

GUNNISON COUNTY PLANNING COMMISSION

AMENDED... AGENDA: SEPTEMBER 8, 2006

****Site Visit Cement Creek Management postponed****

- 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,** work session/possible 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.** **Tomichi Creek Subdivision, West Elk Properties LLC, represented by David Leindsdorf,** work session/no action, sketch plan, subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, at the end of Fairway Lane
- 11:15** **(Work-through lunch) Planning Commissioner reports,** including discussion of Land Use Resolution sections on exterior lighting, residential densities and with County Attorney concerning second residences on single parcels.
- 1:30 p.m.***** *****POSTPONED AT APPLICANT'S REQUEST:** Site visit, **Cement Creek Management Townhomes,** 96 Elcho Avenue, Crested Butte South
- 2:00 p.m.** Meet at **Crested Butte South,** 61 Teocalli Road, Property Owners Association building, presentation by Crested Butte South Property Owners Association Manager Chris Behan, **proposed Crested Butte South Special Geographic Area plan and regulations**
- 3:45 p.m.** Meet onsite at **Stallion Park in Buckhorn Ranch** subdivision, south of Brush Creek Road and Crested Butte, to tour essential housing units
- 4:30 p.m.** Onsite visit, **Hidden Mine Ranch,** one mile south of Crested Butte, west of Highway 135, one half mile through Whetstone Mountain Ranch, 20 35-acre parcels; Mike Higgins, representative

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting Minutes
September 8, 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- Ian Billick	Assistant Director of Planning- Neal Starkebaum
Commissioner- Ramon Reed	Planner- Cathie Pagano
Commissioner- Richard Karas	Administrative Assistant- Beth Baker
Commissioner- Nick Lypps	Others listed as presented in text
Commissioner- Mike Potoker	

Absent: None

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

MOVED: by Reed seconded by Lypps to approve the minutes of August 25, 2006 as amended. The motion passed unanimously

HORSE MEADOWS SUBDIVISION: The Commission met with applicant John Stock and applicant's attorney Mike Dawson for a work session. They discussed the preliminary plan, for a 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.

Chairman Dave Houghton opened the work session. He noted at the previous work session held July 21, 2006 the Commission had directed staff to prepare a draft recommendation.

Commissioner Mike Potoker asked about landscaping requirements. Dawson noted that the landscaping requirements are in the design guidelines. Potoker was concerned that the landscaping requirements were not in the covenants, because the design guidelines can be changed without the approval of the county. He preferred the landscaping requirements be contained in the covenants. Planner Cathie Pagano explained the landscaping plan has been defined minimally as, "maintaining as much of the existing landscaping as possible." Dawson suggested changing the minimum requirements to a minimum tree height of 10 ft. and integrate that requirement into the text of the covenants. Stock agreed to this change.

Commissioner Nick Lypps reiterated his concerns with domestic animal controls and wildlife friendly fences. He also urged the use of weed free hay. Stock agreed to not bring in any hay except weed free hay.

During a discussion of the water, ditches and historical water patterns; Dawson explained they are requiring irrigation of the property by taking all necessary steps to ensure to the highest degree possible the historical water irrigation patterns are maintained.

Houghton complimented Pagano on the preparation of the draft recommendation. The Commission reviewed the draft recommendation.

Adjacent owner Alex Laird expressed his disagreement with the installation of a water measuring device on the ditch. The Commission members agreed that the measuring device would be installed, noting it had been discussed and agreed upon previously. Furthermore it is the purview of the state water court not the county.

Houghton seated Commissioner Ramon Reed for the vote.

MOVED: by Billick seconded by Potoker to approve the preliminary plan recommendation of LUC-2004- 18 as amended. The motion passed unanimously.

SECTION 7-103: GENERAL REVIEW STEPS FOR MAJOR IMPACT PROJECTS:

C. PRELIMINARY PLAN PROVIDES DETAILED SOLUTIONS AND DESIGN. *Preliminary Plan review is the time when the applicant is required to formulate detailed, properly designed/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden at the Preliminary Plan stage is on the applicant to provide detailed information and mitigation proposals for evaluation.*

PROJECT SUMMARY:

John and Karen Stock, represented by Attorney Michael Dawson have submitted the Preliminary Plan application to subdivide 48.56 acres into ten single-family residential lots and one common open space area of 14.57 acres. The original Sketch Plan application was submitted by Elk Mountain Properties, LLC. The subject parcel was sold to the Stocks who then submitted the Preliminary Plan application. The open space buffer is proposed to surround the entire subdivision with a larger concentration of open space located in the northeast corner of the lot where a pond is also proposed. Properties adjacent to the subject parcel are single-family residential ranging in size from 1.5 acres to 13 acres. Properties to the north are predominantly 4.5 acres (Mountain Glow Meadows); to the west parcels are 5 to 6 acres with the opportunity to further subdivide each parcel as indicated in the covenants of Ohio Meadows; properties to the south are predominantly 1.5 acres but there is also a 9 acre parcel (all Sierra Vista Estates); properties to the east are 10 to 13 acres. Agricultural operations are adjacent to this parcel and located within the general area.

Lot sizes in this proposed development range from 2.34 to 4.6 acres. Building envelopes have been identified on each lot.

The parcel is located in the W 1/2 NW 1/4 SW 1/4, Section 13 and in the NE 1/4 SE 1/4 Section 14, Township 50 North, Range 1 West, N.M.P.M., off Sierra Vista Way to County Road 48 and west of Colorado Highway 135. It is within the City of Gunnison's Three-Mile Plan area. Chekwa Trail abuts on the west border. The single internal road proposed for the development runs north to east, from Sierra Vista Way to Chekwa Trail.

No streams, rivers, or lakes are located on the property. It is primarily flat ground, open irrigated pasture land. Two irrigation ditches cross the property, the Hyzer and Tingley Ditches, along which grow willows and cottonwoods.

There are no known wetlands, drainage ways, ridgelines, flood hazards or geologic hazards on the property. Five lateral irrigation ditches currently run across the parcel; the applicant proposes to reroute or abandon those ditches to allow, as applicable, continued transport of water in compliance with requirements of the Colorado Division of Water Resources. The applicant proposes to transport water in existing and new ditches along the east, west and north property lines.

