

GUNNISON COUNTY PLANNING COMMISSION

AGENDA: November 17, 2006

- 8:45 a.m.**
- **Call to order; determine quorum**
 - **ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**
 - **Approval of minutes**
 - **Unscheduled citizens:** a brief period in which the public is invited to make general comments or ask question of the Commission or Planning Staff about items which are not scheduled on the day's agenda.
- 9:00 a.m.** **Milislavljevich Subdivision**, public hearing/no action, proposed subdivision of 0.6217 acres into two lots, one lot with duplex and one lot with existing residence, located on lots 4A and 4B, Zupan Acres, west of Gunnison, 38126 Highway 50.
- 9:45 a.m.** **Stock CB Investments**, public hearing/no action, proposal to replace existing 3–unit residence with 3-unit residential building on existing 1.092 acre parcel, 2 miles south of the Town of Crested Butte, 26216 Hwy 135
- 10:30 a.m.** **RPC II/Scott Hargrove**, public hearing/no action, proposed 8000 square foot commercial/industrial structure with attached residential unit, Lot 20, Riverland Industrial Park, Filing #2, south of the Town of Crested Butte.
- 11:00 a.m.** **John Murphy**, public hearing/possible action, proposed 1000 square foot single-family residence and separate 6000 square foot commercial/industrial building, Lot 28, Riverland Industrial Park, Filing #2, south of the Town of Crested Butte.
- 11:15 a.m.** **CANCELLED: Cement Creek Management, LLC**, public hearing/no action request for a four-plex residential building on Lot 2, Block 3, Crested Butte South, Filing 1. **The hearing will be rescheduled pending additional information.**

Work-through lunch: Discussion/possible action on **proposed amendments to Gunnison County Land Use Resolution** regarding: 1) Exterior lighting requirements, specifically reviewing amendments to the 2001 LUR; 2) Decreasing required minimum square footage for a residence; 3) Determination of density requirements; 4) The addition of a “light industrial” category of land use; and 5) Square footage standard for attached garages.

Other discussion to include **proposed meeting dates for 2007**, and **process to review and approve Planning Commission meeting minutes.**

- 1:00 p.m.** **Hidden Mine Ranch, represented by Mike Higgins**, public hearing/no action, application to construct road to serve 20 35-acre parcels, one mile south of Crested Butte west of Highway 135, one half mile through Whetstone Ranch.
- 2:00 p.m.** **Thornton Meadows**, work session/no action, presentation of Preliminary Plan, 19 single-family lots on 13.57-acres, Tract M-1, Spring Meadows Subdivision; located north of the City of Gunnison, west of Highway 135

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting Minutes
November 17, 2006

The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center. **Present were:**

Vice-Chairman-Ian Billick	Director of Planning-Joanne Williams
Commissioner-Nick Lypps	Assistant Director of Planning- Neal Starkebaum
Commissioner-Mike Potoker	Planner- Cathie Pagano
Commissioner-Ramon Reed	Administrative Assistant- Beth Baker
Commissioner-Richard Karas	
Commissioner- David Owen	Others listed as presented in text

Absent: None

Vice-Chairman Ian Billick seated Karas for the entire day.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON:

MOVED: by Karas seconded by Potoker to elect Billick as Chairperson. The motion passed unanimously.

MOVED: by Lypps seconded by Potoker to elect Reed as Vice-Chairperson. The motion passed unanimously.

UNSCHEDULED CITIZENS: None

MOVED: by Lypps seconded Karas by to approve the minutes of November 3, 2006 as amended. The motion passed unanimously.

MILISAVLJEVICH SUBDIVISION: The Planning Commission and the Board of County Commissioners held a joint public hearing. They reviewed the proposed subdivision of 0.6217 acres into two lots, one lot with triplex and one lot with existing residence, located on lots 4A and 4B, Zupan Acres, west of Gunnison, 38126 Highway 50.

With a quorum present Billick opened the joint public hearing.

Planner Cathie Pagano noted the Planning Department had the notice posted in the papers, but the applicant had failed to notice the property properly. The hearing will be held today and also continued to December 1, 2006, to facilitate proper posting.

Pagano said that the Colorado Department of Transportation (CDOT) has asked that the parking spaces be specifically identified. She explained that CDOT had not been on site and does not realize the limitations of the site. She said that CDOT was never deeded the road so it remains a private subdivision road. Commissioner Ramon Reed agreed that the parking is appropriate.

Milislavljevich explained that they had widened the road and the parking has been moved back 25 ft, to accommodate snow storage. He commented that they are considering a duplex and a single-family residence rather than a triplex and a single family residence. Commissioner Ian Billick asked the applicant to decide on a duplex or a triplex, because the parking requirements will be different. Commissioner Mike Potoker said if a one car garage is built then a car can be parked behind it.

Commissioner David Owen asked what makes housing affordable. Potoker explained in this case, neighborhood will keep the prices down; these units will not be deed restricted. The natural market place will keep the prices affordable. Commissioner Richard Karas said the existing three mobile homes will be removed and be replaced with the new units.

Commissioner Nick Lypps asked if they would be condominiumizing these units at a later date. Milislavljevich confirmed they are considering condominiumizing the units.

Billick explained covenants could help Milislavljevich limit the uses of the property. He said it is ultimately the applicant's decision, and would be an element of this process, if they choose to have covenants. Billick added that if the units are condominiumized, condominium declarations would be required.

Reed asked if the driveway is going to be part of the front property or an easement on the back property. Milisavljevich was unsure at this time.

Owen asked about snow storage for the driveway itself. Milisavljevich replied that when the snow is pushed off the road it goes between the service road and the highway. Billick advised Milisavljevich to identify the snow storage, stating it should be defined at this time, in order to avoid confusion at a later date.

Karas asked about the ditch along the back side of the duplex. Milisavljevich responded that historically there had not been a head gate, but now there is a head gate, and now they are going to restore the bank of the ditch. Karas asked for a dotted line to show the proposed ditch bank on the plat.

The commission asked the applicant to address:

- Provide enough parking spaces to coordinate with the number of bedrooms
- Decide whether or not there will be covenants encumbering the property; if they do want covenants a draft copy of the covenants should be submitted
- Plat done by a surveyor- it will identify the driveway, property boundaries and improvements on the lots
- Decide if they will be requesting approval for a triplex or duplex
- Specifically identify the driveway and all snow storage
- Landscaping
- Drainage- engineered plan not required but a written explanation should be submitted

Reed said because of the affordability aspect he would rather see multifamily units than a single-family unit. Potoker agreed with Reed and encouraged Milisavljevich to seek approval for multifamily. Reed said a clear statement regarding the density should be included in the findings of the recommendation.

Pagano asked Milisavljevich to provide a very clear site plan for the next meeting.

The commission directed staff to prepare a draft recommendation for the next meeting.

The public hearing was continued to December 1, 2006 at 2:00 P.M.

STOCK / CB INVESTMENTS- THREE UNIT RESIDENCE ; The Planning Commission held a public hearing with the applicants, Karen and John Stock, to review a proposal to replace an existing three-unit residence with a three-unit residential building, on an existing 1.092 acre parcel, two miles south of the Town of Crested Butte, located at 26216 Hwy 135.

With a quorum present Billick opened the public hearing.

Administrative Assistant Beth Baker confirmed the applicant had submitted the affidavit of posting and the certified mailing receipts. The planning department had the notice published in the newspapers.

Commissioner Ian Billick acknowledged the commission had received comments from the Town of Crested Butte.

Applicant Karen Stock reviewed the site plan; pointing out the original structure and the proposed triplex. She said the new structure would be placed back farther on the lot than original house. The structure will contain a garden level unit with a walk out. It will be bermed and landscaped. Hardy plank with timber accents will be used. The height of the units, as seen from Highway 135, will be 32 ft.

Commissioner Mike Potoker was encouraged that the present building is being removed. Commissioner Nick Lypps was concerned that three affordable housing units would be replaced by three more expensive units. He was also concerned that they would be replacing a 1,500 sq. ft. building, with a structure that is three times that size.

Billick queried the commission. Commissioner Ramon Reed asked what the square footage of the new building would be. John Stock responded that they are considering two 1,200 sq. ft. - two bedroom units, and one 1,500 sq. ft. -three bedroom unit. Commissioner Richard Karas suggested the Stocks speak to the environmental health official, regarding the septic system requirements. Commissioner David Owen asked about an affordable housing element. Karen Stock replied that they will be open-market units with no deed restrictions. Owen asked about the bike path. Karen Stock responded that it is managed with a year to year lease between the town and the owners, and the path is used by the public.

John Stock summarized, if approved, they would remove the existing unattractive structure, update the septic system, and continue to lease the trail to the town.

Adjacent owner Donna Perkins agreed the removal of the existing structure would be a benefit, adding the proposed structure would be an improvement. She noted privacy as a concern, because of the windows on the side of the building facing her home.

Crested Butte Town Planner John Hess questioned the county square footage allowance, for a single family residence. He explained that a similar triplex in the town, would be limited to 6,250 sq. ft., depending on the neighborhood context. He stated that the town is very interested in the continued use of the trail, noting that it was very important to the town. Billick said normally the commission would look for an affordable housing element, but the benefit of the trail easement changes the issue.

Billick queried the commission. Potoker said constructing smaller units could result in more affordable units. Reed said the location is not appropriate for affordable housing, because schools and shopping are not within walking distance. He agreed that cleaning up the existing property would be beneficial. Owen reiterated Lypps concern with the elimination of three affordable units, and he did not agree smaller units, would be more affordable. He added that the trail is a good amenity, which should be protected. Karas said in this instance, affordability could be stepped up several brackets. He continued that the lots topography and the requirements for building will make building the triplex expensive. Karas concurred that the tradeoff of the bike path is beneficial. He said with berming and landscaping, three or four units could be a good fit. Billick reiterated that a perpetual trail easement is a benefit. He suggested, as a way to limit some of the speculation, the owners could limit any resale to no less than one year. Karas reiterated that this is a different segment of affordability. Potoker said affordable does not always mean 80% of AMI, and smaller units could limit the price naturally. He suggested three units, to include two smaller units. Lypps questioned the Town's view on the tradeoff for the path. Hess said the Town recommends one unit per parcel; they are concerned with size and compatibility. Reed agreed the trail easement is very important.

John Stock said they could look at size limitations. Their intent is to provide their employees an opportunity to own a home and make money on it. He clarified that they would consider offering a perpetual trail easement. Karen Stock said building a triplex provides more affordable housing than one 6,000 sq. ft. single-family residence. John Stock suggested that they could build a duplex and a small single-family residence; helping to lessen the mass of the structure. Billick said with continued communication with the Town, the square footage issues are resolvable.

Billick enumerated some of the outstanding issues;

- Specify the square footage
- Affordable housing
- Building height
- Triplex on a single family lot

Billick closed public hearing but extended written comment for two weeks, to December 1, 2006.

HARGROVE-COMMERCIAL/INDUSTRIAL RIVERLAND : The Planning Commission held a public hearing to review the proposed 8000 square foot commercial/industrial structure with an attached residential unit, located on Lot 20, Riverland Industrial Park, Filing #2, south of the Town of Crested Butte.

Commissioner Mike Potoker explained he owned property in the area and recused himself.

With a quorum present Billick opened the public hearing.

Administrative Assistant Beth Baker confirmed the applicant had submitted the affidavit of posting and the certified mailing receipts. The Planning department had the notice published in the newspapers.

Applicant Scott Hargrove reported- that he is are proposing a mixed use commercial building. He said he had originally planned to include a single-family residence. He said because of the fire sprinkling codes, construction of the residence may not be feasible. The county recently adopted the 2003 IBC building code, and it has more stringent fire suppression requirements. The new requirements call for more water storage, for fire suppression. He said there is not sufficient water supply, to provide for the required fire flows. He explained a commercial building, less than 12,000 sq. ft, without a residence, does not have to be sprinkled.

Billick queried the commission as to amending the IBC, to address the sprinkling issue. Lypps said eliminating the living quarters, could eliminate a possible affordable housing unit. Billick suggested Hargrove leave the living quarters in the plan and look at an amendment to the building code. Starkebaum suggested that Riverland consider increasing their water

storage capacity. Hargrove said if he includes a residence, it will have concrete ceilings, walls and deck. He questioned whether creating enough water storage is feasible, considering there are only five lots available, in Riverland Industrial Park. Owen noted that Crested Butte Fire has said, to be code compliant, Riverland has to construct a water system, sufficient for code compliant fire flow. Planner Cathie Pagano explained the existing structures in Riverland, where approved under the previous code and are code compliant.

Hargrove commented he might eliminate the floor drains.

Gunnison County Scenic Corridor Beautification Committee member Sue Oats asked who enforces the covenants. Pagano explained the county has the opportunity to enforce the covenants, but is not required to. Starkebaum said the county would enforce the outside storage issues. Hargrove said the covenants are being changed to allow each lot to have screened outside storage. Oats was concerned with current covenant infractions; buildings taller than allowed, fences instead of screening, solid waste stored in unscreened areas.

Riverland Industrial Park lot owner John Murphy said Riverland Industrial Park is experiencing growing pains. They have met with a lawyer to bring the covenants up to today's standards; define storage and enforcement of regulations. Hargrove said they are conscious of efforts of the beautification committee, and are trying to address them, but it is difficult. Hargrove explained that it takes 67% agreement among the lots owners, to effectuate a covenant change.

Karas asked about the changes in the covenants. Murphy said the current covenants are difficult to enforce. He said they are considering easing up on some of the requirements, but implementing more aggressive enforcement. Lypps asked if the current covenants and restrictions are unenforceable. Hargrove responded that the biggest problem has been screening, of outdoor storage.

Billick closed the public hearing.

MURPHY- COMMERCIAL/INDUSTRIAL RIVERLAND BUILDING: The Planning Commission held a public hearing to review the proposed 1000 square foot single-family residence and separate 6000 square foot commercial/industrial building, Lot 28, Riverland Industrial Park, Filing #2, south of the Town of Crested Butte.

Commissioner Mike Potoker explained he owned property in the area and recused himself.

With a quorum present Billick opened the public hearing.

Administrative Assistant Beth Baker confirmed the applicant had submitted the affidavit of posting and the certified mailing receipts. The Planning department had the notice published in the newspapers.

Murphy said he was granted a variance from the Board of County Commissioners; he requested a variance from the square footage limitation.

Murphy clarified the building's configuration and uses. There will be two heated shops; the building will be sunk partially into the ground, with a dirt floor opened to the south that will resemble an open garage. The roof will be metal grey. The building will be a light stone color with a darker trim. He described the visible building height from Highway 135, as approximately five feet, adding that a fence and landscaping will aid in mitigating the visual impacts from the highway.

Assistant Planning Director Neal Starkebaum said there has been discussion as to what is classified as a building. The building code defines the entirety of Murphy's space as a building; therefore it requires a permit and inspections. Using the building code definition of a building, the structure is approximately 7,000 sq ft. As a consequence, it was over the allowable square footage limitations, which required a variance, removing the size restrictions, from the Board of County Commissioners and the Riverland Industrial Park architectural review board, both of which were granted.

Adjacent property owner Ted Colvin remarked that he appreciated Murphy's efforts, and furthermore as a neighbor he agreed stepping down the uses is good. He would prefer that the building's elevations were broken up a bit. Murphy informed the commission that he had already purchased the building. Colvin responded that the outside storage element is troubling, and he suggested berming and landscaping.

Sue Oates Gunnison County Scenic Corridor spokesperson reiterated her group's concerns with unscreened outside storage. Murphy advised the commission that the majority of the stone yard will be screened.

Commissioner Nick Lypps acknowledged Murphy's good efforts to clean up the lot.

Murphy was concerned that if he installed an engineered septic system, and Riverland then was able to tie on to a public sanitation system, he would be required to tie on immediately. He was concerned with the expense. Starkebaum commented that the Board has historically allowed the use of the septic systems until they fail, at which time they would be required to tie on to the system.

Starkebaum asked Murphy to furnish the planning department with a copy of the new landscaping changes, which are referred to in the letter from the Riverland Property Owners Association.

Billick seated Commissioners Richard Karas and David Owen for the vote.

Billick closed the public hearing.

MOVED: by Lypps seconded by Karas to approve LUC-2006- 54 as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

John Murphy has submitted a land use application for the construction a 6,000 square foot industrial building and a 1,000 square feet residence. The 6,000 square foot building will have two shop/office units on each end, with a work area in between. In addition, the request includes the use of an outside screened storage yard, located towards the front of the lot, allowing for commercial storage. This is shown on a site plan prepared by MTTs Design, Mightier Than The Sword, dated May 18, 2006.

LOCATION:

Lot 28, Riverland Industrial Park, Filing No. 2, south of the Town of Crested Butte.

WATER:

This use will be served by the Riverland Industrial Park central water system.

WASTEWATER:

Wastewater from the development is proposed to be treated by an individual sewage disposal system, subject to compliance with the *Gunnison County Individual Sewage Disposal System Regulations*. Richard Stenson, Environmental Health Specialist conducted a site inspection and notes the site as suitable for installation of ISDS, based upon his field investigation. A septic permit application will include further assessment of the site for the type of ISDS to be installed.

In addition, Part XV 15-101 of the *Gunnison County ISDS Regulations* identifies the *Requirements for Business, Commercial, Industrial Waste Systems, Table 5 Point Source Operations Excluded from County ISDS Permits*. The applicant has agreed to record a deed restriction on Lot 28 identifying the list of tenant uses excluded.

ACCESS:

Access will be via a driveway from Riverland Drive.

COVENANTS/LOT OWNERS' ASSOCIATION:

In a letter, dated June 12, 2006, the Riverland Lot Owners' Association approved the construction plans for Lot 28, John Murphy. In addition, the approval is memorialized by the Riverland Board's signatures on the site plan, dated June 1, 2006, as submitted by the applicant. Further, in the minutes of the Riverland Lot Owners Association meeting of October 26, 2006, it is noted that the Association approved of the plans for the 6,000 square foot building. A letter was received from the Riverland Lot Owners Association, dated November 16, 2006, from Danny D'Aquilla, Riverland Lot Owners Association, noting approval of the variance request and the increase in numbers and size of trees for landscaping.

The *Declaration of Protective Covenants for Riverland Industrial Park*, were approved by Gunnison County and recorded with the Gunnison County Clerk and Recorder on September 14, 1982, Reception No. 363535, Book 584 Page 304; and the subsequent *Declaration of Protective Covenants for Riverland Industrial Park, Filing No. 2*, were approved by Gunnison County and recorded with the Gunnison County Clerk and Recorder on May 24, 1996. The covenants for Filing No. 2 permit a maximum building footprint of 3,250 square feet and a gross maximum of 4,500 square feet. A variance to these maximum square footages requires approval by the Board of Directors of the Riverland Lot Owners' Association and approval by the Gunnison County Board of County Commissioners. As noted above, the Board of Directors approved the 6,000 square foot building footprint.

The Gunnison County Board of County Commissioners reviewed and approved the request for the variance to the maximum building footprint and square footage to 6,000 square feet at their regular meeting on November 3, 2006.

COMPLIANCE WITH COUNTY LAND USE REGULATIONS:

06 November 17 PC Minutes
06 December 01 PC Approved

This land use change application is partially exempted from the requirements of the *2001 Gunnison County Land Use Resolution*, pursuant to *Section 1-106 Partially Exempted Land Use Changes*. There are no unmitigable conflicts with County land use standards, so long as the structures and uses are maintained in compliance with the Declaration of Protective Covenants for Riverland Industrial Park and the *Gunnison County ISDS Regulations*.

COMPLIANCE WITH DIVISION 5-600: COMMERCIAL AND INDUSTRIAL USES:

The proposal complies with all standards within this Division.

RECLAMATION:

A reclamation permit shall be obtained from the Gunnison County Public Works Department for all new disturbed areas.

LANDSCAPING:

Landscaping is required by the Covenants; each lot is required to have a minimum of 15 trees with a minimum average height of five feet within 18 months of being issued a building permit. The applicant indicates that they will plant in excess of the required landscaping, as identified on the site plan. Gunnison County requires a landscaping development improvements agreement to be executed to ensure the planting of and survival of the landscaping for two growing seasons. A letter was received from the Riverland Lot Owners Association, dated November 16, 2006, from Danny D'Aquilla, Riverland Lot Owners Association, noting approval of the variance request and the increase in numbers and size of trees for landscaping.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on November 17, 2006. At that time several members of the public were present:

Ted Colvin – overall likes the project

Sue Oates, Scenic By-Way Beautification Committee, would like to make sure the outside storage is screened.

A letter from Sue Oates, Scenic By-Way Beautification Committee, was received on October 17, 2006.

SITE VISIT:

The Planning Commission conducted a site visit on October 20, 2006. The members viewed the lot, locations of the proposed buildings and the neighborhood.

COMPLIANCE WITH COUNTY LAND USE POLICIES:

This land use change request is partially exempted from the requirements of the new *Gunnison County Land Use Resolution*, pursuant to *Section 1-106 Partially Exempted Land Use Changes*. There are no unmitigable conflicts with County land use standards, so long as the structures are constructed and maintained in compliance with the Declaration of Protective Covenants for Riverland Industrial Park and *Gunnison County ISDS Regulations*.

SECTION 5-203: *Development in Areas Subject to Flood Hazards.*

The site is not located in an area subject to flood hazards.

SECTION 5-204: *Development in Areas Subject to Geologic Hazards.*

The parcel is not located in an area subject to geologic hazards.

SECTION 5-207: *Protection of Water Quality.*

The proposed residence is the closest structure to the Slate River and meets the 25 foot setback requirement for the "Inner Restrictive Buffer". The proposed residence is located on a bench above the Slate River, with a slope that is in excess of 15 percent and that drains into the Slate River. This building meets the "Variable Outer Buffer" setback of 25 feet, as measured from the top of the slope, closest to the Slate River.

SECTION 5-305: *Water Supply.*

This use will be served by the Riverland Industrial Park central water system.

SECTION 5-306: *Sewage Disposal/Wastewater Treatment.*

Wastewater from the new development is proposed to be treated by an expansion of and alteration to an existing individual sewage disposal system, subject to compliance with the *Gunnison County Individual Sewage Disposal System Regulations*.

In addition, Part XV 15-101 of the *ISDS Regulations* identifies the *Requirements for Business, Commercial, Industrial Waste Systems, Table 5 Point Source Operations Excluded from County ISDS Permits*. The applicant has agreed to record a deed restriction on Lot 28 identifying the list of tenant uses excluded in Part XV.

SECTION 5-307: Fire Protection.

The subject property is located within the Crested Butte Fire Protection District. The District will review the building plans at submittal of building permit application.

SECTION 5-209: D: Domestic Animal Controls; and Section 5-206: F.1.b.(6.): Domestic Animal Controls.

Not applicable.

SECTION 5-407: Installation of Solid Fuel-Burning Devices.

