

GUNNISON COUNTY PLANNING COMMISSION

AGENDA: JANUARY 20, 2006

- 8:45 a.m.**
- **Call to order; determine quorum**
 - **Approval of Minutes**
 - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.
- 9:00 a.m.** **Richard Landry**, work session/no action, development of a commercial seasonal resort, located on 35-acres, approximately 50 miles southwest of the City of Gunnison, west of Highway 149
- 10:00 a.m.** **Bill & Beth Wyman**, work session/no action, request for commercial woodworking shop in a detached structure, at 1397 West Denver Avenue
- 11:00 a.m.** **Gunnison County Special Development Project Regulations;** Continued joint public hearing with Board of County Commissioners and the Planning Commission/possible action, designation of Matters of State Interest pursuant to C.R.S. 24-65.1-401 et seq., discussion regarding possible amendments to the Gunnison County Special Development Project Regulations.
- Lunch**
- 1:00 p.m.** **Board of County Commissioners**, work session with Planning Commission, discussion of Planning Commission memo regarding: dogs, nuisances, etc.
- 2:30 p.m.** **Crested Butte Fire Protection District**, work session with Planning Commission, fire video training, discussion of District issues
- 3:30 p.m.** **Scott Steenbergen**, work session/no action, request for two lot subdivision; 6.814 acres and 10 acres, 997 County Road 20, west of the City of Gunnison and north of Highway 50

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting Minutes
January 20, 2006

The Gunnison County Planning Commission conducted a regular meeting January 20, 2006, in the Commissioners' Meeting Room in the Blackstocks Government Center. Present were:

Chairman-Dave Houghton	Director of Planning-Joanne Williams
Vice-Chairman- Nick Lypps	Assistant Director of Planning-Neal Starkebaum
Commissioner-Jeff Wilkinson	Planner-Cathie Pagano
Commissioner-Mike Potoker	County Attorney-David Baumgarten
Commissioner-Erich Ferchau	Administrative Assistant-Beth Baker
Commissioner-Ramon Reed	
BOCC-Jim Starr	
BOCC-Paula Swenson	
BOCC-Hap Channell	

Chairman Dave Houghton determined there was a quorum present and opened the regular meeting of the Gunnison County Planning Commission at 8:45 A.M.

MOVED: by Wilkinson seconded by Reed to approve the minutes of January 6, 2006 as amended. The motion passed unanimously.

MOVED: by Wilkinson seconded by Reed to approve the minutes of January 13, 2006 as amended. The motion passed unanimously.

EAGLE RIDGE RANCH RESORT: The Commission met with applicant Richard Landry. They held a work session to discuss his request for development of a commercial seasonal resort, located on 35-acres, approximately 50 miles southwest of the City of Gunnison, west of Highway 149.

Landry explained his redesigned plan. They will not build the five cabins in the North West corner of the property. They have deleted the teepee sites and increased the number of cabin sites in the Southern corner from four to five, and all of the cabins will be two bedroom units. He is proposing the road be on their other 35-acre parcel to alleviate pressure to the neighbors. They are contemplating removing the trailer. Assistant Planning Director Neal Starkebaum noted the trailer will have to be moved, because it is an illegal structure. Commissioner Ramon Reed suggested Landry describe the type of structure that would replace the trailer so that it could be approved at this time, rather than come back for another Land Use Change in the future. Starkebaum suggested this application could be phased. Commissioner Mike Potoker directed Landry to address the lighting with timers and motion detectors.

Starkebaum said an e-mail from Ray Blaum had been received by the Planning Department and distributed to the Commission.

Commissioner Jeff Wilkinson said with the changes Landry has made the Commission should move forward with a draft recommendation. Vice-Chairman Nick Lypps was impressed with the applicant's flexibility. Reed was pleased with the elimination of the five cabins in the North West corner and said he had gone along way to address the neighbors' concerns. Potoker reiterated Reed's comments and was pleased with the lighting now proposed. He said the roofing should blend in as much as possible; not a reflective finish. Commissioner Erich Ferchau said since the five cabins on the North West corner had been deleted the applicant may not need to move the road. He asked if the five cabins being taken off the plan would ever be presented on a future plan. Landry replied as far as the commercial development is concerned the five cabins have been

permanently deleted. Chairman Dave Houghton acknowledged the applicant has made very significant changes. He agreed with Ferchau and said the road would not have to be changed unless CDOT had concerns with the traffic.

The Commission directed staff to prepare a draft recommendation for approval.

Starkebaum stated parking issues must be specifically addressed. Landry replied three trailers could be parked in front of the barn and the individual guests vehicles will be parked next to the cabins.

Chairman Dave Houghton questioned the access to the National Forest. Landry explained the access to the forest will only be used by Landry personally and not the guests of the resort. Houghton added snowmobiles, motor cycles and four wheelers can not be operated on the property by guests of the resorts.

Landry explained they will use the existing well and buy augmentation water. Landscaping was briefly discussed; but will be thoroughly detailed during the preliminary plan phase.

Starkebaum asked for a “clean” site plan that only shows the present proposal.

The Commission directed Landry to submit a cleaned up more defined plan that is to address; parking, the road and identify what will be on the former trailer site.

WYMAN/COMMERCIAL: The Commission met with applicant Beth Wyman. They held a work session to review their request for commercial woodworking shop in a detached structure, at 1397 West Denver Avenue.

Wyman said they want to build cabinets as well as benches etc. Assistant Planning Director Neal Starkebaum said that does complicate the application because it could be defined as an industrial use. Commissioner Mike Potoker said it should be the impacts that determine the definition. Starkebaum explained there are setback implications if this is considered an industrial use. Chairman Dave Houghton suggested a redefinition of this application or an amendment of the *Gunnison County Land Use Resolution* (LUR) definition. Potoker said he did not see this as industrial use but did think it could be commercial. Houghton said it is somewhat in between the two.

Starkebaum said the definition of light industrial could be an amendment to the *Gunnison County Land Use Resolution* (LUR).

Houghton said there are several choices;

- Acknowledge this is industrial and deny the application
- Change the definition of light industrial in the LUR and reapply
- Define it as a home occupation. Starkebaum said defining this as a home occupation would not be possible
- Define it as commercial

The commercial designation was discussed. Starkebaum quoted the definition of commercial from the LUR. Houghton suggested cleaning up the definitions of commercial, light industrial and industrial. Starkebaum said the only designation the City of Gunnison is comfortable with is a home occupation.

Richard Karas said the concerns of the City and the County are very parallel. The City is more concerned with setting a precedent. He urged great caution. Houghton said usually a major concern of the City’s’ is lost tax revenue and it would not be lost in this case.

Vice-Chairman Nick Lypps said the Commission should initiate an amendment to the LUR to define “light industrial.” Commissioner Ramon Reed and Potoker reiterated the impacts should be the focus.

City Planner Steve Westbay was present to explain the City's concerns. Westbay explained 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. The concern is a policy statement because the uses are not compatible with the present uses.

Defining this as a commercial use was discussed. Houghton said noise mitigation should be addressed. Westbay said water quality is an issue and the well protection area and the aquifer aspect should be spelled out in detail.

The Commission agreed to hold the public hearing and then direct staff to prepare a draft a decision after the public hearing was held so any concerns the neighbors may have can be addressed.

Lypps said the Commission appreciates the comments from the City and added it would be helpful when there are issues of joint concern a representative of the City should attend the meeting.

The next meeting will be a public hearing.

1041 REGULATIONS/ SPECIAL DEVELOPMENT REGULATIONS; The Board of County Commissioners and the Planning Commission held a continued joint public hearing. They discussed the Gunnison County Special Development Project Regulations (1041 Regs). The designation of Matters of State Interest pursuant to C.R.S. 24-65.1-401 et seq., regarding possible amendments to the Gunnison County Special Development Project Regulations.

Chairman Dave Houghton opened the continued public hearing.

County Attorney David Baumgarten distributed a memo dated January 12, 2006.

Baumgarten explained these regulations are the regulatory document that will regulate the very large projects in Gunnison County. The original 1041 document was crafted in the late 1980's with the impending Union Park water project in mind.

Baumgarten said the basic premise is a County is an entity limited in power by State statutes. He explained there are three main governing documents; the County Land Use Act; including zoning and classification, the local government enabling act and the 1041 regulations.

Baumgarten stated many counties have used the 1041 regulations as a foundation for their land use regulations but Gunnison County has not; though we may in the future.

Baumgarten explained the 1041 statute lists areas and activities of State interest as; mineral resource areas, natural hazard areas, areas containing or having a significant impact upon, historical, natural, or archeological areas around key facilities in which development may have a material effect upon the key facility or the surrounding community. He said Gunnison County uses two columns in their regulations; A and B. The staff has recommended Column A be addressed, adding to Column A the remaining designations that have not been met. Column B will be reviewed to determine if it is still appropriate. Once the designations are made specialized rules for those designations can then be made. He added we will now include nuclear detonation because it has been used in oil shale exploration.

Baumgarten said the difference between the *Gunnison County Land Use Resolution* (LUR) and the 1041 regulations is the LUR is a prescriptive document; with standards that are measurements to review projects. The 1041 regulations is a performance document that quantifies no significantly net adverse impact after mitigation. The developer would approach the County with suggestions for mitigation.

He added the applicant should be told the concerns immediately. And there should be no “stacking of consultants” causing a repetitive burden on the applicant. He said the County reserves the right to come to a different conclusion.

Baumgarten explained there are projects on Federal land that will impact the County and the County will want to regulate them.

Baumgarten noted if it is the intent of the Board to add guidelines and regulations and the specific guidelines had not been completed by the time an applicant is in process the applicant can not move forward, essentially creating a moratorium. He explained the County can not create a permanent “pocket veto,” and once the process is started it should be completed as soon as possible.

The Commission reviewed the letter of recommendation to the Board.

Commissioner Ramon Reed was seated for the vote.

MOVED: by Potoker seconded by Reed to authorize the recommendation to the Board. The motion passed unanimously with Potoker, Houghton, Reed, Lypps and Wilkinson voting yes.

DOGS & NUISANCES The Board of County Commissioners and the Planning Commission held a work session to discuss a Planning Commission memo regarding: dogs, nuisances, etc.

Commissioner Nick Lypps explained this has come to a head due to an application that came before the Commission with complaints of dogs at large and barking dogs and it precipitated this discussion.

Chairman Dave Houghton said the County does not currently have enforcement power involving animal complaints. Planning Director Joanne Williams said there are enforcement mechanisms in the *Gunnison County Land Use Resolution* (LUR) and it is a question of how much the Board wishes to enforce them.

Board member Jim Starr said they have met before on junk ordinances and the audience was evenly split so the Board backed away from the issue. Starr said they have addressed junk cars in Sommerset and junk in Marble. Lypps said the Commission has been addressed by some of the public asking for junk enforcement.

Starr said it depends on the audience if any one really wants junk enforcement. Board member Hap Channell said enforcement is very controversial. Williams said a lot of what goes on in the Planning office has to do with neighbor mediation. Board member Paula Swenson said the City does their enforcement based on calls from the public. Starr said the neighbors rarely want to enforce against neighbor and they then call the County in. Starr suggested a charging a subdivision a fee if they want the County to enforce their covenants. He added it shouldn't be the entire County bearing the cost of enforcement it should be perpetrator.

Channell noted the City has a Neighborhood Services officer to deal with ordinances. He suggested an officer could be hired by the County.

Houghton said noise ordinances are difficult to enforce. Starkebaum noted with mining operations there has been enforcement. Houghton questioned the certainty the neighbors can have that a noise level violation will be enforced.

Starr suggested circulating a letter County wide asking if subdivisions would be interested in using a County neighborhood services officer and participate in paying for it and follow up with a letter to the Sheriff's office addressing enforcement.

Following a meeting with the Board and the Sheriff's office the Board will meet with a representative of the Commission. They will consider sending a letter to the unincorporated towns and HOAs to suggest hiring a neighborhood services officer depending on the interest.

CRESTED BUTTE FIRE PROTECTION DISTRICT: The Board of County Commissioner and the Planning Commission held a work session with the Crested Butte Fire Protection District representative Ric Emms and Kent Cowherd and Bryan Ayers of the Colorado State Forest Service.

Emms said they are asking the Board and Commission to allow the Crested Butte Fire Protection District (CBFPD) to adopt International Fire Code and the amendments to the code at the County level. The CBFPD Board of Directors has allowed the adoption of the Code and they are now asking the County to allow them to enforce this code.

WOODCHUCK SUBDIVISION: The Planning Commission met with applicant Scott Steenbergen for a work session. They reviewed his request for two lot subdivision; 6.814 acres and 10 acres, 997 County Road 20, west of the City of Gunnison and north of Highway 50.

The Commission discussed water with Steenbergen. Steenbergen has two letters of approval from the State, one for a new well and another for augmentation for the existing well. Pagano noted the water issues have been settled and the State has approved the water plans. The staff requested direction from the Commission. The Commission directed staff to prepare a draft recommendation for the next meeting.

Adjacent property owner Steve Schechter noted his concerns with traffic and the quality of the road. He urged the Commission to restrict further development in Stueben Creek area, until the road is improved. Assistant Planning Director Neal Starkebaum said the Public Works Department has stated the speed of the travelers is the problem. Commissioner Ramon Reed suggested the Commission write a letter to the Sheriff, asking him to review that road and consider reducing the posted speed limit. Starkebaum will contact the Sheriffs department for an explanation of the speed limits and how they are set.

The next work session for Steenbergen will be February 3, 2006 at which time the Commission will review a draft decision for approval.

Chairman Dave Houghton closed the regular meeting of the planning Commission, January 20, 2006 @ 3:55 P.M.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning