

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
May 25, 2010**

The May 25, 2010 Board of Commissioners meeting was held in the Commissioners' Meeting Room at the Courthouse. Present were:

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

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

**CALL TO ORDER:** Chairperson Starr called the meeting to order at 2:36 pm. Clerk to the Board Dukeman attended this portion of the meeting and created the below minutes.

**AGENDA REVIEW:** It was noted that the Gunnison/Crested Butte Regional Airport; Continental Airlines Counter Lease was deleted from the agenda. The agenda was approved as modified.

**NORTH VALLEY SEWER TAP FEES:** Director of Public Works Marlene Crosby was present for discussion. She requested rescheduling this item to a future agenda.

**BREAK: Moved** by Commissioner Swenson, seconded by Commissioner Channell to recess the meeting until 5:25 pm. Motion carried unanimously. The Special Meeting of the Board of County Commissioners of Gunnison County, Colorado was recessed at 2:38 pm.

**RECONVENE:** The meeting reconvened at 5:30 pm. Clerk to the Board Haase attended the rest of the meeting and created the below minutes.

**SET PUBLIC HEARING DATE FOR GUNNISON COUNTY LAND USE RESOLUTION (LUR) AMENDMENTS:** Community Development Director Joanne Williams, Assistant Community Development Director Neal Starkebaum and County Attorney David Baumgarten were present for discussion. The Public Hearing was scheduled for 7/6/10 at 8:50 am.

**BREAK: Moved** by Commissioner Swenson, seconded by Commissioner Channell to recess until 6:30 pm. Motion carried unanimously. The meeting recessed for dinner at 5:36 pm.

**RECONVENE:** The meeting reconvened at 6:33 pm and then immediately took a break in order to hold the below Public Hearing.

**PUBLIC HEARING; RANCLAND INITIATIVE:** County Attorney Baumgarten, Geographic Information Services Manager Mike Pelletier, Gunnison County Wildlife Conservation Coordinator Jim Cochran, and citizens Mindy Costanzo, Marc Schumacher, Sandy Guerrieri and Ramon Reed were present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 6:33 pm.
2. Public Notice Confirmation. County Attorney Baumgarten confirmed that the Public Hearing had been properly publicly noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Geographic Information Services Manager Pelletier provided copies of the proposed resolution, as created by himself and County Attorney Baumgarten. He confirmed that no changes had been made since the document had been posted to the County website. He also confirmed that no citizens contacted him about the proposed document. The changes that the Board requested at the meeting in March 2010 had been made.

Per Mr. Schumacher's request, Geographic Information Services Manager Pelletier read through the basics of the summary sheet in the drafted Ranchland Process document for the benefit of the audience.

5. Applicant Presentation. N/A.
6. Board Questions. Commissioner Channell questioned whether or not the County should review the process and resolution within a certain amount of time or after a set number of projects had gone through the process. County Attorney Baumgarten felt that if a sunset date were not created that the opportunity would exist for the County to review the process at any time. He felt adding a sunset provision to the resolution would be limiting to the County. The Board felt that a sunset provision, such as after two projects had resulted in the execution of a

Conservation Plan Agreement, would serve as a good reminder to review the process while the process could be reviewed at any time if problems arose.

Chairperson Starr wondered if the process coordinator would be a team member or a County staff member. County Attorney Baumgarten noted that this person will be appointed by the County Manager and that it should remain unclear in the document. Geographic Information Services Manager Pelletier further explained that the coordinator will oversee all plans during a specific timeframe.

7. Public Comments. Chairperson Starr opened the Public Hearing to comments at 6:58 pm.

Mr. Schumacher expressed his opinion that the County was moving too fast on the process and that the process was not fair as it could serve to circumvent the LUR process. He was displeased that only two ranchers were present for the Public Hearing. He felt that this process was too advantageous to ranchers since they have been given other opportunities in the past. He also felt as though he was treated negatively and unfairly by the Planning Commission, and that he had been forced to go through the LUR major impact process for Thornton Meadows. He didn't feel that 53+ acre parcels interfere with ranching.

Geographic Information Services Manager Pelletier explained that this process was designed for projects that would not necessarily go through the LUR process.

Mr. Schumacher stated his concern that property owners would borrow against the vested right. County Attorney Baumgarten explained that they would not be borrowing against the vested right, but against the conservation plan.

Mr. Schumacher felt that this process is discriminatory against other citizens that are made to go through the LUR process. County Attorney Baumgarten explained that this process was discriminatory for the purpose of conserving land. County Attorney Baumgarten felt that this is a rational choice of an overarching value that is important to the community.

Mr. Schumacher felt that the stated purposes on page 3 of the document conflicted with what was previously required of him. Specifically, he cited paragraphs C, E, F, G, H and J.

Ms. Costanzo wondered if the County had a timeline in mind for shortening the process. County Attorney Baumgarten explained that there was no timeline, but that the County has evaluated what has been done in other communities and should know more after a couple of projects are complete.

Mr. Schumacher did not agree with the County incurring staff time for the process, studies and public notices since the applicants could back out of the process. Geographic Information Services Manager Pelletier explained that applicants can only void the process after 25 years.

Mr. Reed questioned what would happen if the Board were to deny a development plan at the end of a process. Geographic Information Services Manager Pelletier noted that a landowner can resubmit the application. County Attorney Baumgarten further explained that a disagreement would be about final technical elements only, which would be revisited.

Mr. Reed felt that the document should be more specific and asked how the County would manage issues that were not specified. He felt that all of the Planning Commission's recommendations were well thought out and pertinent. He agreed with the purpose of preserving ranchland open space in the County, but he does not believe that this process is likely to do that. He worries about the potential abuse of the process by large-acre applications. He stated his opinion that this process was in direct conflict with the Board's stated goal of encouraging growth near population centers served by central services. He felt that the County should experiment with smaller projects as Larimer County, for example, has a population of over 300,000. Lastly, he stated his opinion that there is reason for the LUR having minor, administrative review and major impact classifications, and that putting a large process under less scrutiny was wrong because the impacts will exist regardless.

Geographic Information Services Manager Pelletier stated that this process will follow a review similar to that of the Large Parcel Incentive Process (LPIP). Mr. Reed noted that the LPIP program had gone unused over the years.

Chairperson Starr informed the audience that the County had previously had several discussions about this process. While not a perfect process, he was willing to move ahead because he sees the process as an alternative to the 35-acre subdivision process that the County has no control over. He felt that this was not an issue of giving up a stringent process since the County is trying to attract those people going into the 35-acre process. Without zoning, the process takes longer and the County is not zoned. He felt that the natural environment is one of the main reasons

that tourists come to our valley and that we need to help preserve agricultural operations. He confirmed that he would be willing to get rid of the process if the experimental phase does not work.

Commissioner Channell shared Chairperson Starr's concerns. He noted that representatives from the ranching community had been present during the many meetings that had taken place on this subject. He stated that he would support the process to see how it would work out. He noted that the Board and the public would be watching the process very closely, particularly the large-parcel piece. He felt that the Board should have the courage to deny proposals that don't make sense during the negotiation process.

Commissioner Swenson stated that she had worked on this for several years. She acknowledged that the process was discriminatory, but that she was willing to try the process to help to ensure ranching in the community.

Mr. Schumacher felt that the County should gather examples of suitable properties. He stated his disappointment that years of County staff time had been spent on the proposed document.

Ms. Costanzo agreed with Mr. Schumacher and Mr. Reed. She noted that Gunnison County is the sixth-largest county in Colorado; mostly comprised of Forest Service and Bureau of Land Management lands. She was not convinced that ranchlands are as important to the community as was expressed by the County. She felt that private landowners could abuse the process, and she encouraged the County to spend more time on creating the process with additional public input. She also felt that Senate Bill 35 was written to eliminate smaller subdivisions and that this process seemed contrary to that.

8. Acknowledge Correspondence Received. Community Development Department Director Williams informed the Board that she had received an email from Kay Peterson and Joellen Fonken expressing that there should be a public benefit through trails. Community Development Director Williams confirmed that the correspondence had been routed through Assistant County Manager Marlene Crosby.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Starr closed the Public Hearing at 8:04 pm and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

**RANCHLAND INITIATIVE; POSSIBLE ADOPTION:** Moved by Commissioner Swenson, seconded by Commissioner Channell to adopt Resolution #17, Series 2010, a Resolution Adopting a Ranchland Process, as amended to include that a review will be made after the Conservation Plan Agreement has been executed on two projects. Motion carried unanimously.

**ADJOURN:** Moved by Commissioner Swenson, seconded by Chairperson Starr to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:09 pm.

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Jim Starr, Chairperson

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Hap Channell, Vice-Chairperson

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Paula Swenson, Commissioner

Minutes Prepared By:

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Ruth Dukeman, Deputy County Clerk

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Katherine Haase, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk

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

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 17, SERIES 2010**

A RESOLUTION ADOPTING A RANCLAND PROCESS

WHEREAS, the Board of County Commissioners instructed staff to initiate a taskforce to pursue the creation of an alternative land division process that would support the conservation of ranchland for the production of agricultural products and which would be attractive to those who would otherwise be inclined to pursue land divisions outside the current County process, and

WHEREAS, the taskforce has produced a document that has been reviewed by the public and the most affected landowners via a series of meetings, posting of the document on the County's websites, and via multiple notifications in local newspapers, and

WHEREAS, on February 19, 2010 the Gunnison County Planning Commission was formally briefed on the program and provided their recommendations to the Board of Commissioners via a letter dated on February 26, 2010; and

WHEREAS, the taskforce has made changes to the document based on the input received and per the direction of the Board of County Commissioners, and

WHEREAS, on May 25, 2010, the Board of County Commissioners conducted a duly-noticed public hearing on the Ranchland Process; and

WHEREAS, the Board of County Commissioners has evaluated the Ranchland Process using the following criteria:

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

WHEREAS, The Ranchland Process is summarized as set forth in Exhibit A attached hereto and incorporated hereon.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Board hereby adopts the Ranchland Process as set forth in "Exhibit B" attached hereto and incorporated hereon. In addition, the Board of County Commissioners will review the Ranchland Process after two projects have executed the Conservation Plan Agreement.

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 25<sup>th</sup> day of May, 2010.

BOARD OF COUNTY COMMISSIONERS

Channell – yes; Starr – yes; Swenson – yes.