

**GUNNISON COUNTY PLANNING COMMISSION
AMENDED AGENDA: AUGUST 18, 2006**

- 9:45 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.
- 10:00 a.m.** **Todd Walker**, work session/possible action, request for a duplex in compliance with Section 5-207: Protection of Water Quality, Lot RNT-4, Skyland River Neighborhood
- 10:30 a.m.** **Cement Creek Management, LLC**, work session/no action, request for a four-plex residential building on Lot 2, Block 3, Crested Butte South, Filing 1
- 11:30 a.m.** ***Planning Commission**, work session; general discussion about issues of Commissioner interest (work through lunch)
- 1:00 p.m.** **Tomichi Creek Subdivision, West Elk Properties LLC, represented by David Leinsdorf**, continued joint public hearing/no action, sketch plan, subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, at the end of Fairway Lane
- 2:00 p.m.** **Sky Ranch at Ute Trail, represented by David Leinsdorf**, work session/no action, request for expansion of camp facility; including new structures, renovation to existing structures and upgrades to infrastructure, located at 1329 Highway 149, 11 miles north of Lake City
- *3:00 p.m.** **Casey and Kassie Shook** – work session, follow-up discussion to August 4, 2006 site visit; proposed subdivision of 3.26 acres from 22.96-acre parcel for single-family use on each lot, located on County Road 744 (Spring Creek), in Section 22, in S1/2 NW1/4, Twn 15 S, R 84 W, 6th P.M.

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting Minutes
August 18, 2006

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

Vice-Chairman-Ian Billick	Director of Planning-Joanne Williams
Commissioner-Richard Karas	Planner- Cathie Pagano
Commissioner- Ramon Reed	Administrative Assistant- Beth Baker
Commissioner-Nick Lypps	

Absent were: Chairman-Dave Houghton and Commissioner Mike Potoker

With a quorum present, Vice-Chairman Ian Billick opened the regular meeting of the Gunnison County Planning Commission, August 18, 2006, at 9:45 A.M.

MOVED: by Reed seconded by Karas to approve the minutes of July 21, 2006 as amended. The motion passed unanimously.

MOVED: by Lypps seconded by Karas to approve the minutes of August 4, 2006 as amended. The motion passed unanimously.

TODD WALKER/ WATER QUALITY: The Gunnison County Planning Commission and applicant Todd Walker conducted a work session. They reviewed Walker's request for a duplex in compliance with Section 11-107: Protection of Water Quality, Lot RNT-4, Skyland River Neighborhood.

Commissioners Reed, Karas and Lypps complimented Planner Cathie Pagano, on her preparation of the draft decision.

The Commission reviewed the draft decision.

Billick seated both Commissioners Reed and Karas.

MOVED: by Karas seconded by Lypps to approve LUC-2005-62 as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

Todd Walker has submitted an application to construct a duplex, approximately 2900 square feet in size and an attached two-car garage, within the inner restrictive buffer of a water body. Review for compliance with the *Gunnison County Land Use Resolution Section 11-107: Protection of Water Quality*, requires a Land Use Change Permit, classified as a Minor Impact project, for any encroachment into the 25-foot, inner restrictive buffer of a water body.

The applicant has submitted a landscape plan and a site plan dated July 19, 2006. The site plan identifies the location of the wetlands, the proposed structures, and the location of the building envelope. The site plan indicates that a portion of the applicants' proposed structure is located in the inner restrictive buffer of the water body.

The applicant also submitted a wetlands delineation, prepared by Bio-Environs, Inc., dated June 30, 2005.

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, testimony and documents as included therein.

SITE CHARACTERISTICS:

The parcel is bordered on the south side by an unnamed drainage that receives a portion of its runoff from Grant Lake and drains into the Slate River. The wetlands border the southern portion of the lot and the building envelope; the northern portion of the lot is mostly sagebrush.

LOCATION: Lot RNT-4, Skyland River Neighborhood, Reception No. 473132.

WETLANDS: The applicant submitted a wetlands study, prepared by Bio-Environs, Inc. The report identified jurisdictional wetlands and included mapping of all wetland areas within the property. All areas considered jurisdictional wetlands are regulated by The Army Corps of Engineers, and any disturbance is regulated pursuant to Section 404 of the Clean Water Act. The applicant does not propose to disturb any of the wetlands and is therefore not required to obtain a 404 permit from The Army Corps of Engineers. The applicant is unable to comply with the Skyland River Neighborhood Protective Covenants and Design Guidelines and the 25-foot inner restrictive buffer setback from water bodies, including wetlands and rivers, as required in *Section 11-107* of the *LUR*.

FLOODPLAIN: The parcel is not located in the 100-year floodplain as identified in a Letter of Map Amendment, provided by the Federal Emergency Management Agency dated April 23, 2003.

MITIGATION PROPOSALS: In addition to the Best Management Practices, per *Section 11-102*, the applicant proposes the following specific mitigation techniques as identified in a report prepared by Naturetech Consultant Services Corp. dated July 11, 2006:

The proposed multi-family residence envelope has been designed to avoid wetlands to the maximum extent practicable. In addition the active stream corridor has also been avoided.

One of the chief concerns with a development in this location is potential transport of sediment into the wetland. Gunnison County has implemented regulations countywide with development of a 25 foot buffer to help with this potential problem. Most of the anticipated impacts on this particular site will be significantly mitigated simply by maintaining an upland buffer around the development as depicted on the site plan. However, the following recommendations address expected activities associated with one or more of these categories.

- **Homesite placement.** *The location of the building envelope is conceptually a key element in preventing impacts to wetlands and waters of the U.S.*
- **Home design.** *Home design such as building materials, roof pitches, and orientation with respect to the lot can have significant impacts on wetland habitat. By designing the structure to conform with the wetland configuration such that no one point is significantly proximate to the wetland and placing it with the minimal impact to the wetland buffer this will decrease the potential impact to wetland habitat on the site.*
- **Construction activities.** *Use of best management practices such as minimizing soil compaction, soil disturbance, and installation of silt fencing. Coconut fiber sediment barriers and or straw bales could be used if sediment is moving toward the wetland area. All excavated materials should be placed in the upland north of the building site. All extra excavated material should be moved from the site after back filling activities have been completed. A semi-hard surface such as decomposed granite, pea gravel or other such*

material should be used around the foundation and or extended beyond the anticipated drip line on the wetland side of the building for a distance of 24 inches to reduce run-off post construction.

- **Landscaping/vegetation.** Existing vegetation outside the building envelope should be left intact. Additional landscaping such as the use of shrubs and trees could be used to further reduce potential erosion from drip lines generated from the roof. Landscaping on the lot should take place as soon as practical after construction to avoid runoff potential and sediment transport.
- **Noxious weeds.** An integrated approach to weed management is extremely important when dealing with the potential for weeds to establish in a wetland habitat because tools such as herbicides are highly limited in a wet area.

Prevention: Prevention should always be practiced and is effective on all species of weeds. Prevention includes good land stewardship, planting weed free seed, avoiding planting invasive species, using weed seed free mulch and erosion control, using clean equipment, and legal measures such as quarantines and weed laws. In the event weeds become established, physical as well as mechanical methods are very effective for control of annual and biennial weeds and less effective for perennials. Thoroughly cleaning equipment before moving to un-infested areas is essential to prevent the spread of weeds.

Chemical control: The judicious use of the proper herbicides at the optimum time can be the most effective method of control for very persistent weeds. Not all herbicides are equally effective on all weeds nor can every herbicide be used in every situation. Noxious weeds, in particular, are often not controlled successfully with “garden type” products. All personal protective gear indicated on the label should be worn. Herbicides should be applied at the proper stage of weed growth (when there is adequate soil moisture and the plants are actively growing again).

Implementation of the proposed mitigation measures should ensure that no significant adverse impacts to wetland habitat with the development of the proposed multi-family residence. No significant wetland habitat will be impacted through the proposed development particularly since it will only directly impact the buffer and no activity will occur within the area protected by silt fencing. With proper construction features as indicated above and adhering to a few thoughtful practices, the potential wetland impact should be easily avoided on this site.

COMPLIANCE WITH APPLICABLE STANDARDS GUNNISON COUNTY LAND USE RESOLUTION:

CLASSIFICATION OF IMPACT: The *Gunnison County Land Use Resolution, Section 11-107*, requires a Land Use Change Permit for encroachment into the inner restrictive buffer of a water body; which is classified as a Minor Impact project. A water body is defined in *Section 2-102: Definitions* as a perennial or intermittent river, stream, lake, reservoir, pond, spring, or wetland but does not include irrigation ditches or roadway drainage ditches or artificial lakes or ponds or wetlands that are created and use for primary purpose of agricultural operations.

SECTION 11-107: PROTECTION OF WATER QUALITY.

Applicable. An application for a primary residence in an approved subdivision is exempt from Section D: Submittal Requirements but is required to comply with all other requirements of this Section.

E. BUFFER STANDARDS.

1. **GENERAL.** Activities within the restrictive inner buffer and the outer variable buffer shall comply with Section 13-116: *Grading and Erosion Control*.

- A reclamation permit from Gunnison County Public Works Department is required.

2. RESTRICTIVE INNER BUFFER. In addition to each other setback, requirement or prohibition for land use in this *Resolution*, a setback of 25 feet measured horizontally from the ordinary high water mark in average hydrologic years on each side of a water body or mudflow is required; this setback is referred to as the “restrictive inner buffer.” The following activities are not allowed within the restrictive inner buffer:

a. OBSTRUCTION OR STRUCTURE. Construction, installation or placement of any obstruction or the erection of a structure;

b. PLACEMENT OF MATERIAL. Placement of material, including any soil, sand, gravel, mineral, aggregate, organic material or snow plowed from roadways and parking areas;

c. DREDGING. Removal, excavation or dredging of solid material, including soil, sand, gravel, mineral, aggregate, or organic material;

d. REMOVAL OF LIVE VEGETATION. Removal of any existing live vegetation or conduct of any activity that will cause any loss of vegetation, unless it involves the approved removal of noxious weeds, non-native species, dead or diseased trees;

e. LOWERING OF WATER LEVEL. Lowering of the water level or water table by any means, including draining, ditching, trenching, impounding, pumping or comparable means, except as allowed by the Colorado Division of Water Resources; and

f. DISTURBANCE OF NATURAL DRAINAGE. Disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means including grading and alteration of existing topography. Measures taken to restore existing topography to improve drainage, flow patterns or flood control must be approved.

g. USE OF EQUIPMENT. Use of construction equipment within the buffer except as exempted by Section 11-107: C.1.f. *Roads and Bridges*.

3. EXCEPTIONS TO PROHIBITION OF LAND USE CHANGES IN THE RESTRICTIVE INNER BUFFER.

a. PRE-EXISTING CONSTRUCTION MATERIALS EXTRACTION. Construction materials extraction approved before the effective date of this *Resolution* shall be permitted no closer than five feet from the nearest ordinary high water mark in average hydrologic years on each side of a water body, but not in the stream channel.

- Not applicable.

b. SHOWING OF UNAVOIDABILITY. The following exceptions to prohibition of land use changes in the restrictive inner buffer shall be permitted as a Minor Impact project only upon a demonstration by the applicant of clear and convincing evidence that the proposed land use change in the restrictive inner buffer is unavoidable, that the land use change in the restrictive inner buffer shall be designed, constructed and used to minimize encroachment into the restrictive inner buffer, and that after mitigation, adverse impact shall be minimized to the restrictive inner buffer, to the water body, and to water quality,

including but not limited to minimizing the deposit of sedimentation in the water body, the clearing of vegetation, the pollution of return water flows, and channelization.

- Applicable

(1.) LAND USE CHANGE IS WATER DEPENDENT AND AUTHORIZED. The proposed land use change in the restrictive inner buffer is water dependent (including docks, piers, watercraft launches and ramps, flood control structures, water diversion facilities); and is authorized by each appropriate regulatory authority (including but not limited to the U.S. Army Corps of Engineers); or

- Not applicable

(2.) DENIAL WOULD DENY ALL ECONOMICALLY VIABLE USE OF THE PARCEL. Denial of the proposed Land Use Change Permit in the restrictive inner buffer would result in denying the land owner all economically viable use of the subject parcel; or

- Applicable, the applicant has demonstrated that meeting the inner restrictive buffer standards, within the building envelope, would cause such a reduction of the available building footprint due to the inner restrictive buffer standard, the topography, site specific constraints and the Skyland Protective Covenants and design guidelines that create a hardship in building design that would deny all economically viable use of the property. Additionally, the applicant was denied his request to construct a single-family residence on the parcel by the River Neighborhood Homeowner's Association. The lot is approved for a duplex or a triplex only and denial of the application for the duplex would deny all economically viable use of the parcel.

(3.) CONSTRUCTION OUTSIDE RESTRICTIVE INNER BUFFER SUBSTANTIALLY CONTRIBUTES TO HAZARDOUS CONDITIONS. Because of the physical features, other restrictions and conditions of the parcel, construction or use of the proposed land use change outside of the restrictive inner buffer would substantially create or contribute to a hazardous condition; or

- Not applicable

(4.) LOCATION IS NECESSARY FOR AN ESSENTIAL SERVICE. In the case of a road, bridge, public utility or essential service, the proposed land use change in the restrictive inner buffer is necessary to provide access to the parcel and no other location or access route would avoid the restrictive inner buffer to the maximum extent feasible; or

- Not applicable

(5.) IS A FLOOD CONTROL MEASURE. The proposed land use change consists of a structure or other improvement to eliminate or reduce potential flood hazards or damage. If such structure or improvement is necessary because of an emergency, it may be approved by the Planning Director after an Administrative Review, pursuant to Division: 4-200: *Administrative Review Projects That Do Not Require Land Use Change Permits*. If a flood control measure is to be removed, it shall be removed as soon as possible.

- Not applicable.

SECTION 9-102: HOME OCCUPATIONS.

No home occupations are proposed in this application.

SECTION 9-103: BED AND BREAKFAST.

A separate Land Use Change Permit would be required for a bed and breakfast operation; none is proposed in this application.

SECTION 9-503: SATELLITE DISHES.

The standards of this section apply. A satellite dish reception or transmission device that is 36 inches in diameter or equivalent size or smaller may be installed as an accessory use without a Land Use Change Permit.

SECTION 9-508: KEEPING OF LIVESTOCK NOT ON AN AGRICULTURAL OPERATION.

The requirements of this section would apply.

SECTION 10-102: LOCATIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT.

Not applicable.

SECTION 10-103: RESIDENTIAL DENSITY.

Not applicable.

SECTION 11-104: LOCATIONAL STANDARDS FOR COMMERCIAL, INDUSTRIAL AND OTHER NON-RESIDENTIAL DEVELOPMENT.

Not applicable.

SECTION 11-102: VOLUNTARY BEST MANAGEMENT PRACTICES.

Voluntary; not mandated, however the applicant has agreed to utilize best management practices to mitigate any effects on the wetlands.

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

Not applicable.

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

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

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

The site is not subject to wildfire hazards.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS.

The site is not within critical wildlife habitat.

SECTION 11-107: PROTECTIN OF WATER QUALITY

Applicable, see above.

SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES.

The site is not located on a ridgeline.

SECTION 11-109: DEVELOPMENT THAT AFFECTS AGRICULTURAL LANDS.

Not applicable.

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.

Driveway access is from Alpine Court, a private road in the Skyland subdivision.

SECTION 12-104: TRAILS.

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

SECTION 12-105: WATER SUPPLY.

Water will be supplied by the Skyland Metropolitan District.

SECTION 12-106: SEWAGE DISPOSAL/WASTEWATER TREATMENT.

Wastewater will be treated by the East River Regional Sanitation District.

SECTION 12-107: FIRE PROTECTION.

The proposed development is located within the Crested Butte Fire Protection District; the applicant shall comply with the applicable standards of the District.

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

The proposed location of the residences and attached garage complies with property line setback requirements. The structure is located within the platted building envelope which was approved by Gunnison County.

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

Applicable, the proposed structures meet these requirements.

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

Applicable, the proposed structures meet these requirements.

SECTION 13-106: ENERGY AND RESOURCE CONSERVATION.

Applicable, the applicant will be required to show compliance with this Section prior to the issuance of a building permit.

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

This section applies and the applicant shall comply with the regulations.

SECTION 13-108: OPEN SPACE AND RECREATION AREAS.

No open space is required of this development, as it is not a subdivision, a multi-family development, or a non-residential development.

SECTION 13-109: SIGNS.

There are no signs proposed as part of the application

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

There is sufficient space onsite for parking.

SECTION 13-111: *LANDSCAPING AND BUFFERING.*

No landscaping plan is required to be submitted.

Section 13-112: *SNOW STORAGE.*

No snow storage areas are required.

SECTION 13-113: *FENCING.*

No fencing is required.

SECTION 13-114: *EXTERIOR LIGHTING.*

Exterior lighting is required to comply with this section; at the time the Building Permit is issued, the applicant will be required to, in written form, acknowledge the exterior lighting requirements and provide an exterior lighting plan.

SECTION 13-115: *RECLAMATION AND NOXIOUS WEED CONTROL.*

A Reclamation Permit is required.

SECTION 13-116: *GRADING AND EROSION CONTROL.*

A Reclamation Permit is required.

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

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

SECTION 13-119: *WATER IMPOUNDMENTS.*

This project does not propose a water impoundment.

SECTION 13-119: *STANDARDS TO ENSURE COMPATIBLE USES*

Applicable, this application meets the standards of this Section.

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

Not applicable.

PUBLIC HEARING: The Planning Commission conducted a public hearing on October 28, 2005. A letter opposing the proposal was received from David and Amber Abram.

SITE VISIT: The Planning Commission conducted a site visit on September 2, 2005. The Commission viewed the building site and the wetlands.

FINDINGS: The Gunnison County Planning Commission finds that:

1. The Skyland River Neighborhood is an existing subdivision (Reception No. 473132), reviewed and approved by Gunnison County on January 3, 1997.
2. The subject lot, RNT-4, was platted and by Gunnison County for a duplex or triplex unit.
3. Jurisdictional wetlands have been identified and mapped on the parcel by Bio-Environs, Inc. and a report was submitted to the Planning Department dated June 30, 2005.

