

GUNNISON COUNTY PLANNING COMMISSION

AGENDA: APRIL 7, 2006

- 8:30 a.m** **Oil and Gas Regulations**, Planning Commission executive session with County Attorney
- 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.** **SG Interests I, Ltd., represented by Lynn Garner, Nika Energy Operating**, continued public hearing/possible action, request for 6 exploratory natural gas wells, and 2 water disposal wells, located in the West Muddy area, west of State Highway 133
- 9:45 a.m.** **Gunnison Energy Corporation, represented by Lee Fyock**, work session/possible action, request for four natural gas exploration wells, located in the West Muddy area, west of State Highway 133
- 10:30 a.m.** **Mike Pelletier**, work session/no action, request for the subdivision of Lot 18, Ohio Meadows, F#2, into two lots, 1257 Seneca Drive, located north of the City of Gunnison
- 11:15 a.m.** **Wyman**, work session/possible action, request for commercial woodworking shop in a detached structure, at 1397 West Denver Avenue
- Noon** **Working lunch**-discussion, Planning Commission initiation possible amendments to the *Land Use Resolution*.
- 1:00 p.m.** **Thornton Estates Subdivision, Deloray, LLC, represented by David Leinsdorf**, continued joint public hearing/no action, modified Sketch Plan; reduction in number of lots from 27 single-family lots to 21 lots, on 13.57-acres, Tract M-1, Spring Meadows Subdivision; located approximately two miles north of the City of Gunnison, west of Highway 135, east of Spring Meadows Drive
- 2:30 p.m.** **Blue Jay Condos and Cottonwood Grove Townhomes, Rommjo, LLC, represented by David Leinsdorf**, work session/no action, presentation of plan for 6 condominium units, and 12 townhome units, in three duplex and two triplex buildings; total of 18 units, located approx. 2 miles west of the City of Gunnison
- 3:30 p.m.** **The Glen Subdivision, Alice Eilebrecht, 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
- 4:00 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 7, 2006

The Gunnison County Planning Commission conducted a regular meeting April 7, 2006, in the Commissioners' Meeting Room in the Blackstocks Government Center. Present were:

Chairman-Dave Houghton	Assistant Director of Planning-Neal Starkebaum
Commissioner-Mike Potoker	Planner- Cathie Pagano
Commissioner- Ramon Reed	Administrative Assistant- Beth Baker
Commissioner- Ian Billick	Others present as listed in text
Commissioner- Richard Karas	

With a quorum present, Chairman Dave Houghton opened the regular meeting of the Gunnison County Planning Commission, April 7, 2006, at 8:30 A.M.

APPROVAL OF MINUTES:

MOVED; by Karas and seconded by Potoker to approve the minutes of March 17, 2006 as amended. The motion passed unanimously.

MOVED; by Karas, seconded by Reed for the Commission to go into executive session with County Attorney David Baumgarten and Assistant Planning Director Neal Starkebaum for the purpose of discussing Oil and Gas regulations. The motion passed unanimously.

The Commission went into executive session at 11:10 a.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
Gunnison County Attorney

A. 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: _____
Dave Houghton, Chairperson
Gunnison County Planning Commission

The Commission came out of executive session at 8:55 A.M. Chairperson Dave Houghton stated that the discussion had remained on the topic of the Oil and Gas regulations.

SG INTERESTS I, LTD: The Commission met with SG Interests I, Ltd., represented by Lynn Garner, Shawn Gordy and Robbie Gwyn, Nika Energy Operating, for a continued public hearing. They reviewed a request for six exploratory natural gas wells, and two water disposal wells, located in the West Muddy area, west of State Highway 133.

Chairman Dave Houghton determined a quorum existed and opened the continued public hearing.

Houghton cited two comment letters from adjacent parcel owner Mark Carter dated March 29, 2006 and April 6, 2006.

Applicants' representative Lynn Garner asked for permission to move the location of the McIntyre 11-90. He explained because of the visual impacts they want to move the well away from the road; they do not have a specific location but would like to move it toward the hill side. A surveyor will come to the site to locate the well. This is in response to a request made by adjacent property owner Mark Carter.

Commissioner Ian Billick inquired how much control can be had over flaring. Garner responded flaring is rarely used adding their goal is no flaring. He assured the Commission; if the Forest Service advised the operator of a high fire danger the operator would shut down the drilling operation. Billick was concerned the Forest Service could be understaffed and might not be able to contact the operator. Garner answered they would react to the situation at hand and determine a shut down on a case by case basis. Commissioner Richard Karas asked if they would take an active or passive role. Garner assured the Commission they take an active role in all phases of safety. He reiterated they would respond to any warning from the Forest Service. Shawn Gordy advised the Commission that flaring does not occur without warning and generally there is at least a several hour warning; that flaring is inevitable. Garner informed the Commission that blowout prevention equipment is present at each well. Houghton commented the Commission should see an actual drill site.

Attorney for the applicants', Wayne Foreman, submitted a letter to the record. The letter requested expediency on the part of the County, citing a short drilling season. Foreman, commenting on the County's right to reopen a permit should the County prevail in its law suit to gain more authority over the permitting process; said it is his opinion and the opinion of his clients that once a permit is granted a permit can not be reopened.

Adjacent owner, Mark Carter, was present telephonically. Carter said he strongly supports moving the site of the McIntyre well towards the hill. He is pleased SG Interests is sensitive to the location of the wells and screening. His major concern is fire and response time and the high fire danger that could exist at the time of possible flaring. He did not think the emergency response coordination was sufficient.

Garner said SG Interests also uses the services of Halliburton and Nika is not responsible for Halliburton's safety program. Karas asked if the County should be looking at the Halliburton emergency plan as well. Houghton affirmed the buck stops with SG Interests and if there is an emergency situation SG Interests is ultimately responsible. Garner explained prior to any operation there is a safety meeting held to define the job of each member of the team. He acknowledged they would reimburse any costs incurred by the emergency response agencies.

Garner informed the Commission each individual county have vastly different emergency response requirements. Gunnison County Emergency Services Coordinator, Scott Morrill, advised the Commission he had contacted six counties that deal with oil and gas, and got six different responses. Houghton requested a guideline for emergency response from Morrill.

Karas asked how an explosion would be handled. Garner responded they rarely occur and he pointed out they try to maintain control over all aspects of the operation. Should an explosion occur each employee has been assigned duties to deal with it. Billick suggested going through the draft decision but direct the operator to provide staff with a specific plan as called out in the *Gunnison County Temporary Oil and Gas Regulations*. Garner agreed to provide a plan.

High Country Citizens Alliance (HCCA) land director, Dan Morse, requested the emergency response report be made available to the public. He cited water leaks as having the potential to be very critical as well as the transportation of any chemicals that might be spilled and go into the water shed. He suggested reviewing other counties templates noting they could include more material for our template.

Houghton queried the Commission on the emergency response plan. Karas, Potoker, Reed and Billick each agreed it must be to the satisfaction of the Emergency Services coordinator and the Planning staff.

Houghton closed the public hearing at 9: 55 A.M.

Houghton seated Commissioners Reed and Karas for the remainder of the day.

MOVED: by Karas seconded by Reed to approve OG-2006-03 through OG-2006-10 as amended. The motion passed unanimously.

PROJECT SUMMARY:

The applicant has submitted applications to drill and complete six natural gas exploration and two water disposal wells. The exploration wells will be drilled using a standard drilling program, including but not limited to drilling mud pits, wellheads, pumping units, separators, water storage tanks and fracture stimulation. The applicant has submitted an "Operation Plan" for each well. All of the wells, except for the McIntyre wells and Falcon Seaboard No.2, will be drilled on an existing well pad. All wells will be located on private land owned by Falcon Seaboard Diversified of Houston, TX, in the Muddy Creek area, approximately 2 miles northwest of Highway 133, north of County Road No.265 (Buzzard Divide - East Muddy Creek). Specific locations are identified on site maps for each well. The McIntyre #11 will be moved to the west several 100 feet.

Access is via County Road No. 265 (Buzzard Divide - East Muddy Creek), Forest Road No. 265, and private roads.

The Colorado Oil & Gas Conservation Commission has either issued or has permits pending for all of the wells.

OWNERS:

<u>Well Name</u>	<u>Owner - Surface</u>	<u>Owner - Mineral</u>
Federal 10-8-11-90 R	U.S. Forest Service	United States
Henderson #1 R	U.S. Forest Service	United States
Federal 1-25-10-91 R	U.S. Forest Service	United States
McIntyre 11-90-14 #1	McIntyre Livestock Corp.	McIntyre Livestock Corp.
McIntyre 11-90-11 #1	McIntyre Livestock Corp.	McIntyre Livestock Corp.
Falcon Seaboard 11-90-11 #2	Falcon Seaboard Diversified	Falcon Seaboard Diversified
Falcon Seaboard 12-1 WDW	Falcon Seaboard Diversified	Falcon Seaboard Diversified
Federal 24-1 WDW	McIntyre Livestock Corp.	United States

WELL NAME/ LOCATION:

The proposed wells are identified and located as follows:

<u>Well Name</u>	<u>COGCC API No.</u>	<u>Location</u>
Federal 10-8-11-90 R	05-051-06068	SWNE Section 8 T11S R90W
Henderson #1 R	05-051-06066	SWNE Section 9 T11S R90W
Federal 1-25-10-91 R	05-051-06067	SESE Section 25 T10S R91W
McIntyre 11-90-14 #1	Pending	NWSW Section 14 T11S R90W
McIntyre 11-90-11 #1	Pending	SENE Section 11 T11S R90W
Falcon Seaboard 11-90-11 #2	Pending	SESE Section 11 T11S R90W
Falcon Seaboard 12-1 WDW	05-051-06070	SWNW Section 12 T11S R90W
Federal 24-1 WDW	05-051-06069	SWNE Section 24 T11S R90W

The McIntyre #11 will be moved to the west several 100 feet.

REGULATORY REVIEW:

The applications are subject to the Gunnison County *Temporary Regulations For Oil And Gas Operations*, adopted by the Gunnison County Board of County Commissioners May 9, 2003, BOCC Resolution No. 2003-50, amended – May 18, 2004 BOCC Resolution No. 2004-27.

Pursuant to the decision by the Gunnison County District Court Case 03CV76 and the subsequent Gunnison County Board of County Commissioners Resolution No. 2003-50, the following sections of the *Temporary Regulations*, as amended, have been temporarily suspended pending further action of the Board:

- a. Section 1-107: A. Drainage And Erosion Control;
- b. Section 1-107: D. Wildlife and Wildlife Habitat;
- c. Section 1-107: E. Livestock and Livestock Grazing;
- d. Section 1-107: F. Recreation Impacts;
- e. Section 1-107: G. Water Quality;
- f. Section 1-107: H. Waterbody Setbacks;
- g. Section 1-107: I. Cultural and Historic Resources;
- h. Section 1-107: J. Wildfire Hazard;
- i. Section 1-107: K. Geologic Hazard;
- j. Section 1-107: L. Impact Mitigation Costs;

- k. Section 1-107: M. Access To Records
- l. Section 1-107: O. Financial Guarantees;
- m. Section 1-107: P. Technical Infeasibility Waiver.

Gunnison County has appealed the decision of the District Court to the Colorado Court of Appeals, in BOCC v. BDS, International, LLC, etal, Case No. O4CA1679. It is anticipated that a decision will be made within the next 9 months to a year.

APPLICABLE SECTIONS OF TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS:

The standards of Section 1-107: Oil and Gas Operation Standards of the *Regulations* the County may apply are:

- B. ACCESS ROADS.** All public access roads, under the jurisdiction of Gunnison County, shall be constructed and maintained in compliance with the *Gunnison County Standard Specifications for Road and Bridge Construction*, as necessary to accommodate the traffic and equipment related to the Oil and Gas Operation and emergency vehicles.
- C. PUBLIC ROADWAY AND TRAFFIC IMPACTS.**
 - 1. INGRESS AND EGRESS.** Ingress and egress points to public roads shall be located, maintained and improved to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
 - 2. MAINTENANCE AGREEMENT OR FINANCIAL ASSURANCE.** If the projected use of the public roads resulting from the Oil and Gas Operation will result in a need for an increase in roadway maintenance or snow removal, the County shall require the Operator to: i) enter into an agreement with the County whereby the operator provides for private maintenance and snow removal, or reimburses the County for such increased costs; and/or ii) provide a bond or other financial assurance in an amount acceptable to the County to cover the costs of impacts to the roads.

The applicant has voluntarily entered into an agreement with Gunnison County to construct improvements on County Road No.265. This is identified in a Gunnison County Road Improvement Agreement, No. 05-85, dated September 13, 2005 between the Gunnison County Board of County Commissioners, SG Interests I, Ltd., and Beavers Construction Company, Inc. The cost of the improvements is in the amount of \$400,000.

Comments: Allen Moores, Engineering Representative, Gunnison County Public Works, in a memo (attached) of March 30, 2006, notes that:

“As requested, this is a follow up to the status of County Road 265, and the cooperative agreement between Gunnison County and SG Interests.

At the present time three of the areas of concern have been improved to increase line of sight distance and width.

The remaining areas are still scheduled to be repaired when the Right of Way issues and needed easements are in place.

Gunnison County and SG Interests agreed that if there were problems securing the additional construction easements to complete the total permit that Gunnison County would continue to process the applications for the permits to drill with the understanding that when the necessary easements have been obtained, SG Interests shall have the continued obligation to fund improvements up to the amount originally agreed upon for the completion of this improvement project.”

- N. EMERGENCY RESPONSE.** Oil and Gas Operations shall provide a written emergency response plan for the potential emergencies that may be associated with the operation of the facilities. This shall include, but not be limited to any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, and hazardous material vehicle accidents or spills. Operation specific emergency preparedness plans are required for any Oil and Gas Operation that involves drilling or penetrating through known zones of hydrogen sulfide gas. The plan shall include a provision for the Operator to reimburse the appropriate emergency response service provider for costs incurred in connection with the emergency.

The applicants submitted an emergency response plan for emergency preparedness, including responder contact information. Due to the locations of the proposed wells, first response will come from Paonia and Delta County. Gunnison County Emergency Management has coordinated with the Delta County Emergency Services. The plan is attached.

Comments: Scott Morrill, Gunnison County Office of Emergency Management, noted in a letter (attached) of March 31, 2006, that:

“Attached is the revised SG Interests Emergency Response Plan, submitted by Lynn Garner. This plan incorporates the revisions requested by myself and Rob Fielder, Delta County Emergency Manager. Mr. Fielder and I met in Montrose yesterday to review the plan, and we are in agreement that it meets our needs and is acceptable.”

PUBLIC HEARING:

The Planning Commission conducted a public hearing March 3; continued to March 17 and April 7; during the hearing several members of the public were present and provided testimony. The minutes of the hearing are attached to this decision, and all testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

Written comments were received from the following parties:

Huntsman Ranch, David Clinger dated February 27, 2006, concerns with drilling

Mark & Deborah Carter, letter dated March 2, 2006, concerns with drilling

Bill & Sheri Bird, Roger & Janice Day, letter of March 2, 2006, concerns with drilling

High County Citizens Alliance, Dan Morse, Public Lands Director, letter of March 3, 2006, concerns with drilling

Les White – letter of March 16, 2006, concerns with drilling

Vannie Lowdenslager, letter of March 21, 2006, concerns with drilling

Mark & Deborah Carter, letter dated April 6, 2006

Wayne Foreman, Brownstein Hyatt Farber, letter dated April 6, 2006, issues with reopening permits.

FINDINGS:

The Commission finds that:

1. The Commission is limited in the scope of its review to the standards set forth in Section 1-107: Oil and Gas Operation Standards B., C. and N., based upon District Court Case 03CV67 and the Gunnison County Board of County Commissioners Resolution No. 2003-50. Gunnison County has appealed the decision of the District Court to the Colorado Court of Appeals, in BOCC v. BDS, International, LLC, et al, Case No. O4CA1679. It is anticipated that a decision will be made within the next 9 months to a year.
2. The proposed activities are defined as a Minor Oil and Gas Operation, pursuant to Section 1-103 E. Classification Of Impact Review For Oil And Gas Permit, Gunnison County *Temporary Regulations For Oil And Gas Operations*.
3. The application is in compliance with the standards set forth in Section 1-107: Oil and Gas Operation Standards B., C. and N., Gunnison County *Temporary Regulations For Oil And Gas Operations*.
4. The Colorado Oil and Gas Conservation Commission has issued or has permits pending for the subject wells.
5. The applicant has indicated that they should not encounter any known zones of hydrogen sulfide gas.
6. This Permit is limited to activities described within the "Project Summary" of these applications, as submitted. Expansion or change of this use may 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 *Temporary Regulations For Oil And Gas Operations*.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application, including all exhibits, references and documents as included therein.
8. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

DECISION:

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Department file relative to these applications, including all exhibits, references and documents as included therein, and having reached the above cited Findings, determines that the applications be classified as a Minor Oil and Gas Permit Review, approved with the following conditions and such approval be memorialized by recordation of the appropriate Oil and Gas Operation Permits, with the following conditions:

1. This permit is limited to the activities as described within the "Project Summary" of this application, and as depicted on plans submitted as part of the applications. The expansion or change of these uses will require either an application for amendment of these permits, or submittal of an application for new permits, in compliance with applicable requirements of the Gunnison County *Temporary Regulations For Oil And Gas Operations*.
2. The applicant shall obtain all required permits from Gunnison County Public Works prior to mobilization of equipment on County Road No. 265 and shall comply with all requirements for signage and traffic control during mobilization.
3. The applicant shall provide additional specific information regarding the emergency response plan, including:
 - Provision for reimbursement of costs incurred by service responders
 - Response to explosions
 - Response to pipeline leaks or ruptures
 - Response to hazardous material accident or spill
 - Operation specific emergency preparedness plan to hydrogen sulfide or other toxic gas emissions

which shall be reviewed and approved by Emergency Services prior to issuance of the permits.

4. Gunnison County reserves the right to require further, appropriate review of this decision in compliance with the determination in Court of Appeals Case No. 04CA1679.
5. 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.
6. Approval of this use is based upon the facts presented and implies no approval of similar use in a different location. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

GUNNISON ENERGY CORPORATION: The Commission met with Gunnison Energy Corporation, represented by Lee Fyock, Brad Robinson and attorney Wayne Foreman, for a work session. They reviewed a request for four natural gas exploration wells, located in the West Muddy area, west of State Highway 133.

Chairman Dave Houghton cited letters received from Public Works, Emergency Services, adjacent owner Mark Carter, Gunnison Energy representative Judy Kohn and applicant's attorney Wayne Forman.

Fyock said they strive to have adequate emergency plans and they will meet with the Emergency Services coordinator to further define their emergency plan. He explained pre-drill meetings are held before a well is drilled that include all subcontractors involved and all plans are distributed. He also said at the beginning of each shift a safety meeting is held. OSHA mandates a safe working place for employees and they also have requirements for emergency response.

MOVED: by Potoker seconded by Reed to approve OG-2006-11 thru OG-2006-14 as amended. The motion passed unanimously.

PROJECT SUMMARY:

The applicant has submitted applications to drill and complete four natural gas exploration wells. All wells will be drilled using a standard drilling program, including but not limited to drilling mud pits, wellheads, pumping units, separators, water storage tanks and fracture stimulation. The applicant has submitted an "Operation Plan" for each well. All of the wells will be drilled on private land owned by Hotchkiss Ranches, Inc., located within Section 18, Township 12 South, Range 89 South 6th P.M. Generally, all of the proposed wells are located in the East Muddy Creek drainage, approximately 3 miles north of the Paonia Reservoir and 1 mile west of State Highway 133. Specific locations are identified on site maps for each well.

Access is via private road(s) from State Highway 133.

The Colorado Oil & Gas Conservation Commission has issued permits for each of the wells.

WELL NAME/ LOCATION:

The proposed wells are identified and located as follows:

<u>Well Name</u>	<u>COGCC API No.</u>	<u>Location</u>
Hotchkiss Federal 18-22	05-051-06072	SENW Section 18 T12S R89W
Hotchkiss Federal 18-22D	05-051-06073	SENW Section 18 T12S R89W
Hotchkiss Federal 18-31	05-051-06071	NWNE Section 18 T12S R89W
Hotchkiss Federal 18-43	05-051-06075	NESE Section 18 T12S R89W

REGULATORY REVIEW:

The applications are subject to the Gunnison County *Temporary Regulations For Oil And Gas Operations*, adopted by the Gunnison County Board of County Commissioners May 9, 2003, BOCC Resolution No. 2003-50, amended – May 18, 2004 BOCC Resolution No. 2004-27.

Pursuant to the decision by the Gunnison County District Court Case 03CV76 and Gunnison County Board of County Commissioners Resolution No. 2003-50, the following sections of the *Temporary Regulations*, as amended, have been temporarily suspended pending further action of the Board:

- a. Section 1-107: A. Drainage And Erosion Control;
- b. Section 1-107: D. Wildlife and Wildlife Habitat;
- c. Section 1-107: E. Livestock and Livestock Grazing;
- d. Section 1-107: F. Recreation Impacts;
- e. Section 1-107: G. Water Quality;
- f. Section 1-107: H. Waterbody Setbacks;
- g. Section 1-107: I. Cultural and Historic Resources;
- h. Section 1-107: J. Wildfire Hazard;
- i. Section 1-107: K. Geologic Hazard;
- j. Section 1-107: L. Impact Mitigation Costs;
- k. Section 1-107: M. Access To Records
- l. Section 1-107: O. Financial Guarantees;
- m. Section 1-107: P. Technical Infeasibility Waiver.

Gunnison County has appealed the decision of the District Court to the Colorado Court of Appeals, in BOCC v. BDS, International, LLC, etal, Case No. O4CA1679. It is anticipated that a decision will be made within the next 9 months to a year.

APPLICABLE SECTIONS OF TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS:

The standards of Section 1-107: Oil and Gas Operation Standards of the *Regulations* the County may apply are:

- B. ACCESS ROADS.** All public access roads, under the jurisdiction of Gunnison County, shall be constructed and maintained in compliance with the *Gunnison County Standard Specifications for Road and Bridge Construction*, as necessary to accommodate the traffic and equipment related to the Oil and Gas Operation and emergency vehicles.
- D. PUBLIC ROADWAY AND TRAFFIC IMPACTS.**
 - 1. INGRESS AND EGRESS.** Ingress and egress points to public roads shall be located, maintained and improved to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
 - 2. MAINTENANCE AGREEMENT OR FINANCIAL ASSURANCE.** If the projected use of the public roads resulting from the Oil and Gas Operation will result in a need for an increase in roadway maintenance or snow removal, the County shall require the Operator to: i) enter into an agreement with the County whereby the operator provides for private maintenance and snow removal, or reimburses the County for such increased costs; and/or ii) provide a bond or other financial assurance in an amount acceptable to the County to cover the costs of impacts to the roads.

The access will be via private road(s) from Highway 133. The applicant has stated that there will be no use of County Road No.265 for any operational activities associated with the subject wells.

- O. EMERGENCY RESPONSE.** Oil and Gas Operations shall provide a written emergency response plan for the potential emergencies that may be associated with the operation of the facilities. This shall include, but not be limited to any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, and hazardous material vehicle accidents or spills. Operation specific emergency preparedness plans are required for any Oil and Gas Operation that involves drilling or penetrating through known zones of hydrogen sulfide gas. The plan shall include a provision for the Operator to reimburse the appropriate emergency response service provider for costs incurred in connection with the emergency.

The plan is attached to this decision document.

Comments: The applicants submitted an emergency response plan for emergency preparedness, including responder contact information. Due to the locations of the proposed wells, first response will come from Paonia and Delta County. Gunnison County Emergency Management has coordinated with the Delta County Emergency Services and Scott Morrill, Gunnison County Office of Emergency Management, has noted in a letter (attached) of February 27, 2006, that:

"I have reviewed the emergency plans submitted by the Gunnison Energy corporation for gas exploration wells being drilled in Gunnison County. Specifically, I was asked to comment on these emergency plans in conjunction with proposed Hotchkiss Federal well 18-22, 18-31, 18-22D and 18-43.

The emergency plans are comprehensive and resource information appears to be accurate and complete."

PUBLIC HEARING:

The Planning Commission conducted a public hearing March 3 and March 17; during those hearings several members of the public were present and provided testimony. The minutes of the hearing are attached to this decision, and all testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

Letters were received from the following parties:

Les White – letter of March 16, 2006 noting his concerns with gas development.

FINDINGS:

The Commission finds that:

1. The Commission is limited in the scope of its review to the standards set forth in Section 1-107: Oil and Gas Operation Standards B., C. and N., based upon District Court Case 03CV67 and the Gunnison County Board of County Commissioners Resolution No. 2003-50. Gunnison County has appealed the decision of the District Court to the Colorado Court of Appeals, in BOCC v. BDS, International, LLC, etal, Case No. O4CA1679. It is anticipated that a decision will be made within the next 9 months to a year.

2.The proposed activities are defined as a Minor Oil and Gas Operation, pursuant to Section 1-103 E. Classification Of Impact Review For Oil And Gas Permit, Gunnison County *Temporary Regulations For Oil And Gas Operations*.

3.The access will be via private road(s) from Highway 133. The applicant has stated that there will be no use of County Road No.265 for any operational use associated with the subject wells.

4.The applicant has indicated that they should not encounter any known zones of hydrogen sulfide gas.

5. The application is in compliance with the standards set forth in Section 1-107: Oil and Gas Operation Standards N. Emergency Response Plan Gunnison County *Temporary Regulations For Oil And Gas Operations*.

6.The Colorado Oil and Gas Conservation Commission has issued permits for the subject wells.

7.This Permit is limited to activities described within the "Project Summary" of these applications, as submitted. Expansion or change of this use may 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 *Temporary Regulations For Oil And Gas Operations*.

8.This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application, including all exhibits, references and documents as

included therein.

9. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

DECISION:

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Department file relative to these applications, including all exhibits, references and documents as included therein, and having reached the above cited Findings, determines that the applications be classified as a Minor Oil and Gas Permit Review, approved with the following conditions and such approval be memorialized by recordation of the appropriate Oil and Gas Operation Permits, with the following conditions:

1 This permit is limited to the activities as described within the "Project Summary" of this application, and as depicted on plans submitted as part of the applications. The expansion or change of these uses will require either an application for amendment of these permits, or submittal of an application for new permits, in compliance with applicable requirements of the Gunnison County *Temporary Regulations For Oil And Gas Operations*.

2. Gunnison County reserves the right to require further, appropriate review of this decision in compliance with the determination in Court of Appeals Case No. 04CA1679.

3. The applicant shall provide additional specific information regarding the emergency response plan, including:

- Provision for reimbursement of costs incurred by service responders
- Response to explosions
- Response to pipeline leaks or ruptures
- Response to hazardous material accident or spill
- Operation specific emergency preparedness plan to hydrogen sulfide or other toxic gas emissions

which shall be reviewed and approved by Emergency Services prior to issuance of the permits.

4. These permits 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.

5. Approval of this use is based upon the facts presented and implies no approval of similar use in a different location. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

LOT 18, OHIO MEADOWS, FILING #2; TWO LOT SUBDIVISION: The Commission met with applicant Mike Pelletier, for a work session. They discussed a request for the subdivision of Lot 18, Ohio Meadows, Filing #2, into two lots, 1257 Seneca Drive, located north of the City of Gunnison.

Applicant Mike Pelletier is a County staff member. He is requesting a subdivision of his lot, to result in two lots. There is a trail on this property to access BLM land. He said the homeowners association has approved the subdivision request. When approved he will place a single family residence on the newly created parcel and relocate the trail. He explained well permits are not issued without augmentation plans and he is currently working with several consultants to get water for augmentation.

Houghton asked if the trail would be open to the public. Pelletier replied the Trails Commission would like a formal easement; but would not promote it aggressively with parking areas and signage and the trail would be non-motorized.

The Commission established the proposed density was similar to the surrounding area densities.

Planner Cathie Pagano said this is within the City of Gunnison's three mile plan. She also said the geological hazard map defines this parcel as in an unstable slope area; but the map shows this as volcanic rock and it is not unstable.

Houghton felt a site visit would be appropriate.

Assistant Planning Director Neal Starkebaum recommended establishing a building envelope.

Pelletier has spoken to Division of Wildlife representative Paul Jones concerning sage grouse habitat. Jones indicated this parcel is not within a brood rearing habitat. It is sage brush habitat, but Pelletier has not seen any grouse.

Starkebaum informed the Commission the subdivision request will be put on hold and will not move forward because the water is so uncertain; when Pelletier secures augmentation water the application can be moved forward.

Houghton directed the applicant to address:

- Water
- DOW comments
- City of Gunnison comments

The subdivision request will be tabled until the applicant secures water for augmentation.

WYMAN WOODWORKING SHOP: The Commission met for a work session, the applicant was not present. They discussed her request for a commercial woodworking shop in a detached structure, at 1397 West Denver Avenue. The public hearing was held March 17, 2006. No public was present and no staff from the City was present.

Chairman Dave Houghton said new Commissioner Richard Karas had attended all the previous meetings held on this application and is eligible to vote.

MOVED: by Potoker seconded by Reed to approve LUC-2005- 54 as amended. The motion passed unanimously.

PROJECT SUMMARY:

Bill & Beth Wyman have submitted a Land Use Change application to operate a cabinetry/ woodworking business within a proposed detached 1500 square foot shop building. The applicants will reside in an existing 1560 square foot residence, located on the property. Nearly all of the materials used in the cabinetry construction are finished dimensional wood materials. Use of raw or semi-processed materials are incidental and of minor use in the business. One full time person may be employed in the future.

The applicants submitted a site plan, showing the location of the proposed structure and existing structures, with the application. The property is heavily treed, with existing mature cottonwoods, and existing willows and shrubbery.

LOCATION:

The site is located at 1397 West Denver Avenue, legally described as being located on Lots 18-24, Block 87, City of Gunnison, amended plat of Town of West Gunnison and adjacent alley, and ½ of streets adjacent to North and East.

ACCESS/TRAFFIC:

Access will be via the existing driveway from West Denver Avenue, pursuant to a Grant of Easement for ingress and egress to the property, dated November 17, 1998 from Clinton and Patricia Spencer. No substantive additional traffic is proposed, other than that consistent with a home occupation.

WATER/ WASTEWATER:

There will be no water or wastewater generated by the business. All paint, stains and solvents used in the conduct of the business shall be stored, handled and disposed of in accordance with all applicable regulatory requirements. No floor drain is proposed in the application.

COMPLIANCE WITH APPLICABLE STANDARDS *GUNNISON COUNTY LAND USE RESOLUTION:*

DIVISION 5-600: COMMERCIAL AND INDUSTRIAL USES:

SECTION 5-601: APPLICABILITY AND GENERAL STANDARDS:

Commercial and industrial developments shall be designed according to the same principals governing the design of residential developments, including buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent feasible; factors including drainage, noise, odor and surrounding land uses

considered in siting buildings; sufficient access shall be provided, and impacts mitigated. Unless specifically exempted by this *Resolution*, commercial and industrial uses are subject to all applicable requirements of this *Resolution*.

C. APPLICABILITY. The following standards apply to commercial and industrial uses with the exception of mining and associated activities, as regulated by Division 5-500: *Exploration, Extraction and Processing of Minerals and Construction Materials*, and to home occupations, as regulated by Section 3-102: *Home Occupations*.

1. NON-RESIDENTIAL ACCESSORY USES. Uses that shall be considered accessory to a non-residential use include an office to run the business, a cafeteria, and similar support areas.

Not applicable.

2. FOOD SERVICE REQUIREMENTS. Food service activities, requiring a license or certificate of inspection pursuant to C.R.S. 12-44-201 through 12-44-213 and the production, storage and dispensing of ice shall be conducted pursuant with the physical and operational requirements of the edition of the *Rules and Regulations Governing the Sanitation of Food Service Establishments in the State of Colorado* in effect at the time the Land Use Change Permit application is submitted.

Not applicable.

3. ELECTRICAL DISTURBANCES. No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that have a detrimental effect, including radio and television interference, on the operation of any equipment beyond the boundaries of the site. Electrical disturbances affecting operation of equipment beyond the boundaries of a site will require investigation and satisfactory resolution of the disturbance.

Not applicable.

4. FIRE AND EXPLOSIVE HAZARDS. Materials or products which decompose by detonation shall be handled, sorted and utilized in accord with the National Fire Protection Association (NFPA) Standards and in compliance with standards and requirements of the applicable fire protection district. Design shall comply with the standards of Section 5-307: *Fire Protection*.

All paints, stains and solvents used in the conduct of the business shall be stored, handled and disposed of in accordance with all applicable regulatory requirements

5. GLARE AND HEAT. Any commercial or industrial operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make glare or heat imperceptible from any point along the property line.

Not applicable.

6. EXTERIOR LIGHTING. Whenever exterior lighting is installed in a commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 5-414: *Exterior Lighting*.

No exterior lighting has been identified in the application.

7. ODORS. No industrial or commercial use shall cause or allow the emission of odors from any single source so as to result in detectable and unreasonable odors.

Applicable. The applicant has indicated that the uses will not produce any odors.

8. RADIOACTIVITY.

a. RELEASES. Release of radioactivity shall be subject to state and federal regulations, and any other agency having jurisdiction over such releases. Where conflicts between regulations exist, the most restrictive requirements shall apply.

b. USE OF RADIOACTIVE MATERIALS. Medical, dental and veterinary sources of radiation residues, including x-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for

diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical, dental or veterinary office, or medical research facility, whether mobile or fixed.

Not applicable.

- 9. VIBRATION.** No industrial or commercial use shall result in vibration perceptible to a person without instruments at any point along the property boundaries.

Applicable. The applicant has indicated that the uses will not produce any vibrations.

- 10. NOISE.** Every use to which this Section applies shall be conducted so that any noise produced is not objectionable because of intermittence, beat frequency, or shrillness regardless of db(A) measurement. Sound levels of noise radiating 25 or more feet beyond the subject property boundary in excess of the db(A) established for the following time periods and uses may be considered a public nuisance as listed in Table 5-7: *Maximum Permissible Noise Levels for Commercial and Industrial uses*:

The applicants have indicated that they will incorporate additional sound insulation techniques, including the use of insulation and sound board, as part of the construction of the building to mitigate any potential objectionable noise.

Section 3-102: Home Occupations

Not applicable.

Section 3-103: Bed and Breakfast

Not applicable.

Section 3-303: Satellite Dishes

Applicable.

Section 3-308: Keeping of Livestock Not on an Agricultural Operation

Not applicable.

Section 5-102: Locational Standards For Residential Development.

Not applicable.

Section 5-103: Residential Density.

Not applicable.

Section 5-104: Locational Standards for Commercial, Industrial and Other Non-Residential Development

- a. B. PRIMARY LOCATIONAL STANDARD. Proposed commercial, industrial and other non-residential development shall be reviewed for its location relative to existing development. In order of priority, this new growth should be located:

1. 1. ADJACENT TO INCORPORATED MUNICIPALITY. A proposed commercial, industrial, or other non-residential development should be located adjacent to a municipal boundary on land that qualifies for annexation into the municipality by meeting the criteria of the *Colorado Municipal Annexation Act, C.R.S. 31-12-101*.

The property is adjacent to the municipal boundary of the City of Gunnison, and has 1/6 contiguity, and meets the criteria for annexation. At this time, the applicants do not wish to apply for annexation to the City.

Section: 5-202: Voluntary Best Management Practices

Voluntary; not mandated.

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

The property is located within the 100 year flood plain of the Gunnison River, as shown on the FEMA FIRM panel 615B. At the time of building permit application, the construction will be required to comply with this section.

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

Not applicable.

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

Not applicable.

Section 5-206: *Protection of Wildlife Habitat Areas.*

The property is in an established residential area. The conduct of the business within the building will have nominal, if any impacts on the wildlife within the immediate area.

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

No streams or wetlands have been identified on the building site. All paint, stains and solvents used in the conduct of the business shall be stored, handled and disposed of in accordance with all applicable regulatory requirements. No floor drain is proposed in the application.

Section 5-209: *Development That Affects Agricultural Lands.*

Not applicable.

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

Not applicable.

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

Not applicable.

Section 5-212: *Development On Property Above Timberline.*

Not applicable.

Section 5-303: *Road System.*

No changes are proposed to the existing access.

Section 5-304: *Public Trails.*

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

Section 5-305: *Water Supply.*

Not applicable.

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

Not applicable.

Section 5-307: *Fire Protection.*

The property is located within the Gunnison County Fire Protection District.

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

The proposed building complies with property line setback requirements.

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

Not applicable.

Section 5-408: *Open Space And Recreation Areas*

No open space is required of this development.

Section 5-409: *Signs.*

There are no signs proposed as part of the application. Any future sign shall comply with this section.

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

The parking spaces comply with the standards of this section.

Section 5-411: *Landscaping And Buffering.*

No landscaping plan is required to be submitted, and no new landscaping is required.

Section 5-412: *Snow storage.*

Not applicable.

Section 5-413: *Fencing*

Not applicable.

Section 5-414: Exterior Lighting.

Any exterior lighting is required to comply with this section.

Section 5-415: Reclamation And Noxious Weed Control.

A Reclamation Permit is required at the time of construction.

Section 5-416: Grading And Erosion Control.

A Reclamation Permit is required.

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

There is no proposed significant change in runoff patterns and no drainage plan is required for the proposed activities.

Section 5-418: Water Impoundments.

Not applicable.

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

Not applicable.

CITY OF GUNNISON COMMENTS:

Comments were received from the City of Gunnison Planning and Zoning Commission, letter of December 14, 2005, from Diane Lothamer, Chairperson. (on file) The letter identified several concerns related to the business use.

However, the minutes of the Planning Commission work session on January 20, 2006, reflect that Steve Westbay, City of Gunnison Community Development Director was present. From the Minutes: "Westbay explained that the City was not concerned with the sales tax issue, because the products made are delivered products. He said the City Planning Commission had no concerns with a 1500 sq ft wood shop. The City has to deal with putting like uses in like areas. He said the question is can the City work with a wood shop there; probably."

PUBLIC HEARING:

A public hearing was held on March 17, 2006. No members from the public were present. Minutes from that hearing are attached to this decision document.

SITE VISIT: The Planning Commission conducted a site visit to the property on December 2, 2005.

FINDINGS:

1. This permit is limited to the activities and requested improvements described within the "Project Summary" 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. No one from the public or was present at the public hearing.
3. This use is commercial, rather than an industrial use.
4. The areas around the proposed building are heavily treed, with existing mature cottonwoods, and along with substantial willows and shrubbery will provide adequate landscaping and buffering from the adjacent neighborhood.
5. The property is located within the 100 year flood plain of the Gunnison River, as shown on FEMA FIRM panel 615B, September 29, 1998.
6. 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.
7. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with County land use policies. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

DECISION:

The Gunnison County Planning Commission, having reviewed 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, and having reached the above cited Findings, that LUC No. 2005-54, Bill and Beth Wyman the Planning Commission determines that the application be classified as a Minor Impact, memorialized by the recordation of Certificate of Minor Impact and approved with the following conditions:

1. This permit is limited to the activities described within the "Project Summary" 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. The applicants shall install insulation and sound proof board, to mitigate any potential objectionable noise generated by the business use.
3. No floor drain is proposed or permitted.
4. All paints, stains and solvents used in the conduct of the business shall be stored, handled and disposed of in accordance with all applicable regulatory requirements.
5. At the time of building permit application, the applicants shall be required to demonstrate that the construction of the building complies with Section 5-203: *Development in Areas Subject to Flood Hazards*.
6. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
8. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with County land use policies. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

WORKING LUNCH: Discussion, Planning Commission initiation of possible amendments to the *Land Use Resolution*.
A tape was run but no minutes taken.

THORNTON ESTATES SUBIVISION: The Commission met with Attorney David Leinsdorf and applicant Mark Schumacher for a continued joint public hearing. They reviewed the modified Sketch Plan; reduction in number of lots from 27 single-family lots to 21 lots, on 13.57-acres, Tract M-1, Spring Meadows Subdivision; located approximately two miles north of the City of Gunnison, west of Highway 135, east of Spring Meadows Drive. Board members Paula Swenson and Hap Channell attended the continued joint public hearing.

Chairman Dave Houghton determined a quorum existed and opened the continued joint public hearing.

Houghton noted a revised site plan had been submitted by the applicant. He cited a letter submitted by Attorney Art Trezise concerning the Spring Meadows covenants.

Houghton said at the end of the last meeting the Commission had recommended the applicant reduce density or cluster the lots.

Schumacher summarized the changes that have been made since the submission of the application;

- The number of lots proposed have gone from 27 to 23 to 21 and finally 19 lots
- The open space is now 40%
- Lot clustering is now along old highway 135
- Will reconfigure lots 1,2,3,4 and 5 to result in only three lots
- The water will include an augmentation pond for storage
- He will have his own HOA and covenants
- The public path will stop at the entrance of Thornton Estates and will not empty into Spring Meadows subdivision.

Attorney for Spring Meadows homeowners association, Art Trezise disclosed the HOA now supports the request and urged the Commission to consider lowering the impact classification. He reminded the Commission the original approval had been for 48 multi-family units and with the lessening of the lots of this application from 27 to 19 a minor impact classification should be considered.

Adjacent developer of Mountain Meadows, Marilyn McGill, said she still leans towards lower density. Representative for adjacent developer of Abril Meadows, Ginny Garza, said the clustering next to Abril Meadows should not impact Abril Meadows. North Elk Meadows homeowner, Rachel Woelk, appreciates the efforts being made but was still concerned with the density and traffic; she also requested a 6 ft privacy fence behind the lots on the north side. Spring Meadows homeowners, Lloyd and Margaret Hawes reiterated concerns with the increased traffic and were still opposed to 19 lots.

Spring Meadows homeowner, Tom Rizer, acknowledged the Spring Meadows HOA board was pleased with the compromises Schumacher was willing to make. Houghton acknowledged the support of the Spring Meadows HOA is important.

Houghton queried the Commission on reducing the impact classification to minor. Reed had remaining concerns and was unsure. Potoker was not convinced; noting 19 units is vastly more units than four. Billick was not convinced; noting issues with the possible contamination of the City aquifer. Karas said he leaned toward a minor impact classification but remained concerned with the increased traffic impacts. Houghton noting it is late in the game to reclassify the impact said there are too many units to qualify for minor impact. The consensus of the Commission was, it does not meet the criteria and the project should remain a major impact.

Board member Paula Swenson left the meeting.

Billick directed the applicant to address the City's concerns with their aquifer and artesian well and the possibility of contamination from fertilizers. Schumacher agreed to have an expert in the field address the matter.

Board member Hap Channell acknowledged the problems with the Ohio Creek intersection and Highway 135. He said a fix is not within the road and bridge budget but they have been working with CDOT to get restructuring funding. The County is currently pushing the safety issue CDOT. He said there are three design options and it is a potential park and ride spot.

The Commission directed staff to prepare a draft recommendation of approval of sketch plan.

Houghton closed the public hearing but left open the opportunity to submit written comments for 30 days.

BLUE JAY CONDOS & COTTONWOOD GROVE TOWN HOMES: The Commission met with Attorney David Leinsdorf and applicant Mark Schumacher, who presented a plan for six condominium units, and 12 town home units, in three duplex and two triplex buildings; total of 18 units, located approx. 2 miles west of the City of Gunnison.

Applicant Mark Schumacher explained this parcel is a part of the Dos Rios motor Hotel subdivision. It includes the Rode Way Inn, the Fiesta Mexicana Restaurant and the two lots for Blue Jay and Cottonwood Town Homes. Highway 50 will be the access point. Fairway Condominiums, Heatherwood Condominiums and the golf course are adjacent. There is a ditch in the front of the parcel and the water table is very high in that area. Blue Jay Condominiums will be at the front of the property and Cottonwood Town Homes at the rear of the property. He described the condos as Spanish style stucco units 30 ft in height and the Cottonwood Town Homes as two story units. There will be two separate home owners associations. The densities of the surrounding projects are;

- Fairway 12 per acre
- Dos Rios Motel 12 units per acre
- Waterwheel Condominiums 16 per acre
- Curecanti Town Homes 5.6 per acre
- Blue Jay Condominiums will be 9 units per acre

Schumacher agreed to save as many of the existing trees as possible. The projects will be on the Dos Rios water and sewer system. There will be no active park or play equipment but will have 36% to 38 % open space. There is a traffic study being done.

The Planning Commission will schedule a site visit and a public hearing.

GLEN SUBDIVISION: The Commission met with attorney David Leinsdorf, applicant's representative Doug Mayes and engineer Norm Whitehead for a work session. They discussed a request for the subdivision of 8.84 acres into six tracts;

four 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.

Whitehead distributed a map of the reconfigured lots. The reconfigured lots will all have the required setbacks. He explained the total acreage is actually six acres with 62% of open space. He said the discrepancy resulted from an old survey and was recently cleared up by a title company. They have submitted the road and utility plans to Public Works to be reviewed. There will be one tree taken out because it is in the middle of the road way. There will be a private walking and fishing easement around the lake.

The Commission directed the applicant to:

- Reconfigure lots to connect open space
- Run the lot lines to the lake
- Designate a unique name for the road
- Define an area for mailboxes
- Speak to Public Works concerning sewer tap availability and get a letter from Public Works confirming the availability

The Commission directed staff to prepare a draft recommendation of approval for the next meeting with the applicant.

PROPOSED AMENDMENT TO SECTION 13-107; SOLID FUEL BURNING DEVICES, Gunnison County Land Use Resolution. The Commission held a work session to review the proposed amendment. Board members Hap Channell and Jim Starr and attorney David Baumgarten attended the meeting.

Assistant Planning Director Neal Starkebaum said the Board has suggested changing the amendment that had addressed Solid Fuel Burning Devices, to more closely reflect the original intent. The previous regulations did not allow any open fire places and all solid fuel burning stoves had to be required be EPA compliant. The Board has specified they would like to return to the original regulations. The maximum number of stoves would be two per residence. There will be no geographic separation. Starkebaum noted they could allow some fireplace design type systems such as Rumford would still be allowed.

Fireplace specialist, John Solanik was present and questioned why open faced fireplaces are being targeted rather than improper use of an EPA approved devices.

The Planning Commission will continue to study the issue and make a recommendation to the Board. The Board will then conduct a public hearing.

There being no further business to come before the Gunnison County Planning Commission, the regular meeting was adjourned, April 7, 2006 at 4:45 P.M.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning Department