

GUNNISON COUNTY PLANNING COMMISSION
REVISED PRELIMINARY AGENDA: Friday, November 2, 2007

- 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.** **Copper King Subdivision**, work session/no action, request for subdivision of 112-acres into 42 single-family residential lots, located on the Copper King Placer, MS. No. 3291 and Kalamazoo Placer M.S. No. 3755, approximately 4 miles southeast of Taylor Reservoir and 2 miles northwest of Tincup, west of Forest Road #765 (Cumberland Pass Road)
- 10:00 a.m.** Break
- 10:15 a.m.** **Crested Butte Fire Protection District and County staff**, work session/possible action, recommendation to Board of Commissioners for amendments to the ***Gunnison County Land Use Resolution*** regarding development within wildfire hazard areas and related, fire protection requirements, adoption of the ***2003 International Fire Code with amendments.***
- 11:30 a.m.** **Mark Schumacher/Three Rivers Resort**, requested amendment to Land Use Change Permit 2005-80, specifically and only related to sizes of Cabins Nos. 23-26, and 30: additions that increase size of each cabin up to 220 square feet and Cabins Nos. 27-29: additions that increase the size of each cabin up to 300 square feet. Staff recommendation and request for direction from Commission to consider classification as Administrative Review Project.
- Noon** Lunch
- 12:45 p.m.** **Crested Butte Nordic Council**, work session/possible action, request for the placement and use of a yurt as a seasonal warming hut for the C. B. Nordic Council trails system; located in Magic Meadows, north of the Town of Crested Butte, in the Slate River drainage, above Peanut Lake.
- 1:15 p.m.** **Crystal Creek Subdivision, Second Filing**, work session/possible action, request for the subdivision of 52-acres; three one-acre lots and a remainder of 49-acres in a common area, located approximately 20 miles northwest of the City of Gunnison, north of County Road #742 (Taylor River Road)
- 2:10 p.m.** **Lower Slate River Ranch Subdivision**, work session/no action, request for the subdivision of 60-acres into two lots; 25-acres, with existing residence and 35-acres; located in the NW1/4 of the NW1/4 Section 28, T14S, R85W, 6th P.M., approx. 7 miles south of the Town of Crested Butte, west of Highway 135
- 3:00 p.m.** **Bull Mountain Natural Gas Pipeline, SG Interests I Ltd., continued joint public hearing/no action, public hearing will be continued to 3:00 p.m., December 7, 2007**, request for Bull Mountain Natural Gas Pipeline; a proposed 20-inch diameter buried steel natural gas pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County
- 3:10 p.m.** **Shady Island Subdivision, leave for site visit/no action**, request for the subdivision of 10.36 acre parcel into 16 single-family residential lots, located north of the City of Gunnison.
- Adjourn**

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
November 2, 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

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

MOVED: by Lypps seconded by Karas to approve the minutes of October 5, 2007 as amended. The motion passed unanimously.

MOVED: by Reed seconded by Karas to approve the minutes of October 12, 2007 as amended. The motion passed unanimously.

COPPER KING SUBDIVISION: The commission met with applicants' attorney Jill Norris and engineer Norm Whitehead to discuss their request for a subdivision of 112-acres into 42 single-family residential lots, located on the Copper King Placer, MS. No. 3291 and Kalamazoo Placer M.S. No. 3755, approximately 4 miles southeast of Taylor Reservoir and 2 miles northwest of Tincup, west of Forest Road #765 (Cumberland Pass Road).

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

Engineer Norm Whitehead explained some of the changes that have been made to the original plan. The houses sizes have been decreased. The road adjacent to lots 4, 5, 6, & 7 has been changed. All the building sites are now out of the trees. They have created four different areas for fire safety refuge. They are considering constructing a storage building that could be used in one of the fire safety refuge areas. The roads will be widened; taking some trees out. The roads will be brought up to county standards for traffic loading.

Commissioner Richard Karas asked if the building envelopes that sit at the top of the slopes are problematic in terms of fire safety. Does this plan, in fact, provide safe egress; fire trucks trying to get in and all residents trying to get out on the same road? He asked if this plan had been reviewed by a fire safety expert. Whitehead responded that the fire response time is such that the residents would be out before fire trucks would reach the area. Karas requested that the fire plan be reviewed by a fire safety expert. He also reiterated his concern that many of the homes will be at the top of the slopes.

Former board member of the RSI homeowners association Rex Whitlatch said a previous fire in the area had jumped over ¼ of a mile; one would have to clear a lot of trees and brush to accomplish fire safety. He added that the road and gate are very narrow; only one car at a time could pass through. Engineer for the applicants Bob Williams stated that the road will be improved and meet the county standards for a rural road.

Whitehead explained that all the building sites on the slopes will comply with the *Gunnison County Land Use Resolution* (LUR) grade percentage requirements.

Norris described the smaller home sizes as a minimum of approximately 1,800 sq. ft. with a maximum of 2,500 sq. ft on the hill side.

Karas asked if preliminary covenants had been submitted. Assistant Planning Director Neal Starkebaum referred the commission to the preliminary covenants that had been submitted with the application.

Commissioner Nick Lypps reiterated his concern that the proposed density is too high for this area.

Billick suggested that due to the critical nature of fire safety; the applicants should provide comprehensive information on fire safety, and have a fire safety expert present at a meeting to explain the plan. Karas said sprinkling of the inside of the structures should be considered; they should confer with Crested Butte Fire Protection District (CBPFD.)

Attorney representing RSI homeowners association John Belkin said that RSI had not seen the proposed covenants yet. RSI needs to be involved with any covenants. Copper King Subdivision falls under the RSI homeowners association. There is distrust between RSI and the Copper King developers, because of the lack of communication. RSI has requested that they be involved and does not feel they have been contacted for any input. Without input they cannot approve the project.

Attorney for the applicants Jessica Stone explained that the Sketch Plan only included a very rough draft of the covenants, and it does not address any specific requirements. Billick commented that the deeper issue is the distrust between the two developments. He suggested good communication between Copper King and RSI would be beneficial to both parties.

Karas said that the commission should ask the county attorney whether the Copper King HOA can unilaterally declare a separate set of covenants from the RSI association, and if they do so, which set of covenants would prevail.

Commissioner Ramon Reed requested clarification; will all the roads meet county standards or will the applicants be requesting a waiver as first presented? Engineer Bob Williams replied that the roads within the subdivision will comply with county standards, but they will be requesting a waiver from county standards for the access road.

Assistant Planning Director Neal Starkebaum reminded the commission that public works has submitted comments, which state that they can not support any further development in that area, until improvements have been made to the roads and bridge. Engineer Williams said it is an unfair issue at this point; the applicant is now in between the Forest Service and the county. The county wants the Forest Service to bring the roads up to county standards; the Forest Service wants to give the roads to the county as they are now. Whitehead explained that this is a remote seasonal access road. Billick agreed that public works has a legitimate concern, but if the applicants can prove that public works is wrong the commission will consider it.

Whitlatch commented that the issue is that hundreds of ATVs use that road daily, and the Forest Service can not police it. The Forest Service wants to give the county the road for traffic enforcement.

Reed requested a clear explanation of what the roads are intended to be. A clear concise concept is needed. Starkebaum agreed, noting that at Sketch Plan the applicant is required to meet the county road and bridge standards.

Commissioner David Owen reiterated Lypps' concerns with the proposed density. He was disappointed that the lot sizes did not decrease along the Forest Service side of the property. Norris explained that they now have an excess of 50% open space, the ISDS requirements can be met on each lot, and the adjacent parcels are similar to the proposed lot sizes. The applicants are now proposing one residence per 2.688 acre parcel.

Billick asked if the Forest Service can be considered an adjacent property owner. Norris referred to the LUR definition of a legal lot and said that the Forest Service parcel does not meet that definition. Karas requested the county attorney be asked if the Forest Service property would be considered an adjacent lot.

Commissioner John Messner and Lypps agreed that the emergency access has to be given consideration. Lypps suggested eliminating some of the lots and reconfiguring the lots to address fire safety concerns. Whitehead responded, stating that the density does fit the parcel.

Reed noted that although legally the lots sizes may comply, several of the lots are problematic. Several of the lots are traversed by a road and in many cases the lots are on a hillside, resulting in finding adequate area for a septic system difficult, if not impossible. He requested specific details for each lot; showing room for a residence, septic and driveway. Starkebaum explained that the Sketch Plan phase does not include that much detail. Reed disagreed, adding that density is a Sketch Plan issue.

Owen agreed with Reed's concerns, reiterating that the lot sizes adjacent to the Forest Service should be larger. Karas agreed with Reed and Owen, adding that communication between the RSI and Copper King would be very beneficial to both. Billick did not agree that requiring specific lot details, as requested by Reed, was required at the Sketch Plan phase. Lypps said that he appreciates the steps that the applicants have taken to improve the original proposal, but it still needs more modification. Messner agreed that the applicants had improved their original proposal, and added that without significant mitigation there is still a potential for a fire catastrophe.

Starkebaum clarified that the county attorney had said that the commission should interpret the standards and determine when lower density is appropriate.

Billick summarized the commission's concerns:

- Will the project comply with county standards?
- Communication between RSI and Copper King would be beneficial to both
- Provide a very detailed fire hazard plan, encouraged applicants to bring a fire safety expert in to speak to the commission- and provide a resume' for the fire safety expert
- Staff to speak to the county attorney, concerning RSI and the sub-homeowners association- also get his opinion concerning whether or not the Forest Service parcel is considered an adjacent lot
- Provide a summary of the results of the meeting with the Forest Service and the county about the bridges.

The commission will conduct another work session with the applicants.

CRESTED BUTTE FIRE PROTECTION DISTRICT (CBFPD): The commission met with applicants' representative Ric Emms and Scott Wimmer to discuss amendments to the ***Gunnison County Land Use Resolution*** regarding development within wildfire hazard areas and related, fire protection requirements, adoption of the ***2003 International Fire Code with amendments.***

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

The commission discussed whether these requirements would apply to new lot creation, approved subdivisions with covenants, and existing buildings. The consensus of the commission was to apply these requirements to new lots, and existing buildings and new buildings when a building permit is applied for, and to existing subdivisions- to the extent allowed by law.

The commission reviewed the second draft of the proposed amendments.

Emms said that they are reviewing homes not on central water systems. He added that the county building inspector works with the CBFPD helping to enforce their regulations.

Forest Service representative Brian Ayers said he would like to see his recommendations be enforced county wide. He said defensible space includes the fire going out from the structure as well as from the forest to the structure.

Billick suggested not passing on the fire hazard mitigation requirements to the purchasers in a subdivision; it should be required as a part of the developer's final plan.

Ayers suggested that any new subdivision develop a community wildfire safety area.

Reed was concerned that four feet of foliage clearing along road sides was not sufficient. Ayers explained that the steeper the slope the more foliage clearance is needed.

The commission will review a third draft of the proposed amendments at the applicant's next work session.

CRESTED BUTTE NORDIC COUNCIL- YURT: The commission met with applicants' representative Keith Bauer to review their request for the placement and use of a yurt as a seasonal warming hut for the C. B. Nordic Council trails system; located in Magic Meadows, north of the Town of Crested Butte, in the Slate River drainage, above Peanut Lake.

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

The commission reviewed the draft planning approval.

MOVED: by Owen seconded by Karas to approve LUC 2007-50 as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The applicant requests the placement and use of a yurt, as a seasonal warming hut, for the Crested Butte Nordic Council trails system. The yurt will be located in a wooded glade, on a bench above the Slate River, in the Magic Meadows area of the Nordic Council's most popular trail system. The location, placement and use of the yurt has been reviewed and approved by the Crested Butte Nordic Council, operator of the trail system; the Crested Butte Land Trust, landowner; and the Town of Crested Butte, holder of a deed of conservation easement on the land. The amended conservation easement allows for *de minimis* recreational or educational commercial use on the property.

Documents submitted regarding the property and the proposed use, and informing this decision include:

- a. *Deed of Conservation Easement* – Crested Butte Land Trust to the Town of Crested Butte, Reception No. 496220, recorded with the Gunnison County Clerk and Recorder, September 15, 1999.
- b. Town of Crested Butte, *Ordinance No. 13, Series 1999, An Ordinance Authorizing the Acceptance of a Conservation Easement from the Crested Butte Land Trust on Approximately 192 Acres of Land Which includes much of the Lower Loop Trail*, Reception No. 496219, recorded with the Gunnison County Clerk and Recorder, September 15, 1999.
- c. *Amendment to Deed of Conservation Easement*, Crested Butte Land Trust and the Town of Crested Butte, Reception No. 523600, recorded with the Gunnison County Clerk and Recorder, September 11, 2002.
- d. Town of Crested Butte, *Ordinance No. 22, Series 2002, An Ordinance Amending Ordinance No. 13, Series 1999 Concerning the Deed of Conservation Easement for the Subject Property*.
- e. Letter from Sandra Allen Leinsdorf, President, Crested Butte Land Trust, dated August 20, 2007, consenting to the application and request for the placement of the yurt.
- f. Letter from Allen Bernholtz, Mayor, Town of Crested Butte, dated August 28, 2007, consenting to the request to construct a yurt on the Lower Loop.

Operational Details:

A 30' diameter yurt will be placed on a wood platform, including an 8' x 8' deck area, with stairs down to grade. The use of the yurt, as a warming hut for the Crested Butte Nordic Council trails system, includes the following operational details:

1. Winter season use only – typically from mid-November to the first week in April.
2. Yurt will be left up year-round; no summer use.
3. No overnight use.
4. Normal operational hours of 8 a.m. to 5 p.m.
5. Occasional moonlight ski tours, lunch tours, Ski-4PE classes and Citizen Race series.
6. Night uses will typically end by 10 p.m.
7. EPA Phase II wood burning stove, propane fueled lights.
8. No food will be prepared or stored at the yurt. All food and beverages for events will be hauled in and out.
9. The yurt will be locked nightly.
10. All trash will be hauled out.
11. No graywater will be produced at the yurt; any glassware/dishes used for events will be hauled out.
12. Wastewater will be disposed of by use of a port-a-let, which will be placed on a ski mounted platform, which will be transported by snowmobile to and from the trailhead, as needed.
13. All transport of supplies will be via snowmobile or skis.

All application materials are dated August 28, 2007, or as submitted as part of the review. This review and Decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application; including all exhibits, references, testimony and documents as included therein.

LOCATION:

The land on which the yurt will be located is legally described being within Lot 3, Magic Meadows, and is generally located one mile north of the Town of Crested Butte, in the Slate River drainage, above Peanut Lake, west of the Slate River.

WATER SUPPLY/ WASTEWATER:

Drinking water will be hauled to the site. Wastewater will be disposed of by use of a port-a-let, which will be placed on a ski mounted platform, which will be transported by snowmobile to and from the trailhead, as needed. The port-a-let will be serviced by a licensed septic hauler.

COMPLIANCE WITH THE APPLICABLE STANDARDS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

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

The proposed use meets the primary standard.

Section: 11-202: *Voluntary Best Management Practices*

Voluntary; not mandated.

Section 11-203: *Development in Areas Subject to Flood Hazards.*

The site is not located within an area subject to flood hazards.

Section 11-204: *Development in Areas Subject to Geologic Hazards.*

The site is not located within an area subject to geologic hazards.

Section 11-205: *Development In Areas Subject to Wildfire Hazards.*

The site is located within an area subject to low wildfire hazard.

Section 11-206: *Protection of Wildlife Habitat Areas.*

The site is not within identified critical wildlife habitat, and will have limited impact on wildlife in the area, as the existing trails system is used daily. No summer use is contemplated or allowed.

Section 11-207: *Protection of Water Quality.*

The site is outside of applicable setbacks from water bodies or wetlands.

Section 11-209: *Development That Affects Agricultural Lands.*

Not applicable.

Section 12-303: *Road System.*

Not applicable. The trails are accessed from the trailhead on the Peanut Lake Road.

Section 12-304: *Public Trails.*

A public trails system currently exists either at or in proximity to this site, as part of the Nordic Trails system and the Lower Loop trails system.

Section 12-305: *Water Supply.*

Drinking water will be hauled into the site.

Section 12-306: *Sewage Disposal/Wastewater Treatment.*

Wastewater will be disposed of by use of a port-a-let, which will be placed on a ski mounted platform, which will be transported by snowmobile to and from the trailhead, as needed. The port-a-let will be serviced by a licensed septic hauler. The use of the port-a-let and operational plan has been reviewed and approved by Richard Stenson, Environmental Health Official.

Section 12-307: *Fire Protection.*

The property is located within the Crested Butte Fire Protection District.

Section 13-403: *General Site Plan Standards And Lot Measurements.*

The proposed location complies with property line setback requirements.

Section 13-407: *Installation of Solid Fuel-Burning Devices*

The applicant will install a compliant wood burning stove. At that time of building permit application, the applicant shall provide documentation on the type of wood burning stove to be installed, in compliance with the solid-fuel burning device regulations.

Section 13-408: Open Space And Recreation Areas

Not applicable. The land is under a conservation easement.

Section 13-409: Signs.

There are no signs proposed as part of the application.

Section 13-410: Off-Road Parking And Loading.

Parking is permitted at the trailhead on the Peanut Lake Road.

Section 13-411: Landscaping And Buffering.

Not applicable. The site was chosen to minimize visibility from adjoining properties and is located within a wooded area.

Section 13-412: Snow storage.

Not applicable.

Section 13-413: Fencing

Not applicable.

Section 13-414: Exterior Lighting.

All exterior lighting shall be fully shielded.

Section 13-415: Reclamation And Noxious Weed Control.

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

Section 13-416: Grading And Erosion Control.

The disturbance to the area for construction will be minimal.

Section 13-417: Drainage, Construction And Post-Construction Stormwater Runoff.

The disturbance to the area for construction will be minimal.

PUBLIC HEARING:

A public hearing was held on October 12, 2007; no one from the public was present. The minutes of the hearing have been attached to this decision.

FINDINGS:

The Commission finds that:

1. This application is, by definition, a Minor Impact Project.
2. Documents informing this decision include:
 - a. *Deed of Conservation Easement* – Crested Butte Land Trust to the Town of Crested Butte, Reception No. 496220, recorded with the Gunnison County Clerk and Recorder, September 15, 1999.
 - b. Town of Crested Butte, *Ordinance No. 13, Series 1999, An Ordinance Authorizing the Acceptance of a Conservation Easement from the Crested Butte Land Trust on Approximately 192 Acres of Land Which includes much of the Lower Loop Trail*, Reception No. 496219, recorded with the Gunnison County Clerk and Recorder, September 15, 1999.
 - c. *Amendment to Deed of Conservation Easement*, Crested Butte Land Trust and the Town of Crested Butte, Reception No. 523600, recorded with the Gunnison County Clerk and Recorder, September 11, 2002.
 - d. Town of Crested Butte, *Ordinance No. 22, Series 2002, An Ordinance Amending Ordinance No. 13, Series 1999 Concerning the Deed of Conservation Easement for the Subject Property.*

- e. Letter from Sandra Allen Leinsdorf, President, Crested Butte Land Trust, dated August 20, 2007, consenting to the application and request for the placement of the yurt.
 - f. Letter from Allen Bernholtz, Mayor, Town of Crested Butte, dated August 28, 2007, consenting to the request to construct a yurt on the Lower Loop.
3. The proposed yurt and use of the yurt is compatible with the character of existing land uses in the area.
 4. The proposed yurt and use of the yurt is consistent with the uses identified within the conservation easement.
 5. This Decision is made in reliance on the present and continued existence of all physical features of the property (geological, topographical and vegetative including trees) cited in this Decision, as applicable, as mitigating a possible conflict with County land use policies.
 6. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
 7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and including provision of a public hearing, and having reached the above cited Findings, classifies LUC No. 2007-50, Crested Butte Nordic Council - Yurt, as a Minor Impact Project, approves the Land Use Change Permit with the following conditions, and that said approval shall be memorialized by recordation of a Minor Impact Certificate with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. The construction of the foundation for the yurt and the erection of the yurt require a building permit. At the time of building permit application, the applicant shall provide documentation on the type of wood burning stove, in compliance with the solid-fuel burning device regulations.
3. 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.
4. 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.

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
October 12, 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:**

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| 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 |

CRESTED BUTTE NORDIC COUNCIL: The Commission conducted a public hearing with applicant's representatives Keith Bauer, Skip Berkshire, Jake Jones and Jesse Crandall to review their request for the placement and use of a yurt as a seasonal warming hut for the C. B. Nordic trails system; located in Magic Meadows, north of Crested Butte, in the Slate River drainage, above Peanut Lake.

With a quorum present Chairman Ian Billick opened the public hearing.

Administrative Assistant Beth Baker confirmed that the applicants had submitted the certified mailing receipts and the proof of posting and the Planning Department had the public notice published in the Gunnison Country Times and Crested Butte News.

Bauer submitted photographs of the parcel and the additional information that had been requested at the last work session.

Commissioner David Owen asked if the Town of Crested Butte and the Land Trust had approved this application. Billick noted that their approvals had been submitted with the application.

Commissioner Ramon Reed asked for clarification of the actual use of the yurt. He was concerned with the limitations of the easement. Bauer explained that it will be used as a warming hut during the day, and locked at night. They will also stage several races from the yurt. They will hold moon light tours monthly. The community will be allowed to hold special events. If any food is served it will be brought it and all trash will be taken out daily. Berkshire reiterated that no food would be prepared on site.

Billick explained that the commission is not the enforcement agent for the conservation easement. The holders of the conservation easement will have to be contacted as well as the county.

Commissioner Nick Lypps asked what color the yurt is. Bauer explained that it is brown and tan, in the summer it will be camouflaged in the trees.

The port-o-potty will have a management plan put together with the environmental health official. They will contract with a contractor to service it. The groomer will take them out and the contractor will service them every two weeks.

There was no public comment.

Assistant Planning Director Neal Starkebaum noted that the planning department had received no public comment.

The commission agreed to review the application using the primary locational standards.

The commission directed staff to prepare a draft decision of approval. The tentative date of the next work session is November 2, 2007.

Billick closed the public hearing at 1:15 p.m.

CRYSTAL CREEK SUBDIVISION, SECOND FILING: The commission met with applicants attorney John Belkin and engineer Jerry Greene to review the request for the subdivision of 52-acres; three one-acre lots and a remainder of 49-acres in a common area, located approximately 20 miles northwest of the City of Gunnison, north of County Road #742 (Taylor River Road).

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

Belkin explained that lot 16 has been relocated and the driveway is now on the back side of the lot. The applicant will construct a ditch on the uphill side of the road to catch rocks and debris that may fall.

Belkin clarified that although this is a three lot subdivision; only two of the three lots will be sold, the one that is not sold will be absorbed into the common area of the subdivision-; ultimately resulting in two lots rather than three.

Reed questioned the environmental health official's comments concerning lot 17 and the existing ISDS. Belkin confirmed that they will abandon the existing septic system.

Karas noted his concern with lot 16's potential visibility from the road. He requested specific language be inserted into the covenants that refers to the county's maximum residential sq. ft. requirements.

Belkin agreed to amend the covenants to include reimbursement to the county, if the county is involved in enforcing the covenants.

The commission reviewed the draft recommendation of approval.

MOVED: by Karas seconded by Lypps to approve the recommendation of LUC 2007- 07 as amended. The motion passed unanimously.

PROJECT SUMMARY:

Taylor River Holdings, LLC, represented by attorney John Belkin, has submitted a request to subdivide 52.21-acres into three one-acre lots, referenced as Lots 15, 16 and 17; for single-family residential use, and a remainder of 49.21-acres in a common area. The proposed subdivision will be a second filing of the existing Crystal Creek Subdivision and subject to the amended covenants of Crystal Creek Subdivision. Crystal Creek Subdivision (Replat of Taylor Park Subdivision) was approved by Gunnison County Board of County Commissioners on September 6, 1988, recorded with the Gunnison County Clerk and Recorder at Reception No. 409486, and consists of 14, 1/2-acre lots, with 330-acres of Common Area. This application was formerly referred to as Lots 1-3 Taylor River Subdivision.

The project has gone through several iterations, with modifications being made to the location of the lots, particularly Lot 16. Uses on the lots have been identified as follows:

Lot 15 - An existing cabin is located on Lot 15, with existing well. The cabin has been used as a common building for the Crystal Creek Homeowners Association. The cabin will either be torn down and a new residence constructed or the existing cabin may be renovated as a single-family residence. A new septic system will be installed concurrently with construction of the new residence or prior to the renovation as a residence.

Lot 16 – Lot 16 is vacant. The location of Lot 16 has been modified due to a potential geologic hazard identified that is uphill of the proposed lot. The lot has been moved to the south and the driveway has been relocated to the north.

Lot 17 - An existing cabin, with an existing well and septic system, barn and shed, is located on the proposed Lot 17. Lot 17 overlays a lease area held by Robert A. Gandy, III. The lease allows him the use of the cabin, outbuildings and surrounding area shown on the plat. Said lease continues until the death of Robert A. Gandy, Jr., unless it is earlier terminated by the Gandy's. Upon termination or expiration of the lease, the applicant will either remove the cabin, barn and shed, or such structures will be included in the sale of Lot 17.

The applicant has indicated that they will build on 2 of the 3 lots and the 3rd lot will be vacated.

It has been identified by the Building Inspector that the construction of the residence on the proposed Lot 17, has a County Stop Order, issued to Caroline Saint Clair Gandy, Testamentary Trust, c/o Robert Gandy, dated December 6, 2000. The Stop Order identified that the construction of the cabin and installation of the septic system was completed without required County Building and Septic permits.

Common Area - There are several outbuildings located on the proposed Common Area, including a small cabin, with a bathroom, located to the north of the existing commons building; a barn and a garage, for use by the Association. The applicant indicates that there is no functioning water supply to the cabin and it will not be used as a residence and no water use will be permitted.

PROTECTIVE COVENANTS:

A draft of the protective covenants, titled *Second Amended and Restated Declaration of Protective Covenants and Restrictions Crystal Creek Subdivision*, dated 8/15/07, has been submitted and provisions incorporated to provide for compatibility with the existing subdivision and surrounding neighborhood. A summary of the main points of the covenants include:

- Maximum 6,000 square feet for a residence, maximum 1,000 square feet for an attached/detached garage, although a variance may be granted if approved by the Association as outlined in the Protective Covenants, as long as the building size remains in compliance with current County building size regulations.
- Exterior construction materials shall consist of wood, log, and/or stone.
- All exterior lighting shall be in compliance with County lighting standards.

- No secondary residences allowed.
- Installation of solid-fuel burning devices shall comply with County standards.
- All domestic animals must be controlled by kenneling, leash, fencing or other physical constraint.
- No livestock permitted on any lot; fencing required to be maintained to “fence out” livestock.
- Restrictions on outside storage.
- Gunnison County approval required for amendment or termination, and as a party which may enforce the covenants.

WASTEWATER:

Wastewater treatment will be provided by individual sewage disposal systems. All septic systems will be constructed or brought into compliance with the *Gunnison County Individual Sewage Disposal Regulations*. Comments received from Richard Stenson, Environmental Health Official, memo of 10-19-07, note that ISDS systems are feasible on all of the proposed lots.

WATER SUPPLY:

The water supply for the residences on each lot will be supplied by individual wells. Lots 15 and 17 have existing wells, permitted by the State Division of Water Resources, Permit Nos. 253095 and 149062. Well completion reports are in the file and indicate that the existing wells produce 15 gallons/minute. The water supply for Lot 16 will be provided by an individual well, pursuant to the purchase of augmentation water from the Upper Gunnison River Water Conservancy District. Comments from the Office of the State Engineer, Division of Water Resources, Craig Lis, P.E., Water Resource Engineer, in a letter dated July 9, 2007 notes that the applicant will be required to provide augmentation for all wells on the lots.

The other two wells will be augmented by purchase of augmentation water from the Upper Gunnison River Water Conservancy District.

IRRIGATION DITCH: The property will continue to be irrigated with water from the Highland Ditch – Ditch I.D. #233, of which the applicant holds a decreed water right.

BRIDGE REPLACEMENT/WETLANDS:

The driveway to Lots 16 and 17 crosses Excelsior Creek, over which the applicant proposes to install a new bridge. The proposed bridge is an arch culvert, with no bottom. In a letter dated July 17, 2007, Susan Moyers, Project Manager, U.S. Army Corp of Engineers, Department of the Army, notes that:

“As per our phone conversation, my site visit on May 16, 2007, and the information you provided on the construction of the arch culvert for the crossing of Excelsior Creek, a tributary of the Taylor River in Gunnison County, your construction will not impact waters of the United States under jurisdiction of the U.S. Army Corps of Engineers and , as such, will not require a permit from this office.”

OPEN SPACE:

The common area is 49.21-acres and reserved for the use and enjoyment of the Association’s membership. The Homeowners Association is responsible for the upkeep and maintenance of the common area.

ROAD SYSTEM:

Access is via an existing road that also provides the eastern access to the existing Crystal Creek Subdivision. The applicant applied for and was granted a waiver from the County Specifications for Road and Bridge Construction, Board Resolution No. 2007-27, on July 10, 2007. The waiver allows the road to be improved to no more than fourteen feet (14’) wide.

PARCEL LOCATION:

The parcel is legally described as being located in that portion of Tract 37, situated in Section 9 and northerly of the southerly bank of the Taylor River, Township 15 South, Range 83 West, 6th P.M. Generally, the property is located approximately 20 miles northeast of the City of Gunnison, north of County Road #742 (Taylor River Road) and east of the existing Crystal Creek Subdivision.

ADJACENT LAND USES:

North – National Forest lands

West – Single-family residential uses; lots within Crystal River Subdivision.

South – Across the Taylor River, common area for the Crystal River Subdivision

East – National Forest lands

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.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:

This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this Preliminary Plan application, including all exhibits, references and documents. Among them are these site plans and narrative submittals that inform this review:

- *Plat of Crystal River Subdivision*, Furey Land Surveying, Inc. dated 10/23/07
- *Second Amended and Restated Declaration of Protective Covenants and Restrictions Crystal Creek Subdivision*, dated 8/15/07.
- *1st Amendment to Application*, dated 6/07/07
- *2nd Amendment to Application*, dated 7/17/07
- *3rd Amendment to Application*, dated 8/06/07
- *Rockfall and Debris Flow Hazard Analysis of Lot 16, Crystal Creek Subdivision, Second Filing*, prepared by Headwaters Explorations, Don Graham, dated 9/25/07.
- *Cost Estimate*, Jerry Greene, P.E., dated 10/22/07 & 10/23/07.

ONSITE VISIT:

The Planning Commission visited the property on May 25, 2007. The Commission members toured the property and viewed the general locations of the proposed lots.

PUBLIC HEARING:

A joint public hearing was held with the Planning Commission and the Board of County Commissioners on August 17, 2007. No members of the public were in attendance and no letters were received by the Planning Department. Minutes of the public hearing are attached to this recommendation.

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.

SECTION 9-103: BED AND BREAKFAST.

Not applicable.

SECTION 10-102: LOCATIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT.

Not applicable.

SECTION 10-103: RESIDENTIAL DENSITY.

The development has been designed so that lot size and density is reasonably similar to the adjacent parcels.

SECTION 11-102: VOLUNTARY BEST MANAGEMENT PRACTICES.

Voluntary, not required.

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

The building sites are not located within the floodplain of Taylor River.

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

Lot 16 has been identified as being located within an area subject to a low to moderate rockfall hazard and within proximity of a debris flow hazard. A report titled "Rockfall and Debris Flow Hazard Analysis of Lot 16, Crystal Creek Subdivision, Second Filing" was prepared by, Headwaters Explorations, Donald C. Graham, Professional Geologist, dated September 25, 2007. In the report, Mr. Graham notes

"Debris Flow Hazards - The site is at the base of a small dry gulch that has experienced some flooding and debris deposition in the distant past, and the alluvial fan was formed by such deposition. Above the proposed road, the channel of the gulch is about 6 feet wide and 2 feet deep. No evidence of recent debris flow activity or flash flooding was noted. The area above the road is more subject to debris flow and flash flooding than the lot itself.

Rockfall Hazards -careful inspection was made of the hillside, colluvium and the granite outcrops and two slope profiles were measured. Although the hillside above the site is forested, the trees are dispersed enough to allow a number of rockfall pathways... Above the site, the source zones for potential rockfall are the granite outcrops and colluvium. No evidence of recent rockfall activity, such as tree damage, was noted.

Conclusions – Considering the results of the computer simulations and the field observations, it is concluded that the overall rockfall and debris flow hazard potential at the proposed site is low to moderate in severity. The eastern and western ends of the proposed road have a higher rockfall hazard. The area north of the proposed road has a high debris flow hazard. My recommendations are as follows:

- 1) Large trees and deadfalls above the proposed building site and road should not be removed as they may provide additional protection from falling rock.
- 2) Care should be taken when climbing on the slopes above the site, as it is possible that loose rock could become dislodged.
- 3) At somewhat similar sites the Colorado Geological Survey and other professionals have suggested placing he low-occupancy sections of structures, such as garagess, on the uphill side of the dwelling as an additional precautionary measure.
- 4) A drainage ditch on the uphill side of the proposed road about 6 feet deep should be adequate to handle any water and debris that may come down the dry gulch and should catch most rockfall. The downhill band of the ditch next to the road should be made as steep as possible in order to prevent rolling rock from escaping. Large boulders in the vicinity may be placed in areas above the proposed road and below rockfall pathways as an added protective measure.”

The applicant submitted a letter and drawings by Jerry Greene, P.E., Consulting Engineer, dated October 16, 2007, noting; “I have reviewed the Rockfall and Debris Flow Hazard Analysis prepared by Headwaters Exploration and have developed the ditch section based on the conclusions itemized in the report.”

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

The development is rated as low for wildfire hazard.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS.

The subdivision is not within mapped critical habitat. No comments were received from the Colorado Division of Wildlife.

SECTION 11-107: PROTECTION OF WATER QUALITY.

Construction of new residential structures and installation of new individual sewage disposal systems shall meet the restrictive inner buffer setback.

SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES.

This site is not located on a ridgeline.

SECTION 11-109: DEVELOPMENT THAT AFFECTS AGRICULTURAL LANDS.

No agricultural lands are adjacent to or are affected by this proposed development.

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 improvements to the road have been reviewed and approved by the Public Works Department. Allen Moores, Gunnison Public Works Department, in an email, dated October 23, 2007, notes that:

“Our office has reviewed the submitted road plans for the Taylor River subdivision and would recommend accepting them as complete.”

SECTION 12-104: TRAILS.

Not applicable.

SECTION 12-105: WATER SUPPLY.

The lots will be served by individual wells. Existing wells are located on the proposed Lots 15 and 17, State Permit No. 253095 and 149062. Well completion reports are in the file, and indicate the existing wells produce 15 gallons/minute.

Comments from the Office of the State Engineer, Division of Water Resources, Craig Lis, P.E., Water Resource Engineer, in a letter dated July 9, 2007 notes that the applicant will be required to provide augmentation for all wells on the lots.

SECTION 12-106: SEWAGE DISPOSAL/WASTEWATER TREATMENT.

The proposed lots will be served by individual sewage disposal systems. In a memo from Richard Stenson, Environmental Health Official, dated 10-19-07, he notes that ISDS systems are feasible on all of the proposed lots.

SECTION 12-107: FIRE PROTECTION.

The proposed development is located within the Gunnison Fire Protection District. A copy of the application was sent to the Fire District and the Colorado State Forest Service for review and comment. No comments were received from the Fire Protection District or the Colorado State Forest Service. The lots are located within a low wildfire hazard rating.

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

The 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. The lots are 1-acre in size and are thereby the proposed building envelopes. Construction within the lots shall meet all applicable setbacks.

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

All future construction shall meet the setback requirements.

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

The Protective Covenants propose a maximum size for residences and garages; maximum 6,000 square feet for a residence, and maximum 1,000 square feet for an attached/detached garage. A variance may be granted if approved by the Association as outlined in the Protective Covenants, as long as the building size remains in compliance with current County building size regulations. 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 included in the protective covenants, in compliance with County regulations.

SECTION 13-108: OPEN SPACE AND RECREATION AREAS.

Not applicable.

SECTION 13-109: SIGNS.

There are no signs proposed..

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

The number of parking spaces complies with this section.

SECTION 13-111: LANDSCAPING AND BUFFERING.

Not applicable.

Section 13-112: SNOW STORAGE.

The development requires snow removal from roadways and/or parking areas; site design complies with this section.

SECTION 13-113: FENCING.

This section applies and is addressed in the Protective Covenants.

SECTION 13-114: EXTERIOR LIGHTING.

The covenants require that all exterior lighting shall comply with this Section.

SECTION 13-115: RECLAMATION AND NOXIOUS WEED CONTROL.

The applicant shall obtain reclamation permits, as required.

SECTION 13-116: GRADING AND EROSION CONTROL.

The roadway improvements will require the applicant to secure a Reclamation Permit from the Public Works Department.

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

There will be no substantive changes to drainage or storm water runoff.

SECTION 13-118: WATER IMPOUNDMENTS.

Not applicable.

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. The applicant has identified specific restrictions on house size and limitations on uses that will ensure that the residential uses are compatible with the adjacent subdivision.

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

Not applicable.

FINDINGS:

The Gunnison County Planning Commission, having considered the submitted plat, development plans, and all exhibits contained in the Planning Department file, finds that:

1. The application complies with *Section 6-103: Standards of Approval for Minor Impact Projects*.
2. The relocation of Lot 16 and the driveway is consistent with the findings of the geologic hazard report titled "Rockfall and Debris Flow Hazard Analysis of Lot 16, Crystal Creek Subdivision, Second Filing" was prepared by, Headwaters Explorations, Donald C. Graham, Professional Geologist, dated September 25, 2007.
3. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the subdivision plat, 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*.
4. 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 plat, development plan and all exhibits, and having reached the above Findings, recommends to the Board of County Commissioners that LUC No. 2007-07, Crystal Creek Subdivision, Second Filing, be approved with the following conditions:

1. A mylar subdivision plat, in compliance with *Section 6-105 Gunnison County Land Use Resolution*, shall be provided to the Planning Department for signature by the Board of County Commissioners. Approval shall not be effective until the plat is signed by the Chairman of the Board of County Commissioners. The applicant shall record the signed subdivision plat with the Gunnison County Clerk and Recorder.
2. The approval is memorialized by Board Resolution, recorded with the Gunnison County Clerk and Recorder.
3. The amended Protective Covenants shall be reviewed by staff prior to approval by the Board of County Commissioners.
4. The applicant shall submit a copy of the executed Upper Gunnison River Water Conservancy District water contracts, for augmentation water, to the Planning Department, prior to approval by the Board of County Commissioners.
5. The applicant shall provide two 14" x17" copies of the subdivision plat to the County Building Inspector for addressing of the Lots.
6. The following shall be completed upon recordation of the Final Plat:

- 1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate Qwest office.
 - 2) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the U.S. Postal Service.
7. The applicant shall record the *Second Amended and Restated Declaration of Protective Covenants and Restrictions Crystal Creek Subdivision* with the Office of the Gunnison County Clerk and Recorder, contemporaneously with the subdivision plat.
 8. This approval is subject to the execution of the final Development Improvements Agreement by the Board of County Commissioners and recordation of the Development Improvements Agreement with the Gunnison County Clerk and Recorder. The subdivision plat shall not be recorded until this condition is fulfilled.
 9. A performance bond, letter of credit or other means of surety, acceptable to the County, shall be submitted to cover costs of the road improvements, tree trimming and reclamation, plus 25 percent, as referenced in the Development Improvements Agreement. Said surety shall be retained by the County to a date acceptable to the County Public Works Director to warrant integrity of the road improvements and establishment of reclamation.
 10. No building or septic permits will be issued on Lot 15 or Lot 16 until such time as the residential structure on Lot 17 is razed or the conditions of the Stop Order issued to Caroline Saint Clair Gandy, Testamentary Trust, c/o Robert Gandy, dated December 6, 2000 are complied with.
 11. Two of the lots will be built on and the 3rd will be vacated.
 12. Pursuant to *Section 16-117 of the Gunnison County Land Use Resolution* a Development Improvement Agreement is required, ensuring collateral and identified dates of completion to ensure the improvements to the road, as identified in a cost estimate for road improvements and reclamation, prepared by Jerry Greene, P.E., dated October 22, 2007, are completed.
 13. The applicant has agreed that if the residence on Lot 17 is razed, the owner shall abandon, in place, the septic system, in compliance with *Gunnison County Individual Sewage Disposal System Regulations*.
 14. At the time of building permit application for a residence on Lot 16, the applicant shall submit the "Preliminary Geologic Hazard Analysis of Lot 16, Crystal Creek Subdivision", prepared by Don Graham and the proposed mitigation, prepared by Jerry Greene, P.E., via the Planning Department, to the Colorado Geological Survey, for their comments on the geologic hazards analysis and construction of the residence and proposed mitigation.
 15. 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*.
 16. 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.
 17. 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.
 18. 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.
 19. 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.

GUNNISON COUNTY PLANNING COMMISSION

**Regular Meeting
August 17, 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	Planner-Cathie Pagano
Commissioner- Nick Lypps	Administrative Assistant-Beth Baker
Commissioner- Richard Karas	
Commissioner-David Owen	
Commissioner-John Messner	
Commissioner-Sam Lumb	Others present as listed in text

CRYSTAL CREEK SUBDIVISION: The Commission met with applicants' attorney John Belkin, and engineer Jerry Greene, for a joint public hearing. They reviewed the request for the subdivision of 52-acres; three one-acre lots and a remainder of 49-acres in a common area, located approximately 20 miles northwest of the City of Gunnison, north of County Road #742 (Taylor River Road).

With a quorum present Chairman Ian Billick opened the joint public hearing.

Board members Hap Channell and Paula Swenson were present for the hearing.

Administrative Assistant Beth Baker confirmed that the applicant had submitted the proof of posting and certified mailing receipts, and the Planning Department had the joint public hearing notice published in the Crested Butte News and Gunnison Country Times.

Belkin stated that they have applied to Public Works, for a waiver of road standards. He explained that the members of Crystal Creek Subdivision are the principals of Taylor River Holdings. This property will become part of the Crystal Creek Subdivision, as a second filing. The covenants have been amended to provide snow storage and removal easements, and access. Lots 15 and 16 have been realigned slightly, and lot 17 remains unchanged. The barn will now be in a common area. If they are able to sell lots 15 and 16 they will vacate lot 17. The existing shed will be removed; the barn and fishing cabin might remain. The septic system issues will have to be addressed. There are wells on lots 15 and 17, and they have filed for a water augmentation for lot 16. They have spoken to Public Works concerning the road turnouts. They will remove the "dynamite shed".

Billick said it should be a condition of approval; if any existing buildings remain they will only be approved for the current uses. Reed wanted to ensure that all existing septic systems would have to be brought up to code, or removed.

The commissioners requested that the percentage of slope, fire danger and building envelopes be identified. They also identified needing a topographic map and geo-hazard report. The commission suggested increasing the size of the parcels, to possibly 1 ½ -acres.

Engineer Jerry Greene has designed a half culvert, to replace the existing bridge; it had been recommended by Public Works representative, Allen Moores. .

Belkin said that the County will be party to the covenants of the second filing. Reed suggested ensuring that the County will be able to enforce the covenants.

Billick asked about snow storage. Belkin said it is on the plat as a 10ft. snow storage easement.

There were no members of the public present.

Billick outlined several issues of concern:

- Copy of geo-hazard map
- Define building envelopes
- Add enforcement clause in covenants

The commissioners directed staff to prepare a draft recommendation.

Billick closed the joint public hearing at 1:50 p.m.

07 November 2 PC Minutes
07 November 16 PC Approved

LOWER SLATE RIVER RANCH SUBDIVISION; The commission met with applicants Shelly White and Barry White to discuss their request for the subdivision of 60-acres into two lots; 25-acres, with existing residence and 35-acres; located in the NW1/4 of the NW1/4 Section 28, T14S, R85W, 6th P.M., approx. 7 miles south of the Town of Crested Butte, west of Highway 135.

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

Barry White explained that they currently own the 60-acre parcel. The 25-acre parcel has one home on it; the 35-acre parcel is vacant. They have had the environmental health official on site, as well as a CDOT representative; both agencies will submit a report. They have been in contact with the Upper Gunnison Water Conservancy District, for augmentation water.

Assistant Planning Director Neal Starkebaum explained that the State Engineers office has advised the planning department that the applicants will be required to provide water augmentation for both the 35-acre parcel and the 25-acre parcel.

Commissioner Nick Lypps recommended that the applicants address horses by defining stubble height requirements, rather than defining a specific number of horses.

Starkebaum explained that the applicants will be required to make the county party to their covenants, and a clause addressing amendments to the covenants should also be included.

Commissioner Richard Karas pointed out the need for an easement agreement, for the driveway and the utilities.

Starkebaum explained that a driveway to three residences is defined as a road; resulting in different construction standards. He suggested that the applicants speak to Public Works representative Allen Moores.

Starkebaum suggested that the applicants may want to convey some irrigation rights to the new lot. Shelly White agreed, but noted that they would not do that until it is sold.

The commission will conduct a site visit, before the joint public hearing.

The commission discussed the neighborhood density. Starkebaum said this will be reviewed with the assumption that there will eventually be four residences. Barry White explained that the surrounding lots are from 2.2-acres in size to 120-acres. The commission agreed that the proposed lot sizes were appropriate for this area.

The commission will conduct a joint public hearing at which time they will review a draft planning recommendation.

BULL MOUNTAIN NATURAL GAS PIPELINE, SG INTERESTS I LTD; The commission held a continued joint public hearing to discuss their request for Bull Mountain Natural Gas Pipeline; a proposed 20-inch diameter buried steel natural gas pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County.

Chairman Ian Billick opened the continued joint public hearing.

Assistant Director of Planning Neal Starkebaum stated the final Environmental Impact Study (EIS) had not been published.

Billick continued the joint public hearing to December 7, 2007 at 3:00 p.m.

SHADY ISLAND SUBDIVISION; The commission together with applicant's representative Jim Sell conducted a site visit - for the subdivision of 10.36 acre parcel into 16 single-family residential lots, located north of the City of Gunnison.

The regular meeting of the Gunnison County Planning Commission was adjourned at 3:10 P.M. and reconvened at the proposed site of the Shady Island Subdivision.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning