

GUNNISON COUNTY PLANNING COMMISSION
AGENDA: APRIL 28, 2006

- 8:45 a.m.**
- **Call to order; determine quorum**
 - **Approval of Minutes**
 - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.
- 9:00 a.m.** **Tomichi Creek Subdivision, West Elk Properties LLC, represented by David Leinsdorf,** work session/no action, Sketch plan presentation, subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, end of Fairway Lane
- 10:00 a.m.** **The Glen Subdivision, represented by David Leinsdorf,** work session/possible action, request for the subdivision of 8.84 acres into 6 tracts; 4 new single-family lots, one open space tract and one lot with an existing residence, north of the City of Gunnison, east of Highway 135 and north of County Road No. 11, adjacent to the Cottonwood Park development
- 10:30 a.m.** **Gunnison County, represented by John DeVore,** work session/no action, request for an expansion of General Aviation facilities at the Gunnison/Crested Butte Regional Airport for the construction of 8 additional aircraft hangars. Located generally, on the north edge of the airport, adjacent to Highway 50, west of the existing hangars.
- 11:15 a.m.** **Walker (formerly the Pitt application)** work session/no action, request for a duplex in compliance with Section 5-207: Protection of Water Quality, Lot RNT-4, Skyland River Neighborhood
- Noon** **Lunch**
- 1:00 p.m.** **Horse Meadows Subdivision, represented by Jessica Stone,** work session/no action, preliminary plan review, subdivision of 48.56 acres into ten single-family residence lots and one common open space area of 7.22 acres, north of the City of Gunnison, north of Seneca Drive and east of Chekwa Way
- 2:00 p.m.** **Shady Island Subdivision, Verzuh Ranch LLC, represented by David Leinsdorf,** work session/possible action, Sketch Plan Recommendation, request for 18 single-family residential lots, north of the City of Gunnison at 2776 Highway 135
- 3:00 p.m.** **Pavillard-Cain,** work session/no action, request for the subdivision of an existing condominium unit into two separate units, Unit 2, Building A, High Valley Condominiums, Riverbend Subdivision, 88 Aspen Lane #2A
- 3:30 p.m.** **Proposed amendment to Section 13-107: Solid Fuel Burning Devices, Gunnison County Land Use Resolution,** work session/no action, review of proposed amendment

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting Minutes
April 28, 2006

The Gunnison County Planning Commission conducted a regular meeting April 28, 2006, in the Commissioners' Meeting Room in the Blackstocks Government Center. Present were:

Vice-Chairman- Jeff Wilkinson	Assistant Director of Planning- Neal Starkebaum
Commissioner- Ramon Reed	Planner- Cathie Pagano
Commissioner- Ian Billick	Administrative Assistant- Michelle Spain
Commissioner- Nick Lypps	Others listed as presented in text
Commissioner- Mike Potoker	
Commissioner- Richard Karas	

Vice-Chairman Jeff Wilkinson determined a quorum existed and opened the regular meeting of the Gunnison County Planning Commission at 9:00, April 28, 2006.

TOMICHI CREEK SUBDIVISION: The Planning Commission met with attorney David Leindsdorf, and applicant Mark Lucas for a work session. They reviewed the applicant's Sketch plan presentation, for a subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, end of Fairway Lane.

Vice-Chairman Jeff Wilkinson recused himself noting his home is within 500 ft of the proposed subdivision. Commissioner Mike Potoker chaired the meeting.

Applicant Mark Lucas submitted a vicinity map. Lucas explained the original owner of property was Joel Fenneren. Lucas said he is exploring a public access, pedestrian/ bike trail with the Trails Commission. Commissioner Ian Billick requested Lucas put the trail on the map in conjunction with the other trails. Lucas said parking is available at Hartman Rocks for the current trails available.

Lucas said the application is for 20 single-family lots and the open space will be approximately 40% of the total area.

Lucas will file a water augmentation plan for this property; water rights from the ditch are in place. He also explained a wetlands delineation has been completed and the subdivision has been configured to comply with the delineation. The subdivision will tie on to the Dos Rios water and sewer facility. The homeowners association will be responsible for maintaining the trees and any additional landscaping.

Lucas has submitted his plans to Public Works and they are reviewing the current configuration of the access roads. The road will be widened and a possible bike trail installed. Several homeowners on Fairway Lane were present and expressed their concerns with the current traffic noting a potential for a 50% increase in traffic with all the new construction. Lucas said it could be up to two years before the road construction was completed.

Commissioner Nick Lypps inquired if affordable housing was a component of this application. Attorney for the applicant David Leinsdorf responded there was no affordable housing planned at this time.

Lucas said the parcel is currently a hay field with the wildlife area near the river.

Assistant Director of Planning Neal Starkebaum said a copy of the application has been submitted to the City of Gunnison but they have not commented on it yet.

Lucas addressing fencing and domestic animals noted the covenants will be very strict and there will be an architectural review board for all home construction. He said any golf carts will access the golf course through the condos.

The members of the audience reiterated their real concerns with the increased traffic and the hours of operation for the large construction project as well as the protection of the bird wildlife.

The Commission will conduct a site visit in the near future.

GLEN SUBDIVISION: The Planning Commission met with attorney David Leinsdorf and applicant's representative Doug Mayes for a work session. They discussed the applicant's request for the subdivision of 8.84 acres into 6 tracts; 4 new single-family lots, one open space tract and one lot with an existing residence, north of the City of Gunnison, east of Highway 135 and north of County Road No. 11, adjacent to the Cottonwood Park development.

Commissioner Nick Lypps recused himself from the proceedings.

Commissioners Ramon Reed and Richard Karas were seated.

Assistant Planning Director Neal Starkebaum noted attorney for the applicant David Leinsdorf had sent the members of the Planning Commission a "corrected version" of the planning recommendation. Starkbaum stated that could be construed as ex-parte communication and requested Leinsdorf refrain from that type of communication in the future. Starkebaum went on to request any communication with the Planning Commission outside of a meeting go through the proper channels and not be sent directly to Commission members. Leinsdorf agreed.

It was noted the total acreage of the parcel is no longer 8.84 acres and the applicant requested the exact acreage be listed correctly. Starkebaum explained the corrected acreage of 6.07 acres is reflected in the recommendation. Leinsdorf said the open space should be referred to as common area.

The Commission reviewed the draft recommendation.

MOVED ; by Billick seconded by Karas to approve the recommendation of LUC-2005-38 as a minor impact, as amended. The motion passed unanimously.

PROJECT SUMMARY:

Doug Mayes, as authorized by Alice Eilebrecht and represented by David Leinsdorf, has submitted a land use change application for the subdivision of 6.07 acres into 4 new single-family lots, one open space tract and one remainder lot with an existing residence, located north of the City of Gunnison, east of Highway 135 and north of County Road No. 11, adjacent to the Cottonwood Park development. The subdivision will consist of the following parcels:

- Lot 1 - .31 acres
- Lot 2 - .35 acres
- Lot 3 - .30 acres
- Lot 4 - .33 acres
- Alice Eilebrecht remainder parcel (w/residence) - .90 acres
- Open Space— 3.76-acres

The Alice Eilebrecht parcel is created by, but is not a part of The Glen Subdivision, which includes only Lots 1, 2, 3, 4, and the open space.

