

GUNNISON COUNTY PLANNING COMMISSION
AGENDA: JUNE 16, 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.** **Horse Meadows Subdivision, represented by Jessica Stone,** joint public hearing/no action, preliminary plan, subdivision of 48.56 acres into ten single-family lots and one common open space area, located north of the City of Gunnison, north of Seneca Drive and east of Chekwa Way
- 10:00 a.m.** **Gunnison/Crested Butte Regional Airport, represented by John DeVore,** work session/possible action, expansion of General Aviation facilities at the Gunnison/Crested Butte Regional Airport for the construction of 8 additional aircraft hangars, located generally, on the north edge of the airport, adjacent to Highway 50, west of the existing hangars
- 10:30 a.m.** **Slate River Holdings,** work session/no action, request for 10,000 square foot commercial structure w/residence, located on Lot 16, Riverland Industrial Park F# 2
- 11:00 a.m.** **Thornton Estates Subdivision, Deloray, LLC, represented by David Leinsdorf,** work session/possible action, revised Sketch Plan; reduction in number of lots from 27 single-family lots to 19 lots, on 13.57-acres, Tract M-1, Spring Meadows Subdivision; located north of the City of Gunnison, west of Highway 135
- Noon** **Lunch**
- 1:00 p.m.** **Blue Jay Condos and Cottonwood Grove Townhomes, Rommjo, LLC, represented by David Leinsdorf,** continued joint public hearing/no action, Sketch plan for 6 condominium units, and 12 townhome units, in three duplex and two triplex buildings; located west of the City of Gunnison, south of Highway 50
- 2:00 p.m.** **Tomichi Creek Subdivision, West Elk Properties LLC, represented by David Leinsdorf,** Site Visit, Sketch plan presentation, subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, end of Fairway Lane

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting Minutes
June 16, 2006

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

Chairman-Dave Houghton	Director of Planning-Joanne Williams
Vice-Chairman- Jeff Wilkinson	Assistant Director of Planning- Neal Starkebaum
Commissioner- Ramon Reed	Planner- Cathie Pagano
Commissioner- Richard Karas	Administrative Assistant- Beth Baker
Commissioner- Nick Lypps	Others present as listed in text
Commissioner- Mike Potoker	

Absent: Commissioner- Ian Billick

Chairman Dave Houghton determined a quorum existed and opened the regular meeting of the Gunnison County Planning Commission at 8:45 A.M., June 16, 2006.

MOVED; by Lypps seconded by Potoker to approve the minutes of May 19, 2006 as amended. The motion passed unanimously.

MOVED; by Potoker seconded by Reed to approve the minutes of June 2, 2006 as amended. The motion passed unanimously.

HORSE MEADOWS SUBDIVISION; The Commission and Board held a joint public hearing with applicant John Stock and his representative attorney Mike Dawson. They reviewed the preliminary plan for the proposed subdivision of 48.56 acres into ten single-family lots and one common open space area, located north of the City of Gunnison, north of Seneca Drive and east of Chekwa Way.

Commissioner Richard Karas recused himself from the proceedings.

Chairman Dave Houghton opened the joint public hearing at 9:00 A.M.

Administrative Assistant Beth Baker confirmed the applicant had submitted the certified mailing receipts and affidavit of posting; the Planning Department had the public notices published in the Gunnison Country Times and Crested Butte News.

Applicant's representative attorney Mike Dawson explained former owner of the parcel Joe Alagna sold the property to John and Karen Stock. Alagna had an approved Sketch Plan in place at the time of sale and the Stocks submitted the Preliminary Plan, Oct. 2005.

Dawson said this is within the three mile plan of the City of Gunnison. City of Gunnison expressed concerns with wells and the proliferation of septic systems. Dawson submitted a map.

Commission Ramon Reed inquired as to the status of the augmentation plan. Dawson said it was approved.

Dawson said the applicants have water rights in both the Hyzer and the Tingly ditches. Each individual owner will have a well on their parcel. The applicants are contracting with the Upper Gunnison Water Protection District for augmentation water. There was a 24-hour well pump test performed on a test well, on June 8, 2005; it pumped approximately 20-gallons per minute. At the same time an additional well test was done on a well 450 ft from the first well; that well did not show any affects. Dawson referred to the Wright Water Engineering study which concluded there would be no negative impacts on the surrounding wells. Commissioner Nick Lypps asked about water storage. Dawson responded each individual owner will be responsible for any additional storage they may feel they need. Lypps questioned why the development would not have one central well rather than individual wells. Dawson replied the management and maintenance of a central well would be more difficult and costly.

Dawson said the landscaping plan would include trees along the west side, at the entrance and they will be maintaining as many of the existing trees as possible. The weed management plan has been prepared and submitted to the Gunnison County Weed Coordinator. The management of the noxious weeds would be the responsibility of the HOA.

Dawson said the property is not within a flood plain and there are no geological hazards. He also said the Division of Wildlife concluded that although there is wildlife in the area- because of the existing surrounding developments, the addition of these homes should not further impact the wildlife in the area.

Dawson noted the open space surrounds the boundary of the property and is also oriented around the pond. There will be no public trails.

Dawson said Waste Management has committed to providing trash service.

Dawson noted that both draft covenants and draft design guidelines have been submitted for review. They have also submitted the estimated costs for the infrastructure.

Dawson stated it is the intent of the applicants to try to continue the historical irrigation flows as much as possible; with the intent to deliver any tail water available to the historical users.

Adjacent owner Jim Ruthven was concerned with: high density, the number of horses on each lot, irrigation water and the potential of ten additional ISDS systems polluting his well.

Adjacent owner Alex Laird was concerned with: high density, size of the lots, water quality, number of horses, the proposed density, elimination of the historical irrigation water and access to the ditch easement for maintenance.

Adjacent owner Tom Saiers reiterated concerns with: density, water quality and quantity, and added the safety of the access road for additional cars and emergency response vehicles.

Owner in the area Earnest Groth reiterated concerns with water quality and quantity, too many new septic systems and additional traffic.

Houghton listed the issues to be addressed by the applicants:

- Density
- Horses
- Water quality and quantity
- Tail water
- Impact on ditches
- Seasonal status of water table
- Traffic increases
- Safety with single point access
- Septic monitoring
- Wells metered

Houghton requested:

- Environmental Health official talk to Commission concerning the area in general and the cumulative affects of ISDS systems
- Water Commissioner speak to the Commission concerning historical irrigation
- Legal opinion from County Attorney David Baumgarten concerning this area and historical irrigation issues

Commissioner Jeff Wilkinson questioned why a water measuring device was placed at the south end of the parcel. Dawson explained because of the historic animosity concerning the irrigation water, they have agreed to measure the water as it exits the property.

Dawson explained there is no waste water decree on the Hyzer ditch but if there is extra water then the parcels below this one will get it first; it is not required that they provide tail water for irrigation. They are attempting to allow as much irrigation water to continue to flow.

Commissioner Ramon Reed requested the County Attorney attend a meeting and review this request to determine if the applicant should prepare an irrigation plan similar to what was done for Saddleridge. Lypps suggested using one master irrigator for the subdivision.

Houghton continued the joint public hearing to July 7, 2006 at 9:00 A.M.

GUNNISON/CRESTED BUTTE REGIONAL AIRPORT: The Commission held a work session with applicant airport manager John DeVore. They discussed expansion of the General Aviation facilities at the Gunnison/Crested Butte Regional Airport for the construction of 8 additional aircraft hangars, located generally, on the north edge of the airport, adjacent to Highway 50, west of the existing hangars.

Chairman Dave Houghton cited letters submitted by the Beautification Committee and Trails Commission.

Applicant John Devore submitted a profile of the berm, as requested by the Commission, at the prior meeting. Trees will not be planted on the berms. The bike trails will remain where they are located now. Assistant to Airport Manager Kathie Lucas will be landscaping with visually appealing foliage that will not grow over the height limitations set by the FAA and will not attract birds.

Beautification Committee member Sue Oates said their main concern is visualization. Oates submitted photographs to represent the visualization as one drives by the existing hangars. Devore said he is willing to partner with the City but would not allocate only airport dollars. Houghton explained it is not lack of money but really a lack of space.

Commissioner Mike Potoker requested the berm be taller than five ft. with undulation and character and the colors of the buildings be darker. He said the Commission should informally encourage the County to work with City to work on the entrance to the City.

Commissioners Richard Karas and Nick Lypps suggested holding up the decision to accommodate talking to the City. Commissioners Dave Houghton, Mike Potoker, Jeff Wilkinson and Ramon Reed disagreed.

Potoker suggested another berm on the west end, more vegetation, higher berms and darker colors on the hangars.

The Commission reviewed the draft decision.

MOVED: by Potoker seconded by Wilkinson to approve LUC-2006-07 as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The applicant requests the phased construction of eight 4000 square foot aircraft hangars, on lease areas, at the Gunnison-Crested Butte Regional Airport.

All application materials are dated February 23, 2006, with a revised site plan submitted on May 19, 2006. The revised site plan deleted the initial proposal for a parking lot and road connecting to County Road #38 (Gold Basin Road). The Airport Master Plan was adopted by the Board of County Commissioners on March 7, 2006. This area of the airport is identified within the Master Plan for the construction of eight aircraft hangars. As the hangars will be constructed on a demand basis, which may be several years before build-out, the applicant is requesting an extension of the term of permit for a period of 10 years.

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.

LOCATION:

The land is located west of the existing hangars on lease areas at the Gunnison-Crested Butte Regional Airport, 711 West Rio Grande Avenue, within the SW1/4 Section 2, Township 49 North, Range 1 West, N.M.P.M.

SURROUNDING LAND USES:

The site is adjacent to and west of the existing leased aircraft hangars, and lies directly south across the fence from of the City of Gunnison's RV sewer dump facility, and residential uses across Highway 50, to the north.

WATER SUPPLY/ WASTEWATER:

The hangars will be served by extension of the existing City of Gunnison Municipal water system and the Municipal wastewater treatment system.

SECTION 4-111: CLASSIFICATION OF IMPACT:

06 June 16 PC Minutes
06 July 07 PC Minutes approved

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

1. ADDITIONAL CRITERIA. In addition to the specific criteria of each section, the County shall also consider the following in determining the impact classification:
 - a. DEMAND FOR PUBLIC SERVICES. Whether the proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services; and
 - b. IMPACTS ON IMPACT AREA AND ENVIRONMENT. Whether the proposed land use change is expected to generate a minor or a major impact on the impact area or on the impact on the impact area or on the environmental resource and hazard area defined within and regulated by Division 5-200: *Resource Protection Standards*; and
 - c. IMPACTS RELATED TO ALL EXISTING AND PROPOSED DEVELOPMENT IN IMPACT AREA. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area.

At the April 28, 2006, Planning Commission meeting, the Commission took formal action to lower the impact classification to minor impact.

FEDERAL AVIATION ADMINISTRATION REGULATIONS:

All future hangar construction will be reviewed by the FAA and shall be constructed in compliance with FAA regulations.

CITY OF GUNNISON COMMENTS:

In a letter from Diane Lothamer, City of Gunnison Planning and Zoning Commission, dated May 12, 2006, in summary, she notes that:

"Storm water and drainage plans will be to be executed based upon the Final Design Report dated January 3, 2002.

Any aesthetic landscaping or buffering in this entry corridor area would be appreciated."

COMPLIANCE WITH THE STANDARDS GUNNISON COUNTY LAND USE RESOLUTION:

Section 9-102: *Home Occupations*
Not applicable.

Section 9-103: *Bed and Breakfast*
Not applicable.

Section 9-503: *Satellite Dishes*
Not applicable.

Section 9-508: *Keeping of Livestock Not on an Agricultural Operation*
Not applicable.

Section 10-102: *Locational Standards For Residential Development.*
Not applicable.

Section 10-103: *Residential Density*.

Not applicable.

Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development*

The location of the hangars is at the Gunnison-Crested Butte Regional Airport, and is in a location applicable for additional commercial aircraft hangars.

Section: 11-102: *Voluntary Best Management Practices*

Voluntary; not mandated.

Section 11-103: *Development in Areas Subject to Flood Hazards*.

The site is not located within the floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.

The site is not located within an area 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, and will have limited impact on any wildlife in the area during and after construction. The airport has expended substantial resources to keep the conflicts between wildlife and aircraft to a minimum.

Section 11-107: *Protection of Water Quality*.

No streams or wetlands are near or on the building site.

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*.

Existing access is from the secure airport access to the lease areas.

Section 12-104: *Public Trails*.

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

Section 12-205: *Water Supply*.

The hangars will be served by an extension of the Gunnison Municipal water supply.

Section 12-106: *Sewage Disposal/Wastewater Treatment*.

The hangars will be served by an extension of the Gunnison Municipal wastewater treatment system.

Section 12-107: *Fire Protection*.

The property is located within the Gunnison County Fire Protection District. Fire protection and suppression is provided by the Airport Fire and Rescue facility.

Section 13-103: *General Site Plan Standards And Lot Measurements*.

The proposed location complies with property line setback requirements.

Section 13-107: *Installation of Solid Fuel-Burning Devices*

06 June 16 PC Minutes

06 July 07 PC Minutes approved

Not applicable.

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.*

Parking is permitted adjacent to the hangars.

Section 13-111: *Landscaping And Buffering.*

The hangars will be partially screened and buffered by existing trees running parallel to Highway 50. A berm will be constructed the north of the hangars, on airport land. Due to FAA restrictions concerning height limits and as to not encourage birds to inhabit the airport environs, no trees will be planted. However, the berm will be constructed of a height and in a manner to assist in buffering the visual impact. At the June 16, 2006 meeting, the applicant submitted a diagram of the proposed berm, prepared by Carter-Burgess, dated May 16, 2006. The Commission asked the applicant to investigate increasing the height of the berm and adding a berm to the west end of the hangar area. The landscaping will be watered by Airport equipment.

Section 13-112: *Snow storage.*

Snow storage areas are established at the airport.

Section 13-113: *Fencing*

No fencing is required.

Section 13-114: *Exterior Lighting.*

Exterior lighting shall comply with this section and a lighting plan is required at the time of application for building permit. All exterior lighting shall be full cut-off fixtures.

Section 13-115: *Reclamation And Noxious Weed Control.*

A Reclamation Permit is required, as applicable, for the construction of each hangar.

Section 13-116: *Grading And Erosion Control.*

The disturbance to the area for construction will be minimal, and will be consistent with drainage and erosion control plans for the airport.

Section 13-117: *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 13-118: *Water Impoundments.*

Not applicable.

PUBLIC HEARING:

A public hearing was held on May 19, 2006 and continued to June 2, 2006. Several members of the public were present and their comments are noted from the following minutes of the public hearing.

Pat Lazerus, Manager of Gunnison Valley Aviation, the Fixed Base Operation (FBO) described a corporate hangar that had been constructed recently; it has clean lines, better colors and is much more appealing than the older hangars.

Assistant Airport Manager Kathy Lucas said the FAA is very restrictive in what they will allow. She is working with hangar manufacturers on the quality of the hangars and the colors. She said in the maintenance agreement the lessee will be required to maintain the hangars.

A letter from Sue Oates, Gunnison County Beautification/Scenic Corridors Committee, dated May 29, 2006 noted concerns with the visual impacts to the west entry into the City of Gunnison and the letter contained several suggestions related to design materials, visualization and landscaping.

FINDINGS:

The Commission finds that:

1. The Planning Commission reviewed the request for impact classification pursuant to Section 4-111: Classification of Impact. CRITERIA FOR CLASSIFYING IMPACT and :
 1. Additional Criteria for Impact Classification:
 - a. DEMAND FOR PUBLIC SERVICES. The aircraft hangars will be located at the existing Gunnison – Crested Butte Airport, therefore there will be no additional demand for roads, transit, schools, water supply, or sewage disposal, and as the Airport has existing fire protection and emergency services on-site, there will be no additional demand for fire protection and emergency services.
 - b. IMPACTS ON IMPACT AREA AND ENVIRONMENT. The aircraft hangars will be located directly west of existing aircraft hangars, and at an existing airport. The hangars will be located adjacent to the existing taxiway of the existing runway. Therefore, the impact to the impact area and environment will be minimal.
 - c. IMPACTS RELATED TO ALL EXISTING AND PROPOSED DEVELOPMENT IN IMPACT AREA. The aircraft hangars are integral to the operation of the fixed base operation of the existing airport. Therefore, the impacts to the existing and future development of the airport will be of minimal impact and a benefit to the impact area.

The application is hereby classified as a minor impact project.

2. The Airport Master Plan, adopted by the Board of County Commissioners on March 7, 2006, identifies this portion of the airport as an area for eight future hangars.
3. The County Manager has agreed to install a berm on the north side of the hangars for mitigation of the visual impacts to properties across Highway 50 and to the traveling public on Highway 50, as identified in a diagram of the proposed berm, prepared by Carter-Burgess, dated May 16, 2006.
4. The proposed hangars comply with all applicable standards of the *Land Use Resolution*.
5. The proposed hangars are compatible with the character of existing land uses in the area and do not adversely impact the future development of the surrounding area.
6. The applicant has requested an extension of the Land Use Change Permit term. The request meets both of the following criteria, pursuant to Section 1-104: Permits Required. H.
 - a. A Public Benefit Will Be Obtained, or No Public Detriment Will Occur.
 - b. Size of Project and Economic Conditions Warrant Extension.
7. This Decision is made in reliance on the present and continued existence of all physical features of the property (geological, topographical and vegetative including trees) cited in this Decision, as applicable, as mitigating a possible conflict with County land use policies.
8. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
9. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having reviewed 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 including provision of a public hearing, and having reached the above cited Findings, classifies LUC No. 2006-12, Gunnison-Crested Butte Regional Airport Aircraft Hangars, as a Minor Impact Project, approves the Land Use Change Permit with the following conditions, and shall be memorialized by recordation of a Minor Impact Certificate with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. 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. Operations at the hangars are permitted only during normal Airport operating hours.
3. All exterior lighting on the hangars shall be fully shielded, utilizing full cut-off fixtures.
4. A berm will be constructed on the north of the hangars, on airport land. Due to FAA restrictions concerning height limits and as to not encourage birds to inhabit the airport environs, no trees will be planted. However, the berm will be constructed of a height and in a manner to assist in buffering the visual impact of the hangars, to the maximum extent feasible.
5. The applicant shall investigate the installation of a berm to be constructed west of the hangars, on airport land and installed, if feasible. Due to FAA restrictions concerning height limits and as to not encourage birds to inhabit the airport environs, no trees will be planted. However, the berm will be constructed of a height and in a manner to assist in buffering the visual impact of the hangars, to the maximum extent feasible.
6. The term of this land use change permit is for a period of 10 years.
7. 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.
8. 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.

RIVERLAND INDUSTRIAL PARK LOT 16 FILING #2: The Commission held a work session with applicants Ken Lodovico and Jeff Pike. They reviewed the request for a 10,000 square foot commercial structure w/residence, located on Lot 16, Riverland Industrial Park Filing # 2.

Lodovico said they have proposed a multi-use 10,000 sq ft building: to include office space, residential space and heated storage space. There will be two access driveways; entering the first floor will require driving to the back of the building. Commissioner Mike Potoker directed the applicant to specifically identify the allowed uses of the heated storage spaces in the covenants.

Assistant Planning Director Neal Starkebaum noted the Environmental Health Official will go on site to determine the setbacks and siting relative to the slope on the property.

Adjacent property owner Ted Colvin requested the Commission consider the outside appearance of the building.

Chairman Dave Houghton directed the applicants to address;

- Leach field
- Loading zone

The public hearing will be held July 7, 2006.

THORNTON ESTATES SUBDIVISION: The Commission held a work session with applicant Mark Schumacher and his representative attorney David Leinsdorf. They discussed the revised Sketch Plan; reduction in number of lots from 27 single-family lots to 19 lots, on 13.57-acres, Tract M-1, Spring Meadows Subdivision; located north of the City of Gunnison, west of Highway 135.

Chairman Dave Houghton cited a letter from the Woelks and attorney Art Trezie.

Applicant Mark Schumacher submitted a letter from CDOT, stating no access permit is required. The Commissioners requested Public Works review the traffic analysis and attend a work session. Commissioner Nick Lypps referred to the approval of Skyland in the 1980s, which stated there would be a time in the future when the access would have to

improved and each development will be asked for their pro-rata share. Karas suggested the cumulative impacts be addressed by public works and the discussion be included in the findings.

Spring Meadows Trail resident Lloyd Hawes asked how the Commission arrived at appropriate density. Houghton explained they considered many items including boundary conditions. Commissioner Mike Potoker said compatible does not mean exactly the same.

Houghton seated Ramon Reed.

MOVED; by Wilkinson seconded by Reed to approve the Sketch Plan recommendation LUC-2005-74 as amended. The motion passed unanimously.

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

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

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

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

SKETCH PLAN SUMMARY:

Deloray, LLC, Mark Schumacher, Managing Member, represented by attorney David Leinsdorf, has submitted a Sketch Plan for a Land Use Change Permit application to subdivide Lot M-I, Spring Meadows Subdivision, according to the official plat filed with the Gunnison County Clerk and Recorder, Reception No. 332126, October 11, 1978, consisting of 13.57-acres. The applicant initially requested the subdivision of the property into 27 single-family home sites, with 4.32-acres (32%) common open space, with an average lot size of 10,260 square feet. The applicant proposes a non-motorized public pedestrian trail on the east and south perimeter of the development. This as shown on development layout plans submitted with the application, prepared by Jim Sell Design, dated September 2, 2005, Sheets 1-4. Lot M-1 was previously approved for 48 townhomes (12-4 plexes) in October of 1978.

Revised Sketch Plan: The applicant submitted a revised development layout plan on March 31, 2006, prepared by Jim Sell Design. The revised plan reduced the number of lots in the proposed subdivision from 27 to 21 single-family lots. At the April 7, 2006 Planning Commission public hearing, based upon issues raised by the public regarding lot sizes and density, the applicant agreed to further reduce the number of lots to 19, by combining Lots 1-5 into three lots.

In the revised plan, the common open space has been increased to 5.46-acres (40.2%), with a greater separation between the lots within the subdivision and the adjacent lots on the north and the west. The average lot size, based upon the reconfiguration is an average of approximately 13,000 square feet per lot, or .3 acres per lot. Lot sizes will range from 7,000 square feet to 18,500 square feet.

The individual lots located adjacent to North Elk Meadows and Lot 15, Spring Meadows Subdivision have been increased in size. The layout of these lots have also been more closely positioned with the adjacent lots so that the back yards are more aligned with the existing adjacent individual lots, ie. one back yard to one existing back yard, rather than two or more backyards to one existing back yard.

PROTECTIVE COVENANTS:

A draft of the protective covenants for the development has been submitted and provisions incorporated to provide for compatibility with the surrounding neighborhoods. A summary of the main points of the covenants include:

- One single-family residence per lot (no secondary residences)
- Minimum 1,600 square feet for residence, minimum 480 square feet attached/detached garage
- Maximum 3,200 square feet for residence, maximum 960 square feet attached/detached garage

- All exterior lighting shall be fully shielded
- No wood burning devices shall be allowed
- Lawns and gardens limited to 1,000 square feet
- Limit on dogs and cats to a maximum of 2 each
- No livestock permitted on any lot

Lot M-1 is a lot within the Spring Meadows Subdivision and thereby subject to any applicable Spring Meadows Subdivision covenants. An assertion has been made as to the validity of the Spring Meadows Covenants. Nothing in this recommendation is or should be construed to be a determination by the County of the legal merits of the positions of either party. This a legal issue between the parties and any legal remedy shall be enforced by the courts, if necessary, and not Gunnison County. Based upon comments from attorney Art Trezise, representing the Spring Meadows Subdivision Homeowners Association, at the April 7, 2006 public hearing, the Spring Meadows Homeowners Association now supports the subdivision application.

WASTEWATER:

The proposed lots will be served by the North Gunnison Sewer Extension, providing for central wastewater disposal to each lot. In a memo from Marlene Crosby, Public Works Director, dated February 15, 2005 to Clinton and Pat Stoud, former owners of Lot M-1, Spring Meadows, she identifies that the parcel is approved for 48 sewer taps. The applicant is currently paying sewer availability fees for 48 sewer taps.

WATER SUPPLY:

The development will be served by a central water system, supplied by an existing well located across Spring Meadows Trail, referred to as the "Main Ranch Well". The well is an artesian well, 960 feet deep and produces approximately 48 gallons/minute. This well currently serves 13 residences in the Spring Meadows Subdivision. Information regarding the water supply plan was submitted in a letter from David C. Hallford, Balcomb & Green, P.C., dated August 31, 2005, with supporting documentation concerning the legal right to the use of the water from the well. The Hallford letter, including submittal of a water supply adequacy report, titled "Water Supply Adequacy Report for the Mountain Meadows Subdivision", prepared by Wright Water Engineers, Inc., dated October 2004. A letter from Duane D. Helton, D. Helton Consulting, LLC, dated August 31, 2005 was submitted, providing supplemental information on the water supply plan. The water will be treated for domestic use by chlorination or UV light disinfection methods.

An alternative water supply plan was noted in the Helton letter, identifying the drilling of additional wells and obtaining augmentation water.

The applicant shall provide documentation of a legal and physical supply of water adequate to supply the proposed development in the Preliminary Plan submittal.

IRRIGATION WATER: The subdivision will be irrigated with water from the irrigation ditches, with a maximum of 1,000 square feet of irrigated lawns and garden permitted per residence, per the Thornton Estates covenants. The applicant holds decreed water rights in the two ditches, including:

Gunnison River:

- 0.5 c.f.s. decreed to the Home Ditch, Priority No. 121
- 1.0 c.f.s. decreed to the Home Ditch, Priority No. 369

Ohio Creek:

- 0.5 c.f.s. decreed to the Tingley Ditch, Priority No. 277

The letter from Duane D. Helton, D. Helton Consulting, LLC, dated August 31, 2005, includes information on the irrigation requirements for the development, and an opinion that the water available under these rights is more than adequate to provide irrigation for the subdivision.

IRRIGATION DITCHES:

The project area is bounded by two irrigation ditches. The Tingley Ditch runs along the north side of the site and eventually drains to Ohio Creek, further to the west. A lateral from the Tingley diverts from the main ditch near the center of the site and traverses the site from the north to the south/southwest where it enters a culvert under Spring Meadows Trail. The Tingley lateral will be re-routed through the site.

The Home Ditch is located on the northeast corner of the site and runs south along the eastern property line. Several laterals from the Home Ditch cross the Highway 135 frontage road, via culverts. The Home Ditch runs to the southeast corner of the property and then turns west along the north side of Seneca Drive.

The applicant holds water rights in both ditches and water from the ditches will be used, in part, for the non-potable irrigation requirements of the development. Information regarding the decreed surface water rights in both ditches was submitted in a letter from David C. Hallford, Balcomb & Green, P.C., dated August 31, 2005, with supporting documentation.

WETLANDS:

Bio-Environs performed an assessment as to whether there are any jurisdictional wetlands located on the property. In a letter dated October 1, 2005, Tim Lapello, Biological Consultant, notes that “it appears that there are no jurisdictional wetlands on this property.”

OPEN SPACE:

The common open space area has been increased to 5.46-acres (40.2%), with a greater separation between the lots within the subdivision and the adjacent lots on the north and the west. The Homeowners Association will be responsible for the upkeep and maintenance of the open space.

This review and recommendation incorporates, but is not limited to, all 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.

PARCEL LOCATION:

The parcel is located in approximately three miles north of the City of Gunnison, ¼ mile west of State Highway 135, within the SW1/4 Section 13, Township 50 North, Range 1 West, N.M.P.M.

SURROUNDING LAND USES:

- North – Single-family residential uses; lots within North Elk Meadows Subdivision, including two parcels allowing commercial use (existing dentist’s office);
- West – Single-family residential uses; lots within Spring Meadows Subdivision and Mountain Meadows Subdivision (across Spring Meadows Trail)
- South - Single-family residential uses; Wildhorse Estates Subdivision (across Seneca Drive)
- East - Single-family residential uses (duplexes); Abril Meadows Subdivision (across Highway 135 frontage road)

BACKGROUND INFORMATION – LOT M-1, SPRING MEADOWS:

The Board of County Commissioners approved the final plan of Spring Meadows Subdivision on September 19, 1978. Included in the final plan was the approval of 48 townhome units, (12-4 plexes) located on Lot M-1, subject to state approval of the sewer and water system (no longer applicable with central sewer). The approval of the townhome units is valid and the units can be constructed.

ONSITE VISIT:

The Planning Commission visited the site December 2, 2005. The Commission members walked the property, and viewed the proposed access point on Spring Meadows Trail and the adjacent neighborhoods.

IMPACT CLASSIFICATION:

The application, by definition, is classified as Major Impact.

REVIEW COMMENTS BY OTHER AGENCIES:

GUNNISON COUNTY PUBLIC WORKS:

In a memo, dated November 17, 2005, Allen Moores, Engineering Representative, he notes several requirements related to the access and road construction design for the subdivision. (The items noted are required to be addressed at Preliminary Plan submittal.)

COLORADO DIVISION OF WILDLIFE:

The Colorado Division of Wildlife was sent a copy of the Sketch Plan and submitted written comments. In a letter from J Wenum, Area Wildlife Manager, dated September 13, 2005 to the Planning Department, he noted:

“Based upon CDOW WRIS data, the site of the proposed developemnt, Lot M1 Spring Meadows subdivision, lies within mapped wildlife habitat for several important species including mule deer and Gunnison Sage Grouse. CDOW WRIS data is based on large scale mapping data and bases its habitat designations on vegetation, elevation, aspect, and several other criteria.”

Although our habitat maps show this site as being within mapped habitats, it does not take into account that this area has also seen intensive developemnt both recently and historically. Spring Meadows subdivision abuts serveral other intensive developments including Ohio Meadows, North Elk Meadows, and several other smaller named and unnamed sub-developments. Based upon the current residential development and dense human habitation on and adjacent to this site, this makes it unlikely that development on this site will have any additional impact to mule deer or Gunnison sage grouse.

Although these species may occasionally occur on or visit this area, we do not believe that the remainder of the habitat in this area is currently usable as habitat for these species”.

COLORADO DEPARTMENT OF TRANSPORTATION (CDOT):

No written comments were received from CDOT. However, in staff contacts with Dan Rouissen, CDOT Region Access Manager, regarding the traffic impacts from the development to the intersection of Chinook Trail and State Highway 135, he indicated that upon an initial assessment, based on the average daily traffic generated from 19 lots, the project will not require a State Access Permit.

GUNNISON COUNTY FIRE PROTECTION DISTRICT:

No comments were received from the District.

PUBLIC HEARING:

Three work sessions were conducted by the Planning Commission. Members of the public, both in support of and in opposition to the project, and, as applicable, their attorneys, participated in those discussions; their comments are included in the public record of this application, as memorialized in minutes for each meeting included within the Planning Department file.

A joint public hearing was conducted by the Planning Commission and the Board of County Commissioners on February 3, 2006 and continued to March 17 and April 7, 2006; written comment was allowed to be submitted for 30 days following the close of the April 7, 2006 hearing.

Issues raised by the public included:

- Density – number of units
- Size of lots
- Covenants – transfer of building rights, resubdivision
- Entrance location
- Ditch locations and set backs
- Water supply issues
- Wetlands
- Big picture on trails
- Fencing
- Single family occupancy requirement

Traffic impacts were of considerable concern, particularly the additional traffic to be generated by the development and the additional loading on the intersection of Chinook Trail and Colorado State Highway 135. County Commissioner 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 restructured funding. The County is currently pushing the safety issue with CDOT. He said there are three design options and it is a potential park and ride spot.

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

SECTION 9-102: HOME OCCUPATIONS.

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

SECTION 9-103: BED AND BREAKFAST.

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

SECTION 10-102: LOCATIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT.

The proposed subdivision is located within the City of Gunnison’s three-mile plan area, and as such, complies with this section; letter dated December 14, 2005, Diane Lothamer, Chairperson, City of Gunnison Planning and Zoning Commission.

SECTION 10-103: RESIDENTIAL DENSITY.

a. **PRIMARY RESIDENTIAL LOT SIZE AND DENSITY STANDARDS.** A land use change involving more than two residential lots or two residences shall be approved if in addition to meeting all of the applicable requirements of this *Resolution* it complies with the following:

1. **COMPLIES WITH MUNICIPAL THREE MILE PLAN AREA.** When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal three-mile plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the three-mile plan area. Where there is a conflict between the objectives or policies of a three-mile plan or the intergovernmental agreement, and County standards, County standards shall apply; and

In a letter dated December 14, 2005, Diane Lothamer, Chairperson, City of Gunnison Planning and Zoning Commission, it was noted that the subdivision lies within the three-mile plan area but outside of the urban growth boundary and that the land use designation in the City's Plan for density consideration is one unit per 1-5 acres; the City noted that the proposed subdivision does not meet this standard.

In review of the City of Gunnison's Three Mile Plan, the Planning Commission has taken into consideration that 48 townhome units were approved by Gunnison County prior to the adoption of the City's Three Mile Plan in 1997.

The Planning Commission has taken into consideration that when the City of Gunnison's Three-Mile Plan was adopted a central sewer line did not exist in the vicinity of the proposed development and the requirement for new subdivision parcels was one acre in order to accommodate the minimum parcel size for installation of individual sewage disposal systems. The City is in the process of updating its Three-Mile Plan and the update may modify the density considerations for the areas served by the sewer extension.

As stated, when the Three-Mile Plan objectives and policies conflict with County standards, the County standards shall apply.

2. **PROVIDES OPEN SPACE.** The amount of open space included in the development shall comply with the requirements of Section 13-108: *Open Space and Recreation Areas*; and

The amount of dedicated open space exceeds the 30% requirement, as noted in Section 13-108: *Open Space and Recreation Areas*. The proposed common open space area is 5.46-acres or 40.2% of the total acreage.

3. **DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS.** Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of individual sewage disposal systems pursuant to the *Gunnison County Individual Sewage Disposal System Regulations*. In no case shall any lots smaller than an acre be allowed in a new subdivision unless served by a central or regional wastewater treatment system.

The proposed lots are less than one acre, but will be served by central sewer, with connection to the North Gunnison Sewer Extension, providing for central wastewater disposal.

4. **LOT SIZE AND LOT DENSITY CONSIDERATIONS.** Lot size and lot density shall be substantially similar to the adjacent parcels unless:

(a.) **CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY.** Conditions are appropriate for smaller lots or greater density because:

(1.) **SITE SERVED BY PUBLIC FACILITIES.** The site can and will be served by public services and facilities, including public water supply and wastewater treatment systems to the maximum extent feasible, or, if required by Section 12-106: *Sewage Disposal/Wastewater Treatment*; and

A regional or central public water supply is not available. The development will be served by a private central water system, supplied by an existing well located across Spring Meadows Trail, referred to as the "Main Ranch Well". The proposed lots will be served by the North Gunnison Sewer Extension, providing for central wastewater disposal from each lot.

(2.) **LOTS ARE CLUSTERED.** All the proposed lots have been clustered; and

The definition of cluster, as defined in the Land Use Resolution is: **CLUSTER OR CLUSTER DEVELOPMENT** means the concentration of development, including buildings, driveways, and water supply and wastewater treatment facilities, on one or more compact areas of a development parcel,

preserving the remainder as productive agricultural land or undeveloped open space, and avoiding impacting areas of identified value for wildlife habitat, scenic features of a rural landscape, historical agricultural uses, and significant environmental features including wetlands, bodies of water, geologic hazard, or significant vegetation. Clustering allows flexibility in layout and protection of identified valuable characteristics of a development parcel.

The Planning Commission discussed a clustering model referred to in their discussion as a “boundary condition”. In this model, the number of lots on the boundary of the development where impacts to adjacent properties would be less, are increased (with a corresponding decrease in parcel size) and the open space buffer reduced. The number of lots on the boundary of the development adjacent to existing lots, where impacts could be more immediate, are reduced, the size of the lot increased and the open space buffer increased. This model is being utilized in this subdivision proposal and “boundary condition” clustering may be a viable alternative in reducing impacts to adjacent lands and providing flexibility in development layout. There are nine lots on the east/southeast/south perimeter of the development, parcel sizes averaging approx. 10,000 square feet. There are four lots on the north and west perimeter, adjacent to North Elk Meadows and Lot 15, Spring Meadows, with average parcel size 16,000 square feet.

- (3.) **OPEN SPACE EXCEEDS REQUIRED AMOUNT.** The amount of open space included in the proposed development exceeds by ten percent that is required by Section 13-108: *Open Space and Recreation Areas*; and

The amount of dedicated open space exceeds the required amount by more than ten percent.

- (4.) **COMPATIBLE WITH ADJACENT USES.** The development is compatible with current adjacent land uses and densities, and, as a condition of approval, will be subject to permanent protective covenants to ensure that it remains compatible with the adjacent uses and densities as of the date of approval of the Land Use Change Permit.

The proposed development consists of single-family residential lots and uses, and as such, the uses are compatible with the existing adjacent single-family land uses. The protective covenants include provisions that the development will allow only one single-family residence per lot and no further subdivision of the lots is allowed. The protective covenants include limitations on the square footage of the residences and garages that are consistent with existing residences in the neighborhood. The covenants cannot be amended without approval of the Board of County Commissioners.

The proposed lots located adjacent to North Elk Meadows and Lot 15, Spring Meadows Subdivision have been increased in the size and the layout of these lots have been more closely positioned with the adjacent lots so that the back yards of the proposed lots are more aligned with the existing adjacent individual lots to the north, ie. one back yard to one existing back yard, rather than two or more backyards to one existing back yard.

In review of the residential density standards, the Planning Commission has taken into consideration the prior approval of the 48 townhome units. The residential density of the proposed subdivision is substantially less than that of the current residential density (48 townhome units) allowed on the parcel.

The Preliminary Plan will be referred to the City for additional review.

SECTION 11-102: VOLUNTARY BEST MANAGEMENT PRACTICES.

Voluntary, not required.

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

There is no floodplain located on the subject property.

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

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

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

The County's wildfire hazard maps indicate that the parcel is located within a low risk wildfire hazard area. However, a referral to the Colorado State Forest Service for review and analysis will occur at the Preliminary Plan review and shall identify any concerns regarding any wildfire hazards present on the site.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS.

06 June 16 PC Minutes
06 July 07 PC Minutes approved

The Colorado Division of Wildlife was sent a copy of the Sketch Plan and submitted written comments. In a letter, dated September 13, 2005, J Wenum, Area Wildlife Manager, to the Planning Department, noted:

“Based upon CDOW WRIS data, the site of the proposed developemnt, Lot M1 Spring Meadows subdivision, lies within mapped wildlife habitat for several improtant species including mule deer and Gunnison Sage Grouse. CDOW WRIS data is based on large scale mapping data and bases itsw habitat disignations on vegetation, elevation, aspect , and several other criteria.

Although our habitat maps show this site as being within mapped habitats, it does not take into account that this area has also seen intensive developemnt both recently and historically. Spring Meadows subdivision abuts serveral other intensive dvelopments including Ohio Meadows, North Elk Meadows, and serveral other smaller named and unnamed sub-developments. Based upon the current residential development and dense human habitation on and adjacent to this site, this makes it unlikely that development on this site will have any additional impact to mule deer or Gunnison sage grouse.

Although these species may occasionally occur on or visit this area, we do not believe that the remainder of the habitat in this area is currently usable as habitat for these species.

A wildlife habitat analysis is not required to be submitted at Preliminary Plan as the Division of Wildlife indicated that the parcel is not located within sensitive wildlife habitat. However, a copy of the Preliminary Plan is required to be sent to the Division of Wildlife for review and comment.

SECTION 11-107: PROTECTION OF WATER QUALITY.

The property contains a pond and irrigation ditches, and in accordance with this Section the applicant is required to submit a plan for water quality protection at Preliminary Plan submittal. Building envelopes shall be designed in accordance with setbacks required in this Section.

SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES.

This site is not located on a ridgeline.

SECTION 11-109: DEVELOPMENT THAT AFFECTS AGRICULTURAL LANDS.

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

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

The site is not located beyond snowplowed access.

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

The site is not located on a National Wilderness inholding.

SECTION 11-112: DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.

This site is not located above timberline.

SECTION 12-103: ROAD SYSTEM.

The access road is proposed to provide a looped roadway, with access from Spring Meadow Trail. The road will be maintained by the Thornton Estates Homeowners Association.

- The proposed roads are required to comply with this Section and with *Gunnison County Road and Bridge Standards*.
- A traffic study shall be submitted with the Preliminary Plan.
- The applicant or his engineer is required to meet with the Public Works Department before engineered plans are drafted for the Preliminary Plan submittal, to discuss the scope of the project, identify transportation issues specific to the proposed project.
- Impacts on the County road system will be addressed at Preliminary Plan.
- Separate driveway access permits will be required of individual lots, subject to the requirements of the *Gunnison County Road and Bridge Standards*.
- Road design, road names, lot addressing and pedestrian trail will be addressed as part of the Preliminary Plan.

SECTION 12-104: TRAILS.

No public trail currently exists on the property. The applicant will dedicate and construct a non-motorized public trail on the southern and eastern perimeter of the development. The trail will end at the entry road.

SECTION 12-105: WATER SUPPLY.

A regional or central public water supply is not available. The development will be served by a private central water system, supplied by an existing well located across Spring Meadows Trail, referred to as the "Main Ranch Well". This well also currently serves 13 residences in the Spring Meadows Subdivision. Information regarding the water supply plan was submitted in a letter from David C. Hallford, Balcomb & Green, P.C., dated August 31, 2005, with supporting documentation concerning the legal right to the use of the water from the well. The Hallford letter, including submittal of a water supply adequacy report, titled "Water Supply Adequacy Report for the Mountain Meadows Subdivision", prepared by Wright Water Engineers, Inc., dated October 2004. A letter from Duane D. Helton, D. Helton Consulting, LLC, dated August 31, 2005 was submitted, providing supplemental information on the water supply plan.

IRRIGATION WATER: The applicant holds decreed water rights in the ditches, which will provide water for irrigation of the development, including

Gunnison River:

0.5 c.f.s. decreed to the Home Ditch, Priority No. 121

1.0 c.f.s. decreed to the Home Ditch, Priority No. 369

Ohio Creek:

0.5 c.f.s. decreed to the Tingley Ditch, Priority No. 277

The letter from Duane D. Helton, D. Helton Consulting, LLC, dated August 31, 2005, includes information on the irrigation requirements for the development, and an opinion that the water available under these rights is more than adequate to provide irrigation for the subdivision.

The Preliminary Plan will be referred to the Colorado Division of Water Resources and to the Gunnison Fire Protection District for review of adequacy of the water to provide a supply sufficient for domestic and fire suppression needs.

SECTION 12-106: SEWAGE DISPOSAL/WASTEWATER TREATMENT.

The proposed lots will be served by the North Gunnison Sewer Extension, providing for central wastewater disposal for each residence. In a memo to Clinton and Pat Stoud, former owners of Lot M-1, Spring Meadows, dated February 15, 2005, from Marlene Crosby, Public Works Director, she stated that the parcel is approved for 48 sewer taps. The applicant is currently paying sewer availability fees for 48 sewer taps.

SECTION 12-107: FIRE PROTECTION.

The standards of the Gunnison Fire Protection District apply. The applicant shall comply with the standards for vehicle access. The pond may provide a secondary source of water for fire suppression, including a possible dry hydrant, and/or cistern.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. Site-specific building envelopes are required to be shown. Location of building envelopes shall be identified in the Preliminary Plan. The floor area of the garage shall be no less than 20% of the floor area of the residence.

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

This section applies, as currently submitted, the plan meets its requirements.

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

All requirements of this Section apply. The proposed protective covenants have identified a maximum of 3300 square feet of living space and 960 square foot garage for each lot. The floor area of the garage shall be no less than 20% of the floor area of the residence.

SECTION 13-106: ENERGY AND RESOURCE CONSERVATION.

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

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

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

SECTION 13-108: OPEN SPACE AND RECREATION AREAS.

The project is located within the municipal Three Mile Plan area and is reviewed for with open space requirements of the Plan and/or provision of 30 per cent or more open space. Currently, the percentage of open space to be set aside, as identified in the Sketch Plan totals 40.2 %. Final calculation of open space in compliance with this section shall be submitted in the Preliminary Plan.

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

SECTION 13-109: SIGNS.

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

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

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

SECTION 13-111: LANDSCAPING AND BUFFERING.

A landscaping plan is required to be submitted with the Preliminary Plan. Individual lots may require additional landscaping as buffers, particularly those adjacent to North Elk Meadows. Landscaping for each site can be proposed by the applicant and considered during the review process. It is suggested that the standards of site protection, planting specifications, timing, site-specific selection, water conserving landscaping and use of non-treated water be included in some form within the protective covenants to advise individual lot owners of those requirements.

Section 13-112: SNOW STORAGE.

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

SECTION 13-113: FENCING.

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

SECTION 13-114: EXTERIOR LIGHTING.

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

SECTION 13-115: RECLAMATION AND NOXIOUS WEED CONTROL.

A noxious weed control plan is required to be submitted with the Preliminary Plan. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction

SECTION 13-116: GRADING AND EROSION CONTROL.

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

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

Stormwater will be detained onsite, utilizing the pond as a detention area. A drainage plan shall be prepared by a qualified professional engineer licensed in the State of Colorado, meeting the standards of this Section, in the Preliminary Plan.

SECTION 13-118: WATER IMPOUNDMENTS.

This project does not propose a water impoundment.

SECTION 13-119: STANDARDS TO ENSURE COMPATIBLE USES

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

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

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

FINDINGS:

06 June 16 PC Minutes
06 July 07 PC Minutes approved

The Commission finds that:

1. **THE SUBMITTED SKETCH PLAN APPLIES TO ALL OF THE 13.57-ACRES PROPOSED FOR DEVELOPMENT.**
2. **SECTION 4-504: A., OF THE GUNNISON COUNTY LAND USE RESOLUTION PRESCRIBES THAT, "...SKETCH PLAN REVIEW PROVIDES AN OPPORTUNITY FOR THE COUNTY, THE APPLICANT, AND THE PUBLIC TO ENGAGE IN AN EXPLORATORY DISCUSSION OF A PROPOSED LAND USE CHANGE, TO EXAMINE ALTERNATIVE APPROACHES TO DEVELOPMENT OF THE PROPERTY, TO PARTICIPATE IN A PROCESS OF JOINT PLANNING AND NEGOTIATION BETWEEN THE COUNTY AND THE APPLICANT..." AND THAT DETAILED ENGINEERING PLANS AND OTHER OVERLY DETAILED INFORMATION SHALL NOT BE REQUIRED OR ACCEPTED BY THE COUNTY."**
3. **THIS APPLICATION, BY DEFINITION, IS CLASSIFIED AS A MAJOR IMPACT.**
4. **PURSUANT TO SECTION 4-503 OF THE LAND USE RESOLUTION:**
 - A. **THIS SKETCH PLAN APPLICATION IS GENERALLY CONSISTENT WITH THE STANDARDS AND REQUIREMENTS OF THE RESOLUTION, PURSUANT TO SECTION 5-403, I.E., COMPLIANCE OF THE PROPOSED LAND USE CHANGE WITH THE STANDARDS OF THE RESOLUTION ARE REQUIRED TO BE DETERMINED BROADLY AND CONCEPTUALLY DURING SKETCH PLAN REVIEW. THIS APPLICATION HAS BROADLY ADDRESSED, AND THE COMMISSION HAS BROADLY EVALUATED THIS SUBMITTAL FOR ITS INTEGRATION OF THE STANDARDS OF THE RESOLUTION WITHIN ITS CONCEPTUAL PRESENTATION OF THE PROPOSED DEVELOPMENT. IT IS EXPECTED THAT, PURSUANT TO SECTION 5-504: B., IN THE SUBMITTAL OF PRELIMINARY PLAN, THE APPLICANT SHALL FORMULATE DETAILED, DESIGNED/ENGINEERED SOLUTIONS TO THE ISSUES AND CONCERNS IDENTIFIED DURING THIS SKETCH PLAN REVIEW, AND SHALL ADDRESS, IN A SITE-SPECIFIC MANNER, ALL OTHER ISSUES THAT ARE RELEVANT TO THE PRELIMINARY PLAN. THE BURDEN IN THE PRELIMINARY PLAN REVIEW IS ON THE APPLICANT TO PROVIDE DETAILED INFORMATION AND MITIGATION PROPOSALS FOR EVALUATION.**
 - B. **THE PROPOSED LAND USE CHANGE IS REQUIRED TO BE COMPATIBLE WITH, OR TO ENHANCE THE CHARACTER OF EXISTING LAND USES IN THE DEVELOPMENT AREA, AND SHALL NOT ADVERSELY IMPACT THE FUTURE DEVELOPMENT OF THE DEVELOPMENT AREA. FOR PURPOSES OF THIS APPLICATION, THE PLANNING COMMISSION FINDS THAT THE "DEVELOPMENT AREA" THOSE LANDS THAT ARE ADJACENT TO THE SUBJECT PROPERTY**
 - C. **NO PHASING HAS BEEN PROPOSED BY THE APPLICANT WITHIN THIS SKETCH PLAN SUBMITTAL**
5. The proposed project is not located adjacent to a municipality; it is located within the Three Mile Plan area of the City of Gunnison, but outside of the Urban Growth Boundary.
6. The City of Gunnison Three-Mile Plan and County standards are in conflict with each other, specifically regarding policies on density thresholds. However, the City's Three Mile Plan was adopted in 1997 and has not yet been updated to reflect the change in circumstances with the installation of the Gunnison North Sewer Extension. Where there is a conflict between the objectives or policies of a three-mile plan or intergovernmental agreement, and County standards, County standards shall apply.
7. The Commission finds that the application is a substantial reduction in the residential density, from the previously approved 48 townhome units to 19 single-family residences, and that single-family residences will be substantially more compatible with the surrounding neighborhoods than townhome units. In addition, the applicant has incorporated lot layout and design elements that support compatibility with the adjacent existing developments
8. The development meets the residential density standards because conditions are appropriate for smaller lots or greater density.
9. The residences will be served by the North Gunnison Sewer line. Public Works Director, Marlene Crosby, stated in a memo dated February 15, 2005 that sewer service would be provided to the proposed development.
10. The applicant shall provide documentation in the Preliminary Plan submittal that it has a legal and physical supply of water adequate to supply the proposed development.
11. A wildlife habitat analysis is not required to be submitted at Preliminary Plan, comments from the Division of Wildlife indicated that the parcel is not located within sensitive wildlife habitat.

12. Location of building envelopes shall be identified at Preliminary Plan and designed in accordance with all applicable setback requirements.
13. The Planning Commission recognizes that there are existing transportation issues within the general area and encourage the Public Works Department to review the cumulative impacts of ongoing development as it relates to County Road 48 and County Road intersections with State Highway 135. As applicable, the Commission requests the Public Works Department to respond to these issues at the Preliminary Plan.
14. **A LANDSCAPING PLAN IS REQUIRED TO BE SUBMITTED IN THE PRELIMINARY PLAN.**
15. **IRRIGATION WATERING NEEDS ARE REQUIRED TO BE DEFINED WITHIN THE PRELIMINARY PLAN.**
16. **THERE ARE NO SIGNS PROPOSED AS PART OF THE SUBMITTED SKETCH PLAN. SIGN ELEMENTS AS ALLOWED BY THIS SECTION MAY BE PROPOSED WITHIN THE PRELIMINARY PLAN.**
17. **AN ASSERTION PROFFERED BY THE SPRING MEADOWS HOA HAS BEEN MADE AS TO THE VALIDITY OF THE SPRING MEADOWS COVENANTS. NOTHING IN THIS RECOMMENDATION IS OR SHOULD BE CONSTRUED TO BE A DETERMINATION BY THE COUNTY OF THE LEGAL MERITS OF THE POSITIONS OF EITHER PARTY. THIS A LEGAL ISSUE BETWEEN THE PARTIES AND ANY LEGAL REMEDY SHALL BE ENFORCED BY THE COURTS, IF NECESSARY, AND NOT GUNNISON COUNTY. BASED UPON COMMENTS FROM ATTORNEY ART TREZISE, REPRESENTING THE SPRING MEADOWS SUBDIVISION HOMEOWNERS ASSOCIATION, AT THE APRIL 7, 2006 PUBLIC HEARING, HE STATED THAT THE SPRING MEADOWS HOMEOWNERS ASSOCIATION NOW SUPPORTS THE SUBDIVISION APPLICATION.**
18. **APPROVAL OF THIS SKETCH PLAN APPLICATION CONSTITUTES A FINAL DECISION OF APPROVAL FOR THE GENERAL DEVELOPMENT CONCEPT ONLY, BUT SHALL NOT CONSTITUTE APPROVAL OF ANY DETAILED DESIGN OR ENGINEERING SUBMITTALS OR PROPOSED SOLUTIONS TO SPECIFIC PROBLEMS REVEALED DURING THE SKETCH PLAN REVIEW OR LATER IN THE REVIEW PROCESS. SUCH APPROVAL DOES NOT CONSTITUTE APPROVAL AT THIS STAGE OF REVIEW OF THE DENSITY, COMPATIBILITY WITH EXISTING DENSITY OF THE AREA, WHETHER THE CLUSTERING STANDARDS HAVE BEEN MET, OR NUMBER OF LOTS PROPOSED WITHIN THIS APPLICATION; DETERMINATION OF THE COMPATIBILITY OF DENSITY ON THIS PARCEL WITH THE IMPACT AREA.**
19. **SKETCH PLAN APPROVAL BY THE BOARD SHALL NOT CONSTITUTE APPROVAL OF THE MAJOR IMPACT PROJECT, OR PERMISSION TO PROCEED WITH CONSTRUCTION OF ANY ASPECT OF THE PROPOSED LAND USE CHANGE. APPROVAL AT THIS STAGE ONLY AUTHORIZES THE APPLICANT TO SUBMIT A PRELIMINARY PLAN APPLICATION. IF, DURING THE PRELIMINARY AND FINAL PLAN REVIEWS, THE APPLICANT IS UNABLE TO FULFILL ALL OF THE REQUIREMENTS OF THIS RESOLUTION, THEN THE APPLICATION SHALL BE DENIED AT THE PRELIMINARY OR FINAL PLAN REVIEW STAGE.**
20. **THE APPLICANT SHALL BE REQUIRED TO SUBMIT AND ACTIVELY PURSUE THE COMPLETION OF THE PRELIMINARY PLAN APPLICATION WITHIN 12 MONTHS AFTER THE DATE OF APPROVAL OF THE SKETCH PLAN. FAILURE TO SUBMIT A COMPLETE PRELIMINARY PLAN APPLICATION WITHIN THIS TIME PERIOD SHALL RENDER THE SKETCH PLAN APPROVAL NULL AND VOID, AND REQUIRE THE APPLICANT TO BEGIN THE SKETCH PLAN REVIEW PROCESS AGAIN.**
21. **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.**
22. **THE APPLICANT IS REQUIRED TO TIMELY AND FULLY OBTAIN AND COMPLY WITH ALL APPLICABLE FEDERAL, STATE, MUNICIPAL AND OTHER PERMITS AND TERMS AND CONDITIONS OF ANY MUNICIPAL, STATE, FEDERAL PERMITS REQUIRED FOR THE PROJECT.**
23. 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.
24. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony has reached the above Findings and recommends to the Board of County Commissioners that LUC-2005-74,

Thornton Estates Subdivision be classified as a Major Impact and that the Sketch Plan be approved with the following conditions:

1. The following are specifically identified as Preliminary Plan submittal items of particular attention:
 - A traffic study to adequately assess the impacts of the proposed development on the existing and/or planned transportation system.
 - Locations of building envelopes
 - Documentation of a legal and physical supply of water adequate to supply the proposed development.
 - Landscaping plan, particularly on lots adjacent to North Elk Meadows
 - Clarification of the perimeter fencing plan
 - Address non-point source pollution for protection of groundwater
2. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.
3. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary/Final Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.
4. 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.
5. 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.

BLUE JAY CONDOS AND COTTONWOOD GROVE TOWNHOMES; The Commission held a work session with applicant Mark Schumacher and his representative attorney David Leinsdorf. They reviewed the Sketch plan for the proposed six condominium units, and 12 townhome units, in three duplex and two triplex buildings; located west of the City of Gunnison, south of Highway 50.

Assistant Planning Director Neal Starkebaum cited letters received concerning this application, from Dana Brown and Fairway Condo HOA.

Applicant Mark Schumacher said he has submitted a letter from CDOT. Schumacher noted the existing aspen trees will remain and more landscaping will be done.

The Commission discussed the applicant's request to lower the impact classification to minor impact. The Commission reviewed the letter submitted by attorney David Leinsdorf, dated May 16, 2006. The Commission reviewed the *Gunnison County Land Use Resolution* (LUR) requirements for minor impacts; noting the criteria outlines primarily a request for four units or less. Leinsdorf explained this project is surrounded by commercial development and high density residential developments and could fit under additional criteria. Commissioner Ramon Reed agreed with Leinsdorf. Commissioner Richard Karas reiterated Reed's comments and added this is essentially an in-fill project. Schumacher said it is essentially two projects; one with six units and one with 12 units.

A survey of the opinions of the Commissioners was taken:

- Wilkinson-Minor Impact- the issues will be all be addressed in the Minor Impact process
- Houghton-Minor Impact- he was persuaded the requirements and issues could be worked through with the Minor Impact process
- Reed-Minor Impact- using the additional criteria the project is minor
- Potoker-Minor Impact-not a lot of public out-cry

- Lypps- Minor Impact-with bit of reluctance did agree to lower impact to Minor
- Karas- Minor Impact- the additional criteria issues offer good avenues to review other criteria and this is a good precedence

Chairman Dave Houghton seated Commissioner Richard Karas.

MOVED: by Potoker and seconded by Karas to reduce the classification from Major Impact to Minor Impact, based upon the additional criteria in the LUR- Article 3, Section-3-111 and based upon information provided to the Commission in a letter, dated May 16, 2006 submitted by attorney David Leinsdorf. The motion passed unanimously.

Fairway Condo unit owner James Dotts stated his concerns with the snow storage piled against the fence and increases in the ground water table. Commissioner Jeff Wilkinson explained he has built quite a few units in that area and he noted when the ditches are turned on all the units have water in their crawl spaces.

Fairway Condo unit owner Don Graham asked how many cottonwood trees could be saved and how many would have to come down.

Karas asked how the fence could be protected. Schumacher suggested that the trees could protect the fence and he agreed to review the problem.

Commissioner Mike Potoker and Commissioner Nick Lypps requested park or recreation facilities on site. Schumacher pointed out the open space. Lypps suggested a formal open space area, perhaps fenced. Realtor Mindy Costanzo said she has sold units around the golf course for years and the clientele is usually second home owners or college housing, with little need for any playground equipment. She added she had never seen a set up playground area in a condo association. Potoker suggested a more active formal gathering place for children. Karas asked if some of the open space could be reconfigured to provide some active gathering areas. Houghton suggested using one of the open spaces for gathering. Lypps reiterated his concern for safety. Schumacher pointed out some the snow storage areas could be used.

Karas requested Schumacher submit an updated landscape plan.

Assistant Planning Director Neal Starkebaum directed Schumacher to address the LUR, Article 6-Section 6-105. He noted that because the development application has been reduced from a Major Impact to a Minor Impact the applicant will be responsible to completely address Article 6-Section-105.

Houghton directed the applicant to address:

- Small parking places
- Design of units on the highway/ sketch of units
- Open space concerns/ more functional- perhaps a picnic table
- Landscaping/ taller trees- show existing trees and what will survive
- Finalize density layout landscaping and proposed changes
- Review Snow removal and fence explanation
- And the requirements in Section 6-105

Houghton continued the public hearing to July 7, 2006 at 10:00 A.M.

TOMICHI CREEK SUBDIVISION: The Commission held a Site Visit with applicant Mark Lucas and his representative attorney David Leinsdorf. They met at the site of the proposed subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, end of Fairway Lane.

No minutes were taken at the site visit.

The regular meeting of the Gunnison County Planning Commission was adjourned 2:10 P.M. at the Blackstocks Government Center Planning Commission Meeting Room and continued to the Site Visit at the proposed Tomichi Creek Subdivision.

/S/ Beth Baker
 Administrative Assistant
 Gunnison County Planning