

GUNNISON COUNTY PLANNING COMMISSION
AGENDA: MAY 19, 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. **Blue Jay Condos and Cottonwood Grove Townhomes, Rommjo, LLC, represented by David Leinsdorf,** joint public hearing/no action, Sketch plan for 6 condominium units, and 12 townhome units, in three duplex and two triplex buildings; total of 18 units, located approx. 2 miles west of the City of Gunnison, south of Highway 50
- 10:00 a.m. **Gunnison/Crested Butte Regional Airport, represented by John DeVore,** public hearing/no action, request for an expansion of General Aviation facilities at the Gunnison/Crested Butte Regional Airport for the construction of 8 additional aircraft hangars. Located generally, on the north edge of the airport, adjacent to Highway 50, west of the existing hangars
- 11:00 a.m. **Proposed amendment to Section 13-107: Solid Fuel-Burning Devices, Gunnison County Land Use Resolution,** work session/possible action, review of proposed amendment language; recommendation to Board of County Commissioners
- Noon **Lunch**
- 1:00 p.m. **Larkspur Subdivision, represented by Gary Garland,** continued joint public hearing /possible action, single family and recreational park development, on a 35.6-acre parcel that lies along the Brush Creek Road, approximately 1 ½ miles south of the Town of Crested Butte, in the E ½ NE ¼ of Section 12, Township 14 South. Uses proposed include: 46 single family (unrestricted) lots, 1 Homeowners' Association office/maintenance lot, 8 essential single-family housing lots, 2 essential housing lots/ each of which would have a four-plex , 1 essential duplex lot, 14.35 acres of open space that would include two ponds, a public park next to 2 outdoor tennis courts.

Also proposed is a recreation/tennis facility to include three indoor tennis courts, an entry/reception area, climbing wall, pro shop, batting cage, men's and women's locker rooms, day care room, virtual golf, bar/grill, bathrooms, mechanical room, two offices for the facility, fitness facility, yoga room, weight room, mechanical room and exercise room. An outside pool is planned that will be "bubbled" in the winter months. Three outdoor courts are also planned on the site. If this recreation facility is built the total building will be approximately 39,000 square feet which is made up of a 31,000 sq. ft. footprint and a second story for the westerly section that is 7,700 sq. ft. The total height of the building will be less than 30 feet, primarily 26 feet depending on points of measurement to final grade. If this recreation facility building is not built, then the site could house an indoor hockey facility. If the hockey facility were built it would be a building approximately 35,000 sq. ft. in size and would also be less than the 30 feet maximum allowed under the *Gunnison County Land Use Resolution.*

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting Minutes: May 19, 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- Mike Potoker	Planner- Cathie Pagano
Commissioner- Ian Billick	Administrative Assistant- Beth Baker
Commissioner- Nick Lypps	Other present as listed in text
Board member- Paula Swenson	
Board member- Jim Starr	

With a quorum present, the regular meeting of the Gunnison County Planning Commission was called to order on Friday, May 19, 2006, at 8:45a.m., by Chairman Dave Houghton.

UNSCHEDULED CITIZENS: Bruce Saunders and Bill Knowles spoke to the Commission offering a thumbnail sketch of Blue Mesa Pointe, a proposed project they are considering.

MOVED: by Wilkinson seconded by Potoker to approve, the minutes of the Gunnison County Planning Commission, dated April 28, 2006 as submitted. The motion passed unanimously.

MOVED: by Wilkinson seconded by Billick to approve, the minutes of the Gunnison County Planning Commission dated, May 5, 2006 as amended. The motion passed unanimously.

BLUE JAY CONDOMINIUMS AND COTTONWOOD TOWNHOMES: The Board and the Commission held joint public hearing to review the Sketch plan for 6 condominium units, and 12 townhome units, in three duplex and two triplex buildings; total of 18 units, located approx. 2 miles west of the City of Gunnison, south of Highway 50. Board member Paula Swenson was present for the joint public hearing.

With a quorum present, Chairman Dave Houghton opened the joint public hearing.

Administrative assistant Beth Baker confirmed the applicant had submitted the certified mailing receipts and proof of posting. The Planning department had the notice published in the Gunnison Country Times and Crested Butte News.

Applicant Mark Schumacher presented his sketch plan. He explained this parcel consists of two lots in the Dos Rios Motor Hotel Subdivision. There are two shared access to the property; one on the east shared by Fiesta Mexicana and on to the west shared by the Motel and Fiesta Mexicana. He is proposing six condominiums to the front of the parcel and 12 town homes to the back of the parcel. There will be 30% open space. They will tie onto the Dos Rios water and sewer lines. He said the Board waived the utility right of way to 42 ft. The open space as indicated on the plat is also winter snow storage. The common areas include the courtyards and all area along the border of the property.

Board member Paula Swenson cited a comment letter that had been submitted; addressing the aspens along the fence line and the importance of them for screening. Schumacher agreed to consider retaining the aspens.

Resident of Heatherwood Condominiums, Janet Fenneren asked how many stories the units closest to Heatherwood Condominiums would be. Schumacher said the units will be two stories with the bedrooms upstairs. He assured Fenneren that the roof lines would blend in. She expressed her concern in general with the access on to Highway 50; too many cars entering the highway from the existing townhomes, condos and businesses presently in the area

Resident of Fairway Condominiums Jill Norris was in favor of the location and the units.

Houghton cited a letter of support submitted by Daryl Cunningham.

Gunnison County resident Mindy Costanzo was in favor of the application.

Commissioners Nick Lypps and Mike Potoker questioned whether the open space should be a more functional space. Houghton acknowledged it feels a bit crowded. Schumacher related this project would be less dense than the surrounding projects. Potoker quoted the *Gunnison County Land Use Resolution* (LUR) open space regulations. Commissioner Jeff Wilkinson affirmed the Currecanti Town homes were built with the only open space being the area directly adjacent to the units.

Schumacher commented he had placed the road along the back of the property to allow the units as much privacy as possible. Lypps asked if he had given any thought to a play area for children. Schumacher responded that he had not designed this project with families with small children in mind. Swenson mentioned the adjacent Fairway Condos area is actually a mixed use project but it has attracted only a few families with small children. She suggested this would likely be a similar mix.

Lypps said there is a potential for the two story units along the highway to look like one big box. Houghton suggested a design that would get away from the box look along the highway. Schumacher agreed to consider different designs.

Assistant Planning Director Neal Starkebaum cited a comment letter from the City of Gunnison. It noted that the Fire Marshall may request an additional fire hydrant. It also noted comments on the road construction and storm water management. Starkebaum noted that the current site plan showing the width of the travel lane conflicts with the length of the parking spaces. Schumacher informed the Commission he had spoken to Engineer Norm Whitehead about enlarging the travel lane. Schumacher said the ditch is owned primarily by Moncreifs and they will have access to maintain the ditch with a written agreement for maintenance with the Moncreifs.

Fairway Condominium resident Jim Dotts said he is concerned with the roads in the project running along the outside. He commented the Fairway Condominium master bedrooms on the back and could be disturbed by the noise and lights of the traffic. He questioned how they will functionally be able to plow the roads. He said he would prefer the backs of the units match up with the back of the Fairway units not a road in between. He cited snow storage as a potential problem. He also mentioned the height of a two story building could cut off sunlight from the Fairway units.

Houghton summarized the concerns to be addressed by the applicant as:

- The small parking spaces
- The design for the units on the highway
- Saving as many trees as possible
- The open space

Houghton continued the joint public hearing to, June 16, 2006, at 1: 00 p.m.

GUNNISON/ CRESTED BUTTE REGIONAL AIRPORT: The Commission held a public hearing to review a request for an expansion of General Aviation facilities at the Gunnison/Crested Butte Regional Airport for the construction of 8 additional aircraft hangars. The Airport is located generally, on the north edge of the airport, adjacent to Highway 50, west of the existing hangars.

With a quorum present, Chairman Dave Houghton opened the public hearing.

Administrative assistant Beth Baker confirmed the applicant had submitted the certified mailing receipts and proof of posting. The Planning department had the notice published in the Gunnison Country Times and Crested Butte News.

Airport Manager John DeVore described some of the mitigation methods to be used to enhance visual esthetics of the hangars; very low maintenance landscaping consisting of a berm and xeri-scaping. He explained the FAA has strict regulations to work within.

Commissioner Mike Potoker was concerned with the look of the hangars from the highway and the noise that is reflected off of the buildings and into the adjoining neighborhoods. DeVore advised the Commission the proposed hangars will be much better looking than the old hangars. He said much of the noise is caused by jake brakes on the larger trucks coming into town. Potoker requested DeVore minimize the impact of the look of massive buildings, suggesting the berms should be high and undulating to help minimize the look of the buildings. Houghton suggested using varied designs.

Manager of the Fixed Base Operations (FBO) Pat Lazerus 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.

Devore informed the Commission that this airport is unique in that it does not require any tax dollars for support. He referred to the Tolson hangar as the first privately owned, non-FBO hangar, built at the airport in approximately 30 years.

Comments were solicited from the Commission as to the appropriateness of the proposal. Vice-Chairman Jeff Wilkinson responded that the airport is an asset to the community and agreed earth tones should be used. Commissioner Nick Lypps replied it is an airport and will look like an airport, but as much as possible should be attractive. Commissioner Ian Billick agreed with Lypps adding if simple things can be done to break up the appearance as one enters the town it should be done, but he was generally in favor of the proposal. Houghton acknowledged he is a pilot that uses the airport. He reminded the audience the FAA restrictions are there for a reason. He suggested the berm could be placed in several sections and could be sloping. Potoker reiterated his concerns with noise and appearance.

DeVore said the hangars would be built in sequence, starting with one nearest the hangars presently there.

Assistant Planning Director Neal Starkebaum cited the letter submitted by the City of Gunnison.

Starkebaum stated, at the April 28, 2006, Planning Commission meeting, the Commission took formal action to lower the impact classification to minor impact. Billick explained the Commission's decision to lower the impact classification was based upon the approved airport master plan, which included the eight hangars now applied for.

Houghton itemized the concerns to be addressed at the next meeting:

- Colors of siding
- Berms along Highway 50
- Building height limits
- Jake brakes on trucks coming into town on Highway 50

The Commission directed staff to prepare a draft approval decision for the next meeting.

Houghton continued the public hearing to June 2, 2006.

GUNNISON COUNTY LAND USE RESOLUTION AMENDMENT TO SECTION 13-107; The Commission held a work session to discuss the proposed amendment language; recommendation to Board of County Commissioners.

Assistant Planning Director Neal Starkebaum informed the Commission there have been 33 open fireplaces permits issued since the last amendment to the *Gunnison County Land Use Resolution* (LUR) Section 13-107, in October 2004. The fees that have been collected have been placed in an escrow account to be used to fund retro fitting older appliances.

Starkebaum summarized the two options being considered. The first option based upon the three-mile plans of Crested Butte and Mt Crested Butte; limiting the number of appliances to one per building. A second option could be a County wide approval that would allow two solid fuel burning devices in a building.

Starkebaum said it has been proposed that unapproved appliances will no longer be allowed in accessory structures. Coal burning devices can be installed if they are compliant has been added in response to the information that has been supplied by John Solanik. Replacement or modification of non approved appliances will require replacement with an EPA compliant appliance.

Contractor Fred Holbrook advised the Commission to look into the total amount of emission that is put out by a compliant heating appliance used all year round vs. the open fireplace that is used several times a year. The County should be looking towards eliminating compliant appliances and allowing opening fireplaces because the open fireplaces will not be used very much. He said there should be no waiver for multi-family units.

Crested Butte resident Maureen Hall said the cumulative affects are important. She continued that limiting pollution is positive; anything that can be done to eliminate or reduce the pollution should be done.

The members of the Commission discussed allowing a waiver for the number of solid fuel burning devices allowed in one multi-family building. Commissioner Mike Potoker, Commissioner Ian Billick and Chairman Dave Houghton agreed no waiver for the number of solid fuel devices should be given, while Commissioner Jeff Wilkinson and Commissioner Nick

Lypps agreed a waiver should be given. The consensus of the Commission was not to allow a waiver for the number of solid fuel devices allowed in one building.

Starkebaum cited a study that compared particulate matter produced by an open fire place and a compliant appliance to be seven times more with an open fire place.

Potoker suggested adhering to the municipalities restrictions; allowing one solid fuel burning device per residence in the three mile areas outside of Crested Butte and Mt. Crested Butte. This would comply with the current restrictions of the Town of Crested Butte. He also suggested allowing one solid fuel device per residence anywhere in the unincorporated areas of the County. Resident of Crested Butte Sue Navy proposed allowing one solid fuel burning device per building and allowing a request for a variance for no more than two devices.

Houghton suggested allowing two solid fuel burning devices in each building except for those within the three mile plan areas of Crested Butte and Mt. Crested Butte. Those installing a solid fuel burning device within the three mile plan of Crested Butte and Mt. Crested Butte would be limited to one. This would more closely mirror the Crested Butte and Mt. Crested Butte restrictions.

MOVED: by Potoker seconded by Lypps to approve the recommendation of the draft amendment to the Gunnison County Land Use Resolution Section 13-107 as amended. The motion passed unanimously.

Deleted Language – strikethrough & shaded
Added Language – underlined & shaded

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

a. PURPOSE. The purpose of this Section is to minimize air pollution caused by solid-fuel-burning devices emissions by regulating their use, and to encourage the use of other heating alternatives that achieve better emission performance and heating efficiency and that comply with the emissions performance standards as adopted by the Colorado Department of Public Health and Environment Air Quality Control Commission. It is further the policy of the Board to encourage the replacement of non-approved devices with cleaner sources of heat.

b. APPLICABILITY.

- 1. NEW STRUCTURES REQUIRING BUILDING PERMITS.** Any structure for which a Building Permit is requested or required after the effective date of this *Resolution* shall be required to comply with this Section. When a new portion of a structure requires a Building Permit, and a solid-fuel-burning device is to be located in that new portion, that solid-fuel-burning device shall comply with this Section.
- 2. NEW STRUCTURES THAT DO NOT REQUIRE BUILDING PERMITS.** Any new structure for which no Building Permit is required, as defined by this *Resolution*, by the applicable building code, adopted and amended by Gunnison County, or by any other code or regulation adopted by Gunnison County, shall be required to comply with this Section.
- 3. EXISTING DEVICES IN EXISTING STRUCTURES.** Any solid-fuel-burning device, including coal-fired furnaces, existing in an existing structure as of the effective date of this *Resolution* is not required to be replaced, except that any non-approved solid-fuel-burning device, when replaced or relocated, shall comply with Section 13-107: I: *Replacement or Modification of Solid Fuel- Burning Devices*.

C. LIMITATION ON NUMBER OF DEVICES.

- 1. IN A SINGLE FAMILY RESIDENCE.** ~~Any single-family residential structure, including detached condominiums and townhouses not in multiple-family buildings, manufactured or mobile homes for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this *Resolution* shall be allowed to install two approved solid-fuel-burning devices per single family residence.~~
- 2. IN MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS.** No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that two approved solid-fuel-burning devices may be installed per building.

d. LIMITATION ON NUMBER OF DEVICES IN AREAS AROUND THE TOWNS OF CRESTED BUTTE AND MT. CRESTED BUTTE. ~~When the land is located within the boundaries of a municipal three mile plan area defined within a Three-Mile Plan of the Towns of Crested Butte and Mt. Crested Butte the installation of solid-fuel devices shall comply with the following standards or if an adopted Intergovernmental Agreement: identifies specific standards regarding the installation of solid fuel-burning devices, the standards identified within the IGA shall prevail:~~

- 1. IN A SINGLE FAMILY RESIDENCE.** Any single-family residential structure, manufactured or mobile homes for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this *Resolution* shall be allowed to install one approved solid-fuel-burning device per single family residence.
- 2. IN MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS.** No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that one approved solid-fuel-burning device may be installed per building.

~~1. IN A SINGLE FAMILY RESIDENCE.~~ Any single-family residential structure, including detached condominiums and townhouses not in multiple-family buildings, and manufactured/mobile homes for which a Building or Manufactured Home Permit is issued after the effective date of this *Resolution* shall be allowed to install one fireplace, and one approved solid-fuel-burning device, or two approved solid-fuel-burning devices per single family residence. Except, an integrated secondary residence does not qualify for devices in addition to those identified above for the primary residence; a duplex does not qualify for devices in addition to those identified above for a single-family residence.

~~2. IN MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS.~~ No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that one fireplace and one solid-fuel-burning device, or two approved solid-fuel-burning devices may be installed per building in the building's common-public area, per the first 50,000 sq. ft., and an additional fireplace and one approved solid-fuel-burning device, or two approved solid-fuel-burning devices per any square footage above 50,000 sq. ft.

1. IN A SINGLE FAMILY RESIDENCE. Any single-family residential structure, and manufactured/mobile homes for which a Building or Manufactured Home Permit is issued after the effective date of this *Resolution* shall be allowed to install one approved solid-fuel-burning devices per single family residence.

2. IN MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS. No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that one approved solid-fuel-burning devices may be installed per building.

e. LIMITATION ON NUMBER OF DEVICES IN AREAS AROUND THE CITY OF GUNNISON. When the land is located within the boundaries of the municipal three mile plan area defined within the Three-Mile Plan of the City of Gunnison the installation of solid-fuel devices shall comply with the following standards or if an adopted Intergovernmental Agreement identifies specific standards regarding the installation of solid fuel-burning devices, the standards identified within the IGA shall prevail:

1. IN A SINGLE FAMILY RESIDENCE. Any single-family residential structure, manufactured or mobile homes for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this *Resolution* shall be allowed to install two approved solid-fuel-burning devices per single family residence.

2. IN MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS. No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that two approved solid-fuel-burning devices may be installed per building.

f. MAXIMUM NUMBER OF DEVICES ALLOWED OUTSIDE MUNICIPAL THREE MILE PLAN AREAS. When the project is located outside the boundaries of a municipal three mile plan area defined within a Three-Mile Plan of the Towns of Crested Butte, Mt. Crested Butte or the City of Gunnison, the number of fireplaces and devices is limited to the following:

1. IN A SINGLE FAMILY RESIDENCE. Any single-family residential structure, including detached condominiums and townhouses not in multiple-family buildings, and manufactured/mobile homes for which a Building or Manufactured Home Permit is issued after the effective date of this *Resolution* shall be allowed to install two fireplaces, or two approved solid-fuel-burning devices, or one fireplace and one approved solid-fuel-burning device. Except, an integrated secondary residence does not qualify for devices in addition to those identified above for the primary residence; a duplex does not qualify for devices in addition to those identified above for a single-family residence.

2. IN MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS. No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that one fireplace and one approved solid-fuel-burning device, or two approved solid-fuel-burning devices may be installed per building in the building's common-public area, per the first 50,000 sq. ft., and an additional fireplace and one approved solid-fuel-burning device, or two approved solid-fuel-burning devices per any square footage above 50,000 sq. ft.

~~g. **ADDITIONAL FEE FOR A FIREPLACE.** The County shall charge a fee specifically for the installation of a fireplace, separate from a Building Permit or Land Use Change Permit fee. The amount of the fee shall be included in a schedule of fees adopted by the Board, available in the Planning Department, and the County shall hold the fees, for the purpose of subsidizing the retrofitting and/or replacement of existing non-approved solid-fuel-burning devices and/or monitoring of air quality.~~

~~e. **NO NEW COAL-BURNING DEVICES.** No new coal-burning devices shall be allowed to be installed after the effective date of this *Resolution*.~~

~~f. **COMPLIANCE IN SPECIAL GEOGRAPHIC AREAS.** When the County has adopted requirements governing development review, permitting or inspections of solid fuel-burning devices in designated special geographic areas, the more restrictive requirements shall apply to solid fuel-burning devices in that particular area.~~

G. NO ADDITIONAL DEVICES. In existing structures that have two or more solid-fuel-burning devices as of the effective date of this *Resolution*, an additional one shall not be installed.

H. ACCESSORY STRUCTURES. One approved solid-fuel-burning device (whether compliant or non-compliant) is allowed per non-residential structure that is accessory to a residence, for temporary or sporadic use, whether the structure is attached or detached.

I. NO LIMIT TO NUMBER OF NON-SOLID-FUEL-BURNING DEVICES. There is no limitation on the number of approved non-solid-fuel-burning devices that may be installed in any structure, so long as they all comply with all applicable federal, state and County codes and regulations.

J. REPLACEMENT OR MODIFICATION OF SOLID FUEL-BURNING DEVICES. Any non-approved solid fuel-burning device that requires replacement or relocation shall be required to be removed and replaced with an approved solid fuel-burning device, or approved non-solid fuel burning device. Replacement of a non-approved device in one condominium or townhouse unit shall not affect devices in other units.

K. INSTALLATION. Devices shall be installed as follows:

1. SOLID-FUEL-BURNING DEVICE. Any solid-fuel-burning device shall be installed pursuant to the standards and specifications defined by the manufacturer of that device, or shall meet the clearances specified in the *Uniform International Mechanical Code*.

1. NON-SOLID-FUEL-BURNING DEVICE. Any non-solid-fuel-burning device shall be installed pursuant to the standards and specifications of its manufacturer and the *Uniform International Fuel-Gas Code*.

L. INSPECTION. The installation of any solid-fuel-burning device or non-solid-fuel-burning device shall be subject to inspection and approval by the Gunnison County Building Inspector and, as applicable, by the applicable fire protection district in which the device is located. Only the affected unit will be inspected.

M. FEES. Inspection fees shall be as delineated in a schedule of fees charged for permits issued by the Planning Department, adopted and amended from time to time by the Board of Commissioners.

N. SPARK ARRESTORS. Spark arrestors shall be required in all solid-fuel-burning device systems to which this Section applies pursuant to Section 13-107: B.1.: *New Structures Requiring Building Permits*, Section 13-107: B. 2.: *New Structures That Do Not Require Building Permits*, and Section 13-107: B. 3.: *Existing Devices in Existing Structures*.

LARKSPUR SUBDIVISION; The Board and the Commission held a continued joint public hearing to discuss the single family and recreational park development, on a 35.6-acre parcel that lies along the Brush Creek Road, approximately 1 ½ miles south of the Town of Crested Butte, in the E ½ NE ¼ of Section 12, Township 14 South. Uses proposed include: 46 single family (unrestricted) lots, 1 Homeowners' Association office/maintenance lot, 8 essential single-family housing lots, 2 essential housing lots/ each of which would have a four-plex , 1 essential duplex lot, 14.35 acres of open space that would include two ponds, a public park next to 2 outdoor tennis courts. Gunnison County Housing Director, Denise Wise and Board members Jim Starr and Paula Swenson attended the meeting.

Also proposed is a recreation/tennis facility to include three indoor tennis courts, an entry/reception area, climbing wall, pro shop, batting cage, men's and women's locker rooms, day care room, virtual golf, bar/grill, bathrooms, mechanical room, two offices for the facility, fitness facility, yoga room, weight room, mechanical room and exercise room. An outside pool is planned that will be "bubbled" in the winter months. Three outdoor courts are also planned on the site. If this recreation facility is built the total building will be approximately 39,000 square feet which is made up of a 31,000 sq. ft. footprint and a second story for the westerly section that is 7,700 sq. ft. The total height of the building will be less than 30 feet, primarily 26 feet depending on points of measurement to final grade. If this recreation facility building is not built, then the site could house an indoor hockey facility. If the hockey facility were built it would be a building approximately 35,000 sq. ft. in size and would also be less than the 30 feet maximum allowed under the *Gunnison County Land Use Resolution*.

Commissioner Mike Potoker recused himself from the proceedings.

With a quorum present, Chairman Dave Houghton opened the continued joint public hearing.

Chairman Dave Houghton cited the letters that had been received since the last meeting.

Applicant Gary Garland explained the most current site plan. He illustrated how the foot traffic could flow from the recreation center to the subdivision. The trail around the lake will be maintained and how it could be used. At a minimum the trail will be gravel or asphalt but he is researching a surface using rubber. He will show the crosswalk on the plan.

County Housing Authority Director Denise Wise was present to discuss the essential housing element. She said a deed restriction has been formulated and is being reviewed by the County Attorney. The proposed deed restriction will then be taken to several lenders for their review and consideration. She listed the elements of the deed restriction as: residency requirements, a net asset level, resale component, rental of unit time and costs. She agreed to memorialize the deed restrictions in a memo to the Commission. The Housing Authority is working on a master template for an essential housing deed restriction with the County Attorney. The Housing Authority is reviewing the design guidelines and the covenants and they are now addressing limiting the HOA fees. She said a product is needed within a three year period because of the quickly escalating costs of building units. They have considered using five approved design plans that could be provided to a lot owner at no cost. The purchase cost of an essential housing lot/unit will consist primarily of the construction costs because the land costs and potentially the architectural costs will be minimal.

Lypps suggested allowing some modular units. Houghton pointed out a mix of unit types would be valuable and more attractive. Wise said the County housing staff will be made available to the owners of self builds for advice. Garland has agreed to donate \$100,000 for tap fees on the affordable lots. Garland has also offered a cash payment of \$100,000 or a four-plex lot to the housing authority. Wise informed the Commission, 1% of the housing costs will be in a fee collected from the buyer to allow the Housing Authority to recoup some of their administrative costs. She advised the Commission the price of the affordable lots will be determined by the Housing Authority. Garland is working with the Housing Authority and they will administrate the essential housing units.

Garland related that the covenants will only allow down zoning by permission of the County and without the permission of the HOA. He said the hockey rink has been deleted from this plan. He will also initially provide the maintenance equipment for the HOA.

Garland has submitted an intersection improvements plat and he is going to give \$10,000 to Public Works for the improvement of that intersection which will be collected at the time the Development Improvements Agreement is signed.

Addressing Skyland's concerns, Garland has tighten up the design guidelines; now specifies no more than three units will be allowed on the recreation parcel, to allow for one employee unit.

Garland disclosed Brush Creek Holdings has sold the property to Garland Properties and the water rights will now be assigned to Garland Properties.

Garland described the HOA fees for the essential units as limited to 50% of those fees collected for the free market lots. The Commission requested a cap be set on any yearly increase in fees. Garland estimated the initial rate for the essential units HOA fees as \$250 per year. Houghton agreed these restrictions could work.

Garland related a pre-inclusion agreement has been worked out with the East River Sanitation District.

Garland said an acknowledgement is being written for the closing package of each lot owner, to alert the buyers as to what could be built on the adjacent 13-acre parcel.

Garland reported the easement through the County's 13-acre parcel for the use of Larkspur residents will also be used by Mike Wright, for access to his parcel. Garland will allow Butte Pastures to continue to use their non-motorized easement. There will also be a walking easement that hooks up with Lexy Court.

Garland informed the Commission that he is waiting for the Division of Water Resources, Mike Havens to determine whether they will define his water system as one or two systems. Garland has agreed to work with Whetstone Vista because it could harm them financially, should they define it as two systems. Developer of Butte Pastures Bob Stuplich remarked that he is now satisfied Garland's source of water will not harm Butte Pastures and Garland has agreed to improve the culvert.

Board member Jim Starr inquired if the agreements with the neighbors are memorialized. Director of Planning Joanne Williams explained those agreements would be memorialized in the narrative of the recommendation.

Owner of a parcel adjacent to Larkspur Nathan Bilow said he had submitted two comment letters and a photograph, to express his concerns. Garland, responding to Bilow's lighting concerns, specified any street lights installed will be required to be fully down shaded and any lighting in the subdivision will comply with the Gunnison County requirements which at this time require full cut off lighting fixtures.

Responding to Dan Semigan's concerns, Garland has agreed to install a dog proof fence between Semigan's property and Larkspur. The fence will be constructed with hog wire on the bottom and barbed wire on the top.

Lypps was concerned the employee unit in the recreation center has been withdrawn. Garland responded the recreation parcel owners no longer feel there is room for an employee unit in the facility. Garland has agreed to limit the number of units in the recreation center to two unless the third would be an employee unit.

Starr expressed concerns with the financial feasibility of a recreation facility. He specifically questioned what it would cost to heat an indoor pool in the winter. Garland replied the owners of the parcel have "done their homework", but agreed there is always a possibility for a recreation facility to fail. In addition, Starr noted the recreation could fail leaving the building vacant and uncared for. Garland agreed but he affirmed the Larkspur HOA would not be required to maintain it. Starr suggested putting together an alternative solution to deal with the potential of the recreation center failing. Garland acknowledged the possibility of failure and suggested an acknowledgement in the closing documents for each lot, stating the owners were aware the center might not be built and if it is built it might not be a viable business.

Resident of Crested Butte Duce Wynes said the potential lot owners in Larkspur are interested in the development not the recreation center adding the center would only be a bonus.

Starr questioned if the potential parking problems that could come up when special events take place at the recreation facility should be included in an acknowledgement signed by lot owners at their closings. Furthermore the acknowledgment should include a reference to a specific number of events that could be held at the recreation center in a year and the maximum number of hours each event could be. Garland agreed to add that information to the covenants, design guidelines and acknowledgment. Garland defined 12 as the maximum number of events per year. Starr said in addition the covenants, guidelines the acknowledgment should include a reference to events that involve 68 cars or less stating those events would not require a permit.

Houghton concluded in preparation for their next meeting the applicant should address:

- The final water decree
- Essential housing issues
- Employee unit in the recreation facility
- Get the County Attorney's comments on the easement across the County's 13-acre parcel
- Acknowledgements to be signed by lot owners at their closings:
 - a) include the possibility of overflow parking at the recreation facility during a special event
 - b) the possibility the recreation facility might not be built furthermore if it is built there is a possibility it could fail
 - c) the possible uses of the 13-acre parcel adjacent to Larkspur
 - d) the Brush Creek airport
- Cross walk to be placed on plan
- Narrative to include essential housing information provided by Wise
- Include Butte Pastures in the easement agreement
- Discussion with Division of Water Resources concerning the status of the community water system
- Amend the covenants:
 - a) require full cutoff lighting
 - b) include the recreation facility will be allowed a maximum of three units and if three units are split out one must be an employee unit
 - c) a smaller event that requires parking for 68 cars or less will not require a special events permit
 - d) include the inflationary cap placed on the HOA fees for the essential housing lots

Houghton closed the public hearing.

