

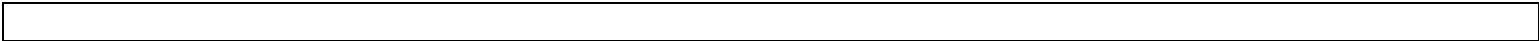
**GUNNISON COUNTY PLANNING COMMISSION  
AGENDA: January 13, 2006**

**9:55 a.m.**    •    **Call to order; determine quorum**

**10:00 a.m.**    **Gunnison County Special Development Project Regulations;** Joint public hearing with Board of County Commissioners and the Planning Commission regarding designation of matters of state interest pursuant to C.R.S. 24-65.1-401 et seq., and the Gunnison County Special Development Project Regulations.

**Lunch**

**Adjourn**



**GUNNISON COUNTY PLANNING COMMISSION**  
**Special Meeting Minutes**  
**January 13, 2006**

The Gunnison County Planning Commission conducted a regular meeting January 13, 2006, in the Commissioners' Meeting Room in the Balckstocks Government Center. Present were:

Chairman-Dave Houghton	Director of Planning-Joanne Williams
Commissioner-Ramon Reed	Assistant Director of Planning- Neal Starkebaum
Commissioner-Jeff Wilkinson	Administrative Assistant- Beth Baker
BOCC- Hap Channell	
BOCC-Jim Starr	
BOCC-Paula Swenson	
County Attorney-David Baumgarten	

Chairman Dave Houghton determined there was a quorum present and opened the special meeting of the Gunnison County Planning Commission, January 13, 2006 @ 9:55 A.M.

**GUNNISON COUNTY SPECIAL DEVELOPMENT PROJECT REGULATIONS;** The Board of County Commissioners and the Planning Commission held a joint public hearing regarding designation of matters of state interest pursuant to C.R.S. 24-65.1-401 et seq., and the Gunnison County Special Development Project Regulations.

Chairman Dave Houghton determined a quorum was present and opened the joint public hearing.

Houghton seated Commissioner Ramon Reed.

County Attorney David Baumgarten confirmed adequate public notice.

Baumgarten submitted the following documents into the public record;

- Affidavit of publication from the Gunnison Country Times
- Copy of the public hearing notice
- Copy of the agenda
- Memorandum prepared by Baumgarten, dated January 12, 2006, outlining recommendations for the Board to consider
- Copy of current *Gunnison County Regulations for Special Development Projects*, dated December 19, 1990 and amended in 1994
- Copy of Government and Administrative Law News, appendix Colorado Counties with 1041 Regulations

Baumgarten noted he Director of Planning Joanne Williams and Legal Counsel Barbara Greene, have reviewed the current 1041 Regulations and determined an update of the regulations was necessary.

Baumgarten explained a County's authority is granted by State statute. He said Gunnison County's Land Use Resolution is defined as "performance zoning." He explained the Special Development Regulations (1041 Regulations) identify areas and activities of State interest; areas that will have an impact beyond the immediate site. He said the State recognizes some areas and activities can have an impact outside of their immediate site; so the State has granted the County the authority to regulate within and beyond the footprint and the jurisdictions.

Baumgarten said the *Gunnison County Land Use Resolution* (LUR) has become less performance based and now is more of a prescriptive document. He added the 1041 Regulations are still very much performance based.

Baumgarten noted Gunnison County's 1041 Regulations have only been used once; with Crested Butte Mountain Resort's (CBMR) application for expansion on to Snodgrass. That application was never completed by the applicant.

This review of the 1041 regulations will include amending the regulation, new designations, policy changes and typographical errors.

Baumgarten outlined the process; a joint public hearing is held and then Planning Commission must make recommendation of designations to the Board within 15 days.

He said several considerations should be made involving the current 1041 Regulations;

- The intensity of current and foreseeable development pressures
- The matters and considerations set forth in any applicable guidelines for identification and designation
- The boundaries of the proposed area
- Reasons why the particular area or activity is of state interest, the adverse impacts that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
- Any governmental master or comprehensive plan pertain into or affected by the area or activity under consideration

Baumgarten said 1041 Regulations rely on the developer to come up with their own plan for a solution; a performance based solution as opposed to a prescriptive solution.

County Commissioner Hap Channel questioned reference to specific projects vs. general lists. Baumgarten explained this is a list of types of projects not specifically named projects. Channell questioned if government is exempt from these regulations. Baumgarten advised government is not exempt.

Baumgarten said there are two columns in the regulations; Column A which identifies the designation process, Column B will include additional guidelines and regulations. He said between the designation process and amendment process the County will add new substantive requirements.

Commissioner Jeff Wilkinson asked if a development would ever be required to go through both the LUR and the 1041 process. Baumgarten replied it would not.

County Commissioner Jim Starr asked if a joint review process can be used with both the 1041 Regulations and the LUR. Baumgarten confirmed both could use a joint review process.

Houghton questioned and Baumgarten confirmed this is a legally sound document.

The members of the audience that commented and their addresses were;

- CBMR representative, John Norton, address-467 Nicholson Lake, Crested Butte, Co.
- Attorney Mike Dawson, address-272 Seneca, Gunnison, Co.
- Town of Crested Butte Planner John Hess, address-507 Maroon Ave., Crested Butte, Co.
- Assistant Planning Director, Neal Starkebaum, address 221 N. Wisconsin, Suite D, Gunnison, Co.

Norton asked if an application for an expansion should address the Forest Service and the County. Director of Planning Joanne Williams and Baumgarten confirmed both should be consulted.

Dawson asked the Commission to look at where the process could be streamlined. He advised pre-emption issues should be reviewed with the County Attorney.

Norton stated there will be nothing going on with the expansion on to Snodgrass in the next 30 to 60 days. He guessed the required geology report could come in approximately 30 to 60 days.

Starr said these regulations should be in place before there is any possibility of a major project using them.

Baumgarten explained there would be an amendment process to take care of typos and then an amendment to address the substantive changes. He also said if new designations are made new regulations and amendments must be made in a timely manner.

Hess said mining could be a major project, adding the cleanup of the Standard Mine could be added.

The Commission discussed the waiver process and suggested adding a designation process triggered by an Environmental Impact Study. They also noted the 10 million dollar trigger stated in the current document should be reviewed.

Chairman Houghton moved to direct staff to prepare a recommendation based on Baumgarten's memorandum, dated January 12, 2006; seconded by Wilkinson. The motion passed unanimously, with Planning Commissioners Houghton, Wilkinson and Reed all voting yes.

County Commissioner Paula Swenson moved to direct staff to prepare a recommendation based on Baumgarten's memorandum, dated January 12, 2006; seconded by County Commissioner Hap Channell. The motion passed unanimously; with County Commissioners Swenson, Channell and Starr all voting yes.

Houghton continued the public hearing to January 20, 2006.