The open space will include protection of an existing lake on the property, as well as maintaining riparian corridors along the Gunnison River. Building envelopes have been identified on the site plan, to restrict disturbance to a defined area.

Lots 1-4 of the subdivision and the open space will be subject to covenants and a Homeowners Association. The applicant has submitted the "Declaration of Protective Covenants of the Glen" for review.

This, as shown on site plans titled "The Glen Subdivision - Revised Site Plan" prepared by NCW & Associates, dated March 1, 2006, Sheets 2 of 2.

LOCATION:

The property is located within the E1/2 Section 24, Township 50 North, Range 1 West, N.M.P.M., approximately 2 miles north of the City of Gunnison, east of Highway 135, north of County Road #11, on the Gunnison River.

WATER SUPPLY:

A central well will provide the water supply for Lots 1-4. The applicant shall obtain augmentation water from the Upper Gunnison River Water Conservancy District, through the purchase of Meridian Lake units.

WASTEWATER TREATMENT:

Each future residence shall connect to the North Gunnison sewer system. Availability of sewer taps has been noted in a memo from Marlene Crosby, Gunnison County Public Works, dated January 4, 2006. The sewer tap to the existing Alice Eilebrecht residence has already been installed.

ACCESS/ROAD CONSTRUCTION:

Access will be via the construction of a 16 foot paved, private road; easements for ingress/egress will be shown on the plat. The applicant has applied for a waiver to the *County Specifications for Road and Bridge Construction*, due to a 15 foot encroachment of a corner of the existing Alice Eilebrecht house, into the required 60 right-of-way.

FIRE PROTECTION:

The development is located within the Gunnison Fire Protection District, which provides fire suppression and response.

WILDLIFE:

This is a developed residential area, with an existing residence located on the property. Additional development on this infill parcel will cause only minor impacts to the existing wildlife use of the area. An open space area of 3.76-acres, including an existing lake and riparian corridors, comprising 62% of the property, will be set aside in perpetuity and will continue to provide habitat for the area wildlife. No comments were received from the Division of Wildlife.

WETLANDS:

The property is located adjacent to the Gunnison River, includes an existing lake, with island and contains jurisdictional wetlands. A wetlands delineation was performed by Bio-Environs and verified by Susan Nall, U.S. Army Corp of Engineers, as noted in a letter dated December 22, 2005, from Ken Jacobsen, Chief, Gunnison Basin Regulatory Office, U.S. Army Corp of Engineers. Building envelopes on each lot have been located to meet the 25 foot restrictive inner buffer setback, pursuant to *Section 5-207: Protection of Water Quality*. No deposition of material or disturbance is permitted within the restrictive inner buffer.

IRRIGATION DITCHES:

The City Ditch is located on the Alice Eilebrecht parcel, between the existing residence and the Glen Subdivision. A 25 foot ditch easement for maintenance is required to be identified on the plat.

IMPACT CLASSIFICATION:

The applicant requested that the project be reduced to a Minor Impact Classification.

a. SECTION 4-111: CLASSIFICATION OF IMPACT.

A. PURPOSE. An application for a Land Use Change Permit is initially assigned an impact classification by the Planning Department; a specific review process is initially determined on the basis of that classification. The classification categorizes each proposed land use change by the impacts it is anticipated to generate on the County's economic, social, governmental, and environmental sectors. The amount of information and the extent of review required by the County is proportional to the impacts that are anticipated will be generated by the proposed land use change.

B. CRITERIA FOR CLASSIFYING IMPACT. The criteria the County shall use to classify the impact of proposed land use changes is described in the separate Divisions that establish the review procedures for each impact classification: Division 4-200: *Administrative Review Projects That Do Not Require Land Use Change Permits*, Division 4-300: *Administrative Review Projects That Require Land Use Change Permits*, Division 4-400: *Minor Impact Projects*, and Division 4-500: *Major Impact Projects*. (Table 4-2: *Classification of Impact* summarizes those classifications).

1. ADDITIONAL CRITERIA. In addition to the specific criteria of each section, the County shall also consider the following in determining the impact classification:

a. DEMAND FOR PUBLIC SERVICES. Whether the proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services; and

b. IMPACTS ON IMPACT AREA AND ENVIRONMENT. Whether the proposed land use change is expected to generate a minor or a major impact on the impact area or on the environmental resource and hazard areas defined within and regulated by Division 5-200: *Resource Protection Standards*; and

c. IMPACTS RELATED TO ALL EXISTING AND PROPOSED DEVELOPMENT IN IMPACT AREA. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area.

The Planning Commission reviewed Section 4-111: Classification of Impact, the Criteria for Classifying Impact and 1. Additional Criteria a. – c. in determining the impact classification, and finds that as the project relates to number of units proposed.

- a. The proposal will generate minor demand for public services.
- b. The proposal will generate minor impacts on the environmental resource.
- c. The proposal will have minor impacts related to existing and proposed development in the impact area.

Based upon their review and findings, the Planning Commission unanimously agreed that the land use change application be defined as a Minor Impact Project and shall be reviewed pursuant to Section 4-402: *Projects Classified as Minor Impact Projects*, which includes the provision of a noticed public hearing.

PUBLIC HEARING:

A joint public hearing was conducted by the Planning Commission and the Board of County Commissioners on October 7, 2005:

Members of the public in attendance voiced the following comments:

Ron Keister, adjacent owner, said that the applicant contacted him regarding an easement for snow storage. He would like to see the access stay where the existing access is rather than creating a new access.

Don Maguire, said his neighbors are not present because they think this is positive impact for them because of the location of the open space. He said his neighbors felt that the density is appropriate for the area. He said they felt it was a well conceived use of the parcel.

Phyllis Guerrieri, asked how they would feel about essential housing. Mayes said they would not like to give any of their lots to essential housing.

Written comments were received from Lila M. Newman, Rita Mauldin, Leona Laughman, letter of September 19, 2005, noting that the property has been used by geese for many years, and a concern with the location of any new entrances onto County Road 11.

The minutes of the hearing are attached to this recommendation.

COMPLIANCE WITH APPLICABLE SECTIONS OF ARTICLE 5, GUNNISON COUNTY LAND USE RESOLUTION:

Section 5-102: Locational Standards for Residential Development.

The project meets the primary locational standard. This is a subdivision located within the City of Gunnison's three-mile plan area. Comments have been received from the City of Gunnison's Planning Commission, and the City has noted that the proposal complies with the City's Three Mile Plan.

Section 5-103: Residential Density.

The project complies with the primary lot size and density standards.

Section 5-203: Development In Areas Subject to Flood Hazards.

The site is located within the floodplain of the Gunnison River. A flood study was performed by NCW & Associates, and base flood elevations have been developed for the property. Future construction of the residences within the floodplain will require the owners to obtain a Floodplain Development permit, at the time of building permit application.

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

The site is not located within areas subject to geologic hazards.

Section 5-205: Development In Areas Subject to Wildfire Hazards.

The proposed development is located within an area subject to a low wildfire hazard.

Section 5-206: Protection of Wildlife Habitat Areas.

This is an existing developed residential area, with an existing residence located on the property. 3.67-acres or 62% of the property will be set aside in open space and will continue to provide habitat for area wildlife. The open space will include protection of an existing lake on the property, as well as maintaining riparian corridors along the Gunnison River. Building envelopes have been identified on the site plan, to restrict disturbance to a defined area.

Section 5-207: Protection of Water Quality.

The property is located adjacent to the Gunnison River. A wetlands delineation was performed by Bio-Environs and verified by Susan Nall, U.S. Army Corp of Engineers, as noted in a letter dated December 22, 2005. All of the building envelopes have been located at the 25 foot restrictive inner buffer setback. No deposition of material or disturbance is permitted within the restrictive inner buffer.

Section 5-208: Standards For Development On Ridgelines.

The property is not located on a ridgeline.

Section 5-209: Development That Affects Agricultural Lands.

The site is not adjacent to agricultural lands.

Section 5-210: Development Of Land Beyond Snowplowed Access.

The site is not located beyond snowplowed access.

Section 5-211: Development On Inholdings In The National Wilderness.

The site is not located on a National Wilderness inholding.

Section 5-212: Development On Property Above Timberline.

This site is not located above timberline.

Section 5-213: Road System.

Access from County Road 11 will be via the construction of a private road; easements for ingress/egress will be shown on the plat. The applicant has applied for a waiver to the *County Specifications for Road and Bridge Construction*, due to the encroachment of the existing Alice Eilebrecht house, into the required 60 right-of-way.

Section 5-214: Public Trails.

There is no public trail existing or proposed on this site.

Section 5-305: Water Supply.

A central well will provide the water supply for a central water system to supply Lots 1-4. The applicant shall obtain augmentation water from the Upper Gunnison River Water Conservancy District, through the purchase of Meridian Lake units.

Section 5-306: Sewage Disposal/Wastewater Treatment.

Each future residence shall connect to the North Gunnison sewer system. Availability of sewer taps has been noted in a memo from Marlene Crosby, Gunnison County Public Works, dated January 4, 2006. The sewer tap to the existing residence on the proposed Lot 5 has already been installed.

Section 5-307: Fire Protection.

Fire protection is provided by the Gunnison County Fire Protection District.

Section 5-403: General Site Plan Standards And Lot Measurements.

The site plan for this proposed development meets the site plan criteria of this section.

Section 5-407: Installation of Solid Fuel-Burning Devices

Section 5.3 of the *Declaration of Covenants of The Glen* prohibits woodburning devices.

Section 5-408: Open Space And Recreation Areas

No open space is required of this project, however, 3.76-acres or 62% of the property will be set aside in permanent open space.

Section 5-409: Signs.

There are no signs proposed.

Section 5-410: Off-Road Parking And Loading.

Two parking spaces per residence are proposed, in compliance with this section.

Section 5-411: Landscaping And Buffering.

The area is heavily vegetated with existing willows and trees. No additional landscaping is required.

Section 5-412: Snow storage.

Applicable, there is adequate snow storage on the site.

Section 5-413: Fencing

Applicable. Fencing shall comply with the requirements of this section.

Section 5-414: Exterior Lighting.

Applicable. All exterior lighting shall comply with this section.

Section 5-415: Reclamation And Noxious Weed Control.

Applicable, reclamation is required for all disturbance.

Section 5-416: Grading And Erosion Control.

Applicable, erosion control and reclamation, and monetary surety for reclamation for the road construction is a condition of this approval.

Section 5-417: Drainage, Construction And Post-Construction Stormwater Runoff.

Drainage for the road construction is required through the design elements and compliance with the *Gunnison County Specifications for Road and Bridge Construction*.

Section 5-418: Water Impoundments.

Not applicable.

Section 6-103: Right-to-Ranch Policy.

Not applicable.

CITY OF GUNNISON THREE MILE PLAN:

Comments were received from Diane Lothamer, Planning & Zoning Commission Chair in a letter dated September 15, 2005. The project is in compliance with the City's Three Mile Plan.

GUNNISON COUNTY PUBLIC WORKS COMMENTS:

Comments were received from Allen Moores, Engineering Representative, verbally to staff on April 27, 2006. He noted that he had reviewed and approved the road plans.

FINDINGS:

The Commission finds that:

1. While the applicant requests the subdivision of five lots, the Planning Commission reviewed Section 4 -111: Classification of Impact, the Criteria for Classifying Impact and 1. Additional Criteria a. – c. in determining the impact classification. The Commission hereby finds the project is a Minor Impact Project and shall be reviewed pursuant to Section 4-402: *Projects Classified as Minor Impact Projects*, which included the provision of a noticed public hearing.
2. This review and recommendation 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.
3. Comments were received from Diane Lothamer, Planning & Zoning Commission Chair, in a letter dated September 15, 2005. The project complies with the City of Gunnison's Three Mile Plan.
4. The proposed lot sizes are similar and compatible to other lot sizes within the area.
5. The applicant will utilize individual wells for the water supply for each residence, pursuant to a contract for augmentation water from the Upper Gunnison Conservancy District, through the purchase of Meridian Lake units.
6. Approval is limited to the plan described within the "Project Description" of this application, as amended, and as depicted on the site plan, as amended. 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*.

7. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2005-38, The Glen Subdivision is classified as a Minor Impact, and that the application be approved with the following conditions:

1. A mylar subdivision plat, in compliance with Section 4-509 *Gunnison County Land Use Resolution*, including provision of a non-duplicated road name, shall be provided to the Planning Department for signature by the Board of County Commissioners. Approval shall not be effective until the plat is signed by the Chairman of the Board of County Commissioners and is recorded with the Gunnison County Clerk and Recorder.
2. The approval shall be memorialized by Board Resolution, recorded with the Gunnison County Clerk and Recorder.
3. The applicant shall provide a copy of the executed contract with the Upper Gunnison Conservancy District to provide a legal water supply prior to review of the recommendation by the Board of County Commissioners.
4. The applicant shall obtain a waiver to the *County Specifications for Road and Bridge Construction*, due to the encroachment of the existing house on the proposed Lot 5, into the required 60 right-of-way, prior to further review by the Board of County Commissioners.
5. A Development Improvements Agreement with Gunnison County shall be signed by the applicant or his representative, subject to approval by the Gunnison County Attorney, referencing the construction design plans prepared by NCW & Associates titled "The Glen - Driveway", dated March 1, 2006, with cost estimates from Norman Whitehead, P.E., NCW & Associate, including provision of reclamation, as approved by Gunnison County Public Works Department, shall be executed by the Board of County Commissioners.
6. A performance bond, letter of credit or other means of surety, acceptable to the County, shall be submitted to cover costs of construction plus 25 percent. Such costs to be detailed by the applicant's engineer and reviewed by the Gunnison County Public Works Department, and that surety be retained by the County to such date as is acceptable to the County Public Works Director to warrant integrity of the road construction.
7. The applicants shall provide three copies of the subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for County addressing of the individual lots, and inclusion into the rural addressing system.
6. The following shall be completed upon recordation of the Final Plat:
 - 1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
 - 2) The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
7. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plat 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*.
8. 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.
9. 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.
10. 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.

**Planning Commission
Minutes; joint public hearing
October 7, 2005**

GLEN SUBDIVISION: The Planning Commission (Commission) met with applicant's attorney David Leinsdorf to conduct a joint public hearing. They discussed the request for the subdivision of 8.84 acres into 6 tracts; 4 new single-family lots, one open space tract and one lot with an existing residence, north of the City of Gunnison, east of Highway 135 and north of County Road No. 11, adjacent to the Cottonwood Park development.

Starkebaum confirmed that adequate public notice had been given.

Vice-Chairman Nick Lypps recused himself citing a conflict of interest.

Houghton asked the applicants to present the application. Doug Mayes, stepson of Alice Eilebrecht, was present. The applicant stated they are proposing four new sites in addition to the one existing residence. Mayes said the application is for a minor impact and they feel that it qualifies as a minor impact. Norman Whitehead is preparing a floodplain study and a wetlands delineation. Leinsdorf said they discussed the topic of major versus minor impact classification at the August 5, 2005 work session. He said the houses are clustered, there is substantial open space being preserved, the density is lower than adjacent uses, and that the house size is limited. Houghton said the Commission needs to clear up the impact classification.

Starkebaum said applications have been looked at for how many total lots will be created. Starkebaum said they have also discussed that an open space lot does not necessarily count toward the total number of lots. He said the Commission needs to look at the criteria for reducing the impact classification. The total open space created will be approximately 4 acres or approximately half of the parcel. The Commission discussed the merits of reducing the impact classification.

Starkebaum stated that there has been no confirmation from Public Works that central sewer will be available due to the floodplain and capacity. Whitehead stated that the parcel is on the edge of the floodplain but that the parcel is out of the floodplain. Starkebaum stated the County has undertaken a floodplain study north of the Highway 135 bridge. He said the last piece of the study is the hydrology which the County is waiting for the Army Corps of Engineers to complete. Whitehead said most of the adjoining parcels are connected to central sewer and some of them are located in the floodplain. Starkebaum said the issue with the sewer is that the intent was to serve existing development, not necessarily new development. The USDA funding for the sewer has not allowed new development in the floodplain to connect.

Houghton opened the hearing for public comment. Ron Keister, adjacent owner, said that the applicant contacted him regarding an easement for snow storage. Mayes said the snow will be pushed into the City ditch. Kiestler said that the access for the new lots would be fairly close to his property. He would like to see the access stay where the existing access is rather than creating a new access.

Don Maguire, said his neighbors are not present because they think this is positive impact for them because of the location of the open space. He said his neighbors felt that the density is appropriate for the area. He said they felt it was a well conceived use of the parcel.

Phyllis Guerrieri, asked how they would feel about essential housing. Mayes said they would not like to give any of their lots to essential housing.

Houghton closed the public hearing and allowed for written comments to be submitted for an additional 15 days.

Houghton asked the Commission to make a decision regarding the impact classification. Wilkinson stated that he thinks it qualifies as a minor impact; Billick agreed since it is on sewer and due to the neighborhood context. Potoker said that the

reduction of classification doesn't allow the developer to comply with any fewer standards just a shorter process. Reed and Houghton agreed that the application should be reduced to minor impact classification. Houghton moved to direct staff that the application be reduced to a minor impact, Billick seconded the motion, the motion passed unanimously.

Houghton identified for the record that letters were received from Leinsdorf and the City of Gunnison. The Commission said they will want to see mitigation measures proposed by the applicant for any impacts to the water bodies. Houghton continued to discuss the letter from the City of Gunnison. A letter from Newman and Laughlin was also received.

GUNNISON/CRESTED BUTTE AIRPORT- EIGHT ADDITIONAL AIRCRAFT HANGARS: The Commission met with County Manager John DeVore, for a work session. They reviewed a request for an expansion of General Aviation facilities at the Gunnison/Crested Butte Regional Airport for the construction of 8 additional aircraft hangars. Located generally, on the north edge of the airport, adjacent to Highway 50, west of the existing hangars.

County Manager John DeVore reviewed the airport master plan. He said the FAA requires all hangars be approved prior to construction. One hangar will be built this summer. He explained landscaping will be done over time; trees will not be used because the FAA does not approve the use of trees for landscaping designs. The Commission inquired what colors would be used on the hangars noting there could be negative visual impacts. The Commission requested the applicant address the visual appearance of the structures.

DeVore explained the Board of County Commissioners (Board) has formally adopted the airport master plan. He requested this application be reduced to a minor impact; noting the master plan adoption. Commissioner Richard Karas made a motion to lower the impact classification to a minor impact the motion was seconded by Commissioner Nick Lypps and the motion passed unanimously.

A public hearing has been scheduled for May 19, 2006.

WALKER/ WATER QUALITY: The Commission met with applicant Todd Walker for a work session to discuss his request for a duplex in compliance with Section 5-207: Protection of Water Quality, Lot RNT-4, Skyland River Neighborhood.

Planner Cathie Pagano reviewed the application with the Commission noting new drawings have been submitted by the applicant. The applicant has requested permission to build a duplex on this property agreeing to stay as far away from the wetlands as possible. Pagano explained the minimum square footage required is 1,200 sq ft. She said the Skyland HOA has not reviewed the plans yet.

The encroachment into the restrictive buffer was discussed. Applicant Todd Walker has submitted a mitigation proposal. Commissioner Ramon Reed questioned whether or not this is an appropriate structure for this site.

Pagano explained these lots are only deed restricted for the first owner. The proposed units will be two story, three bedroom units. Reed felt the Skyland HOA should be reviewing the application and questioned why the applicant was not building a single family residence, rather than a duplex. The applicant is not willing to build a single family residence and did not feel he could eliminate any square footage from his proposal. The Commission directed the applicant to confer with the Army Corp of Engineers and the Skyland HOA concerning the wetlands. The Commission requested a representative of Skyland HOA be invited to the next meeting. Walker explained the original intention of the Skyland HOA was to meet housing needs by encouraging density on these lots. Pagano recommended that Walker contact a wetlands delineator. The Commission directed the applicant to;

- Investigate a Wetlands Bank
- Have a wetlands delineator investigate mitigation
- Skyland HOA submit information as to the requirements for this lot
- A letter from the Skyland HOA stating that this lot must be built as it is set up
- Investigate a smaller foot print, and mitigation

Pagano agreed to contact the Army Corps of Engineers, Sue Nall, and request she attend the next meeting and also request she review this potential encroachment.

HORSE MEADOWS SUBDIVISION: The Commission met with attorneys Mike Dawson and Jessica Stone and applicant John Stock for a work session. They conducted a preliminary plan review, for a subdivision of 48.56 acres into ten single-family residence lots and one common open space area of 7.22 acres, north of the City of Gunnison, north of Seneca Drive and east of Chekwa Way

Planner Cathie Pagano reviewed a letter from attorney, Dawson addressing issues from the March 17, 2006 meeting;

- Engineer to explain irrigation
- Map with neighborhood density
- Dry up credits how it relates to water
- Provide mitigation measures to get the density requested/ open space, landscaping, trails etc.
- Contact public works concerning the north sewer extension
- Consider allowing public access to the trail

They submitted two maps, one of the area showing the adjoining parcels and the second showing the average size of the existing lots. They addressed the irrigation issues and submitted maps. They will clean out the debris etc. from the existing ditches to allow for better flow. Adjacent owner Alex Laird noted concerns with irrigation water flow and ditch rights. Adjacent owner Jim Ladder suggested installing monitoring devices for irrigation flow. The applicant noted the ditches will be monitored by the homeowners association. Laird reiterated several times his concerns with the irrigation water.

Dawson said a water augmentation plan has been submitted and will include a lined pond. The ISDS (septic) systems will be required to be engineered systems due to the high ground water. They have submitted a well report. They have a letter from the fire protection district stating the pond can be used for fire protection. There will be building envelopes specified on the plat. Additional design criteria will be in place for an owner who keeps horses. The HOA will monitor and control the horse pastures. Cross fencing is allowed per the covenants. The maximum number of horses would be 20 horses on 40 acres. Central sewage is not available at this time but if it becomes available the owners will be required to tie on and abandon their septic systems. A water pump test has been submitted. The domestic animals will be limited to, two cats and two dogs. The trash receptacles must be bear proof. Any fencing will be limited to a maximum of 42 inches in height.

Laird again noted his concern with the irrigation water and added road maintenance and increased traffic as issues of concern.

A site visit will be conducted on May 12, 2006 and a joint public hearing on June 16, 2006.

SHADY ISLAND SUBDIVISION: The Commission met with attorney David Leinsdorf, for a work session. They discussed the Sketch Plan and draft recommendation, request for 18 single-family residential lots, north of the City of Gunnison at 2776 Highway 135.

The Commission reviewed the revisions made to the sketch plan. They discussed open space. Leinsdorf said there is 30% open space at this time. The open space definition from the *Gunnison County Land Use Resolution* was quoted. The access to the open space was questioned. Ginny Garza questioned the possession of part of the river. Leinsdorf said Gunnison Abstract is reviewing the title of this property. Leinsdorf submitted the Assessor records for these parcels. The Commission directed the applicant to specifically address open space in their preliminary plan. A letter from several adjoining home owners in support of the application was submitted for the record. A letter containing the concerns of several of the homeowners was read into the record and submitted by Don Maguire.

The Commission reviewed the draft recommendation of sketch plan approval.

MOVED; by Billick and seconded by Karas to approve the recommendation of the sketch plan for LUC-2005-73 as amended. The motion passed unanimously.

SKETCH PLAN IS EXPLORATORY. *Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.*

SKETCH PLAN EXPECTED TO EVOLVE. *Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.*

ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN. To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.

Section 7-103: B., Gunnison County Land Use Resolution

PROJECT SUMMARY:

Verzuh Ranch, Inc, represented by attorney David Leinsdorf and Jim Sell Design has submitted the Sketch Plan for a Land Use Change Permit application to subdivide 10.36 acres into 18 single-family home sites and a common open space area of 3.09 acres. The open space will be along and across the Gunnison River (including the river) and along Clark Stream. Properties adjacent to the parcel are single family lots ranging from 0.24 acres to 8.361 acres. The parcel is adjacent to the proposed Glen Subdivision to the south, Cline's Homesites to the northeast and Garlic Mike's restaurant to the southwest. Although Cline's Homesites lot sizes are all approximately 1/2 of an acre all but one of the owners has two lots with one residence, although none of the lots have been formally clustered. A portion of the subject parcel is separated from the rest of the parcel and lies south of the Gunnison River and adjacent to the Eilebrecht parcel (the proposed Glen Subdivision). Agricultural operations are located within the general area but none are adjacent to the Shady Island parcel.

Lot sizes in the proposed development range from 0.25 to 0.49 acres. Building envelopes have not been designated on the lots but are required at Preliminary Plan. There are multiple existing structures on the parcel. The parcel had previously been approved for a seasonal commercial use as a recreational vehicle park with several cabins that were available for rent. The applicant proposes to remove all of the existing structures except the single-family residence that is currently located on the proposed Lot 9.

The parcel is located in the SW 1/4 NE 1/4 and the NW 1/4 NE 1/4, Section 24, Township 50 North, Range 1 West, N.M.P.M., east of Highway 135. It is within the City of Gunnison's Three-Mile Plan area. There are currently two access points from Highway 135 used to access the parcel. The southern access will be used as the primary access and will be used for access to twelve of the eighteen lots. The northern access will be used for the remaining six lots and is also the access for Cline's Homesites and several other metes and bounds parcels.

Clark Stream and the Gunnison River both run through the parcel. The parcel is primarily flat ground with cottonwoods, spruce and willows present.

An outline of the protective covenants has been submitted as required; a complete draft is required to be submitted in the Preliminary Plan.

There are no known ridgelines or geologic hazards on the property. A portion of the parcel is located in the 100-year floodplain. There may be wetlands on the parcel; a wetlands delineation is required at the time of preliminary plan.

ONSITE VISIT:

The Planning Commission visited the site December 2, 2005. They observed the surrounding density and the proximity of Cline's Homesites. The Commission also discussed the number of existing trees on the parcel versus the number shown on the site plan.

IMPACT CLASSIFICATION:

An eighteen lot subdivision is, by definition, classified as Major Impact

PUBLIC HEARING:

A joint public hearing was conducted by the Planning Commission and the Board of County Commissioners on February 3, 2006. Testimony that was presented and the full record of that hearing, including written letter and oral testimony, are hereby incorporated into this record. Question and/or concerns raised by the public included:

- River front access
- Compatibility of the proposed density of this subdivision with surrounding uses
- Open space that consists of waterways (Clark Stream and the Gunnison River)
- Impacts to wildlife and wildlife habitat
- Whether access to Cline's homesites would be impeded by the proposed development
- Right to float on the Gunnison River
- The exact number of existing trees on the parcel and how they would be impacted by the right of way
- Construction noise and disturbance in relation to the operation of Garlic Mike's restaurant

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

SECTION 9-102: HOME OCCUPATIONS.

Residences within the subdivision may have home occupations that comply with this section. Home occupations are allowed in the proposed development and addressed in the protective covenants.

SECTION 9-103: BED AND BREAKFAST.

No bed and breakfast uses are proposed as part of this application, and the protective covenants specifically prohibit commercial uses within this development.

SECTION 10-102: LOCATIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT.

This is a subdivision located within the City of Gunnison's three-mile plan area, and as such, complies with this section. As is required, a copy of the plan was submitted to the City of Gunnison for their information; in a letter dated October 12, 2005 from the City's Planning and Zoning Commission Chairperson, Diane Lothamer, indicated that the subdivision lies within the three-mile plan area but outside of the urban growth boundary and that the Gunnison River marks the dividing line between density recommendations—north of the Gunnison River is one unit to 5-35 acres and south of the River is one unit to 1-5 acres; the City noted that the proposed subdivision does not meet either of these standards, however, because the proposed development is to be served by central sewer the density standards change (see below).

SECTION 10-103: RESIDENTIAL DENSITY.

The proposal lies within the Three-Mile Area Plan for the City of Gunnison, but is not within the Urban Growth Boundary. The proposed subdivision does not comply with the City's Three-Mile Plan which conflicts with the County standards, however, the proposed development is served by central sewer and therefore smaller lot sizes are appropriate; the applicant has proposed the required 30% open space; and lot size and lot density are substantially similar to adjacent lots.

The City of Gunnison's Three-Mile Plan (Plan) was adopted in 1997, at that time a central sewer line did not exist in the vicinity of Shady Island and it was prudent to adopt standards that required parcels larger than one acre in order to accommodate an individual sewage disposal systems. However, since that time the County has installed the North Gunnison Sewer line making it possible for a number of parcels in the Three-Mile plan to utilize central sewer service. The density requirements of the Plan conflict with County standards and which allows for parcels less than one acre if served by central sewer. The Commission finds that the Three-Mile Plan conflicts with County standards and that the proposed density is in substantial compliance with County standards.

As required by the intergovernmental agreement between the City of Gunnison and County, the Preliminary/Final Plan for this application will be referred to the City for additional review.

SECTION 11-102: VOLUNTARY BEST MANAGEMENT PRACTICES.

Voluntary, not required.

SECTION 11-103: DEVELOPMENT IN AREAS SUBJECT TO FLOOD HAZARDS.

A portion of the parcel is located in the 100-year floodplain. Any structures built in the 100-year floodplain are required to obtain a flood elevation certificate and a floodplain development permit. The 100-year floodplain has been identified on the map titled "Shady Island Subdivision Existing Natural Features Map," dated August 10, 2005. In accordance with this Section the Preliminary Plan is required to address the following items:

- Minimization of flood damage
- Utilities shall be constructed to minimize flood damage
- Drainage facilities shall be provided to reduce exposure to flood damage
- That base flood elevation data be provided for the subdivision and that the water surface of the base flood elevation shall not increase more than one foot any point.

SECTION 11-104: DEVELOPMENT IN AREAS SUBJECT TO GEOLOGIC HAZARDS.

The applicant will be required to submit a geologic hazard report at Preliminary Plan. Additionally, a copy of the Preliminary Plan will be sent to the Colorado Geologic Survey for review and comments.

SECTION 11-105: DEVELOPMENT IN AREAS SUBJECT TO WILDFIRE HAZARDS.

The County's maps indicate most of the County is within a wildfire hazard area to some degree. Review and analysis by the Colorado State Forest Service at Preliminary Plan shall determine the status of wildfire hazards.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS.

The Colorado Division of Wildlife was sent a copy of the Sketch Plan and submitted written comments in a letter from J Wenum on February 1, 2006 to the Planning Department. Comments included:

The proposed subdivision is located within mapped Gunnison Sage Grouse brood, winter, and severe winter ranges, and mule deer winter and severe winter ranges. Black bears inhabit the areas, which has resulted in some human/bear conflicts. Cotton tail rabbits, striped skunks, raccoons, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion. Beavers may also be present in the Gunnison River and associated waterways.

A wildlife habitat analysis is not required to be submitted at Preliminary Plan because the Division of Wildlife did not determine that the parcel is located in sensitive wildlife habitat. The recommendations from the DOW shall be incorporated into the covenants at the Preliminary Plan submittal. A copy of the Preliminary Plan will be sent to the Division of Wildlife for review and comments.

SECTION 11-107: PROTECTION OF WATER QUALITY.

Applicable, the site is within 125 feet of Clark Stream and the Gunnison River. A wetlands delineation shall be required to be submitted at Preliminary Plan. Additionally, in accordance with this Section the applicant is required to submit a plan for water quality protection. Building envelopes shall be designed in accordance with setbacks required in this Section.

SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES.

This site is not located on a ridgeline.

SECTION 11-109: DEVELOPMENT THAT AFFECTS AGRICULTURAL LANDS.

There are agricultural operations in the general area in which this development is proposed, however none are adjacent to the parcel.

SECTION 11-110: DEVELOPMENT OF LAND BEYOND SNOWPLOWED ACCESS.

The site is not located beyond snowplowed access.

SECTION 11-111: DEVELOPMENT ON INHOLDINGS IN THE NATIONAL WILDERNESS.

The site is not located on a National Wilderness inholding.

SECTION 11-112: DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.

This site is not located above timberline.

SECTION 12-103: ROAD SYSTEM.

- The proposed roads are required to comply with this Section and with *Gunnison County Road and Bridge Standards*.
- A meeting is required to be scheduled with the Public Works Department by applicant before engineered plans are drafted prior to the Preliminary Plan submittal, to discuss the scope of the project, identify transportation issues specific to the proposed project that are to be addressed, and to provide the Department with the name, telephone number and address of the engineer or engineering firm that will be drafting the proposed road plans.
- A traffic study shall be required to be submitted with the Preliminary Plan because the development will generate more than 100 trips per day
- Impacts on the County road system will be identified and any mitigation will be recommended by the Public Works Department as part of its overall review.
- Separate driveway access permits will be required of individual lots, subject to the requirements of the *Gunnison County Road and Bridge Standards*.
- Road pattern, road names and signs, lot address signs and pedestrian and non-motorized ways, location of trees within the right-of-way are also applicable and shall be addressed as part of the Preliminary Plan.

SECTION 12-104: TRAILS.

No public trails currently exist on the property and no public trail is proposed to be constructed as part of this application.

SECTION 12-105: WATER SUPPLY.

A regional or central water supply is not available. The applicant proposes to supply water to the individual lots utilizing two central wells. In a January 17, 2006 letter, attorney John R. Hill stated:

The Shady Island Subdivision will be supplied by two wells. The waste water from indoor use will be pumped to the wastewater treatment plant in the vicinity of McCabe Lane. Therefore, water pumped from the wells for indoor

use will cause 100 per cent depletions in the reach of the Gunnison River from Shady Island to McCabe Lane and 5 per cent depletions downstream of McCabe Lane. On December 30, 2005, I filed an application in the District Court, Water Division No. 4, Case No. 05CW267, for a conditional water right, change of water right and for approval of a plan for augmentation for the proposed Shady Island Subdivision. The plan for augmentation proposes to replace out-of-priority depletions resulting from the Shady Island Subdivision to rights downstream of Blue Mesa Reservoir. The proposed plan does not propose to replace depletions occurring in the reach of the Gunnison River downstream of Shady Island to McCabe Lane.

The reason the plan does not propose to replace depletions in the reach Shady Island to McCabe Lane is that augmentation of well depletions occurring in that reach have not been required in the past because a call has never originated in that reach. The Upper Gunnison Water Conservancy District (District) has applied for a water right for a Recreational In-Channel Diversion (RICD) which could change the regimen on the reach in question. The RICD application was opposed by the Colorado Water Conservation Board (CWCB) and the Colorado River Water Conservation District (River District) among others. The Water Court granted the application for the RICD and the CWCB appealed and the Colorado Supreme Court remanded the case to the Water Court. I understand that a settlement has been reached between the CWCB and the District which involves reduced flow for the RICD. The Water Court has not yet entered a decree based upon the settlement. Also, the River District imposed a condition on the withdrawal of its statement of opposition obligating the District to afford some relief to in-basin uses. Thus, it now appears that there is a high probability that inbasin water users such as Lacy will be relieved from the necessity to replace depletions to the RICD.

On the other hand, if it is eventually determined that the reach Shady Island to McCabe Lane must be augmented, Mr. Lacy has water rights which could be used as replacement water or, he could purchase augmentation certificates from the District. If the District does not act to relieve in-basin users from augmenting the RICD, within the next few months, the application in Case No. 05CW267 will be amended to include augmentation of the depletions to the RICD.

It is my opinion that the proponents of the Shady Island subdivision will ultimately be successful in obtaining court approval of a plan for augmentation and confirmation of the appropriation to supply the subdivision.

A copy of the Sketch Plan was sent to the Colorado Division of Water Resources. The Sketch Plan proposed to utilize an existing central well on the parcel that served the former commercial use of the Shady Island Resort. In a letter dated November 16, 2005, Craig Lis, Water Resource Engineer for the Division stated:

Permit No. 19213 was issued pursuant to CRS 37-92-602(3)(b)(II)(A), as the only well on a parcel of 10.914 acres, and allows use in up to three single-family dwellings. CRS 37-92-602(3)(b)(III) requires that the cumulative effects of all wells in a subdivision be considered when evaluating material injury to decreed water rights. Accordingly, if the parcel is subdivided, the presumption under CRS 37-92-602(3)(b)(II)(A), that there will not be material injury to the vested water rights of others or to any other existing well from such well, will no longer apply. As such, an augmentation plan is required to offset depletions caused by the pumping of all wells. Alternatively, the applicant may apply for a new permit for this well pursuant to an Upper Gunnison River Water Conservancy District (District) contract for Meridian Lake augmentation water.

No information was provided concerning the physical adequacy of the water supply. As stated in CRS 30-28-133(3)(d), the subdivider is required to submit 'Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed.'

The source of the proposed water supply would be from, or tributary to the Gunnison River. The Gunnison River is overappropriated, therefore a plan for augmentation is required to offset depletions caused by the use of water for this development. Due to the lack of such a water court approved plan for augmentation, the State Engineer finds pursuant to CRS 30-28-136(1)(h)(I) that the proposed water supply will cause material injury to decreed water rights.

The Preliminary Plan will be referred to the Colorado Division of Water Resources and to the Gunnison Fire Protection District for review of adequacy of the water to provide a supply sufficient for domestic and fire suppression needs. A 24-hour pump test may be required to be conducted in compliance with this section and the results submitted as part of the Preliminary Plan.

SECTION 12-106: SEWAGE DISPOSAL/WASTEWATER TREATMENT.

The site is located within 400 feet of an existing sewer line and proposes to tie onto the North Gunnison Sewer District. The Sketch Plan was referred to Gunnison County Public Works for review and comment. In a memo dated October 27, 2005 from Public Works Director, Marlene Crosby, states:

The North Gunnison Sewer District will provide service to this development with the following conditions:

- *The applicant will be required to submit sewer system plans, prepared by a Colorado Registered Professional Engineer, for our review. The sewer system shall have a continuous 8-inch line from the highway crossing through the development to serve the properties to the north and east of this development.*
- *All costs associated with the placement of the sewer lines will be at the developer's expense. During the installation of the lines Gunnison County will make periodic inspections for quality assurance purposes. This inspection process will include air pressure testing of the lines at the developer's expense and TV documentation by the Gunnison County Utility department at our expense.*
- *After construction and inspection have been completed and there are no problems the North Gunnison Sewer District will accept the main line and laterals. An easement must be shown on the plat for the main line and any lateral that will be maintained by the Gunnison County Utility Department. Lateral is defined as that portion of a line that provides service to more than one lot.*
- *The applicant will be required to pay availability of service fees for all lots as soon as service is available to the development.*
- *Each lot will be charged the City of Gunnison tap fee at the time the owner applies for a building permit.*

SECTION 12-107: FIRE PROTECTION.

The standards of the Gunnison Fire Protection District apply. The protective covenants are required to include language ensuring compliance with the requirements of the Gunnison Fire Protection District and give the District authority to enforce those provisions.

The applicant shall comply with the standards for vehicle access. A fire hydrant system may be required to be installed; water cisterns may be used if a fire hydrant system is not required.

SECTION 13-103: GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS.

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. Site-specific building envelopes are required to be shown. Location of building envelopes shall be identified in the Preliminary Plan.

SECTION 13-104: SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY.

This section applies, as currently submitted, the plan meets its requirements. The applicant proposes to leave the existing residence on the proposed Lot 9 in place. The residence does not meet the current setback requirements however it is considered a legal nonconforming use and will be permitted to remain on the same footprint with no extension of expansion of the nonconforming use pursuant to *Section 1-108*.

SECTION 13-105: RESIDENTIAL BUILDING SIZES AND LOT COVERAGES.

All requirements of this Section apply. The proposed protective covenants have identified a maximum of 3300 square feet of living space and 750 square foot garage for each lot.

SECTION 13-106: ENERGY AND RESOURCE CONSERVATION.

All structures to be constructed within the development will be subject to the standards of this Section at the time of building permit application.

SECTION 13-107: INSTALLATION OF SOLID-FUEL-BURNING DEVICES.

This section applies and language is required to be included in the protective covenants restricting the use of solid fuel-burning devices, as required by this Section.

SECTION 13-108: OPEN SPACE AND RECREATION AREAS.

The project is located within the municipal Three Mile Plan area and is required to comply with open space requirements of the Plan and/or provide 30 per cent or more open space. Two configurations of open space are shown on the proposed plat—a parcel of open space has been created on the northern edge of the Gunnison River and across the river (inclusive of the river) to an additional piece of land on the south side of the river; there is an additional open space parcel on the northwest corner of the subject parcel. Final calculation of open space in compliance with this section shall be submitted in the Preliminary Plan.

Provisions for maintenance and preservation are of the open space are required to be addressed in the protective covenants.

SECTION 13-109: SIGNS.

There are no signs proposed as part of the submitted Sketch Plan. Sign elements, as allowed by this section, may be proposed within the Preliminary Plan.

SECTION 13-110: OFF-ROAD PARKING AND LOADING.

The number of parking spaces complies with this section. Landscaping and screening of parking areas are required to be included in the Preliminary Plan.

SECTION 13-111: LANDSCAPING AND BUFFERING.

A landscaping plan is required to be submitted because the proposed development is a Major Impact residential project. On individual lots, which may require screening as buffers, landscaping for each site can be proposed by the applicant and considered during the review process. It is suggested that the standards of site protection, planting specifications, timing, site-specific selection, water conserving landscaping and use of non-treated water be included in some form within the protective covenants to advise individual lot owners of those requirements.

Section 13-112: SNOW STORAGE.

The development requires snow removal from roadways and/or parking areas; site design must comply with this section. Snow shall not be disposed of in water bodies.

SECTION 13-113: FENCING.

This section applies and may be addressed in the protective covenants and/or design guidelines.

SECTION 13-114: EXTERIOR LIGHTING.

An exterior lighting plan, in compliance with this section, shall be submitted at Preliminary Plan.

SECTION 13-115: RECLAMATION AND NOXIOUS WEED CONTROL.

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction. A Noxious Weed Control Plan is required to be included within the Reclamation Permit. Both are required to be addressed within the Preliminary Plan.

SECTION 13-116: GRADING AND EROSION CONTROL.

Construction of this project will require the applicant to secure a Reclamation Permit from the Public Works Department, pursuant to *Section 13-115: Reclamation and Noxious Weed Control*.

SECTION 13-117: DRAINAGE, CONSTRUCTION AND POST-CONSTRUCTION STORM WATER RUNOFF.

This section may apply, as this is a Major Impact subdivision and if there is to be 10,000 square feet or more of impervious surface area created by road and driveway improvements certification shall be required from a qualified professional engineer licensed in the State of Colorado, indicating that this project meets the standards of this Section. The determination of the square footage is required to be addressed in the Preliminary Plan.

SECTION 13-118: WATER IMPOUNDMENTS.

This project does not propose a water impoundment.

SECTION 13-119: STANDARDS TO ENSURE COMPATIBLE USES

Applicable, the specific requirements shall be addressed at Preliminary Plan.

SECTION 15-103: EFFECTS OF ADOPTION OF RIGHT-TO-RANCH POLICY.

Applicant must be provided a copy of the Right-to-Ranch Policy and the Code of the West.

FINDINGS:

The Commission finds that:

1. This application, by definition, is classified as a Major Impact.
2. The residential development proposed in this application is within the City of Gunnison's Three-Mile Plan.

3. The City of Gunnison Three-Mile Plan and County standards are in conflict with each other specifically regarding density requirements.
4. The proposed density is substantially similar to existing density in the area.
5. There is minimal exterior lighting in the area and no exterior lighting is proposed for the proposed development roads.
6. A portion of the parcel is located in the 100-year floodplain which has been identified on the map titled, "Shady Island Subdivision Existing Natural Features Map," dated August 10, 2005.
7. No phases are proposed for this development within the Sketch Plan.
8. The applicant proposes to tie onto the North Gunnison Sewer line and Public Works Director, Marlene Crosby, stated in a memo on October 27, 2005 that sewer service would be provided to the proposed development.
9. The applicant has consented to impose construction hours to mitigate impacts to Garlic Mike's Restaurant.
10. A landscaping plan is required to be submitted in the Preliminary Plan because the proposed development is a Major Impact residential project.
11. That existing residents within the impact area for this proposed development have expressed concerns about the following issues:
 - Density
 - Open space that consists of waterways (Clark Stream and the Gunnison River)
 - Impacts to wildlife and wildlife habitat
 - Whether access to Cline's homesites would be impeded by the proposed development
 - Right to float on the Gunnison River
 - The exact number of existing trees on the parcel and how they would be impacted by the right of way
 - Construction noise and disturbance in relation to the operation of Garlic Mike's restaurant
12. The proposed development requires snow removal from roadways and/or parking areas; site design must comply with *Section 13-112: Snow Storage*.
13. There are no signs proposed as part of the submitted Sketch Plan. Sign elements, as allowed, may be proposed within the Preliminary Plan.
14. Location of building envelopes shall be identified at Preliminary Plan and designed in accordance with all applicable setback requirements.
15. Protective covenants shall be submitted at Preliminary Plan in accordance with *Section 7-301 K*.
16. The Sketch Plan application is generally consistent with the standards and requirements of the *Gunnison County Land Use Resolution*. Determination of its compliance pursuant to each applicable section of the *Resolution* is required during Preliminary Plan review and action.
17. Approval of the Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review of later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final plan reviews, the applicant is unable to fulfill all of the requirements of this *Resolution*, then the application shall be denied at the Preliminary or Final Plan review stage.
18. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void and required the applicant to begin the Sketch Plan review process again.

19. 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 *Resolution*.
20. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony has reached the above Findings and recommends that LUC-2005-73 be classified as a Major Impact and that the Sketch Plan be approved with the following conditions:

1. That the Preliminary Plan specifically address the following concerns, pursuant to each applicable section of the Gunnison County Land Use Resolution:
 - Impacts to wildlife and wildlife habitat
 - Whether access to Cline's homesites would be impeded by the proposed development
 - Right to float on the Gunnison River
 - The exact number of existing trees on the parcel and how they would be impacted by the right of way
 - Location and ownership of irrigation ditches on the parcel
 - Clarification regarding how the proposed open space complies with *Section 13-108*
 - Construction noise and disturbance in relation to the operation of Garlic Mike's restaurant
2. That the location of the building envelopes adjacent to Highway 135 be designed to reduce visual impact and in accordance with all applicable setback requirements.
3. That construction hours are identified in the protective covenants as follows: 7:00 a.m. until 5:00 p.m., Monday through Friday; 7:00 am to 4:00 p.m. on Saturdays and that no construction will be permitted on Sundays.
4. That the protective covenants allow access to open space for all lot owners in the proposed development and that they also address wildlife and the recommendations that the Division of Wildlife identified in a letter written February 1, 2006.
5. An exterior lighting plan be submitted.
6. A landscaping plan is required to be submitted.
7. The proposed development requires snow removal from roadways and/or parking areas; site design must comply with *Section 13-112: Snow Storage*.
8. That a geotechnical report be submitted within the Preliminary Plan application.
9. That a wetlands delineation be submitted within the Preliminary Plan application.
10. That the applicant shall submit flood information in compliance with *Section 11-103 J.4.* including:
 - Minimization of flood damage
 - Utilities shall be constructed to minimize flood damage
 - Drainage facilities shall be provided to reduce exposure to flood damage
 - That base flood elevation data be provided for the subdivision and that the water surface of the base flood elevation shall not increase more than one foot any point.
11. The Preliminary Plan and Final Plan may be combined.
12. Protective covenants shall be submitted in accordance with *Section 7-301 K.*
13. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions

to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.

14. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary/Final Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.

HIGH VALLEY CONDOS/UNIT#2/ BUILDING# A: The Commission met with applicant Mary Pavillard-Cain for a work session. They discussed her request; subdivision of an existing condominium unit into two separate units, Unit 2, Building A, High Valley Condominiums, Riverbend Subdivision, 88 Aspen Lane #2A.

Pavillard-Cain reviewed her request with the Commission. She is applying to split one condominium into two individually owned condominiums. She submitted a letter from engineer Bob Williams and the Riverbend homeowners association. The applicant was directed to have the water availability in place and compliance with all the new building codes as well.

Planner Cathie Pagano said any subdivision is required to go before the Board of County Commissioners. There will be no site visit held but there will be a joint public hearing held June 16, 2006.

LUR AMENDMENT TO SECTION 13-107; SOLID FUEL BURING DEVICES: The Commission discussed the proposed amendment to *Section 13-107; Solid Fuel Burning Devices*.

Assistant Planning Director Neal Starkebaum reviewed the process with the Commission.

Owner of a fire place store in Gunnison, John Solanik asked if the proposal is to revert back to the original language in the LUR regarding solid fuel burning devices. Solanik said that he didn't think that open fire places are the problem. Solanik said his concern is the removal of open fireplaces will not improve the air quality. Solanik said the misuse of appliances may have a larger impact. He suggested open fire places still be allowed but levy higher fees. Solanik asked about failed appliances and how they will be dealt with.

Commissioner Ramon Reed said the approach should be to get open fireplaces approved by the CDPHE or the EPA. Starkebaum stated there are alternatives to a traditional open hearth such as Rumford style fireplaces.

Starkebaum pointed out the current regulations allow for any solid-fuel burning device to be installed in a detached accessory structure. The Commission discussed amending that particular section. Crested Butte resident Sue Navy suggested the County start a program to retrofit solid fuel burning devices. Maureen Hall submitted a letter into the record supporting the elimination of open fireplaces.

Starkebaum stated the County has collected a \$1000 impact fee for each open fire place installed to monitor air quality and retrofit old devices.

Crested Butte Town planner John Hess suggested any amendment be compliant with the surrounding municipality's requirements, because their Three-Mile Plan has recommendations and not requirements.

The Commission directed staff to prepare a recommendation with the amendment language.

The regular meeting of the Gunnison County Planning Commission was adjourned at 4:45 p.m., April 28, 2006.

/S/ Michelle Spain
Administrative Assistant
Gunnison County Planning

