

# **GUNNISON COUNTY PLANNING COMMISSION**

REVISED PRELIMINARY AGENDA: Friday, December 14, 2007

Revised \*\*

- 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. **\*\*Pomponio Site Visit Cancelled**  
**Pomponio Subdivision**, work session/no action, request for subdivision of 37-acre parcel into two lots, a 13-acre parcel and 24-acre parcel, located at 11322 Hwy 50, 40-miles west of the City of Gunnison.
- 9:30 a.m. Break
- 9:45 a.m. **\*\*Planning Commission**, work session/no action, discussion of planning issues
- 11:00 a.m. **Planning Commission** work session/possible action, discussion; letter to BOCC regarding essential housing linkage fee
- 11:45 a.m. Lunch
- Noon **Roper Subdivision**, work session/no action, proposed subdivision for three single-family residential lots, located eight miles north of the City of Gunnison, east of the Gunnison River
- 1:00 p.m. **Button/Wallace**, work session/possible action, Amended application to subdivide 35-acre parcel into two lots; a 15 acre parcel and a 20 acre parcel. Tract 4, The Ridge at Crested Butte, north of Crested Butte South, adjacent to CB South, Filing 4.
- \*\*Whetstone Business Park, Work Session Postponed - Rescheduled to January 11, 2008**
- Adjourn

**GUNNISON COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**December 14, 2007**

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

Chairman- Ian Billick	Director of Planning-Joanne Williams
Vice- Chairman -Ramon Reed	Assistant Director of Planning-Neal Starkebaum
Commissioner- Nick Lypps	Planner-Cathie Pagano
Commissioner- Richard Karas	Administrative Assistant-Beth Baker
Commissioner-David Owen	
Commissioner-John Messner	
Commissioner-Sam Lumb	Others present as listed in text

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With a quorum present Chairman Ian Billick opened the regular meeting of the Gunnison County Planning Commission at 8:45 a.m.

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**POMPONIO;** The Planning Commission met with applicant Pat Pomponio, on the phone, to review his request for the subdivision of a 37-acre parcel into two lots, a 13-acre parcel and 24-acre parcel, located at 11322 Hwy 50, 40-miles west of the City of Gunnison.

With a quorum present Chairman Ian Billick opened the work session.

Billick queried the commission, concerning the need for a site visit:

- Karas- go ahead without a site visit
- Lypps- will make decision after work session
- Reed- agreed with Lypps
- Lumb- agreed with Lypps
- Messner- site visit not necessary

Pomponio said the ownership of the adjacent Brown cabin had changed; the property has been sold. The new owners have filed for water rights on spring. Pomponio has quit claimed the spring water rights to the new owner; retaining the rights to the overflow for domestic and livestock use.

Pomponio noted he had submitted covenants and he has defined a building envelope. He said that the new owner of the 13-acre parcel will have the choice of using the spring rights or a well.

Commissioner Ramon Reed was concerned that because of the narrowness of the parcel any new residence would have to be located too close to the highway. Pomponio explained that the building envelope is over 2-acres, and it is roughly 400 ft to the highway fence.

Planner Cathie Pagano reported that Colorado Department of Transportation (CDOT) had permitted the highway access for two lots using a joint access.

Lypps, Reed and Lumb were satisfied with the information from the work session and each stated that they did not feel a site visit was necessary.

The commission directed staff to prepare a draft recommendation for the next meeting.

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**PLANNING COMMISSION;** The Planning Commission held a work session to discuss planning issues.

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**PLANNING COMMISSION;** The Planning Commission held a work session to discuss a letter to the Board of County Commissioners (BOCC) regarding essential housing linkage fees.

Housing Authority Director Denise Wise explained the Board of County Commissioner (BOCC) has identified several issues of concern:

- Need for a tracking mechanism to ensure applicants pay essential housing fees at the time the Certificate of Occupancy is issued
- How are essential housing fees for additions calculated?
- How were the geographic boundaries defined in regard to essential housing fees?

Wise said that the BOCC has discussed the blending of the rates for up valley and down valley, because the geographic boundaries are somewhat arbitrary, also there has been a lot of confusion concerning the different rates. Wise suggested that possibly the geographic boundary could be altered to follow township and range lines. She explained that presently the line is drawn just north of the Roaring Judy. A large portion of the fees are generated at the north end of the valley. She explained that many of the larger homes are located in the north end of the valley and that is another reason for the higher fees in the north end of the valley.

Wise reported that there had not been a project built yet. A project will require between \$500,000 to \$700,000. She estimated that a project could start by the third quarter in 2008. Commissioner John Messner pointed out that it would be beneficial to mandate that the money collected in the north end of the valley be spent in the north end of the valley. Lypps agreed with Messner and added that accomplishing our goals will require collecting and spending funds in the north end of the valley. Wise acknowledged that essential housing is needed in the north end of the valley for many reasons including; environmental impacts, commute time, and social issues. The commissioners expressed their concern that essential housing will primarily be located in the south end of the valley.

Commissioner David Owen had submitted a letter to the commission, for their consideration, to be submitted to the BOCC. The commissioners reviewed the letter and made their comments. The consensus of the commission was to hold off sending a letter to the BOCC. Billick noted that a letter to the BOCC could clarify what is occurring and reduce the confusion.

Wise stated that the essential housing fees collected are not only used for single family home ownership. They can also be used for closing cost assistance, county as a partner in a self-build project, and rental assistance.

The Housing Authority is currently working on a public-private partnership. They are working on a project in west Gunnison where the county will own the units.

Realtor Mindy Costanza said that the commission should realize that a homeowner considers more than just the cost of their home; they also consider cost of groceries, schools, etc.

Developer Corey Watt said that the County's nexus study is not universally accepted. The construction community has not accepted the nexus study, and they are currently challenging the study. She expressed frustration that the public-private partnership had not been worked out. Wise explained that it is a very viable project that they are working on.

Williams noted that the reason for re-examining the essential housing fees was the BOCC has said that the nexus study needs to be updated. The perceived unfairness is also an issue. Wise agreed and added that there is a segment of the community that is in a hurry, but there is another segment that wants to proceed with great caution.

Attorney David Leinsdorf agreed that the nexus study is not universally accepted. He said that the fee structure should be more proportional and based on what the different building costs are. He said the fee schedule does not appear to be fair.

The commission will conduct another work session to discuss essential housing.

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**ROPER SUBDIVISION:** The Planning Commission held a work session with applicants Albert and Angela Roper. They discussed the proposed subdivision of three single-family residential lots, located eight miles north of the City of Gunnison, east of the Gunnison River.

With a quorum present Chairman Ian Billick opened the work session

Assistant Planning Director Neal Starkebaum explained that this application consists of a separation of three lots from a larger ranch parcel. The parcels are located on a private road and will each be approximately one-acre in size. The applicant has stated that they will purchase augmentation water from the Upper Gunnison Conservancy District.

Starkebaum explained that to access the property one must cross an existing bridge, which was placed in 1986. The integrity of the bridge is in question and the applicants are having the bridge professionally inspected.

Albert Roper said that the ranch is approximately 200-acres in size and they have applied to subdivide approximately 2% of the ranch.

Billick reported that the bridge issue has been problem for another applicant. The Board of County Commissioners (BOCC) ultimately denied a waiver for the bridge. The former applicant did not have the bridge inspected and the waiver was denied. The Ropers are having the bridge inspected.

Commissioner Nick Lypps noted that the bridge issue is essentially a public health and safety issue. Billick said that the Ropers will ask the BOCC for a bridge waiver.

Albert Roper described the neighboring Womble tracts as smaller than the proposed 1.3-acre lots.

Roper said that they are requesting one residence per lot. Billick noted that this application will be reviewed under the alternative locational standards.

Roper explained that the topography is relatively flat; covered with sage brush. Lot number one's north end has a bit of a slope. He said that there is an access easement across lot one. The property is not in a flood plain and has no wetlands on it.

Starkebaum reported that there had been a pre-application conference with Jim Cochran, the Sage Grouse Coordinator, which indicates no issues with Sage Grouse.

Commissioner Nick Lypps asked if there is a master-plan for the remaining ranch. Roper said they had originally looked a 35-acre tract split, but they decided to split off three one-acre lots. They do not plan any further subdividing or conservation easements at this time. The Ropers reside on an adjacent 16-acre parcel. Strakebaum will research the creation of the 16-acre parcel.

Commissioner Ramon Reed noted that compatibility is a concern. He questioned allowing two horses on a one-acre parcel. Lypps stated that this would not be practical. Billick explained that stubble height is the normal way to address the number of horses allowed on a lot, but this property is in the sage brush. Starkebaum suggested possibly limiting the amount of area that could be devegetated by horses to 5,000 sq ft. Identifying a management plan for the keeping of horses could also be a technique. Reed reminded the applicants that a well would have to be approved that would allow for the watering of livestock.

Billick said that the covenants submitted were not sufficient. Starkebaum said that the items missing could become a condition of the recommendation of approval. Commissioner Sam Lumb explained that covenants actually aid in not having to tell a neighbor what they can and can not do on their parcel. Covenants outline the parameters ahead of time. Commissioner Richard Karas suggested that dogs and cats should be indoor animals. He asked the applicant to reconsider the 100% agreement requirement for changing the covenants. He explained that getting 100% cooperation can be difficult.

Property owner in Womble Tracts Frank Prybl asked who would have to pay to bring the bridge up to county specifications. He also questioned what would happen if the bridge failed.

Ropers have requested a waiver from the width requirement for the bridge from the BOCC, as well as waiver from the road standards.

Billick outlined issues of concern:

- Consider building envelopes
- The utilities will be placed in the easements
- Consider tighter covenants
- Staff will research the creation of the 16-acre adjacent parcel
- Site visit
- The results of the bridge inspection
- Consider how horses will be handled and how the covenants will reflect that

There will be a site visit scheduled and then a joint public hearing conducted.

07 December 14 PC Minutes

08 January 11 PC Approved

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**BUTTON/WALLACE SUBDIVISION:** The Planning Commission held a work session with applicant Jocelyn Wallace and Tim Button. They discussed their amended application to subdivide a 35-acre parcel into two lots; a 15 acre parcel and a 20 acre parcel. Tract 4, The Ridge at Crested Butte, north of Crested Butte South, adjacent to CB South, Filing 4.

With a quorum present Chairman Ian Billick opened the work session.

Planner Cathie Pagano explained that the applicants have chosen not to provide a utility easement at this time.

The commission reviewed the draft recommendation.

**MOVED:** by Reed seconded by Owen to approve the recommendation of LUC-2007-05. The motion passed unanimously.

**PROJECT DESCRIPTION:**

Tim Button and Jocelyn Wallace have submitted an application to subdivide a 36.47-acre parcel into two lots; Lot 4 is to be 20.534 acres, Lot 4A is to be 15.935 acres. The original tract is part of The Ridge at Crested Butte, a 35-acre development. The covenants of The Ridge allow subdivision of Tract 4 into lots no less than ten acres and that portion of Tract 4 enclosed by Meadows Road, the National Forest and Tract 5 may not be subdivided. Access will be from the existing Meadows Road. The applicant proposes that Tracts 4 and 4A will be allowed one single-family residence and one detached structure which may be a second residence. Building envelopes have been identified for each lot.

**LOCATION:**

The parcel is legally described at Tract 4, The Ridge at Crested Butte. The parcel is north of Crested Butte South and adjacent to Crested Butte South, Filing 4. The parcel is approximately eight miles south of the Town of Crested Butte.

**SITE CHARACTERISTICS:**

The site is on southwest facing hillside with mostly native grasses and some aspen stands. The parcel is adjacent to several subdivisions to the east, west and south and to the National Forest to the north. The site is bisected by Meadows Road in two locations.

**ADJACENT AND NEARBY USES:**

Adjacent uses include Crested Butte South, Filing 4, The Ridge at Crested Butte, Crested Butte Highlands Subdivision, Crested Butte Meadows Subdivision and National Forest. Adjacent parcel sizes range in size from 0.48 acres to 50 acres.

**IMPACT CLASSIFICATION:**

The project is classified as a minor impact.

**ONSITE VISIT:**

The Planning Commission conducted a site visit on August 17, 2007. The Planning Commission noted the following observations:

- There were two good building sites for each proposed lot
- The lower portion of the parcel is open and treeless and wrapped by a road
- There was a gully running through the parcel

**PUBLIC HEARING:**

The Planning Commission conducted a joint public hearing on November 16, 2007.

John Taylor, Crested Butte Highlands parcel owner, expressed concerns on the subdivision of this 35-acre parcel and others in the Ridge at Crested Butte and that it may set a precedent for future development.

Megan Paden, The Ridge at Crested Butte parcel owner expressed concerns regarding increased traffic, availability of water for a well and additional lot, and further subdivision of other lots in the development.

Aloysha Paden, The Ridge at Crested Butte parcel owner stated that it may be more valuable to have a larger parcel than two smaller parcels.

Mary Jursinovic, expressed concern regarding increased traffic and that the proposed subdivision may set a precedent.

Letters were also received from Joe Frank, Cathy Frank, Angela Reeves, Robert and Cara Goldsbury, Mary Jursinovic and Tony Zimmerman, Martha Gabel and Fred Garing, and Alyosha and Megan Paden.

**REVIEW AGENCY REFERRAL COMMENTS:**

A copy of the complete application was sent, by certified mail and hand delivery, on July 20, 2007 to review agencies for comments. Comments were received from the following individual agencies:

**Colorado Division of Water Resources:** Comments from Cynthia J. Love, in a letter dated July 25, 2007:

*We have reviewed the above referenced proposal to subdivide a 36.469-acre parcel into three lots, each of which will contain one single-family residence. The water supply is to be provided through a new shared well. Sewage disposal will be provided through individual systems. Household water use is estimated at 884 gallons per day, or 0.99 acre-feet per year. Stock watering is estimated to require 84 gallons per day for 7 horses in the subdivision, or 0.94 acre-feet per year. No irrigation use is proposed.*

*No information was provided concerning the physical adequacy of the water supply. As stated in CRS 30-28-133(3)(d), the subdivider is required to submit "Adequate evidence water supply is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. A report of this nature was not provided. We recommend that the applicant re-submit the subdivision application with the results of a production test after the well is constructed and a permanent pump is installed, or provide information regarding actual yields of wells completed in the vicinity.*

*Permit No. 273120 was issued on March 28, 2007 pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a tract of 35 acres or more. The permit allows use for fire protection, ordinary household purposes inside not more than three single-family dwellings; the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one acre of home gardens and lawns. The permit will expire on March 28, 2009 unless this office receives proof that the well was constructed prior to that date. The applicant may apply to extend the permit expiration date by one year at a time, for no fee, and may request as many extensions as necessary until the well is completed. However, the above referenced statute will not apply after the parcel is subdivided, and if the well is not constructed before the permit expires, a new well permit issued pursuant to CRS 37-90-137(2) and an augmentation plan would be required to offset the depletions caused by the use of water for this development.*

*Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply will not cause material injury to decreed water rights. However due to a lack of information we are unable to comment on the physical adequacy of the water supply.*

**Crested Butte Fire Protection District:** Comments from Scott Wimmer and Ric Ems, in a letter dated July 31, 2007:

*The Fire Division of the Crested Butte Fire Protection District has received your request for the above noted project. We do not have any objections to the proponents' proposal to subdivide their land. We look forward to reviewing plans at the appropriate stage of the permitting and building process.*

**Colorado Division of Wildlife:** Comments from J Wenum, in a letter dated August 7, 2007:

*I have reviewed the Button-Wallace subdivision request submitted by Jocelyn Wallace and Timothy Button, which proposed dividing a 35-acre tract into three parcels. My staff has visited the site, which sits on a south west sloping hill dominated by native grass and forbs with some small aspen stands. It is bounded on the north by National Forest and on the west, south and east by moderately developed small acreage home sites. The proposed subdivision is located within mapped elk winter range and winter concentration area (DOW WRIS Mapping, 2007). Black bears reside in the area, which has resulted in frequent human/bear conflicts. Prairie dogs, cotton tail rabbits, striped skunks, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.*

*The parcel is identified by the Gunnison County Planning Commission as "critical habitat" based upon its winter range value. During winter months, elk utilize southern facing slopes and valleys for feeding and loafing. The south western exposure of Double Top Mountain, north and east of the proposed subdivision, is one such example of suitable elk winter range. Although this parcel is mapped as elk winter range, and is labeled as critical*

*habitat, the suitability of this parcel of land for wintering elk has been severely degraded in the last decade due to expansion of development in the CB South area. As a result of the already diminished availability of this habitat, it is doubtful that wintering elk will be significantly affected by the development of this parcel. Conflicts with elk are still likely to arise however, especially if homeowners landscape with non-native flowers, shrubs and trees, which may actually draw nearby wintering elk into the subdivision. As a consequence of development in mapped elk winter range, residents should not be allowed to chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months. The real threat from development will occur from uncontrolled dogs harassing, chasing, or killing wintering elk.*

*Black bears will likely be the most significant wildlife concern with this development. The adjacent community of Crested Butte South has a long history of human/bear conflicts. CB South hosts several "resident" bears, which maraud trash cans and dumpsters nightly in search of an easy meal. The resulting conflicts are directly linked to the communities' management of outside pet food, bird feeders, and the careless storage of household and commercial (food service) waste. To avoid human/bear encounters, the storage and handling of trash should be given a high trash management and other tips to avoid creating a "nuisance bear." The use of bear-proof trash containers is proven the safest and best technique to avoid human/bear conflicts. Although feeding birds is legal, it is known to attract bears and other nuisance wildlife.*

*In Gunnison County, where subdivisions encroach upon mountain lion habitat containing an abundance of prey (winter concentrations of elk), encounters between lions, humans and their pets and livestock may arise. The Division of Wildlife's brochure entitled "Living with Wildlife in Lion Country" provides good information to help residents reduce the potential for conflicts with mountain lions.*

*"Household" pets, such as cats and dogs, present perhaps the greatest threat to native wildlife when a new development is created. Dogs allowed to roam will "pack-up" and harass and kill deer and other wildlife. Dogs outside their yard, kennel or dog run should be on a leash or otherwise under direct control. If enclosed dog runs are utilized, they should be located adjacent to the home to maximize the amount of suitable wildlife habitat available within the subdivision. In areas known to be frequented by mountain lions, it is strongly recommended that tops be included on dog runs and/or kennels to avoid potential predation. Domestic cats are formidable hunters, and can devastate populations of local birds and small mammals. They may also attract and ultimately become prey for coyotes, foxes, lions and bears. Consideration should be given to the potential impacts and conflicts that could result from free ranging domestic cats. Pet food left outside may attract bears and other predators as well as nuisance wildlife species. As for horses and other livestock, property owners should consult the Natural Resource Conservation Service to determine the actual carrying capacity of the land. The Division of Wildlife does however recommend that only certified weed free forage be used, and when possible, areas disturbed by construction should be re-vegetated as soon as possible with native plant species to avoid invasion of noxious weeds.*

*Fences should be minimized to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality. Fence construction, whether of wire, wood, electric, or synthetic, should be wildlife friendly (not exceed 42 inches in height, and not restrict movement of deer or elk). "Fencing for Man and Beast" is a booklet available from the Colorado Division of Wildlife to help land owners construct wildlife friendly fences that suit their needs.*

*As the Gunnison Basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available winter range habitat, the effects of "minimal impact" projects such as this are cumulative, and should be considered as such. We strongly encourage the proponents to advise potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts.*

**Gunnison County Public Works:** Comments from Marlene Crosby and Allen Moores, in a letter dated November 30, 2007:

*As originally constructed Meadows Road is classified as a local intermittent road which can serve dwellings that do not generate over 90 trips per day.*

*As noted on the plans it will be required to add the additional ten feet of snow removal easement on both sides of the road to meet current standards.*

*If the time should arrive that the existing road will serve ten dwellings or more improvements to the road will be required.*

**COMPLIANCE WITH APPLICABLE SECTIONS OF ARTICLE 5, GUNNISON COUNTY LAND USE RESOLUTION:**

**Section 10-102: *Locational Standards for Residential Development.***

Applicable, the proposed subdivision is adjacent to an existing population center, Crested Butte South Subdivision.

**Section 10-103: *Residential Density.***

Applicable, the applicant is required to comply with this section. The applicant is not required to provide open space. The size of the proposed lots meets the standards of the *Gunnison County Individual Sewage Disposal System Regulations*. The lot size and density are substantially similar to the adjacent parcels. Adjacent parcel sizes range from 0.48 to 50 acres.

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

The site is not located within a floodplain.

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

The site is located within areas subject to geologic hazards. The parcel is mapped in an area with landslide hazards. A geotechnical study shall be submitted to the Planning Department prior to issuance of any Individual Sewage Disposal System or Building permits. Warning and disclaimer language regarding geologic hazards shall be noted on the plat.

**Section 11-105: *Development In Areas Subject to Wildfire Hazards.***

The proposed development is within a severe (high) wildfire hazard area. The proposed development is located within the Crested Butte Fire Protection District (CBFPD). A copy of the application was sent to the CBFPD and comments have been noted above. Warning and disclaimer language regarding wildfire hazards shall be noted on the plat.

**Section 11-106: *Protection of Wildlife Habitat Areas.***

The Colorado Division of Wildlife was sent a copy of the application and their comments were noted above. Fences shall comply with this section. Additionally, domestic animals shall be controlled by kenneling, leashing, fencing or other physical constraint to prevent harm to wildlife.

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

This section does not apply.

**Section 11-108: *Standards For Development On Ridgelines.***

The site is not located on a ridgeline.

**Section 11-109: *Development That Affects Agricultural Lands.***

The site is not adjacent to agricultural land and therefore this section does not apply.

**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.***

Applicable, no new road is proposed. Access is via Meadows Road. Gunnison County Public Works has submitted comments stating that the additional lot will not require any upgrades to Meadows Road.

**Section 12-104: *Public Trails.***

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

**Section 12-105: *Water Supply.***

The applicant has proposed individual wells for each lot. The applicant has purchased augmentation water from the Upper Gunnison Water Conservancy District, Augmentation Agreement No. MLR-07-84 and MLR-07-85. The applicant has provided documentation regarding the physical adequacy of the water supply in the area of the subject subdivision. The well depth and pump rate of the three closest individual wells are:

- Lot 2, The Ridge at Crested Butte: total well depth, 615 feet; pump rate 7 gallons per minute (gpm)
- Lots 7, 8, 9, Block 28, Crested Butte South, Filing 4: total well depth: 180 feet; pump rate 15 gpm
- Metes and bounds parcel, approximately 1/3 mile from subject parcel: 335 feet; pump rate 15 gpm.

The applicant has proposed that a second residence be permitted on each lot. If and when a parcel owner applies for a second residence on Lot 4 or Lot 4A the parcel owner will be required to provide an adequate water supply for the second residence which has not been provided as part of the applicant's augmentation plan noted above.

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

An individual sewage disposal system is proposed for both lots. A copy of the application was sent to Gunnison County Environmental Health; no comments have been submitted regarding this application.

**Section 12-107: Fire Protection.**

The proposed development is located within the Crested Butte Fire District (CBFPD). CBFPD had no objections to the proposed subdivision.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan titled, "Preliminary Plan of Proposed Subdivision of Tract 4," prepared by Meridian Design, dated November 11, 2007 meets the site plan criteria.

**Section 13-104: Setbacks from Property Lines and Road Rights-of-Way.**

This section applies; the proposed improvements meet the setback requirements.

**Section 13-105: Residential Building Sizes and Lot Coverages.**

All requirements of this Section apply.

**Section 13-106: Energy and Resource Conservation.**

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

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

This section applies.

**Section 13-108: Open Space And Recreation Areas**

This section does not apply.

**Section 13-109: Signs.**

There are no signs proposed as part of the submitted application.

**Section 13-110: Off-Road Parking And Loading.**

The number of parking spaces complies with **Tables 5-11 and 5-12** of this section.

**Section 13-111: Landscaping And Buffering.**

A landscaping plan is not required for this application.

**Section 13-112: Snow storage.**

Applicable, a ten-foot snow storage easement along Meadows Road has been noted on the "Preliminary Plan of Proposed Subdivision of Tract 4," dated November 11, 2007.

**Section 13-113: Fencing**

This section does apply; as identified in the comments from the Colorado Division of Wildlife fences should be minimized or designed to not exceed 42 inches in height and not restrict movement of deer or elk, in compliance with this Section and Section 11-106 F.8: Protection of Wildlife Habitat Areas.

**Section 13-114: Exterior Lighting.**

Applicable, any new structures that are proposed will be required to comply with this section.

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

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

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

Construction of this project will require the applicant to secure a Reclamation Permit from the Public Works Department, pursuant to Section 5-415: *Reclamation and Noxious Weed Control*.

**Section 13-117: Drainage, Construction And Post-Construction Stormwater Runoff.**

Applicable, this will be addressed as part of Driveway and Building permits.

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

Not applicable, this project does not propose a water impoundment.

**Section 15-103: Right-to-Ranch Policy.**

Not applicable, the subject parcel is not adjacent to an agricultural operation.

**FINDINGS:**

The Commission finds that:

1. This project, by definition, is classified as a Minor Impact.
2. Each lot will be served by an individual well.
3. The applicant has purchased augmentation water from the Upper Gunnison Water Conservancy District, Augmentation Agreement No. MLR-07-84 and MLR-07-85.
4. The applicant has provided information to show that there is likely an adequate physical supply of water.
5. The subject parcel is in an area with landslide geologic hazards.
6. The subject parcel is in an area of severe (high) wildfire hazards.
7. The subject parcel is in an area of critical wildlife habitat.
8. The covenants of The Ridge at Crested Butte allow subdivision of the subject parcel (Tract 4); no additional covenants are proposed for the subject parcel.
9. Meadows Road meets the Gunnison County Road and Bridge Standards and the proposed subdivision does not require any improvements to the road.
10. Access will be from the existing Meadows Road; any new driveway shall be required to comply with the Gunnison County Road and Bridge Standards.
11. This application is consistent with the standards and requirements of this *Resolution*.
12. No phases are proposed for this development.
13. 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*.
14. 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-2007-05 be classified as a Minor Impact, and be approved with the following conditions:

1. Secondary residences are allowed on Lots 4 and 4A; if and when a parcel owner applies for an Individual Sewage Disposal System permit or a Building permit for a second residence the owner will be required to provide an adequate supply of water for the second residence.
2. A ten-foot snow storage easement shall be located on both sides of Meadows Road and shall be identified on the plat.
3. Warning and disclaimer language shall be on the plat regarding geologic and wildfire hazards.
4. A site-specific geotechnical study prepared by a Colorado-licensed Engineer addressing geologic hazards and recommendations for any proposed improvements shall be submitted to the Planning Department prior to issuance of any Individual Sewage Disposal System permits or Building permits.
5. Any fences constructed shall be in compliance with Section 11-106 F.8: *Protection of Wildlife Habitat Areas* and Section 13-113: *Fencing*.
6. Domestic animals shall be controlled by kenneling, leashing or other similar means.
7. Exterior lighting shall comply with Section 13-114: *Exterior Lighting*.
8. All earth moving shall comply with Section 13-115: *Reclamation and Noxious Weed Control*.
9. It is the responsibility of the property owner or the homeowner's association to remove snow from interior roads and driveways.
10. Any proposed solid-fuel-burning devices shall comply with Section 13-107: *Installation of Solid-Fuel-Burning Devices*.
11. 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*.
12. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
13. 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.
14. 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.
15. 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.

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The regular meeting of the Gunnison County Planning Commission was adjourned at 1:45 p.m.

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/S/ Beth Baker  
Administrative Assistant  
Gunnison County Planning