4. A portion of the proposed duplex and attached garages are located within the inner restrictive buffer of a water body.
5. Utilization of Best Management Practices, as identified in *Section 11-102* of the *Gunnison County Land Use Resolution*, will assist in mitigating impacts to wetlands.
6. In addition to the Best Management Practices, per *Section 11-102*, the applicant proposes the following specific mitigation techniques to reduce impacts to the affected water bodies as outlined in a report prepared by Naturetech Consultant Services Corp dated July 11, 2006:

The proposed multi-family residence envelope has been designed to avoid wetlands to the maximum extent practicable. In addition the active stream corridor has also been avoided.

One of the chief concerns with a development in this location is potential transport of sediment into the wetland. Gunnison County has implemented regulations countywide with development of a 25 foot buffer to help with this potential problem. Most of the anticipated impacts on this particular site will be significantly mitigated simply by maintaining an upland buffer around the development as depicted on the site plan. However, the following recommendations address expected activities associated with one or more of these categories.

- **Homesite placement.** *The location of the building envelope is conceptually a key element in preventing impacts to wetlands and waters of the U.S.*
- **Home design.** *Home design such as building materials, roof pitches, and orientation with respect to the lot can have significant impacts on wetland habitat. By designing the structure to conform with the wetland configuration such that no one point is significantly proximate to the wetland and placing it with the minimal impact to the wetland buffer this will decrease the potential impact to wetland habitat on the site.*
- **Construction activities.** *Use of best management practices such as minimizing soil compaction, soil disturbance, and installation of silt fencing. Coconut fiber sediment barriers and or straw bales could be used if sediment is moving toward the wetland area. All excavated materials should be placed in the upland north of the building site. All extra excavated material should be moved from the site after back filling activities have been completed. A semi-hard surface such as decomposed granite, pea gravel or other such material should be used around the foundation and or extended beyond the anticipated drip line on the wetland side of the building for a distance of 24 inches to reduce run-off post construction.*
- **Landscaping/vegetation.** *Existing vegetation outside the building envelope should be left intact. Additional landscaping such as the use of shrubs and trees could be used to further reduce potential erosion from drip lines generated from the roof. Landscaping on the lot should take place as soon as practical after construction to avoid runoff potential and sediment transport.*
- **Noxious weeds.** *An integrated approach to weed management is extremely important when dealing with the potential for weeds to establish in a wetland habitat because tools such as herbicides are highly limited in a wet area.*
Prevention: *Prevention should always be practiced and is effective on all species of weeds. Prevention includes good land stewardship, planting weed free seed, avoiding planting invasive species, using weed seed free mulch and erosion control, using clean equipment, and legal measures such as quarantines and weed laws. In the event weeds become established, physical as well as mechanical methods are very effective for control of annual*

an biennial weeds and less effective for perennials. Thoroughly cleaning equipment before moving to un-infested areas is essential to prevent the spread of weeds.

Chemical control: *The judicious use of the proper herbicides at the optimum time can be the most effective method of control for very persistent weeds. Not all herbicides are equally effective on all weeds nor can every herbicide be used in every situation. Noxious weeds, in particular, are often not controlled successfully with "garden type" products. All personal protective gear indicated on the label should be worn. Herbicides should be applied at the proper stage of weed growth (when there is adequate soil moisture and the plants are actively growing again).*

Implementation of the proposed mitigation measures should ensure that no significant adverse impacts to wetland habitat with the development of the proposed multi-family residence. No significant wetland habitat will be impacted through the proposed development particularly since it will only directly impact the buffer and no activity will occur within the area protected by silt fencing. With proper construction features as indicated above and adhering to a few thoughtful practices, the potential wetland impact should be easily avoided on this site.

7. That the subject wetland is relatively small and isolated.
8. The applicant has shown by clear and convincing evidence that encroachment into the inner restrictive buffer is unavoidable; meeting the inner restrictive buffer standards, within the building envelope would cause a reduction in the available square footage for a building footprint and create a hardship in building design due to the variable distance from the wetlands and the constraints of the covenants and design guidelines of the Skyland River Neighborhood.
9. Denial of the Land Use Change permit would cause such a reduction in the available square footage for a building footprint and create such a hardship in building design due to the variable distance from the wetlands, that enforcement of the inner restrictive buffer standards would deny all economically viable use of the property
10. The design and construction of the proposed residences and attached garages significantly reduce encroachment into the inner restrictive buffer.
11. The Skyland River Neighborhood Homeowner's Association voted to deny the applicant's request for a reduction in the number of units allowed on Lot RNT-4 to a single family residence on June 13, 2006.
12. The applicant was granted a variance by Skyland Design Review Board for the roof eaves to infringe upon the front setback thereby allowing the building to move 12 to 15 inches out of the inner restrictive buffer setback.
13. To monitor mitigation, photographic and written documentation of the proposed mitigation techniques shall be provided by the applicant.
14. Approval of this Permit does not imply approval of individual building, reclamation, or other permits required by any other government agency.
15. This permit is limited to construction of a duplex and attached two-car garage, described within the "Project Summary" of this application, and as depicted on the plans and exhibits submitted as part of this application. Any uses other than those 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*.

16. 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.
17. The removal or material alteration of any physical feature of the property (geological, topographical, or vegetative) except as approved or required as part of this Permit, relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

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, including both written and verbal public comment at a public hearing and having reached the above cited findings, classifies LUC-2005-62, construction of a duplex and attached two-car garage within the restrictive inner buffer, submitted by Todd Walker, as a Minor Impact and is hereby approved with the following conditions:

1. The applicant shall construct the duplex and attached garages as described in the "Project Description" of this application, based on the submitted site plan dated July 19, 2006.
2. The applicant shall utilize Best Management Practices, per *Section 11-102* and the following mitigation techniques to reduce the impact to water bodies:
 - Minimize soil compaction and soil disturbance.
 - Silt fencing shall be installed.
 - If sediment is moving toward the wetland measures shall be taken to stop the sediment.
 - All excavated materials shall be placed in the upland north of the building site
 - All extra excavated material shall be moved from the site after back filling activities have been completed.
 - A semi-hard surface such as decomposed granite, pea gravel or other such material shall be used around the foundation and extended beyond the anticipated drip line on the wetland side of the building for a distance of 24 inches to reduce run-off post construction.
 - Existing vegetation outside the building envelope shall be left intact.
 - The applicant shall comply with and install all elements as described in the "Landscaping Plan, L2," dated July 19, 2006.
3. The applicant shall provide photographic and written documentation to verify compliance with identified mitigation techniques. This documentation shall be provided prior to site disturbance, at the time of the foundation inspection, at the time of the frame inspection, and at the time of the final inspection. No inspection shall be passed without the photographic and written documentation first being provided to the Planning Department.
4. That this approval be memorialized within a Certificate of Minor Impact, and recorded within the Office of the Gunnison County Clerk and Recorder. Approval shall not be final until recordation of the Certificate of Minor Impact is recorded within the Office of the Gunnison County Clerk and Recorder.
5. 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, testimony and documents as included therein.

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. Approval of this use is based upon the facts presented and implies no approval of 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.

CEMENT CREEK MANAGEMENT/ FOUR-PLEX: The Gunnison County Planning Commission and the applicant Craig Brandon and applicant's attorney Russ Mullins conducted a work session. They discussed the request for a four-plex residential building on Lot 2, Block 3, Crested Butte South, Filing 1.

Vice-Chairman Ian Billick acknowledged a comment letter submitted by Clay Jutte.

Planner Cathie Pagano explained a four unit residential complex is a minor impact classification application. She said Crested Butte South Property Owners Association (POA) has approved the project.

Brandon said in 2001 this project had been applied for, but was never completed. It is now being applied for again. He explained the current configuration of condominiums that are present on this site. He explained the access to these buildings is off of Cement Creek Road and down one way streets Elcho and Cascadilla. They will be expanding the 12 ft drive to a 24 ft drive.

Adjacent owner Clay Jutte was present to explain his concerns. He is the owner of of Lots 1 and 2, Block 1, Filing 1, Crested Butte South. He has a recorded easement over county vacated roads: Elcho and Cascadilla. It is a 60 ft easement down the two vacated roads that access both of his lots. He has requested the now one-way street be converted to a two way street, with no parking signs installed. He has asked for a master plan for the seven remaining lots that are not developed. He said that historically there have been problems accessing his lot, for any guests visiting him. A guest had been arrested for trespass when trying to visit Jutte.

Brandon said he is the owners' representative stating the owners are concerned with privacy.

Brandon said they have agreed to a finished road that is 24 ft wide. It will incorporate the existing 21 ft road and the existing three ft sidewalk. They have also agreed to install no parking signs. Jutte is concerned people would park there anyway.

Reed asked for an explanation of the existing condo parking situation. Brandon explained the units are owned in increments. The heaviest traffic being in the summer, Christmas holidays and spring break. Visitor parking is around the back side and the garages must be used.

Karas asked where the designated open space will be. Brandon said it is around the units.

Jutte submitted a copy of the CB South POA minutes which stated that CB South would like a master plan for the area. Lypps suggested an ongoing dialogue with CB South. Brandon confirmed they are

continuing to work with the CB South POA. Brandon said at the end of Cascadilla there was supposed to be a cul-de-sac, which was never completed.

Billick and Lypps suggested this could be a good opportunity to clear up these access issues. Brandon explained the majority of the owners are opposed to opening it up to public use. Brandon said the current access meets all requirements. He said there is now a much more positive note to move forward change; but foresees a problem related to the privacy of the homeowners association members and their desire ,for a compound situation, for solitude.

Karas requested Pagano delineate the Commissioners' authority in this situation.

Lypps suggested a public two way street to tie into Cascadilla St. Reed agreed looking in to turning this into a public street should be considered. Jutte was concerned with the future build out, noting a twenty four foot road might not be practical.

Billick reiterated the benefit of a master plan.

The Commission asked the applicant to address;

- Access
- Width of roads
- Sidewalk
- Master plan
- Clustering of lots
- Cul de sac on Cascadilla

A site visit will be conducted September 8, 2006 and the following meeting will be a public hearing, at which time the Commission has requested the CB South representative, Chris Behan be present to explain the CB South concerns.

TOMICHI CREEK SUBDIVISION: The Gunnison County Planning Commission, applicant Mark Lucas and applicant's attorney David Leinsdorf conducted a continued joint public hearing. They reviewed a subdivision request for 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, at the end of Fairway Lane. County Commissioner Hap Channell was present for the meeting. Board member Hap Channell was present for the hearing.

Vice-Chairman Ian Billick opened the continued joint public hearing.

Director of Public Works Marlene Crosby was present to discuss Fairway Lane. She noted that she and her staff have met with Lucas. They have decided on two 11 ft paved lanes. They will not widen the road because that could increase the speeding issues and problems on Fairway Lane. A six ft pedestrian/ bike path will be striped adjacent to the road. She said this would also help to slow the traffic down and the path would be plowed in the winter. The county is looking into plowing the road into the new subdivision because the school bus will be using that road. Crosby said she will be meeting with the HOA next week.

Board member Hap Channell asked about the cost and shared cost for road improvements on Fairway Lane. Crosby acknowledged there is already an existing problem so the county will pay its prorated share; as has been done on other roads in the county.

Attorney David Leinsdorf said there are 54 houses and 10 condos now using Fairway Lane. Lucas is building one-third that number and would be responsible for one-third of the cost.

Channell commented the public has to be aware that the road and bridge budget is in the red because of the decrease in gas tax; no part of property tax goes to road maintenance. The county has a dilemma as we develop and build out, there will have to be some ways of cutting costs or increasing revenues. He said it could be a special improvements tax.

Fairway Lane resident Sue Mundell agreed the bike path could decrease the speeding. She also said the road being marked will help define each individual property boundary.

Crosby explained there have been many complaints of trespass; concerning bikes. She noted it is not the owners of the subdivision but individuals accessing Hartmans Rocks through the subdivision. She said the Trails Commission has spent a lot of resources to direct traffic to Hartmans via the Gold Basin Road access. She added that the Trails Commission will not support the placement of a bridge that would access Hartmans Rocks.

Billick asked the applicant to address the issues previously outlined:

- Fairway Lane
- Public/ private roads in Tomichi Creek Subdivision
- Public dedicated roads / privately maintained.
- Trail
- Trespassing
- Master planning roads and trails
- Traffic
- Water augmentation
- Wetlands
- City of Gunnison comments
- Drainage map /water quality
- Construction hours
- Parking on the trail
- Control bicycles with fencing
- Trails commission representative present at the next meeting
- Drainage runoff

Reed added the wildlife corridor along Tomichi Creek. Lypps asked for a bus stop plan.

Lucas said with out support from the county or Trails Commission he will take the trail out of the plan. Lypps disagreed and said there should be ways to deal with the trail other than close it. Billick suggested the county could be given a dedicated easement and then the county could decide what to do with it, at a later date.

Channel said parking is a potential concern. Trail head parking becomes a problem in other parts of the county.

The Commission was in favor of the county being dedicated the easement, but said it should not be used until the bridge is complete.

Cost of road maintenance was discussed. The issue of cost was reiterated by Billick. Channell suggested public roads- privately maintained. Lucas said if the school buses were to use it, the county

could maintain it. Leinsdorf added another avenue that has been used is public roads with public impacts with public plowing and the owners paying for the plowing. Channell said Serpentine Trail in Marble has been offered that option and a road users association has been suggested. Billick asked for a cost estimate from Public Works. Reed said the developer should confer with Public Works. Billick said the Commission must be consistent when reviewing all development. Leinsdorf agreed noting they are willing to pay their fair share but do not want to be the only development held to these standards. Reed said maintenance is more than just snowplowing. The Commission requested a cost estimate for a user fee at next work session.

The Commission discussed trespassing and the trail. It was noted that the trail would not be open to the public until the county was ready to manage the trail. Karas agreed adding the owners of the Tomichi Creek Condos should not be burdened with the trespass issues. Lypps suggested moving the trail along the ditch. Lucas explained then it could possibly encroach into the wetlands. Reed said a developed maintained trail could alleviate trespassing. Billick commented a trail would be a question of volume vs. trespassing. Lucas explained they would be placing trees along both sides of the trail. Channell asked Lucas to consider realigning the trail. Lucas agreed to have a final trail proposal ready for the next work session.

Leinsdorf stated the water augmentation plan would be finalized before any approval.

During the wetlands discussion Lucas explained that since the water has been turned off at the Valco property upstream, it has resulted in less wetland.

Billick closed the public hearing.

Billick asked the applicant to address:

- Cost estimates for user fees for the road and language
- Proposed changes to access
- Comments from the City of Gunnison
- Water quality
- Parking associated with the trail
- Drainage runoff
- Wildlife corridor
- Bus stop
- Domestic pets adjacent to wildlife corridor
- Trail easement

The next work session will be conducted September 8, 2006.

SKY RANCH AT UTE TRAIL: The Gunnison County Planning Commission and applicant's engineer Joe Bob Merritt and applicant's attorney David Leinsdorf held a work session. They reviewed a request for expansion of a camp facility; including new structures, renovation to existing structures and upgrades to infrastructure, located at 1329 Highway 149, 11 miles north of Lake City.

The Commission discussed the major or minor impact decision. Leinsdorf commented in most counties this development would require only a building permit. He said there is no subdivision, only an enlargement of the use, stating it should be a minor impact. Planner Cathie Pagano said with the tearing down of some of the buildings and adding others the total amount of square footage is within the minor impact classification.

Lypps expressed a concern with the new road and asked if it was a necessary addition. Leinsdorf said safety is the issue and the new road is necessary.

Reed said the real expansion of use is not the size of the buildings but that it is going to year round use from a summer use only facility. He would like to hear from the public as to whether the year round use will have a big impact or not. Leinsdorf reiterated it all could be handled through a minor impact process.

Billick stated the main difference will be procedural noting it would not be reviewed by Board and would not have a preliminary plan phase. Leinsdorf suggested proceeding tentatively with a minor impact classification; with the caveat it could be major later. He said they are willing to run the risk of having to have another public hearing with the Board if it is major impact. Billick said this is a minor impact. Karas agreed it could be a minor but would like to hear from the public.

Merritt explained the winter use component of the proposal. He said in 1999 the land use change was approved for 50 participants primarily on the weekends: they are now proposing 64 participants in total. He said it has historically been a family retreat. They have a limited number hunting permits to be used for family hunting excursions. Lypps asked if the winter use cabins will have running water. Merritt confirmed they do have now and will continue to have running water.

Reed requested the applicants address a specific plan for winter time uses; for example will snowmobiling be part of this. Karas asked the applicants to address the road and bridge uses during the winter. He asked for traffic numbers and an explanation of how the campers will be transported to and from the camp.

Lypps asked if this camp is open to drop in traffic. Merritt replied that it is a private camp and will remain so, noting there would be no drop in traffic

The Commission asked the applicants to address:

- Better explanation of winter activities
- Visual impacts

During a further discussion of the impact classification the Commission decided that the impact classification would be minor with all Commissioners unanimously in agreement.

A site visit and public hearing will be conducted on October 6, 2006.

SHOOK/ TWO LOT SUBDIVISION: The Planning Commission met with applicant Cassie Shook for a work session, follow-up discussion to August 4, 2006 site visit; proposed subdivision of 3.26 acres from 22.96-acre parcel for single-family use on each lot, located on County Road 744 (Spring Creek), in Section 22, in S1/2 NW1/4, Twn 15 S, R 84 W, 6th P.M.

Lypps said during the site visit held, August 4, 2006, he observed much of the site is very steep.

Shook explained he already has a permitted access point and at the time of construction another access permit will be applied for; it might be waived, but must be applied for.

Karas was concerned with an emergency response access. Shook said he has spoken to the fire marshal and was directed to adhere to the county standards. Shook said the feasibility of septic was confirmed by the county Environmental Health Official.

Shook said the majority of the trees are on the neighbor's property. Shook will be removing three trees from the new lot. Karas expressed concern with the geologic features on the site. Shook said they have engineered plans for this site. Shook has submitted the rock fall hazard report.

Lypps asked for a plan for the rest of the property. Billick asked for a better vicinity map.

A joint public hearing will be held October 6, 2006.

The Gunnison County Planning Commission regular meeting was adjourned at 3:30 P.M.

/s/ Beth Baker
Administrative Assistant
Gunnison County Planning Commission