No utilities are currently located on the site; underground utilities will be installed.

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.

This review has considered:

- Gunnison Valley Survey, "Horse Meadows," Plat of Horse Meadows Subdivision, dated September 30, 2005.
 - Williams Engineering, LLC. "Preliminary Plan Submittal," dated July 28, 2005, revised
 - Revised Irrigation Ditch Plan
 - Road Plan and Profile Area

The applicant does not propose to construct structures within this subdivision.

ONSITE VISIT:

The Planning Commission conducted a site visit on May 12, 2006.

IMPACT CLASSIFICATION:

The application is, by definition, a Major Impact project.

PUBLIC HEARING:

06 September 08 PC Minutes
06 October 06 PC Approved

A joint public hearing was held with the Planning Commission and the Board of County Commissioners on June 16, 2006. The public hearing was continued on July 7, 2006 and July 21, 2006.

Testimony that was presented, and the full record of that hearing, including written letters and verbal testimony, are hereby incorporated into this record. Among the concerns raised were:

- Density and compatibility with surrounding parcels
- The number of horses allowed on each lot
- Water quality and quantity and the effect of individual sewage disposal systems on water quality
- Tail water from ditches and irrigation and the rights to that tail water
- Effect on historical irrigation patterns
- Increased traffic and safe access from Chekwa Trail
- The safety of a single point of access into the subdivision
- Proliferation of individual sewage disposal systems
- Access to the ditch easement for maintenance
- Maintenance of Chekwa Trail

COMPLIANCE WITH SKETCH PLAN APPROVAL:

The Board of County Commissioners approved the Sketch Plan with the following conditions on October 5, 2004. There were no substantive changes made to the Preliminary Plan application (Sketch plan recommendation/conditions in bold; compliance with those conditions follows).

- **That the Preliminary Plan specifically address the following concerns, pursuant to each applicable section of the *Gunnison County Land Use Resolution*:**
 - **Compatibility of the proposed density of this subdivision with surrounding development.**
 - **Impacts of proposed development on existing water rights and irrigation, and whether or not containment and relocation of the existing ditches can be accomplished so that water can continue to run across the property to other properties.**
 - **Continued concern about other property owners continuing to have use of tailwater.**
 - **Impacts of current irrigation practices by upgradient ditch owners unrelated to this property, on downgradient property owners.**
 - **Possible increased wildfire hazard danger if irrigation water is not continued across this field.**
 - **Cumulative impacts of traffic and changes in traffic patterns in this general area, particularly given the existence of only one collector road, County Road 48.**
 - **Impacts of horses allowed on each proposed lot; including year-round use of the lot.**
 - **Impacts of individual sewage disposal systems in an area where there is a preponderance of them, including water quality in existing wells.**
 - **Effects of more individual sewage disposal systems when flooding occurs in the area.**
 - **The potential pros and cons of the routing of the subdivision's internal road from Sierra Vista Way to Chekwa Trail, including the potential increase in traffic by existing residences along Sierra Vista Way, vs the possible advantage of the street's providing a secondary access for emergency services.**
 - **Change in rural agricultural surroundings enjoyed by current residents of the area.**
 - **Dust generation by additional traffic on County Road 48 and Sierra Vista Way.**

The applicant's attorney, Michael Dawson, submitted a letter, dated January 9, 2006, addressing all of the above concerns as required by the Sketch Plan.

- **That the requirement of the submittal of an exterior lighting plan be waived.** An exterior lighting plan was not submitted.
- **A landscaping plan is required to be submitted.** A landscaping plan was submitted and stated that the existing trees and vegetation along the west side of the property will be maintained and no separate landscaping features are planned to be installed.
- **Irrigation and livestock watering needs are required to be defined within the Preliminary Plan.** Each lot will be allowed to keep a maximum of two horses as identified in the Protective Covenants. Water consumption for each animal is estimated to be 8 gallons per day with 100% consumption. Total stock watering from each well is estimated to be 0.019 acre feet per year as included in the water augmentation plan.

- **The proposed development requires snow removal from roadways and/or parking areas; site design must comply with Section 13-112, *Snow Storage*.** Snow storage areas will be within the 60 foot right-of-way easement of Horse Meadows Subdivision.
- **That a detailed analysis of possible tie on to the County's extended sewer line, versus installation of individual sewage disposal systems be included within the Preliminary Plan.** Gunnison County currently has no plans to extend the central sewer line to any parcels west of Ohio Creek.
- **That the protective covenants include the design recommendations included in the submitted geotechnical report.** Section 4.3 of the protective covenants identifies that "No buildings, improvements or usage shall be permitted unless it complies with the recommendations made in the Buckhorn Geotech report titled "Preliminary Geologic Hazard Report, Alagna Property (previous owner) Gunnison County, Colorado," dated March 26, 2003 as specifically outlined in the Design Guidelines.
- **A 24-hour pump test is required to be conducted in compliance with the Section 12-105: *Water Supply*, and the results submitted as part of the Preliminary Plan.** A 24-hour pump test was performed on June 8, 2005 by Wright Water Engineers, Inc.
- **Draft protective covenants or deed restrictions to be submitted within the Preliminary Plan are required along with language on final plat regarding confinement of domestic animals, "fence-out" requirements, and irrigation ditch maintenance.** This language has been included on the plat and in the protective covenants.
- **Submittal of Preliminary Plan shall include documentation of consultation with the Colorado Division of Wildlife, and depending upon the DOW's determination of the presence of habitat, the inclusion of a wildlife habitat analysis, as described within this Section.** The applicant submitted a copy of the Preliminary Plan to the Division of Wildlife (DOW) on September 16, 2005. A wildlife habitat analysis was not required by the DOW.
- **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 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.** The applicant has submitted the Preliminary Plan.
- **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.** The applicant submitted the Preliminary Plan application on October 4, 2005. The application was reviewed and the Planning Commission determined that it was substantially complete for purposes of complying with this condition.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete Preliminary Plan was sent by certified mail for review agency comments. Comments received from individual agencies included these:

Gunnison County Trails Commission: Comments from Jakes Jones, in a letter received July 24, 2006:

The planning documents for Horse Meadows Subdivision were reviewed by the Gunnison County Trails Commission. Although the Horse Meadows Subdivision is surrounded by private property, the Gunnison County Trails Commission would recommend that open space within the subdivision remain accessible for Horse Meadows Subdivision property owners to use as a recreational resource. In the Horse Meadows Subdivision Preliminary/Final Plan Submittal dated October 3, 2005, Section 4-507 F refers to the Road and Trail System Plan detailed in Exhibit D. Upon review of Exhibit D, roads are clearly indicated, but no trail easements or delineations were discovered.

It is the recommendation of the Gunnison County Trails Commission that Horse Meadows Subdivision create a designated non-motorized/bridal path throughout the circumference of the perimeter open space for the use and enjoyment of Horse Meadows Subdivision property owners. Furthermore, a non-motorized trail/bridal path could be extended into neighboring developments to create a homeowners trail system in your area.

Gunnison County Public Works: Comments from Marlene Crosby and Allen Moores, in a memorandum dated November 29, 2005:

06 September 08 PC Minutes
06 October 06 PC Approved

Our office has reviewed the submitted road plans and would like to make the following comments.

1. Our office will require the applicant to work with the postal service to create an area for mail delivery within the proposed subdivision.
2. When approved the applicant will be required to obtain an Access Permit for the subdivision where it enters County Road 48a from our office before the construction begins on the proposed roads. The applicant will also be required to obtain a Reclamation Permit but has the option of including the cost of reclamation in the Developments Improvements Agreement.
3. As a condition of approval our office will require that all snow generated from snowplowing be stored on subdivision property.
4. Before the final release of the Developments Improvements Agreement the applicant will be required to submit a set of as-built plans.

Gunnison Conservation District: Comments from Ted Bemis, President, in a letter received April 7, 2006:

At our meeting of the District Board, April 5, 2006, we reviewed the Preliminary Plan for this development with assistance from the USDA – Natural Resources Conservation Service (NRCS).

This Plan was mostly complete, with the exception of a soils map. This would be valuable information when planning individual septic systems. The attached map indicates map units IrA and EvB. The map unit (IrA—Irim Series), which is considered a Hydric Soil could possibly have some wetlands or high water table issues. We felt that there probably should be some consideration of the soil map in this plan.

The irrigation system plans look good the only concern is with the changes of the ditches to accommodate the lot lines might increase the ditch grade which could potentially increase erosion. It is also important to reseed the filled ditch right after it has been filled in to keep weeds from spreading.

The horse densities could have some potential impact. Another approach to this same effort is to use a grass stubble height, which is an easily measured standard to track.

The other issues that we normally comment on appear to be addressed, i.e.: drainage, water augmentation, reclamation, and weed management. The only piece that was not too detailed was the revegetation and reclamation plan for disturbance, but it was noted that they had a weed management plan developed and as part of that they will be required to get some seeding recommendations from the Natural Resources Conservation Service.

Colorado Division of Wildlife: Comments from J Wenum, Area Wildlife Manager, received on March 28, 2006:

The proposed subdivision is located within mapped Gunnison Sage Grouse, mule deer, and elk ranges as defined by DOW WRIS mapping from 2003. The specific definitions for GSG include brood, winter, and severe winter ranges. For mule deer, severe winter and winter ranges are included. For elk, severe winter and occasional use areas are included. Black bears inhabit the area which has resulted in some human/bear conflicts. Other small mammals including cotton tail rabbits, red fox coyote, striped skunks, Gunnison prairie dogs, and badgers along with an occasional cougar can be expected to inhabit the area. Beaver and muskrat can be expected in Ohio Creek and associated waterways.

WRIS maps are based on large scale vegetative analysis that indicates whether an area may have suitable vegetative communities for various species and does not reflect actual or potential valuable habitats. Numerous other components must be present to provide adequate habitat for wild species. The existing development surrounding this area along with other limiting factors and cumulative effects of human activity and alteration of habitat conditions make it very unlikely that GSG or mule deer will experience any direct new negative impacts from the development of this subdivision. However the magnitude of cumulative impacts resulting of additional development is difficult if not impossible to quantify.

The parcel is also identified by the Gunnison County Planning Commission as “critical habitat,” based upon its mule deer and GSG winter and brood rearing range values. There is a small, resident population of deer in this area and they have become accustomed to the surrounding development and will likely experience little adverse effects from this project. However these deer could become nuisances when and if homeowners establish landscape plantings in the development. This is especially likely if homeowners landscape with non-native

species of flowers, shrubs and trees. We recommend that prospective purchasers be made aware of potential wildlife conflicts as part of the marketing and sales effort.

In that vein we recommend that section 7.10 of your C&R's be expanded to include statements that strongly recommend the only outside storage of any trash or refuse be in approved bear resistant containers. Pets should not be fed outside as pet food left outside may attract bears and other predators and nuisance species. Although bird feeders and feeding is legal, they are known to attract bears and other non-target wildlife. All contractors and sub-contractors should be required to deposit all trash and refuse associated with food or drink in an approved bear resistant receptacle or haul this trash off-site to avoid attracting wildlife during construction. Approved receptacles can be obtained from numerous vendors and several are certified by the North American Bear Society, National Park Service or the CDOW as bear resistant. DOW can provide information to those interested homeowners. The Division of Wildlife's "Living with Wildlife in Bear Country" brochure provides additional guidance on avoiding human/bear conflicts.

We would also recommend that section 8.1 of the C&R's be amended to restrict cats to indoor living only, as cats are formidable predators and can devastate populations of local birds and small mammals. Additionally they may also attract and ultimately become prey for coyotes, foxes, bears and cougars.

We recommend any fencing on the lots be constructed in a wildlife friendly manner to facilitate wildlife movement and reduce wildlife conflicts or mortality. Construction whether of wire, wood or otherwise should be of no more than 42 inches in height. "Fencing for Man and Beast" is a booklet available from the Division of Wildlife to help owners construct wildlife friendly fences that suit their needs.

As horses are allowed by the C&R's, owners should contact the Natural Resource Conservation Service to determine the actual carrying capacity of the lot and not rely on the 2 horse per lot restriction. We recommend that only certified weed free forage be allowed to be fed on any lot.

Excavation and grading and the associated rehabilitation should be designed so as to avoid introduction or establishment of invasive weeds. Again the NRCS should be consulted for recommended management activities.

As the Gunnison area continues to develop, habitat available for utilization by wild species is lost in an incremental manner. This, over time, will result in a permanent loss of wildlife numbers and density. Additionally, wildlife/human conflicts will increase and methods to mitigate or avoid such occurrences will continue to develop. Although this project represents only a fragment of wildlife habitat, the effects of minimal impact projects such as this are cumulative and should be considered as such.

Colorado Geological Survey: Comments in two letters from Celia Greenman, dated March 1 and 21, 2006:

Comments from March 1, 2006 letter:

Drainage. The site is underlain by glacial outwash sand and gravel from a depth of 3 ft to 34 ft below ground surface (bgs). In December, groundwater was encountered at 5 ft bgs, which poses constraints on development. Buckhorn Geotech states that basement construction should not be considered, and that ISDS would need to be mounded to achieve the required 4 ft separation between the base of the leach field and the top of groundwater.

The concern for contamination of shallow groundwater by ISDS is increased because the shallow alluvial aquifer will also supply the individual wells on site. (Groundwater could be higher in late spring during periods of rapid snowmelt.) The mounded ISDS systems are a protection but no guarantee against pollution from partially treated wastewater. In addition, the subdivision includes provisions for up to two horses per lot. This would increase the potential for waste products reaching the groundwater table.

It is unlikely that the recharge of the shallow aquifer is adequate to prevent significant impact to the water supply. However, Gunnison County should keep these issues in mind as the county builds out. The situation is not unlike that in other counties, such as Chaffee, where development is rapidly progressing in areas underlain by outwash sediments. At some point, a threshold could be reached where impact can be measured. It would be prudent for future homeowners to periodically test their well water.

For Horse Meadows, a primary and secondary leach field envelope should be identified on each lot, and these areas should be removed from easements and building envelopes. Horses should be fenced from the primary

leach field. A plat note should state that mounded systems, which include lift systems, would be required. The homeowners' rules should also include provisions for mandatory periodic inspection of ISDS and maintenance, where necessary.

Foundations. The substrate for foundations should not include cobbles greater than 3 inches in diameter, because of the potential for differential settlement. During excavation and grading, the substrate should be made as uniform as possible, for the same reason. Spread footings are an acceptable foundation type; footings should be set below frost depth to prevent post-construction movement. Dewatering equipment should be present on site during construction and utility installation.

In summary, the subdivision can be developed keeping in mind that subsurface drainage is a problem, particularly for ISDS.

Comments from March 21, 2006 letter:

Thank you for sending me the Preliminary Geologic Hazard Report for the Horse Meadows prepared by Buckhorn Geotech (3/26/03). Buckhorn excavated three test pits on the site and found sandy clay to a depth of 3.5 ft below ground surface, underlain by sandy gravel. The sandy clay was somewhat compressible because of the high moisture content. The foundation design needs to factor in the shallow groundwater and the frost depth for Gunnison County, i.e., any crawlspace should be kept free of water, but the depth of foundations needs to be such that they are not affected by frost heave. These conditions are not uncommon in Gunnison County. Crawl spaces could be designed to slope to a sump area that could be pumped. Keeping below-grade areas free of moisture would help prevent the development of mold. I agree with the Buckhorn suggestion that foundations might be laid on raised pads if soil berming or specially designed insulation is used to protect against frost damage.

City of Gunnison: Comments in a letter from Diane Lothamer, Chairperson, City of Gunnison Planning and Zoning Commission, dated March 8, 2006:

During the March 8, 2006 City Planning and Zoning Commission (P&Z) meeting, the Horse Meadows subdivision proposal was discussed. The original P&Z letter (dated June 17, 2004) stated that this subdivision was located in the Urban Growth Boundary (UGB), but this is not the case. The site is outside the UGB, but is in the Three Mile boundary and is designated as "Rural Residential." The Rural Residential density is set at 1 unit per 5 acre minimum. The gross density of the Horse Meadows subdivision is proposed to be 1 unit per 4.88 acres. Although the proposed density is not in conformance with the Three-Mile Rural Residential land use density, this is not considered to be a direct issue of contention. However, the City is concerned about the following topics:

- *Proliferation of Individual Sewage Disposal Systems (ISDS) within the regional alluvial*
- *Transportation impacts at the intersection of Highway 135 and the access frontage road, and*
- *The pattern of sprawling ranchette land use patterns surrounding the City*

ISDS Concerns

The June 17, 2004 P&Z letter cited concern in regarding the use of individual sewage disposal systems (ISDS), and this concern still exists. Based on map boundary data provided by the County Public Works Department, the site is in proximity of North Gunnison Sewer District boundary, which follows Ohio Creek and the North Elk Meadows subdivision boundary (see Map enclosure). Evidently there are limitations to extending the sewer line across Ohio Creek. This site will not be considered for inclusion into the District.

The proliferation of ISDS at this density within the region's alluvial gravel aquifer has proven to be problematic in the past. The development of the North Sewer District exemplifies substantial public investment required to rectify the specific issues created by ISDS and package treatment plants historically serving similar land uses in this area.

Transportation Impacts

The transportation element of the Gunnison County Comprehensive Plan estimates that traffic counts in the year 2010 at the Highway 135/Frontage Road intersection will be 9,265 vehicles per day. GIS data recently collected for the Three Mile land use assessment, indicates that approximately 150 residential units utilize this Highway access. Additionally, there are approximately 47 parcels exceeding 10 acres in size (+/- 1,550 acres) that are accessed by the Frontage Road/CR #48. The number of future vehicle counts utilizing this route could be very high given the vacant land existing in the area.

Land Use Patterns

The land use pattern extending to the north of the City is inefficient in terms of public service costs. This ranchette development pattern also negatively effects environmental and transportation issues, but the cause and effect relationship created by this type of land use needs to be recognized, especially with upcoming discussions of the three mile plan update.

Please note that the Planning & Zoning Commission neither recommends approval or denial of the Horse Meadows subdivision. However, the P&Z would like the record of this subdivision to indicate the City's concern regarding water quality issues and transportation concerns associated with this type of subdivision.

Colorado State Forest Service: Comments from a letter from David Casey, Forester, received March 3, 2006:

I have reviewed the defensible space requirements for the Horse Meadows subdivision and have the following recommendations. The recommendations below will reference CSFS's handout "Creating a Wildfire-Defensible Zones," no. 6.302.

The subdivision in question is located within a low wildfire hazard area. However, the threat of a wildfire is still present and should be taken into consideration. The dominant vegetation type in this area is sage brush with a grass component. The vegetative type is considered a "flashy fuel." Flashy fuels ignite quickly and are consumed rapidly when dry. Fires of this type can often burn several acres before emergency crews can respond.

The recommended defensible space treatments and dimensions for this subdivision are as follows: 15 ft out from the structure's eaves should contain no flammable vegetation; 70 ft out from the structures eaves, all vegetation should be mowed 6-8 inches.

Wildfires can occur at any moment with little warning. Preventive steps taken now can ensure then safety of both property and human life.

Gunnison County Fire Protection District: Comments from Dennis Spritzer, Fire Marshal, in a letter received February 24, 2006:

I have reviewed the Horse Meadows proposed final plan for fire protection. I do not have any problems with access for emergency vehicles. It appears the access road and cul-de-sac meets County Road & Bridge specifications.

I did not see anywhere on the plans or in the narrative a possible water source or fire suppression. Not sure if there are any sources other than Ohio Creek as a potential water source for this proposed development. Possibly the irrigation ditch, however, it may not be a year round source.

State of Colorado, Office of the State Engineer, Division of Water Resources: Comments from Craig Lys, Water Resource Engineer, in a letter dated February 22, 2006:

We have reviewed the above referenced proposal to develop a 48.56 acre parcel into 10 lots, with one single-family dwelling on each lot. The domestic water supply is to be provided through individual on-lot wells. Sewage disposal will be provided through individual systems. Domestic use is estimated at 350 gallons per day per residence, with 1000 sq. ft. of lawn and garden irrigation for each lot, and two horses allowed per lot.

The submittal included a copy of the second amended application in Case No. 04CW24 for conditional ground water rights, a storage water right, a change in water right and approval of a plan for augmentation. The second amended application was filed on October 3, 2005.

A well test completed by Williams Drilling Co. Inc. indicates that the test well constructed under Permit No. 260411 produced 17 gpm over a 24-hour period on June 8-9, 2005, that the drawdown was 3.2 feet and that 100% recovery occurred within two minutes. If the additional wells have similar production rates and with sufficient storage capacity the water supply should be physically adequate.

Due to the lack of a water court approved augmentation plan, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply will cause material injury to decreed water rights and is inadequate.

Please resubmit the water supply plan with a copy of the decree signed by the water court for our review and comment.

A copy of the water court approved augmentation plan was sent to the Colorado Division of Water Resources on August 22, 2006. The Division has not submitted final comments at this time.

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.

This is a subdivision located within the City of Gunnison's three-mile plan area, and thus, complies with this Section.

SECTION 10-103: RESIDENTIAL DENSITY.

As required by the intergovernmental agreement between the City of Gunnison and Gunnison County, the Preliminary Plan was submitted to the City for review and comment. In a letter dated March 8, 2006 from Diane Lothamer, Planning & Zoning Commission Chair, the City stated that,

The original P&Z letter (dated June 17, 2004) stated that this subdivision was located in the Urban Growth Boundary (UGB), but this is not the case. The site is outside the UGB, but is in the Three Mile boundary and is designated as "Rural Residential." The Rural Residential density is set at 1 unit per 5 acre minimum. The gross density of the Horse Meadows subdivision is proposed to be 1 unit per 4.88 acres. Although the proposed density is not in conformance with the Three-Mile Rural Residential land use density, this is not considered to be a direct issue of contention. However, the City is concerned about the following topics:

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- Transportation impacts at the intersection of Highway 135 and the access frontage road, and*
- The pattern of sprawling ranchette land use patterns surrounding the City*

Properties adjacent to the subject parcel are single-family residential ranging in size from 1.5 acres to 13 acres. Properties to the north are predominantly 4.5 acres (Mountain Glow Meadows); to the west parcels are 5 to 6 acres with the opportunity to further subdivide each parcel as indicated in the covenants of Ohio Meadows; properties to the south are predominantly 1.5 acres but there is also a 9 acre parcel (all Sierra Vista Estates); properties to the east are 10-13 acres. Lot size and density of this subdivision is reasonably similar to the adjacent parcels and parcels in the general vicinity.

SECTION 11-102: VOLUNTARY BEST MANAGEMENT PRACTICES.

Voluntary, not required.

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

This site is not located within the floodplain.

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

The applicant submitted a geologic hazard report at Preliminary Plan. Additionally, copies of the Preliminary Plan and geologic hazard report were sent to the Colorado Geologic Survey for review and comments (please see their comments above). The applicant has included language in Section 4.3 of the covenants stating that, "No buildings, improvements or usage shall be permitted unless it complies with the recommendations made in the Buckhorn Geotech report as specifically outlined in the Design Guidelines." Additionally, disclaimer language is required on the final plat.

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

The proposed development is located within the Gunnison Fire Protection District; the District has no adopted standards. A copy of the Preliminary Plan was sent to the District for review and comment. In a letter from Dennis Spritzer, Fire Marshal, dated February 24, 2006, he stated that, "*I do not have any problems with access for emergency vehicles.... I did not see anywhere on the plans or in the narrative a possible water source or fire suppression. Not sure if there are*

any sources other than Ohio Creek as a potential water source for this proposed development.” The applicant has proposed a pond on the northeast corner of the parcel and agreed to install a dry fire hydrant.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS.

The Division of Wildlife (DOW) did submit comments regarding the Preliminary Plan. The DOW did recommend the applicant amend the protective covenants to allow for indoor cats only; bear proof trash container; and the feeding of horses with weed-free hay only. The applicant has incorporated these recommendations into the protective covenants.

SECTION 11-107: PROTECTION OF WATER QUALITY.

This site is not within 125 feet of a water body or mudflow and this Section does not apply.

SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES.

This site is not located on a ridgeline.

SECTION 11-109: DEVELOPMENT THAT AFFECTS AGRICULTURAL LANDS.

Agricultural lands are adjacent to this proposed development. The Hyzer and Tingley ditches cross the parcel.

Pursuant to this Section, development roads meet setback requirements from property boundaries so that maintenance of roads does not damage boundary fences, and dust control will be required to minimize impacts to agricultural operations. Section 7.17 of the Protective Covenants addresses agricultural operations and language has been included on the plat regarding confinement of domestic animals, “fence-out” requirements, and irrigation ditch maintenance.

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 Preliminary Plan was submitted to the Public Works Department for review and comment. Public Works commented that Access and Reclamation permits are required before any road construction begins; all snow that is plowed must be stored on the subdivision property; and a Development Improvements Agreement shall be required.

SECTION 12-104: TRAILS.

No public trails currently exist on the property and no public trail is proposed to be constructed as part of this application.

SECTION 12-105: WATER SUPPLY.

Each lot is proposed to be served by an individual domestic well; a plan for water augmentation has been filed with the Division 4 Water Court in Case No. 04CW24 and a Second Amended Application for Underground Water Right, submitted as part of the Preliminary Plan. Estimated in-house water requirements are estimated to be 350 gallons per day per unit, maximum daily demand of three times the average daily demand, and peak-hour demand of six times the average daily demand. Each lot will be allowed to have 1,000 square feet of lawn and garden that will be irrigated from the domestic well. Irrigation demand for each lot was calculated to be 0.0376 acre feet per irrigation season with an 80% irrigation efficiency. The total water consumption for lawn watering for each lot was calculated to be 0.0301 acre feet per season. Each lot will be allowed to keep a maximum of two horses. Water consumption for each horse is estimated to be 8 gallons per day with 100% consumption. Total stock watering from each well is estimated to be 0.019 acre feet per year.

The proposed open space is to be irrigated, using traditional flood irrigation, using 0.810556 c.f.s. in Priority No. 24, Hyzer, Ditch No. 32; 2.20776 c.f.s. in Priority No. 294, Hyzer, Ditch no. 32; 0.40 c.f.s. in Priority No. 5, Tingley Ditch, Ditch No. 5; and 0.90 c.f.s. in Priority No. 277, Tingley Ditch, Ditch No. 5

A 24-hour well pump test was conducted by Wright Water Engineers on June 8, 2005. According to the report from Wright Water Engineers dated August, 2005, “The Horse Meadows well that was tested is capable of producing 17 gallons per minute without significant risk to aquifer depletion. Based on the 24-hour pumping test, there is sufficient water in the aquifer to supply the Horse Meadows project.”

The augmentation plan will utilize the credit resulting from the dry-up of historically irrigated hay pasture caused by the construction of roads, dwellings and other improvement to augment for the water depletions during the summer irrigation season. The applicant will construct an augmentation pond for use during the non-irrigation season. This stored water will then be available for release in the event of a call by senior rights above Blue Mesa Reservoir. In addition, the applicant will enter into a storage contract for the full augmentation requirements in Blue Mesa Reservoir.

The applicant's plan for augmentation was approved by District Court, Water Division No. 4, Colorado on March 22, 2006 and is recorded in the Gunnison County Clerk and Recorder's Office at Reception No. 564653. Final comments from the Division of Water Resources have not been received at this time; a copy of the court approved augmentation plan was sent to the Division on August 22, 2006.

SECTION 12-106: SEWAGE DISPOSAL/WASTEWATER TREATMENT.

The applicant proposes to treat all sewage utilizing Individual Sewage Disposal Systems (ISDS). Robert Williams, P.E., has certified, in a letter dated July 27, 2005, that ISDS are feasible for the parcel, however, "In accordance with paragraph 3-111 of Gunnison County Individual Sewage Disposal Regulations the high seasonal ground water and excessive soil percolation rates dictates that the systems must be registered professional engineered designs."

The applicant states in the Preliminary Plan that, "Each system will be engineered with the design specific to each site, and will meet the requirements of Gunnison County." Additionally, lot owners within the Horse Meadows subdivision will be required to test their wells for water quality annually and provide the results the County Environmental Health office. Also, lot owners shall pump and inspect their ISDS every five years.

SECTION 12-107: FIRE PROTECTION.

The project neither requires nor proposes a water supply system separate from the proposed individual wells, and the proposed lots are larger than two acres each; therefore, fire hydrants are not required.

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

The site plan for this proposed development meets 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 shown.

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

The Preliminary Plan conforms with all setback requirements.

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

The Protective Covenants propose a minimum size for residences and garages however no maximum is identified. Any application for a building permit shall be subject to this Section.

SECTION 13-106: ENERGY AND RESOURCE CONSERVATION.

Application for building permits shall be required to comply with this Section.

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.

This section applies and 30% open space has been identified on the plat.

SECTION 13-109: SIGNS.

There are no signs proposed as part of the submitted Preliminary Plan.

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

The number of parking spaces complies with this section.

SECTION 13-111: LANDSCAPING AND BUFFERING.

A landscaping plan is required to be submitted because the proposed development is a Major Impact residential project. A landscaping plan was submitted and stated that the existing trees and vegetation along the west side of the property will be maintained and no separate landscaping features are planned.

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 is addressed in the Protective Covenants. Fencing is required because this is a residential use that abuts an agricultural use and “Fence-out” language has been included on the plat and in Section 7.17 of the Protective Covenants.

SECTION 13-114: EXTERIOR LIGHTING.

The requirement for an exterior lighting plan was waived at Sketch Plan.

SECTION 13-115: RECLAMATION AND NOXIOUS WEED CONTROL.

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction. A Noxious Weed Control Plan is addressed in Exhibit C of the Protective Covenants.

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.

This section is not applicable because the subdivision does not create 10,000 square feet or more of impervious surface area, however, the applicant did provide a “Drainage and Irrigation Plan,” dated July 28, 2005 and revised April 28, 2006.

SECTION 13-118: WATER IMPOUNDMENTS.

Not applicable, the applicant does propose a storage pond however it is less than 99 acre feet and thus this Section does not apply.

SECTION 13-119: STANDARDS TO ENSURE COMPATIBLE USES

Applicable, the applicant’s proposed subdivision is compatible with the existing uses in the neighborhood. The neighborhood consists of mostly single-family residential use and agricultural use. The proposed subdivision allows for single-family residences.

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. Notification about the policy and about the Code are required to be noted in the resolution of approval and on the final plat. Language has been included on the final plat regarding the Right-to-Ranch policy.

FINDINGS:

The Commission finds that:

1. The application, by definition, is classified as a Major Impact.
2. The proposed lot sizes are similar and compatible with other lots in the area.
3. The applicant has improved, cleaned and maintained the irrigation ditches to the satisfaction of the Planning Commission and some of the neighbors.
4. The applicant has provided an irrigation plan to transport ditch water across and around the property in compliance with the requirements of the Colorado Division of Water Resources
5. Language regarding the containment of domestic animals and irrigation ditch maintenance and the “fence-out” requirement has been included in the Protective Covenants and on the plat.
6. The applicant has submitted an Application for Approval of Plan of Augmentation which was submitted on February 27, 2004 to the Division 4 Water Court, Case No. 04CW24. The Augmentation Plan was approved and recorded in the Gunnison County Clerk and Recorder’s Office on April 26, 006 at Reception No. 564653.
7. The proposed water supply meets the requirements of *Section 12-105* and that no additional well flow tests are required. The Commission further finds that this determination is made upon evidence unique to this application and implies no similar determination to any other Land Use Change permit application.

8. The applicant will utilize individual wells for the water supply.
9. Individual sewage disposal systems (ISDS) are proposed for each lot and the applicant's engineer has indicated that ISDS are feasible, if designed by an engineer, for each lot. The Protective Covenants require that all lot owners in Horse Meadows tie onto a central sewer system, if it becomes available.
10. Richard Stenson, Environmental Health Specialist, indicated at the public hearing that ISDS are feasible if they are designed by a Colorado licensed engineer.
11. The proponents have agreed to require that all lot owners within Horse Meadows have their wells tested annually and provide the results to the Environmental Health Office.
12. The proponents have agreed to require that all lot owners within Horse Meadows have their ISDS pumped and inspected every five years.
13. No phases are proposed for this subdivision.
14. Access will be off of Chekwa Trail.
15. A maximum of two horses per lot shall be allowed.
16. A minimum of a four inch stubble height shall be maintained on all lots.
17. The applicant has consulted with the Division of Wildlife and on the basis of the information provided by the DOW, as part of this Preliminary Plan review, an additional habitat analysis is not required for this development.
18. The applicant has provided 14.52 acres of open space which will be for the private use of the lot owners within Horse Meadows.
19. This recommendation has been informed by the comments from the City of Gunnison and all additional referral agencies and is recommended for approval by the Board of County Commissioners based on resolution of the issues of mutual concern.
20. The application complies with *Section 7-301* of the *Gunnison County Land Use Resolution* and is generally consistent with the standards and requirements of the *Resolution*.
21. Approval is limited to the plan 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 former *Land Use Resolution*.
22. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony has reached the above Findings and recommends that LUC-2004-18 be classified as a Major Impact and that the Preliminary Plan be approved with the following conditions:

1. Language regarding confinement of domestic animals, "fence-out" requirements, and irrigation ditch maintenance are required to be included in the Protective Covenants and on the Plat.
2. That all applications for ISDS permits shall be in compliance with Gunnison County ISDS Regulations and shall comply with the recommendations made by Robert Williams, P.E., in a letter dated July 27, 2005 or any Colorado licensed professional engineer.
3. That all Individual Sewage Disposal Systems (ISDS) shall be pumped and inspected at least every five (5) years.

4. That all lot owners shall test their wells annually and provide copies of the test reports to the Environmental Health office.
5. That language be included in the Protective Covenants requiring a 50 foot setback from property lines to corrals.
6. That a minimum four inch stubble height be maintained on the entirety of the Horse Meadows Subdivision.
7. That the water rights be dedicated to the Horse Meadows Homeowner's Association and that the Association hire a master irrigator for the entire subdivision.
8. That a dry hydrant be installed and year-round access to the hydrant be provided.
9. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent of improvements; such costs to be detailed by the applicant's engineer, including a schedule of inspections, and that said surety be retained by the County until each improvement has been installed, inspected and signed by the engineer of record, and such documentation is provided to the County. Documentation includes the following: Gunnison Valley Survey, "Horse Meadows Subdivision" plat, dated September 30, 2005; Williams Engineering, LLC, Exhibit D, dated July 28, 2005 and revised February 1, 2006 and April 28, 2006 including "Drainage and Irrigation Ditch Plan" and "Revised Irrigation Ditch Plan."
10. The applicant shall install road signs prior to the issuance of any building permits for the subdivision.
11. The following shall be completed upon recordation of the Final Plat:
 - The applicant shall provide three copies of the final plat, 14 inches by 17 inches, for inclusion in the rural addressing system.
 - The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate Qwest office.
 - The applicant shall provide two copies of the final plat designating County addresses for each lot, to the U.S. Postal Service.
12. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the 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*.
13. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
14. 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.
15. 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.
16. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

TOMICHI CREEK SUBDIVISION: The Commission met with applicant Mark Lucas and applicant's attorney David Leinsdorf for a work session. They reviewed the sketch plan, for a subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, at the end of Fairway Lane.

Chairman Dave Houghton opened the work session.

Houghton asked about the six foot bike lanes. Applicant Lucas explained a six foot bike lane will be placed on each side of Fairway Lane.

Property owner on Fairway Lane Sue Mundell said the homeowners association would prefer the lanes be four feet not six feet. The four foot lanes would require less disturbance of the existing landscaping. Karas said a four foot bike path could be dangerous because of the difference of skill levels of the riders; small children and adults. He would prefer the lanes remain six foot. Ramon suggested having public works work this out with the residents of Fairway Lane.

Leinsdorf said the details of paying for any road improvements will involve Lucas paying for his fair share and the county paying for the existing problems. Mundell said that Public Works Director Marlene Crosby informed the residents of Fairway Lane that the County Commissioners have not decided how much the county would pay.

Houghton questioned the public ownership and public maintenance with private funding. Leinsdorf reiterated if this is a policy of the county in general, it would be acceptable. Leinsdorf explained a cost sharing agreement could be acceptable. He also said this would be determined at the time of preliminary plan. Commissioner Ian Billick noted County Commissioner Hap Channel had previously explained the tax revenue that pays for these types of improvements are flat and not increasing.

Speed bumps and speed tables are going to be discussed with the county attorney and public works.

Lucas said proposed changes to the trail easement access have been challenged by the trails commission and public works because the volume of mountain bikers that would inevitably trespass. Leinsdorf explained they would reserve a corridor for an easement but it would not be dedicated until a bridge is put in. The people in the subdivision will be able to use this trail before any easement is dedicated. Pagano noted to date there have been no written comments submitted by the trails commission. Leinsdorf suggested showing reserved land on the plat for a private trail and it will be made clear that when a bridge is completed the easement could be a dedicated public easement. He also said there is no provision for parking because it is not a trail head.

Pagano informed the Commission that the City of Gunnison's comments had been received; noting the , "City has no specific concerns since central water and sewer services are available, the road width is sufficient at 60', and annexation is not likely at this time."

The water quality in connection with rain runoff and a drainage plan was noted as a concern. Leinsdorf acknowledged the concerns and said they would address runoff and have a drainage plan at preliminary plan.

Commissioner Ramon Reed was concerned with the five lots (16-20) adjacent to the wildlife corridor and the positioning of the wildlife corridors. Reed suggested the building envelopes be moved back from the corridor an additional 25 ft. He said the potential for flooding is greater on those lots along the river so the lots should be required to have an elevated pad or a higher stem wall. He said it could be that these lots would have more stringent restrictions concerning domestic animals. Lypps was particularly concerned with domestic cats and their propensity for killing birds. Karas preferred no domestic cats allowed outdoors in the entire project.

The commissioners asked Lucas to define the construction hours. Leinsdorf responded that they will address that at the preliminary plan stage.

Houghton directed Lucas to address;

- Paying for his share of the improvements to Fairway Lane
- The public and private elements of the road improvements
- The trail access should be shown on the plat (reserved until the county can manage it)
- Submittal of drainage plan at preliminary plan
- Flood plain issues on lots 16-20
- Pull back building envelopes on lots 16-20
- Pet restrictions on all lots but particularly on lots 16-20
- Specify construction hours
- School bus stop location

The Commission directed staff to prepare a draft recommendation for approval of sketch plan, for the next meeting with Lucas.

PLANNING COMMISSION DISCUSSION: The Commission had a general discussion to include: the Land Use Resolution sections on exterior lighting, residential densities and with County Attorney concerning second residences on single parcels.

The Commission discussed oil and gas operations with County Attorney David Baumgarten and the site visit that has been scheduled.

The Commission moved on to discussing second residences. Baumgarten asked the Commission to refer to the *Gunnison County Land Use Resolution* (LUR) section on amendments.

Moved; by Potoker, seconded by Billick for the Commission to go into executive session with County Attorney David Baumgarten, Planning Director Joanne Williams and Planner Cathie Pagano. To discuss the takings issues with the County Attorney present. The motion passed unanimously.

The Commission went into executive session at 11:25 a.m. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney; that I represent the Gunnison County Planning Commission; that I attended all of the above referenced executive session; that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____
_____ David Baumgarten
Gunnison County Attorney

A. Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Planning Commission; that I attended all of the above referenced executive session; and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____
_____ Dave Houghton, Chairperson
Gunnison County Planning Commission

The Commission came out of executive session at 12:00p.m. Chairperson Dave Houghton stated that the discussion had remained on the topic of the takings issues on LUR amendments with the County Attorney present.

The Commission returned from executive session and stated that they stayed on the topic of takings issues.

Reed said the Commission is considering some amendments because some of the members have specific concerns and that there are changes to the LUR that can alleviate some problems that the Commission deals with on a regular basis such as density.

The Commission discussed Commissioner Karas' density proposal. The Commission expressed concern about how to structure the density section to more specifically address density. The Commission asked Planning Director Joanne Williams to modify the proposed density amendment as discussed and bring it back to the Commission.

CRESTED BUTTE SOUTH SPECIAL GEOGRAPHIC AREA PLAN: The Commission met with Crested Butte South property manager Chris Behan and POA consultant Julie Ann Woods, at the Crested Butte South Property Owners Association building, 61 Teocalli Road. They held a work session to discuss the proposed Crested Butte South Special Geographic Area Plan and Regulations.

Crested Butte South Property Owners Association (POA), manager, Chris Behan explained Crested Butte South has increased in the number of units from 388 to 502 since 2002. He also said the increase in residents had jumped from 853 to 1,100 since 2002; adding that Crested Butte South is only 43 percent built out at this time.

Behan explained the commercial element has not kept up with the increase in residential growth. Crested Butte South POA is interested in increasing their commercial district; they see this as a way to help them become their own municipality.

Chairman Dave Houghton agreed, noting this is an area of common interest, and the Board of County Commissioners is also interested in pursuing the special geographic area plan.

Behan said they have applied for the special geographic designation primarily to simplify the building process but also to become more autonomous; being able to direct growth within their subdivision, particularly the commercial district.

Commissioner Richard Karas questioned what type of commercial district was desired- tourist oriented or primarily serving the residents of Crested Butte South. Woods responded, they are looking at being a service commercial kind of downtown area.

The Commission discussed the legalities of passing authority to Crested Butte South Properties Owners Association.

There will be work sessions with the Commission as well as the Board in the future.

STALLION PARK IN BUCKHORN RANCH: The Commission met onsite at Stallion Park in Buckhorn Ranch located south of Brush Creek Road and Crested Butte, to tour the essential housing units. No minutes taken at the site visit.

HIDDEN MINE RANCH ROADS: The Commission met onsite at Hidden Mine Ranch located, one mile south of Crested Butte, west of Highway 135, one half mile through Whetstone Mountain Ranch. No minutes taken at the site visit.

The regular meeting of the Gunnison County Planning Department was adjourned at 5:00 P.M.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning