted and shall, in the aggregate, total no greater than 60 watts (Figure 9: Shielded and Partially Shielded Fixtures); or*~~

~~*FULL CUTOFF/ FULLY SHIELDED, OR SHIELDED BY ROOF ELEMENT, WHEN BULB IS GREATER THAN 60 WATTS. A fixture that is a full cutoff/fully shielded type or is shielded by a roof element in such a way that produces the full effect of a full cutoff/ fully shielded light fixture may have a bulb that is greater than 60 watts. All fixtures shall be installed in a recessed manner that maintains this full-cutoff characteristic.*~~

Correction of language regarding aggregate residence size, specifically related to attached garages, Section 4-102.

Related changes would also be made to related tables located in the Appendix of the *Resolution*.

Section 4-102: A.

The following Administrative Review projects require a Building Permit, an Individual Sewage Disposal System Permit, an Access Permit, Reclamation Permit, or other County permit, but shall not require an additional Land Use Change Permit; such projects shall comply with all the other requirements of this *Resolution*:

EXEMPT PRIMARY RESIDENCE SMALLER THAN 10,000 SQ. FT. A primary residence smaller than 10,000 sq. ft. that is exempted by Section 1-106: *Partially Exempted Land Use Changes*. The residence may include an attached garage ~~no larger than 1,000 sq. ft.~~, which shall ~~not~~ be calculated in the total square footage allowed for the residence.

Section 5-102: paragraphs A and B:

The following types of projects are classified as Administrative Review projects that require Land Use Change Permits:

PRIMARY RESIDENCE ~~9,000~~ 10,000 SQ. FT. OR LESS, IN EXISTING PLATTED SUBDIVISION. A primary residence smaller than ~~9,000~~ 10,000 sq. ft., located within an existing platted subdivision. The residence may include an attached garage ~~no larger than 1,000 sq. ft.~~, which shall ~~not~~ be calculated in the total square footage allowed for the residence.

AGGREGATE RESIDENTIAL SQUARE FOOTAGE LESS THAN 12,500 SQ. FT. On one parcel The aggregate square footage of structures less than 12,500 sq. ft., (excluding from the calculation horse/hay sheds less than 500 sq. ft., one 120 sq.ft. storage shed, and a private greenhouse), that may include:

RESIDENTIAL LIVING AREA AND ATTACHED GARAGES ~~9,000~~ 10,000 SQ. FT. OR LESS. ~~9,000-10,000~~ or less sq. ft. of residential living area (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by Section 9-101: *Uses Secondary to a Primary Residence*) and a garage attached to a residence.

~~ATTACHED GARAGE(S). A garage or garages that together are no larger than 1,000 sq. ft., and that are attached to the primary residence.~~

Section 6-102: paragraphs A, B, and C:

The following uses shall be classified and reviewed as Minor Impact projects:

2-4 UNITS. 2-4 units that are subdivision lots, duplex units, or multiple-family residences, except as allowed pursuant to Section 9-101: D. 2: *Secondary Structures and Uses Classified as Minor Impact Projects*.

LARGE PARCEL INCENTIVE PROCESS (LPIP) PROJECT. Large Parcel Incentive Process developments, pursuant to Section 14-102: *Large Parcel Incentive Process*.

PRIMARY RESIDENCE ~~9,000~~ 10,000 SQ. FT. OR LARGER. A primary residence ~~9,000~~ 10,000 sq. ft. or larger. The residence may include an attached garage ~~no larger than 1,000 sq. ft.~~, which shall ~~not~~ be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.

Section 9-101: D. 2. g.:

~~TOTAL AGGREGATE RESIDENTIAL LIVING AREA AND ATTACHED GARAGE 9,000-10,000 SQ. FT. OR LARGER. An aggregate square footage including residential living area 9,000 10,000 sq. ft. or larger (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by this Section and any attached garage). The square footage of an attached garage is not calculated in this measurement.~~

Section 11-107: C. 2.:

~~A PRIMARY RESIDENCE SMALLER THAN 9,000 10,000 SQ. FT. IN AN APPROVED SUBDIVISION. The development of a primary residence smaller than 9,000 10,000 sq. ft. (which does not may include an attached garage in the calculation of square footage a maximum of 1,000 sq. ft. of), pursuant to Section 13-105: Residential Building Sizes and Lot Coverage, in a subdivision approved by Gunnison County and platted as of the effective date of this Resolution; and~~

Section 13-105: C. 2.:

MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed ~~9,000~~ 10,000 sq. ft. (~~including a primary residence no larger than 9,000 sq. ft., an attached garage no larger than 1,000 sq. ft., and a secondary residence no larger than 2,500 sq. ft.~~) and the aggregate of all structures shall not exceed 12,500 sq. ft. unless:

Section 13-105: H.:

FURTHER SUBDIVISION. Nothing in this Section forbids, or shall be construed to forbid, subdivision of a parcel on which there exists a residential structure larger than ~~9,000~~ 10,000 sq. ft. or an aggregate of structures larger than 12,500 sq. ft., except that no subdivision shall be permitted unless the resulting parcel that contains the structure that exceeds ~~9,000~~ 10,000 sq. ft., and/or all of the buildings that total an aggregate of 12,500 sq. ft. is at least 40 acres in size.

Change to criteria determining allowed density of residential development: Section 10-103.

Section 10-103: A. 4. a. is amended to:

LOT SIZE AND LOT DENSITY CONSIDERATIONS. Lot size and lot density shall be substantially similar to the adjacent parcels unless:

CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY. ~~Conditions are appropriate for smaller lots or greater density because: The project shall be considered for smaller lots or greater density when all of the following three requirements are met:~~

SITE DEVELOPMENT SERVED BY PUBLIC WASTEWATER TREATMENT SYSTEM. FACILITIES.

The site ~~development can and is~~ is or will be served by a public wastewater treatment system ~~or, by approval of the subject application if required by~~ pursuant to Section 12-106: *Sewage Disposal/Wastewater Treatment.*

DEVELOPMENT SERVED BY OTHER SERVICES AND FACILITIES. To the maximum extent feasible the development site ~~is or can and~~ is or will be served by a public water supply, public transportation and other public services and facilities by approval of the subject application.

~~LOTS ARE CLUSTERED. All the proposed lots have been clustered; and~~

~~OPEN SPACE EXCEEDS REQUIRED AMOUNT. The amount of open space included in the proposed development exceeds by ten percent that is required by Section 13-108: *Open Space and Recreation Areas*; and~~

~~COMPATIBLE WITH ADJACENT USES. The development is compatible with current adjacent land uses existing when the Land Use Change Permit application is submitted. Methods of ensuring compatibility may include, but are not limited to: densities, and, as a condition of approval, will be subject to permanent protective covenants to ensure that it remains compatible with the adjacent uses and densities as of the date of approval of the Land Use Change Permit.~~

PERMANENT COVENANTS TO ENSURE CONTINUED COMPATIBILITY WITH ADJACENT USES AND DENSITIES. The proposed development includes permanent protective covenants that, at a minimum, address the following, to ensure that, if approved, it remains compatible with the adjacent uses and densities that exist as of the date of approval of the Land Use Change Permit.

DESIGN STANDARDS. Building exterior design standards

LANDSCAPING. Landscaping requirements

OUTSIDE PARKING AND STORAGE. Standards and limitations on outside parking and storage

COMPATIBILITY OF USES. Conditions pursuant to Section 13-119: Standards to Ensure Compatible Uses.

BUILDING SIZE. Building size.

SITE LAYOUT AND DESIGN. The proposed development shall locate buildings and lots to minimize visual impact.

IMPACT OF INCREASED DENSITY IS MITIGATED. The decision-making body finds that impacts of the increased density have been reasonably mitigated; methods of mitigation may include, but are not limited to:

ADDITIONAL OPEN SPACE. The amount of open space included in the proposed development exceeds the amount required by Section 13-108: *Open Space and Recreation Areas* by at least 10 percent of the total land designated for residential uses within the development.

PROVISION OF ESSENTIAL RESIDENCES. Provision of Essential Residences that equal at least ten percent of the total number of residences, in addition to any other applicable requirements of this *Resolution*.

CLUSTERING OF RESIDENCES. Residences are clustered to minimize visual impact and impacts on wildlife habitats as depicted on Wildlife Habitat Maps.

PARTICIPATION IN PUBLIC TRANSPORTATION SYSTEM. As applicable, provision of a bus stop or similar facility for use with an existing public transportation system.

Addition of "light industrial" land use regulations.

Add to Article 2: *Definitions*:

LIGHT INDUSTRIAL means any establishment engaged in the commercial processing, fabrication, alteration, or manufacture of raw or semi-processed materials, manufactured goods, or any components thereof; and conforming to Section 9-301:E.: *Design Standards for Light Industrial Uses*.

Section 10-104: C: would read as follows:

ALTERNATIVE LOCATIONAL STANDARDS. When the applicant has demonstrated that a proposed commercial, light industrial, industrial or other non-residential development cannot satisfy the primary locational standard, the location may be approved if the Board finds that in addition to meeting all of the other applicable requirements of this *Resolution*, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to adjacent lands or land uses, wildlife, visual quality, air or water quality, and the proposed use complies with the following:

LOCATIONAL CONSIDERATIONS.

NECESSARY LOCATION. The location is necessary because of specific circumstances including location of minerals, unique transportation needs or geologic conditions; or

NO SITE IS REASONABLY ATTAINABLE IN OR ADJACENT TO THE NEAREST MUNICIPALITY OR EXISTING PERMITTED BUSINESS OR INDUSTRIAL PARK. There is no site reasonably attainable within or adjacent to the municipality or existing permitted businesses or industrial park nearest the proposed development site, in an area that qualifies for annexation, or is consistent with a municipal Three Mile Plan area. Evaluation of suitability shall consider size of parcel needed, reasonable availability of necessary utilities and other infrastructure, and the applicant shall provide documentation of comparable sites. Economic feasibility or practicality of comparable sites may be considered, but shall not be the deciding factor in determining suitability; or

LOCATION WELL-SUITED TO SPECIFIC USE. The proposed location is particularly well-suited for the specific use (recreational facilities, including dude ranches or resorts); provided, however, that location in a high traffic area or on a highway artery shall not, in and of itself, qualify a proposed commercial development for approval; ~~and or~~

~~*NO SIGNIFICANT NET ADVERSE EFFECT.* There will be no significant net adverse effect, including cumulative impacts when there is a reasonable probability that there are cumulative impacts, of the proposed and existing developments on adjacent land uses, County or other infrastructure, or public health, safety or welfare, or the environment.~~

NEED OR USE IS WELL-SUITED IN A PARTICULAR AREA. There is a documented need for the specific use in the proposed location; or

USE IS DESIGNED TO SERVE A SPECIFIC RESIDENTIAL AREA. The development will be located and designed primarily to serve an integral part of a specific residential area or development,

and shall provide services that are reasonably likely to reduce vehicle trips between the residential area and population centers.

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COMPATIBLE WITH EXISTING USES ESTABLISHED IN IMPACT AREA. The proposed use is compatible with uses established in the impact area.

NO SIGNIFICANT NET ADVERSE EFFECT. There will be no significant net adverse effect, including cumulative impacts when there is a reasonable probability that there are cumulative impacts, of the proposed and existing developments on adjacent land uses, County or other infrastructure, or public health, safety or welfare, or the environment.

Add new Section 9-301: E. *Design Standards for Light Industrial Uses.*

In addition to complying with Section 9-301: D.: *General Standards*, light industrial uses shall comply with all the following:

MAXIMUM AGGREGATE BUILDING SIZE. Maximum aggregate building size shall be no greater than 5,000 square feet, except that when an employee or owner residence is included, the maximum may increase to 5,850 square feet. Such employee or owner residence shall meet all these standards:

SUBORDINATE TO THE LIGHT INDUSTRIAL USE BUILDING. It is subordinate by area, extent and purpose to the light industrial use building.

Limited to 850 sq. ft. The floor area of the integrated residence shall be no larger than 850 sq. ft., and may be as small as 400 sq. ft., or as otherwise allowed by the applicable building code, adopted and amended by Gunnison County.

ADEQUATE PARKING. There shall be parking adequate to serve both the light industrial use and the residence, pursuant to Section 13-110: Off-Road Parking and Loading.

ADEQUATE WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM. It shall be legally and physically served by the same water and wastewater treatment systems that serve the light industrial use.

STRUCTURALLY INTEGRATED. It shall be structurally integrated within the building in which the light industrial use is located, share common roof lines and utility systems, and there shall be an internal access between the light industrial use and the residence.

COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS. It shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the light industrial use is located.

KITCHEN AND SEWAGE DISPOSAL FACILITIES. It shall contain a full kitchen, and sanitation facilities.

COMPLIES WITH APPLICABLE CODES. It shall comply with the applicable building code, adopted and amended by Gunnison County, and the requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards.

OPERATION CONTAINED WITHIN BUILDINGS. The operation shall be wholly contained within buildings.

OPERATION IMPACTS TO BE CONTAINED WITHIN PROPERTY BOUNDARIES. The light industrial use shall not produce any offensive noise, vibration, electrical or magnetic interference, glare, fumes, odors, smoke, dust, heat or waste noticeable at, or beyond, the property boundaries of the parcel on which the light industrial use is located.

TRAFFIC. An individual light industrial use shall be allowed to generate no more than an average of ten additional trips per day, including those of employees, deliveries to and from the business, and customers. However, factors such as the character of the neighborhood, traffic generated by uses existing in the impact area at the time the Land Use Change Permit application is submitted, and the road classification may be taken into consideration in setting a maximum allowed average trips per day.

HOURS OF OPERATION. Hours of operation may be restricted, depending upon the character of the neighborhood, including hours of operation of other business or light industrial uses existing in the impact area at the time the Land Use Change Permit application is submitted.

LIMITATION ON RETAIL SALES. Retail sales shall be incidental and subordinate to a permitted use.

MITIGATION OF VISUAL IMPACTS. Landscaping, architectural design features, or other screening may be required to minimize visual impacts from the access road and to adjacent land uses.

PARKING SHALL BE INDOORS, OR SCREENED FOR LIGHT INDUSTRIAL USE VEHICLES. Vehicles used as part of the light industrial use shall be parked inside buildings or within screened parking areas.

EMPLOYEE AND CUSTOMER PARKING. Parking for employees and customers shall meet the requirements of Section 13-110: *Off-Road Parking and Loading*.

OUTSIDE STORAGE. Outside storage is permitted, but shall be fully-screened from the access road and from adjacent land uses. Such storage area shall be limited to a square footage no greater than the size of the building for which it provides storage.

An additional section is added to Table 7, Section 13-104 for Light Industrial Uses, as follows:

LIGHT INDUSTRIAL SETBACKS	
Adjoining residential	50 feet
Adjoining business and commercial	15 feet
Adjoining other light industrial	15 feet
Adjoining industrial	15 feet