The residence will comply with the current regulations for solid fuel-burning devices.

SECTION 5-414: Exterior Lighting.

The applicant has submitted a lighting plan, dated November 17, 2006. The Planning Commission finds the lighting plan is in compliance with Section 5-414.

SECTION 13-117: Drainage, Construction And Post-Construction Storm Water Runoff:

The applicant shall obtain a stormwater management permit, as applicable. The applicant shall provide a drainage plan, certified by a Colorado licensed engineer, prior to issuance of ISDS or building permits.

ADDITIONAL SECTION APPLICABLE TO PARTIALLY EXEMPTED COMMERCIAL, INDUSTRIAL OR OTHER NON-RESIDENTIAL LAND USE CHANGES. In addition to complying with the requirements listed at 1 through 9, above, new construction of, or expansion to, commercial, industrial or other non-residential land use changes that are partially exempted from this *Resolution* by Section 1-106: *Partially Exempted Land Use Changes*, shall comply to the maximum extent feasible with Section 5-303: *Road System*.

SECTION 5-303: Road System.

Access is via an existing driveway via Riverland Drive to State Highway 135.

FINDINGS:

The Gunnison County Planning Commission, based on the facts set forth in this Decision and on the material facts represented by the applicant, whether or not repeated herein, finds that:

1. The Riverland Lot Owners Association has reviewed and approved of the proposed use, including the approval of a variance for the increased building footprint square footage to 6,000 square feet, as noted in the minutes of the Riverland Lot Owners Association meeting of October 26, 2006.
2. The Gunnison County Board of County Commissioners reviewed and approved the request for the variance to the maximum building footprint to 6,000 square feet at their regular meeting on November 7, 2006.
3. This land use change permit is in compliance with *Section 1-105 Sections Necessary For Immediate Preservation Of Public Health And Safety of the new Gunnison County Land Use Resolution*.
4. Use of individual lots must comply with the *Declaration of Protective Covenants* for Riverland Industrial Park, including, but not limited to, compliance with those provisions which may affect employees, parking, the hours of operation, provision of landscaping, snow storage and other aesthetic and public health and welfare concerns.
5. A letter was received from the Riverland Lot Owners Association, dated November 16, 2006, from Danny D'Aquila, Riverland Lot Owners Association, noting approval of the variance request and the increase in numbers and size of trees for landscaping.
6. A site inspection was conducted by Richard Stenson, Environmental Health Official, on October 10, 2006. Based upon the site inspection, he notes that the initial site assessment considers the site suitable for installation of an individual sewage disposal system.
7. The applicant will record a deed restriction on the lot requiring exclusion of tenant uses identified in Part XV 15-101 Requirements for Business, Commercial, Industrial Waste Systems, Table 5 Point Source Operations Excluded from County ISDS Permits.
8. Approval of the land use change permit does not constitute approval of a building or individual sewage disposal system permit. Each of those permits is required to be obtained by the applicants, and the construction and use of the improvements shall comply with the *International Building Code*, *American Disabilities Act* and the *Gunnison County*

Individual Sewage Disposal System Regulations.

9. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. Any use other than that allowed by the *Declaration of Protective Covenants* for Riverland Industrial Park 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*.
10. 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.

DECISION:

The Gunnison County Planning Commission, having reviewed and evaluated this application and having reached the above Findings, determines that LUC #2006-54, Lot 28, Riverland Industrial Park, Filing No. 2, is approved with the following conditions and that approval be memorialized by a recorded Certificate of Minor Impact Approval, including the language of these conditions and notations:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan titled "Site Plan – Lot 28 Riverland Industrial Park", dated May 18, 2006 and 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*.
2. Uses on this lot shall comply with the *Declaration of Protective Covenants for Riverland Industrial Park*. Uses on this lot shall comply with the *Gunnison County Individual Sewage Disposal System Regulations*.
3. The applicant shall obtain a stormwater management permit, as applicable.
4. The applicant shall provide a drainage plan, certified by a Colorado licensed engineer, prior to issuance of ISDS or building permits.
5. A reclamation permit shall be issued by the Gunnison County Public Works Department.
6. No building or septic permits shall be issued until the applicant provides the Planning Department with documentation, recorded with the Gunnison County Clerk & Recorder, of a deed restriction on Lot 28, Riverland Industrial Park, Filing No. 2, including:
 - a. The exclusion of tenant uses identified in *Part XV 15-101 Requirements for Business, Commercial, Industrial Waste Systems, Table 5 Point Source Operations Excluded from County ISDS Permits*.
 - b. Acknowledgement that in the event of septic absorption field failure, and no other suitable location is available on the lot, then the lot owner will provide for the removal of the absorption field materials, provide legal disposal, and provide for the reconstruction of a new absorption field with replacement materials in the same location.
7. The applicant shall submit a copy of the amended landscaping plan approved by the Riverland Lot Owners Association, referenced in the November 16, 2006 letter from Danny D'Aquila, Riverland Lot Owners Association.
8. A Landscaping Development Improvements Agreement with Gunnison County shall be submitted by the applicant subject to approval by the Gunnison County Attorney, including a cost estimate for the landscaping stock and labor for installation of the landscaping, and referencing the landscaping plan as shown on the submitted site plan, shall be executed by the Board of County Commissioners. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
9. That a performance bond, letter of credit or other means of surety acceptable to the County, shall be submitted to cover costs of the landscaping, including stock and labor for installation, plus 25 percent and that said surety be retained by the County for a period of two growing seasons to ensure the survival of the landscaping. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
10. 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.
11. 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.

12. Approval of this permit is not effective until the Certificate of Minor Impact Approval is recorded with the Gunnison County Clerk and Recorder.

COMMISSION & STAFF WORK THROUGH LUNCH DISCUSSION: The Planning Commission and staff held a work through lunch to discuss, possible action on proposed amendments to the *Gunnison County Land Use Resolution* (LUR) regarding: 1) Exterior lighting requirements, specifically reviewing amendments to the 2001 LUR; 2) Decreasing required minimum square footage for a residence; 3) Determination of density requirements; 4) The addition of a “light industrial” category of land use; and 5) Square footage standard for attached garages. Other discussions included proposed meeting dates for 2007, and process to review and approve Planning Commission meeting minutes.

The commission reviewed their list of immediate concerns and defined the following:

1. **Exterior lighting** – change the regulation to allow a maximum 75 watt bulb, and require full cutoff fixtures
2. **Decrease minimum sq ft of a residence**- reduces the minimum square footage of a single family residence to 400 sq. ft.
3. **Determination of density requirements**- Williams and Karas will work on density
4. **Add a “light industrial” category to the land use resolution**- Refer to other jurisdictions definitions for “light industrial”. Classification by impact and use should both be looked at. Staff will work with Reed and Karas on the language.
5. **Square footage standard for attached garages**- Currently an attached garage is limited to 1,000 sq. ft. The commission agreed to; a single family residence maximum square footage of 10,000 sq. ft. - the residence and the attached garage square footage could be configured in any manner; the only restriction to be the total square footage of 10,000 sq. ft.

Commissioner Ian Billick requested that the staff and commission identify the effectiveness, of the conditions that are placed on an approval of a project. He suggested the commission send a representative to the Board meetings, when they are evaluating a recommendation the commission has made. He acknowledged the positive communication between the Gunnison City planners and the Gunnison County planning commission, since they have been meeting and discussing their issues of mutual interest. He suggested that the commission also meet with the Town of Crested Butte planning commission.

HIDDEN MINE RANCH- ROADS: The Planning Commission held a public hearing with applicant Mike Higgins, applicant’s attorney Chuck Cliggett, and applicant’s engineer Norm Whitehead, to review an application to construct a road to serve 20 35-acre parcels, one mile south of Crested Butte west of Highway 135, one half mile through Whetstone Ranch.

With a quorum present Billick opened the public hearing.

Administrative Assistant Beth Baker confirmed the applicant had submitted the affidavit of posting and the certified mailing receipts. The Planning department had the notice published in the newspapers.

County Attorney David Baumgarten recommended the commission conduct an executive session; to address the subject, of the potential consequences of the denial for a variance, from the wavier of road standards, from the Board.

Moved: by Karas seconded by Potoker, for the commission to go into executive session with County Attorney David Baumgarten and Planning Director Joanne Williams, for the purpose of discussing, the denial of the request for a variance to the road standards, by the Board of County Commissioners. The motion passed unanimously.

The Commission went into executive session at 1:10 p.m. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney; that I represent the Gunnison County Planning Commission; that I attended all of the above referenced executive session; that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

David Baumgarten

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Planning Commission; that I attended all of the above referenced executive session; and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Ian Billick , Chairperson

Gunnison County Planning Commission

The Commission came out of executive session at 1:25 p.m. Chairperson Ian Billick stated that the discussion had remained on the topic, of the denial of the request for a variance to the road standards, by the Board of County Commissioners.

Baumgarten described four options that were available to the commission:

1. Hold the process in abeyance, for as long it takes, to resolve the access issue
2. Hold the process in abeyance, but “bookend” the process with an expiration date
3. Fully analyze the project, and reach decision, with a caveat that the access is still in question
4. Currently deny the application, predicated on the fact that there is inadequate access

Baumgarten summarized that the applicants have an ongoing issue, of inadequate access, for their request. The access is the threshold issue; the applicants had made a request for a variance to the road width standards and have been denied a variance request. He explained that the applicants do have the opportunity to request that the Board hear their request for a variance again. He pointed out that it is not within the purview of the commission, county attorney, or the board, to determine whether or not the applicants have an easement for access.

Commissioner Ian Billick opened the hearing for public comment up; limited to the four items outlined by Baumgarten

Chuck Cliggett, Attorney for Representative of Hidden Mine Ranch LLC, requested a continuance of the public hearing, citing the limited time and opportunity to present their case.

Art Trezise, Attorney for Smith Ranch LLC, stated that the applicants have been denied their request for a waiver of the road width standards. Therefore the commission should deny the application. Trezise pointed out that this legal access issue and lawsuit, has existed for four to five years, and was in process before the current applicants purchased the property.

Bob Hoban, Attorney for Smith Ranch LLC, explained the dispute concerns the scope, location, and width of the easement. He said the only option is denial. He noted that continuing the process, based on the considerable uncertainty of the granting of a variance by the board, would be very costly.

Tom Dougherty, Attorney for Hidden Mine Ranch LLC, Tom Dougherty requested an opportunity to present the case to the commission. He pointed out there are multiple ways to solve the access issue. He requested that the review and approval of the application, conditioned upon the resolution of the access issue.

Jill Norris, Attorney for Hidden Mine Ranch LLC, stated she is representing the applicant, in their request for wavier of road width standards. She clarified that the easement is in place and still exists and the location or the scope of the easement is not on appeal.

Adjacent property owner Ted Colvin said pursuing the application is a waste of time, until the access issue is resolved.

Gunnison County resident Craig Hall said the impact of the development would be minimal and it should be approved.

Cligget said they are going to recommence the variance process with the Board. He concurred with Dougherty and asked for review and conditional approval subject to the applicant getting a variance or litigation. He reiterated that the applicants should not be denied their right to due process.

Billick queried the commission. Reed said the hearing should be continued to the first meeting in February. Potoker concurred with Reed. Karas said that he could agree with Potoker and Reed, however he was in favor of option one or option two. Owen agreed that a continuation was the appropriate course of action. Billick said that it is reasonable to continue to the first meeting in February. The commission agreed to continue the public hearing, to February 2, 2007, after the applicants have gone to the Board with another request, for a variance from the road width standards.

Billick continued the public hearing to February 2, 2007, at 1:00 p.m.

THORNTON MEADOWS: The Planning Commission held a work session with applicant Mark Schumacher, applicants attorney David Leinsdorf and Jim Sell, to discuss the Preliminary Plan, 19 single-family lots on 13.57-acres, Tract M-1, Spring Meadows Subdivision; located north of the City of Gunnison, west of Highway 135.

Sell explained the 13.57 acres is located off of Castle Mountain Road, and is part of the Spring Meadows subdivision. He noted that a previous approval had been received, for 48 multifamily units. The applicant has decreased the number of units applied for from the original 28 units to 19 units. The existing pond will be deepened and used for irrigation and fire protection. The property is fed by two ditches. The existing well and a dry hydrant will be used for fire protection. The open space is 40% of the property. The maximum square footage for a residence, on a larger lot is, 3,200 sq. ft. plus a 960 sq. ft. garage. The maximum square footage for a residence on lots four through nine, the smaller lots, is 2,600 sq. ft. and a 700 sq. ft. garage. The minimum square footage for a residence is 1,600 sq. ft. They will be widening Spring Meadows Drive and realigning it, to be more perpendicular.

Lypps acknowledged Schumacher's flexibility in working with the neighborhood. He noted that Spring Meadows HOA had written a letter of endorsement.

Billick asked for an explanation of the fishing easement. Leinsdorf said every deed in the subdivision contains the fishing rights. Schumacher said although the fishing rights are on the deeds, he does not have fishing rights, and this subdivision will not have fishing rights.

Schumacher said the water application had gone through the process, with only one party in opposition. He explained the well is so deep it goes into another aquifer, and the water does not come out of Ohio Creek.

Reed asked if the open space area around the pond is accessible to the whole subdivision. Schumacher confirmed the open space would be accessible to the entire subdivision.

Schumacher clarified the fence does not go completely around the property, and the trail is outside the fence.

Billick acknowledged the City of Gunnison's comments in reference to density, noting that the commission has heard their concerns, but because of the sewer tap availability the density is appropriate.

Spring Meadows property owners Lloyd Hawes and Margaret Hawes were present. They were concerned with the availability of ditch water for irrigation, adding that the ditch water currently runs less than two months.

A joint public hearing will be set for January 12, 2006.

The regular meeting of the Gunnison County Planning Department was adjourned at 3:00 p.m.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning