

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: Friday, November 16, 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.**     **Button/Wallace**, joint public hearing/no action, Amended application to subdivide 35-acre parcel into two lots; the applicant proposes that one lot will be approximately 15 acres and the second lot will be approximately 20 acres. Tract 4, The Ridge at Crested Butte, north of Crested Butte South, adjacent to CB South, Filing 4.
- 10:00 a.m.**     **Tredway Subdivision**, work session/possible action, request for two lot subdivision, Lot 1 is proposed to be 2.36 acres and contain the existing single-family residence and outbuildings; Lot 2 is proposed to be 0.50 acres, located west of the City of Gunnison, at 332 Bevington Rd.
- 10:50 a.m.**     Break
- 11:00 a.m.**     **Rocky Mt. Christian Ministries, represented by Jon Clement**, public hearing/possible action, request to convert existing building into a church; 1040 Highway 135, north of the City of Gunnison
- Noon**             Lunch – work session/no action, Planning Commission discussion of planning issues, schedules
- 1:00 p.m.**       **Red Mountain Logworks**, public hearing/possible action, request for the expansion of the commercial use to allow a seasonal storage area and the outdoor display area for the business, located south of the Town of Crested Butte, west of Highway 135
- 2:00 p.m.**       **Barz Subdivision**, work session/possible action, application for the subdivision of 5.39 acres from a 479-acre parcel. The subject parcel is located northwest of the City of Gunnison, 1.4 miles up County Road 730 (Ohio Creek Road).
- 2:50 p.m.**       Break
- 3:00 p.m.**       **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, west of the City of Gunnison.
- Adjourn**

**GUNNISON COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**November 16, 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 a.m.

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**MOVED;** by Reed seconded by Karas to approve the minutes of November 2, 2007 as amended. The motion passed unanimously.

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**BUTTON / WALLACE SUBDIVISION:** The Planning Commission and Board conducted a joint public hearing with applicants Tim Button and Jocelyn Wallace. They reviewed the amended application to subdivide a 35-acre parcel into two lots; the applicant proposes that one lot will be approximately 15-acres and the second lot will be approximately 20-acres. The parcel is legally described as Tract 4, The Ridge at Crested Butte, north of Crested Butte South, adjacent to CB South, Filing 4. Board member Paula Swenson attended the joint public hearing.

Board member Jim Starr was recused from the proceedings.

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

Planner Cathie Pagano confirmed that the applicants had submitted the certified mailing receipts and proof of posting, and the joint public hearing notice was published in the Gunnison Country Times and the Crested Butte News.

Pagano described the application and noted that the applicants had recently submitted a plat with the topographic lines on it.

Button explained that the covenants for the Ridge subdivision do allow for a subdivision of this parcel. Wallace added that they had originally applied to subdivide the parcel into three lots; two 10-acre lots and one 15-acre lot. They have since reduced the request to the present request: one 15-acre parcel and one 20-acre parcel.

The commissioners commented on the site visit;

- Owen- observed two good building sites for each of the two lots
- Karas- It was good to get the lay of the land
- Lypps- There were no red flags
- Reed- Agreed that there were good potential building sites
- Lumb- The lower portion of the parcel is open and treeless and wrapped by a road
- Messner-No comments
- Billick- The gully running through may need to be dealt with

Commissioner David Owen asked if Williams Drilling had submitted a letter concerning the viability of a well. Button said the well driller had not provided a letter. Owen noted that the neighbors have expressed great concerns about the amount of water available. Pagano said the applicants could contact the Division of Water Resources to get the statistics on all the surrounding wells. Button explained that the fourth filing of Crested Butte South will soon be served by Crested Butte Metro District for water and sewer. He suggested that the new lots could possibly annex into the fourth filing of Crested Butte South, and then use the existing central water and sewer system. He pointed out that the wells and septic systems in Crested Butte South fourth filing will be abandoned when they are served by central water and sewer, which will leave more water available.

Wallace explained that each lot will be limited to one home and an out-building. Pagano confirmed that the limitation of one home and an out-building could be part of the recommendation. Commissioner Richard Karas questioned whether or not an integrated secondary residence would be allowed; because secondary residences could add additional traffic to the road.

Owner of a lot in Crested Butte Highlands John Taylor said his well runs at 15 gallons per minute or more. He was concerned with this parcel and several others in the Ridge subdivision that allow subdivision. This subdivision could set a precedent. He recommended looking at this request from a policy point of view. "This is a highly visible area from the road." He suggested looking at density issues. He also said that Crested Butte South Filing four is a good mark of demarcation; transitioning into more open space. "The splitting of a 35-acre parcel is not a welcome suggestion." The commission should look at the bigger picture, a policy issue; not a one case scenario.

Owner of a tract in the Ridge Megan Paden agreed with John Taylor. She said that her lot borders the national forest, and it is a major wildlife corridor. She appreciated the reduction of the number of lots proposed. The additional traffic is a concern. Their lot is served by a spring; the Button/Wallace parcel is directly above Paden's. They had previously lived in the adjacent subdivision, the Highlands, and they moved because their well went dry. The water availability is a great concern. They have contacted several well drillers that were not positive about the availability of water. Paden referred to the letter that she had submitted to the commission. She was also concerned about the other neighboring tracts subdividing. She said four of the seven owners in the Ridge subdivision are opposed to further subdivision.

Owner of a tract in the Ridge Aloysha Paden commented that it could be more desirable and valuable to have a larger open parcel. He reiterated that a 35-acre tract could actually be more valuable and more attractive.

Owner in the area Mary Jursinovic had submitted a letter to the commission. She read her letter aloud to the commission. She said the potential for increased traffic is a great concern. She agreed that a precedent could be set, for further subdivisions.

Wallace acknowledged the neighbors' concerns. She said they are trying to live on the property and they can not afford to do that without subdividing the parcel. If this was sold as a 35-acre parcel, there could be two homes built on the parcel. She said they would agree to limit the size of homes. If sold as a whole the potential for subdivision still exists and could be done at that time.

Megan Paden responded that 66% of the Ridge owners' approval is required for this subdivision. County Commissioner Swenson disagreed and clarified that the covenants state that 66% approval is required to change the covenants; not for approval of a subdivision that is currently allowed by the covenants. Commissioner John Messner agreed that the owners in the Ridge subdivision purchased their property with the knowledge that the covenants allow for several lots to further subdivide.

Commissioner Nick Lypps said that the three lots that can be subdivided had been established quite a while ago. This subdivision request is in the general context of the neighborhood and it is only increasing the number of buildings allowed by one out-building.

Karas noted that the commission is bound to assure that a subdivision complies with the conditions of the *Gunnison County Land Use Resolution* (LUR.) He acknowledged that the road and bridge standards and fire safety standards have been met, and reiterated that the covenants do allow for several of the lots to be further subdivided.

Commissioner Ramon Reed agreed with Karas and Messner. He acknowledged that the commission is bound to comply with the LUR and the existing subdivision covenants. He suggested that the owners in the Ridge address their concerns by amending their covenants; to prevent further subdivision of the parcels. The commission will need a hydrologist report to prove availability of water. He requested that staff get a letter from public works regarding the road and the amount of traffic potentially being added to the road.

Billick requested clarification of the locational standards. He said that the LUR contains both primary and secondary locational standards. He explained that the LUR states that the locational standards do not apply if there are no more than two parcels being subdivided. Pagano agreed to speak to the Director of Planning concerning the locational standards. Karas asked if a subdivision would be looked at cumulatively, and if so then the locational standards would apply.

Billick pointed out that the county had not been a party to the original covenants. The association could limit what can be done on a parcel, but that does not mean that the county has no input.

John Taylor asked if the 20-acre parcel being created could be further subdivided. Billick explained that the current covenants do not allow it. The covenants would have to be modified and the county would have to approve the subdivision.

Pagano suggested that the applicants specifically define what they would allow on each parcel; residences, secondary residences, out-buildings. Billick stated that the applicants should submit that information in writing; it will then be included in the recommendation.

Billick queried the commission on water:

- Reed- The commission needs sufficient demonstration of availability of water. The commission will accept well driller drilling logs.
- Karas-Drilling logs may not be sufficient and he would like the opinion of a registered hydrologist
- Billick –Would be uneasy requiring a higher standard than typically required
- Messner-Looking at wells that had been drilled in the past five years would be beneficial and sufficient

Billick asked how similar requests are being handled and what is being required. Pagano said that it is essentially done on a case by case basis. Karas was concerned with the limitations of that aquifer.

Aloysha Paden said the former owner of their tract had been concerned that the spring water was dwindling. He continued that their ultimate concern is water. He repeated that they had been forced to move out of a home in the area in 1999 because the well had dried up.

Billick closed the joint public hearing at 11:10 a.m, and extended the written comment period for two weeks.

Billick outlined the concerns of the commission:

- Provide specific information in writing as to the total number of buildings being requested
- The water is an issue- the applicants are charged with demonstrating to the commission that there is sufficient water
- Public works to provide information on the capacity for traffic on this road
- Staff to provide clarification on the locational standards

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**TREDWAY SUBDIVISION:** The Planning Commission conducted a work session with applicants Melinda and Dave Tredway and the applicant's attorney Russ Mullins. They discussed the request for a two lot subdivision; Lot 1 is proposed to be 2.36 acres and contain the existing single-family residence and outbuildings; Lot 2 is proposed to be 0.50 acres, located west of the City of Gunnison, at 332 Bevington Rd.

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

Commissioner Nick Lypps asked the applicants if there had been any changes to the application since the last meeting. The applicants confirmed that there had been no changes; they did not want to increase the size of the new lot and they did not want covenants on the new lot.

The commission reviewed the recommendation.

**MOVED:** by Karas seconded by Reed to approve the recommendation of LUC-2007-31. The motion passed unanimously.

**PROJECT DESCRIPTION:**

David and Melinda Tredway have submitted an application to subdivide an existing 2.86-acre parcel into two lots; Lot 1 is to be 2.36 acres and Lot 2 is to be 0.50 acres. There is an existing residence, workshop, garage and second residence on the proposed Lot 1. Lot 2 is proposed to be used for a single-family residence. There are no covenants proposed for the subdivision.

**LOCATION:**

The parcel on which the Land Use Change is proposed is west of the City of Gunnison. The parcel is legally described as being in the Southeast quarter of the Northeast quarter, Section 3 and the Southwest quarter of the Northwest quarter, Section 2, Township 49 North, Range 1 West, N.M.P.M. The subject parcel is located at 332 Bevington Road.

**SITE CHARACTERISTICS:**

07 November 16 PC Minutes  
07 December 07 PC Approved

The site is located adjacent to the Gunnison River; the parcel is located within the 100-year floodplain. A portion of the parcel has been developed for a single-family residence and home occupation. The remainder of the parcel is vacant land.

**ADJACENT AND NEARBY USES:**

The Tredway parcel is bordered by Gunnison Island Acres Subdivision and Zugelder Subdivision and other residential parcels. The surrounding parcels range in size from 0.38 acres to 1.8 acres.

**IMPACT CLASSIFICATION:**

The project, by definition, is a minor impact.

**ONSITE VISIT:**

The Planning Commission conducted a site visit on September 21, 2007.

**PUBLIC HEARING:**

The Planning Commission conducted a public hearing on October 12, 2007. Testimony that was presented, and the full record of that hearing, including written letters and verbal testimony, are hereby incorporated into this record.

**REVIEW AGENCY REFERRAL COMMENTS:**

A copy of the complete application was sent, by certified mail and hand delivery, on August 17, 2007 for review agency comments. A referral was sent to the Division of Wildlife, Gunnison County Fire Marshal, the City of Gunnison and the Gunnison County Trails Commission; comments were not received from any of these agencies. Comments were received from the following individual agencies:

**Colorado Division of Water Resources:** Comments from Mark Vanarelli, in a letter dated September 7, 2007:

*We have reviewed the above referenced proposal to subdivide a 2.86-acre parcel into two lots. An existing house, a garage/apartment and two workshops will be located on Lot #1 consisting of 2.36 acres. A residential building for a single family is proposed for construction on Lot #2 consisting of 0.5 acres. The applicant proposes to provide water through two wells. The estimated water requirement for the two lots is 350 gallons per day. Both wells are located on the Lot #1. Sewage disposal is to be provided through connection to the Dos Rios Sanitation District.*

*The applicant has provided information indicating that two existing wells on Lot #1 and has provided the associated permits (Permit No. 32776 and 34440). Lot #2 does not have a well. No additional wells have been proposed. The applicant proposes a single-family residence on Lot #2. The two existing wells were permitted prior to May 1972, therefore, under the current statutes their uses are limited to those existing as of that date. Any additional uses for a dwelling on Lot #2 would be considered an expansion of use and would not be permissible under the current statute.*

*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 that a water supply that 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.*

*The source of the proposed water supply would be from, or tributary to, the Gunnison River, which is a tributary of the Colorado River. The Colorado River is overappropriated, therefore a plan for augmentation is required to offset depletions caused by the use of water for this development. Due to the lack of a water court approved augmentation plan, the State Engineer finds pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply will cause material injury to decreed water rights and is inadequate.*

**Gunnison County Public Works:** Comments from Marlene Crosby and Allen Moores, in a memorandum dated September 4, 2007:

*Our office has met with the applicant and discussed the drainage issues present at the location of the proposed access.*

*The drainage issues will be addressed at the time an Access Permit is applied for.*

*Our office has no other comments at this time.*

**Gunnison County Public Works Utility Division:** Comments from Mark Templeton, Utility Manager in a memorandum dated July 10, 2007:

*Your parcel of land in the Island Acres Subdivision can be served by the Dos Rios Sanitary Sewer Collection System. The line size in your area is adequate for an additional single family residence, provided that the residence taps directly into our main sewer line on Bevington Road. There is also capacity at the City of Gunnison Waste Water Treatment Plant.*

**Sage-Grouse Conservation Coordinator:** Comments from James Cochran, in a letter dated November 7, 2007:

*The proposed activity is not within 0.60 miles of a mapped Gunnison Sage-grouse lek. It is within mapped occupied Sage-grouse habitat.*

*The proposed activity is within a developed subdivision. It is unlikely that prior to development this was actual sage-grouse habitat as it is within a riverine cottonwood/willow habitat type. Therefore I find that the proposed activity will not impact Gunnison Sage-grouse or their habitats.*

*Because there are Gunnison Sage-grouse in this general area, the following requirements will be applied as a condition of all Gunnison County permits issued for projects on this parcel to protect Gunnison Sage-grouse and their habitats:*

- 1) *Per Section 11-106 G.e. of the Gunnison County Land Use Resolution, unless pre-empted by Federal or State law, Gunnison County will require, as a condition of permits issued on all lots within this subdivision, that non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.*
- 2) *Loose domestic pets, particularly dogs and cats, are a hazard to wildlife including Sage-grouse. Appropriate controls are required to insure that negative affects from pets do not occur. This includes construction workers pets.*

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

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

Applicable, the subject parcel is located within the municipal three mile plan of the City of Gunnison and meets the primary location standard. A copy of the application was sent to the City of Gunnison on August 17, 2007 and no comments have been received.

##### **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 lot sizes proposed, 2.36 acres and 0.50 acres, are substantially similar to adjacent lots. Adjacent lot sizes range from 0.28 acres to 2 acres. Nearby uses include residential subdivisions such as Gunnison Island Acres and Zugelder Subdivisions.

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

The site is entirely located within the Gunnison River 100-year floodplain. Any new construction shall be required to comply with this section.

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

The site is not located within areas subject to geologic hazards.

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

The proposed development is not within a severe (high/extreme) wildfire hazard area. The proposed development is

located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on August 17, 2007; no comments have been received.

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

The Colorado Division of Wildlife was sent a copy of the application on August 17, 2007 and no comments have been received from the DOW.

The application was also referred to Jim Cochran, the Gunnison County Sage Grouse Coordinator. Comments received from Cochran on November 7, 2007

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

The site is within 125 feet of a water body or mudflow, and this section does apply. Any proposed improvements shall meet the requirements of this section.

**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 Bevington Road. Any proposed development shall be required to comply with Road and Bridge Standards.

**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 an individual well for both lots. The State of Colorado requires that the applicant augment the individual wells for both lots. The applicants have contracted with the Upper Gunnison Water Conservancy District for augmentation water in Contract No. 07-94A for one acre-foot of water. The applicants have satisfied the requirements of the State of Colorado and have provided a legal and adequate supply of water for the proposed subdivision.

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

The applicants propose that Lot 2 will tie onto the Dos Rios Water Treatment System for central sewer service. Gunnison County Public Works Utility Manager, Mark Templeton, has verified that there is available capacity for the new lot. Lot 1 is currently served by a central sewer system.

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

The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on August 17, 2007; no comments have been received.

**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 prepared by Furey Land Surveying, dated May 9, 2007 meets the site plan criteria.

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

This section applies; any proposed improvements shall 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.***

Design elements have been included within the site layout design allowing for adequate storage. The Public Works Department has indicated no concerns related to snow storage.

**Section 13-113: *Fencing***

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

**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, this project does not affect any agricultural operations.

**FINDINGS:**

The Commission finds that:

1. This proposed project, by definition, is classified as a Minor Impact.
2. The proposed lot sizes are similar and compatible to other lots within the area.
3. The applicant will utilize individual wells for the water supply; augmentation water has been purchased from the Upper Gunnison Water Conservancy District and the applicant has provided a legal and adequate supply of water.
4. The subdivision will be served by a central sewer service.
5. This application is generally consistent with the standards and requirements of this *Resolution*.

6. No phases are proposed for this development.
7. Access will be from the existing Bevington Road; any new driveway shall be required to comply with the Gunnison County Road and Bridge Standards.
8. 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*.
9. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

**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 No. 2007-31 be classified as a Minor Impact, and be approved with the following conditions:

1. Per Section 11-106 G.e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, Gunnison County will require, as a condition of permits issued on all lots within this subdivision, that non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.
2. Loose domestic pets, particularly dogs and cats, are a hazard to wildlife including Sage-grouse. Appropriate controls are required to insure that negative affects from pets do not occur. This includes construction workers' pets.
3. 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*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. 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.
6. 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.
7. 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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**PLANNING COMMISSION LUNCH DISCUSSION:** The commission conducted a discussion of planning issues, and schedules.

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**ROCKY MT. CHRISTIAN MINISTRIES:** The Planning Commission conducted a public hearing, with applicants John Clements, Gary Haney and owner Doug Duryea. They reviewed the request to convert an existing building into a church; located at 1040 Highway 135, north of the City of Gunnison.

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 proof of posting, and the public hearing notice had been published in the Gunnison Country Times and the Crested Butte News.

Commissioner Nick Lypps asked if the applicants had addressed the Fire Marshall's egress issues. Clement confirmed that they were addressing those concerns.

There was no public comment. There were over 15 individuals in the audience, who when queried by the commission, supported the project.

Assistant Planning Director Neal Starkebaum acknowledged a letter of support received from Jeff Wilkinson.

Billick closed the public hearing at 11:05 a.m.

The commission reviewed the draft decision.

**MOVED:** by Reed seconded by Lypps to approve LUC-2006-59 as amended. The motion passed unanimously.

**PROJECT DESCRIPTION:**

The applicant, with authorization from the landowner, requests the conversion of an existing 4000 square foot building, previously used as a commercial retail business, to a use as a church for the Rocky Mountain Christian Ministries. Church services will be held on Sunday mornings, with incidental use during the week. While the parcel is 6.7-acres, the church will use about 1-acre in the southwestern corner of the property. No other uses are currently contemplated on the balance of the parcel; however, the landowner has submitted a petition to the City of Gunnison for annexation of this parcel and the adjacent parcel to the south. There is no defined timeline for annexation to the City of Gunnison.

**LOCATION:**

The property is legally described as a 6.7-acre parcel, located within the SE1/4SW1/4 Section 25, Township 50 North, Range 1 West, N.M.P.M. The site is located at 1040 N. Highway 135, just north of the City of Gunnison and east of Highway 135.

**TRAFFIC:**

The applicant currently estimates 30 trips on Sundays, and 5-6 trips per day for the balance of the week. The number of trips may increase over time.

The applicant submitted a copy of the "Duryea Property – Level Two Auxiliary Turn Lane Assessment, dated October 10, 2007 and a letter from Christopher S. McGranahan, P.E., PTOE Associate, LSC Transportation Consultants, Inc., dated September 27, 2007, noting that ...

"LSC Transportation Consultants, Inc., has prepared this Level Two Auxiliary Turn Lane Assessment for the Duryea Property located in Gunnison County, Colorado. The assessment is being prepared for submittal to the Colorado Department of Transportation (CDOT).

Our findings verify that the SH 135/site access intersection would be in compliance with the Colorado SHAC with the proposed temporary church land use. This should allow CDOT to grant a temporary CDOT State Highway Access Permit for the site."

**WATER SUPPLY/ WASTEWATER:**

Water will continue to be provided by the existing well on the property, permitted for commercial use, Permit No. 12070. Wastewater will be treated by connection to the North Gunnison sewer extension.

**City of Gunnison Comments:**

Diane Lothamer, Chairperson, City Planning and Zoning Commission, in a letter dated, March 28, 2007, noted that: "The City has no specific concerns with respect to a church use in this location, since the City's Land Development Code allows churches in the residential zones with a conditional use permit."

## **DOCUMENTS INFORMING THIS REVIEW AND ACTION:**

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 Final Plan application, including all exhibits, references and documents. Among them are the following plans and submittals that inform this review:

- Site Plan, submitted with application.
- Parking Plan, prepared by Gary Haney, dated 9-24-07.
- Floor Plan, prepared by Gary Haney, dated 11-30-06.
- Drainage plan, prepared by Bob Williams, P.E., Williams Engineering, LLC., dated 9-12-07.
- Sanitary Sewer Plan and Profile, prepared by Bob Williams, P.E., Williams Engineering, LLC., dated 9-12-07.
- Letter from Christopher S. McGranahan, P.E., PTOE Associate, LSC Transportation Consultants, Inc., dated September 27, 2007.
- Rocky Mountain Christian Ministries Code Search, 2003 IBC, prepared by Bob Williams, P.E., Williams Engineering, LLC., dated 12-14-06.
- Letter from Doug Duryea, dated 9-24-07 authorizing the installation of a sewer line on the subject property, as outlined in the sewer line plans produced by Bob Williams Engineering.

## **COMPLIANCE WITH THE APPLICABLE STANDARDS OF THE *GUNNISON COUNTY LAND USE***

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

The proposed use meets the primary standard.

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

Voluntary; not mandated.

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

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

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

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

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

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

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

The site is not within critical wildlife habitat.

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

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

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

Not applicable.

### **Section 12-103: *Road System.***

The applicant estimates 30 trips on Sundays, and 5-6 trips per day for the balance of the week. The number of trips may increase over time.

The applicant submitted a copy of the "Duryea Property – Level Two Auxiliary Turn Lane Assessment, dated October 10, 2007 and a letter from Christopher S. McGranahan, P.E., PTOE Associate, LSC Transportation Consultants, Inc., dated September 27, 2007, noting that ...

"LSC Transportation Consultants, Inc., has prepared this Level Two Auxiliary Turn Lane Assessment for the Duryea Property located in Gunnison County, Colorado. The assessment is being prepared for submittal to the Colorado Department of Transportation (CDOT).

Our findings verify that the SH 135/site access intersection would be in compliance with the Colorado SHAC with the proposed temporary church land use. This should allow CDOT to grant a temporary CDOT State Highway Access Permit for the site."

The applicant will be required to provide a copy of the CDOT access permit.

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

Not applicable.

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

Water will continue to be provided by the existing well on the property, permitted for commercial use, Colorado Division of Water Resources Permit No. 12070.

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

Wastewater will be treated by connection to the North Gunnison sewer extension. The existing septic system will be abandoned in compliance with the Gunnison County ISDS Regulations, pursuant to Part XI, Section 11-107 Termination of System Use.

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

The property is located within the Gunnison County Fire Protection District. In discussion with staff on October 12, 2007, Dennis Spritzer, Fire Marshall, noted that he had reviewed the floor plans and code search review prepared by Bob Williams, Williams Engineering, Inc. and that the building is not required to be sprinklered. Specific ingress/egress will be reviewed at the time of building permit application.

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

The existing building is a legal non-conforming use.

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

Not applicable.

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

Not applicable.

**Section 13-109: *Signs.***

The applicant has submitted a proposed sign detail. A sign permit is required to be obtained by the applicant.

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

Parking has been reviewed, based upon the square footages of the proposed use and provision of 46 parking spaces, including handicapped parking, has been identified on the site plan.

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

The Commission reviewed the existing landscaping; no additional landscaping is required.

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

Sufficient snow storage has been identified on the site plan.

**Section 13-113: *Fencing***

Not applicable.

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

All exterior lighting shall be fully shielded.

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

A Reclamation Permit is required, as applicable, for the installation of the sewer line.

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

Minor grading of the parking lot is contemplated as part of this request, to facilitate better drainage of the parking lot.

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

A drainage plan was prepared by Bob Williams, P.E. Minor grading to the parking lot will provide for positive drainage.

**PUBLIC HEARING:**

A public hearing was held on November 16, 2007; at that time a letter was received from Jeff Wilkinson, dated 11-14-07, supporting the request. Approximately 16 people attended the public hearing, all in support of the request. The minutes of the hearing are attached to this decision document.

## FINDINGS:

The Commission finds that:

1. The proposed project meets the definition of a Minor Impact Project.
2. 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.
3. 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*.
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.

## DECISION:

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and including provision of a public hearing, and having reached the above cited Findings, classifies LUC No. 2006-59, Rocky Mountain Christian Ministries, 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 applicant will provide a copy of the CDOT access permit to the Planning Department, prior to the use being conducted.
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.

**RED MOUNTAIN LOGWORKS;** The Planning Commission conducted a public hearing, with the applicants Megan Paden and Gary Klifman. They discussed the request for the expansion of the commercial use to allow a seasonal storage area and the outdoor display area for the business, located south of the Town of Crested Butte, west of Highway 135

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 proof of posting, and the joint public hearing notice was published in the Gunnison Country Times and the Crested Butte News.

Billick asked if there had been any changes to the application. Klifman replied that they will move the shed to accommodate the county setback requirements. They have submitted a description of the landscaping business.

Assistant Planning Director Neal Starkebaum asked the commission if they were requiring additional landscaping. If it is required they will have to bond for it and the surety would be held for two years.

Billick quoted the buffering section of the *Gunnison County Land Use Resolution* (LUR). Lypps suggested that the commission consider requiring a landscape plan.

Reed asked about the weatherport and how the building department classifies it. Starkebaum replied that the building department has classified a weatherport as a temporary structure and it would not have to meet the county setback requirements. Reed said that the additions are not significant and would not require screening.

The commission agreed not to require a landscaping plan.

Starkebaum stated that there was no public comment and the planning department had not received any letters from the public.

Billick closed the public hearing at 1:35 p.m.

The commission reviewed the draft decision.

**MOVED;** by Karas seconded by Owen to approve LUC-2007-32 as amended. The motion passed unanimously.

The applicant, with authorization from the landowner, requests an expansion in the use of the existing commercial Red Mountain Logworks business. Red Mountain Logworks is an existing, permitted, manufacturing and retail log furniture business. The area of expansion would include the northeast corner of the property being leased to a seasonal landscaping business. The request would also update the current business operation, including the use of an existing outside display area for the furniture and log items, several log storage "A" frames, storage lean-to's and covered outdoor work areas.

Operational Details:

Currently, the applicants employ three persons full time. One of the employees resides at the residence on the property.

Hours of operation: June through September 8 a.m. to 5 p.m., 7 days a week.  
October – May 9 a.m. to 5 p.m. - Friday through Saturday.

This seasonal business would limit their usage to a truck, a trailer, two employee cars and seasonal deliveries. No retail sales would be permitted from the premises. The site would be used as a "base of operations" for the landscaping business, including deliveries and storage of product.

All application materials are dated August 20, 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.

**PRIOR LAND USE APPROVALS:**

Land Use Change Permit No. 1981-60, was approved in October 1981, for Jim Cole, Glacier School, for a wood craft operation, including the manufacturing of wood products and retail gift shop.

**LOCATION:**

The property is located at, legally described as a 1.0-acre parcel, located within the SE1/4NW1/4 Section 28, Township 14 South, Range 85 West, 6<sup>th</sup> P.M. The site is located at 21293 Highway 135, approximately 7 miles south of the Town of Crested Butte and west of Highway 135.

**TRAFFIC:**

The applicant estimates the current vehicle trips, (including customers, employees and deliveries), as follows:

Landscape business: April – October 2-3 round trips a day 6 days a week

Red Mountain Logworks: June-August 12 round trips a day 7 days a week.  
August through October 4 round trips a day 6 days a week  
November - May 3 per day 6 days a week

**WATER SUPPLY/ WASTEWATER:**

Water will continue to be provided by the existing well on the property, permitted for commercial use, Permit No. 187066.

Wastewater will be treated by existing septic system, ISDS Permit No. 2002-14, for a residence and commercial woodshop, issued November 2, 2002. The applicant submitted a letter from Western Wastewater Technologies, Inc., Jon Billingsley, dated August 28, 2007, in which he notes: "Septic inspection was performed on Red Mountain Logworks property located at N. Highway 135. Purpose of inspection was to locate components of the ISDS and to see if system

was working properly. System seems to be working properly and all components were located. Tank and two laterals were easily located.”

**DOCUMENTS INFORMING THIS REVIEW AND ACTION:**

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 Final Plan application, including all exhibits, references and documents. Among them are the following plans and submittals that inform this review:

- Revised Project Description, dated November 1, 2007.
- Revised Site Plan, dated November 1, 2007.
- Letter from Western Wastewater Technologies, Inc., Jon Billingsley, dated August 28, 2007
- Plans and exhibits submitted with the application.

**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***

This is an existing commercial use.

**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 a low wildfire hazard.

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

The site is not within critical wildlife habitat.

**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.***

An existing driveway from Highway 135 provides access. The access is permitted for commercial use, Colorado Department of Transportation Permit No. 135-21.2-1, issued October 28, 1981. The average daily traffic volume count for this permit was estimated at 15 passenger cars and six heavy single unit trucks.

No substantial change in the use of the number of vehicles trips is contemplated by this request.

**Section 12-304: *Public Trails.***

Not applicable.

**Section 12-305: *Water Supply.***

Water will continue to be provided by the existing well on the property, permitted for commercial use, Permit No. 187066.

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

Wastewater will be treated by connection to the North Gunnison sewer extension.

**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 building meets the setback requirements. A temporary weatherport is not required to meet setbacks.

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

Applicable.

**Section 13-408: Open Space And Recreation Areas**

Not applicable.

**Section 13-409: Signs.**

There is an existing sign on the property.

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

Parking has been identified on the site plan and meet the minimum requirements.

**Section 13-411: Landscaping And Buffering.**

The Commission reviewed the existing landscaping; additional landscaping would be.

**Section 13-412: Snow storage.**

Sufficient snow storage has been identified on the site plan.

**Section 13-413: Fencing**

No change in the existing fencing is contemplated.

**Section 13-414: Exterior Lighting.**

All exterior lighting shall be fully shielded.

**Section 13-415: Reclamation And Noxious Weed Control.**

Not applicable.

**Section 13-416: Grading And Erosion Control.**

Not applicable.

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

Not applicable.

**PUBLIC HEARING:**

A public hearing was held on November 16, 2007; at that time..... The minutes of the hearing will be attached to this decision document.

**FINDINGS:**

The Commission finds that:

1. The proposed project is, by definition, a Minor Impact Project.
3. 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.
4. 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*.
5. 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. 2007-32, Red Mountain Logworks, 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. 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.
3. 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.

\*\*\*\*

**BARZ SUBDIVISION:** The Planning Commission conducted a work session with applicants Kim Barz and Curtis Allen. They reviewed his request for the subdivision of 5.39 acres from a 479-acre parcel. The subject parcel is located northwest of the City of Gunnison, 1.4 miles up County Road 730 (Ohio Creek Road).

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

Barz explained that his water court decree had been approved recently. The pond must be constructed first. The augmentation plan is complete and approved. The easement across the neighbor's property is complete.

Barz and Allen both said that they are changing the stubble height language in the protective covenants. They would rather state; four inch stubble height will be maintained during the growing season.

Commissioner Richard Karas questioned the covenants; household pets to be maintained by voice command, "Seems fairly loose." Allen agreed that the domestic animals should be confined to the property. Karas added that cats roaming freely on a property can kill off much of the bird life. Allen said that they were mainly concerned with dogs getting into the livestock. Pagano quoted the *Gunnison County Land Use Resolution (LUR)* section on constraining domestic animals. The applicants agreed to amend the covenants to address the containment of domestic animals.

Karas questioned the language that dealt with offensive noise emitted from the new parcel. Billick explained that the language binds only the new lot.

The commission reviewed the draft recommendation.

**MOVED:** by Karas seconded by Reed to approve the recommendation of LUC-2007-10. The motion passed with a vote of four to one; Billick, Karas, Lypps and Reed voting yes, and Owen voting no.

#### **PROJECT DESCRIPTION:**

Kim Barz has submitted an application to subdivide one 5.39 acre tract (Barz parcel) from a 479-acre parcel. The Barz parcel is physically separated from the 473-acre parcel by County Road 730. Currently the entire parcel is used for agricultural operations by the Allen family. The applicant is proposing to construct one single-family residence, a garage with a second residence above it and a shed. The proposed improvements are to be located on the northern portion of the lot as indicated on the site plan prepared by Michael D. Helland dated February 20, 2007.

#### **LOCATION:**

The parcel on which the Land Use Change is proposed is northwest of the City of Gunnison in the Ohio Creek drainage. The parcel is legally described as being in the Southwest quarter of the Northeast quarter, Section 12, Township 50 North, Range 1 West, N.M.P.M. The subject parcel is approximately 1.4 miles north of the intersection of County Road 730 (Ohio Creek Road) and Highway 135 on County Road 730.

#### **SITE CHARACTERISTICS:**

The site is located in the Ohio Creek valley. The parcel is mostly irrigated hay meadow with some jurisdictional wetlands as identified on the site plan prepared by Michael Helland, dated February 20, 2007.

**ADJACENT AND NEARBY USES:**

The Barz parcel is bordered by Horse Meadows development and agricultural parcels. The parcels in Horse Meadows are 35 acres, there is an adjacent residential parcel, approximately six acres in size and adjacent agricultural parcels are all larger than 100 acres. Nearby uses include North Elk Meadows and Ohio Meadows subdivisions which have lot sizes ranging from one to ten acres.

**IMPACT CLASSIFICATION:**

The proposed project, by definition, is a minor impact.

**ONSITE VISIT:**

The Planning Commission conducted a site visit on July 20, 2007.

**PUBLIC HEARING:**

The Planning Commission conducted a public hearing on August 3, 2007.

Randy Ewing, an adjacent parcel owner, stated that he was concerned that a well was to be drilled within 300 feet of his existing well. Ewing also requested that Barz consider placing covenants on the subject parcel and that they work together on placement of the buildings so as not obstruct Ewing's' view sheds.

A letter was also received from Ann Bertschy, adjacent owner, stating her support for the proposed subdivision.

**REVIEW AGENCY REFERRAL COMMENTS:**

A copy of the complete application was sent, by certified mail and hand delivery, on April 10, 2007 to review agencies for comments. A referral was sent to the Division of Wildlife, Gunnison County Fire Marshal, the City of Gunnison, Public Works and the Gunnison County Trails Commission; comments were not received from any of these agencies. Comments were received from the following individual agencies:

**Colorado Division of Water Resources:** Comments from Craig Lis, in a letter dated April 26, 2007:

*The domestic water supply for the residential lot, including lawn and garden irrigation and stock watering, is to be provided through a new individual on-lot well. Pasture irrigation water will be supplied via existing ditch rights. Sewage disposal will be provided through individual systems. Household water use is estimated to require 500 gallons per day, or 0.559 acre-feet per year. The irrigation of 1200 square feet (0.03 acre) of lawn and garden will require approximately 0.066 acre-feet annually, and water for four head of livestock will require 0.054 acre-feet per year. Evaporation from the Barz Pond will consume 0.976 acre-feet annually.*

*Case No. 06CW187 (pending) was filed on September 29, 2006 in Division 4 Water Court requesting an underground water right for the Barz Well for domestic use for one single-family residence and an additional dwelling unit, stock watering for four head of livestock, and landscape irrigation of 1200 square feet; a storage water right for the Barz Pond; a change in water right for the Harris Bohm Potato Ditch and approval of a plan for augmentation. Use of water from the well is proposed to be augmented by releases from storage in Barz Pond, releases from storage in the Aspinall Unit pursuant to Upper Gunnison River Water Conservancy District Contract No. 06-082A (for 0.5 acre-foot), and the dry-up of 0.61 acres of historically irrigated hay pasture. The remaining shares in the Harris Bohm Potato Ditch will continue to irrigate 2.49 acres of hay pasture. The use of the irrigation water rights must not result in an expansion of use. The applicant, in recognition of the possibility that excavation of the pond may expose groundwater, stated in the court application that the pond will be lined and will not intercept groundwater. A Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure for the Barz Pond, dated September 22, 2006, was acknowledged by the Division 4 office on October 2, 2006.*

*The December 28, 2006 letter from Resource Engineering, Inc. states that existing wells near the subject parcel have reported yields of 10 to 18 gallons per minute. If the proposed well has a similar production rate, the water supply should be physically adequate.*

*Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply is physically adequate, however due to the lack of a water court approved augmentation plan, it is our opinion that the proposed water supply will cause material injury to decreed water rights.*

**Gunnison County Sage Grouse Coordinator:** Comments from Jim Cochran in a memorandum dated July 31, 2007:

*The proposed subdivision is not within 0.60 miles of Sage grouse lek. It is within mapped Sage-grouse occupied habitat. In reference to the latter, the parcel proposed for subdivision is outside the 50m (150 feet) sagebrush/wet meadow interface defined in the Gunnison Sage-grouse Rangewide Conservation Plan and technically is not Sage-grouse habitat. The parcel is also in close proximity to CR 730, which separates the parcel from more wet meadow before actual Sage-grouse habitat is encountered.*

*Considering the factors stated above, I find that this proposed subdivision will have no impact on Gunnison Sage-grouse or their habitats.*

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

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

The subject parcel is located within the municipal three mile plan of the City of Gunnison, although the parcel is on the border of the three-mile boundary. A copy of the application was sent to the City of Gunnison on April 10, 2007 and no comments have been received.

### **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 proposed, 5.39 acres, is substantially similar to adjacent lots. Adjacent lot sizes range from 6 acres to 600 acres. Nearby uses include residential subdivisions such as North Elk Meadows and Ohio Meadows which includes lots ranging in size from one acre to ten acres.

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

The site is not located within the floodplain.

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

The site is not located within areas subject to geologic hazards.

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

The proposed development is not within a severe (high/extreme) wildfire hazard area. The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on April 10, 2007; no comments have been received.

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

The Colorado Division of Wildlife was sent a copy of the application on April 10, 2007 and no comments have been received from the DOW.

The application was also referred to Jim Cochran, the Gunnison County Sage Grouse Coordinator. Comment received from Cochran on July 31, 2007 stated, "Considering the factors stated above, I find that this proposed subdivision will have no impact on Gunnison Sage-grouse or their habitats."

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

The site is within 125 feet of a water body or mudflow, and this section does apply. The applicant has submitted a wetland delineation, prepared by BioEnvirons, dated October 4, 2007. The Army Corps of Engineers, in a letter dated November 2, 2007 accepted the wetlands delineation and jurisdictional determination. The applicant's proposed improvements meet the inner restrictive buffer setback requirements which shall also be verified at the time of individual sewage disposal system and building permit application.

Additionally, the applicant was required to apply for a 404 permit from the Army Corps of Engineers for filling of wetlands for the construction of the augmentation pipeline. The applicant has been granted Nationwide General permit number 14 for the pipeline.

### **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 adjacent to agricultural land. Development roads must meet adequate setbacks from property boundaries so that maintenance of roads does not damage boundary fences, and dust control will be required to minimize impacts to

agricultural operations. Protective covenants or deed restrictions are required along with language on final plat regarding confinement of domestic animals, "fence-out" requirements, and irrigation ditch maintenance.

**Section 11-110: *Development Of Land Beyond Snowplowed Access.***

The site is not located beyond snowplowed access.

**Section 11-111: *Development On Inholdings In The National Wilderness.***

The site is not located on a National Wilderness inholding.

**Section 11-112: *Development On Property Above Timberline.***

This site is not located above timberline.

**Section 12-103: *Road System.***

Applicable, no new road is proposed. Access is via County Road 730. Gunnison County Public Works has not submitted any comments regarding this application.

**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 an individual well for the lot. The Colorado Division of Water Resources, in a letter dated April 26, 2007 identified that the applicant is required to have a water court approved augmentation plan. The applicant has received water court approval in Case No. 06CW187 for the proposed augmentation plan.

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

An individual sewage disposal system is proposed for the new lot. Gunnison County Environmental Health has not submitted any comments regarding this application.

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

The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on April 10, 2007; no comments have been received.

**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 prepared by Michael Helland, dated February 2, 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.***

Design elements have been included within the site layout design allowing for adequate storage. The Public Works Department has indicated no concerns related to snow storage.

**Section 13-113: *Fencing***

This section applies because the parcel is adjacent to agricultural land and has been noted on the plat and in the protective covenants.

**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.***

Applicant must be provided a copy of the Right-to-Ranch Policy and the Code of the West. Notification about the policy and about the *Code* are required to be noted in the resolution of approval and on the final plat.

**FINDINGS:**

The Commission finds that:

1. The project complies with the primary locational standards.
2. This project, by definition, is classified as a Minor Impact.
3. The proposed lot sizes are substantially similar to and compatible with other lots within the area.
4. The subject 5.86-acre parcel is physically separated from the 473-acre Allen ranch parcel by County Road 730.
5. The applicant will utilize an individual well for the water supply.
6. The applicant has a water court approved augmentation plan signed by the referee and the judge in Case No. 06CW187.
7. The applicant has obtained a wetlands delineation, prepared by Bio-Environs and the findings have been confirmed by the Army Corps of Engineers in a letter dated November 2, 2007.
8. The applicant has received Nationwide General permit 14 from the Army Corps of Engineers for the augmentation pipeline, located in the wetlands.
9. The project complies with the objectives of the City of Gunnison Three Mile Plan and complies with the density standard of one unit per five acres in a rural-residential area.
10. Elizabeth Ann Bertschy has granted the applicant a grant of easement across her property for installation of the augmentation pipeline, recorded at Reception No. 580272 in the Gunnison County Clerk and Recorder's Office.
11. This application is consistent with the standards and requirements of this *Resolution*.

12. No phases are proposed for this development.
13. Access will be from the existing County Road 730; any new driveway shall be required to comply with the Gunnison County Road and Bridge Standards.
14. Language regarding the containment of domestic animals, irrigation ditches and the "fence-out" requirement has been noted on the plat and in the covenants.
15. 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*.
16. 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 No. 2007-10 be classified as a Minor Impact, and be approved with the following conditions:

1. All domestic animals shall be confined to the property.
2. A grass stubble height of 4 inches shall be maintained, during the growing season, across the pasture portion of the subject parcel.
3. 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*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. 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.
6. 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.
7. 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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**POMPONIO SUBDIVISION:** The Planning Commission conducted a work session with applicant Pat Pomponio. They discussed 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, west of the City of Gunnison.

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

Planner Cathie Pagano explained the application. There will be one residence on each lot. Pomponio also owns 80-acres which are adjacent to this parcel.

Commissioners Nick Lypps and Ramon Reed suggested the applicant consider defining a building envelope. Pomponio agreed to establish a building envelope.

Pomponio explained that this parcel is an equal distance between Gunnison and Montrose.

Reed questioned whether a well would provide adequate water. Pomponio said he has a water court decree giving him the spring rights on the Brown cabin property. Reed asked if there is enough water to provide a joint water agreement for each of the parcels using the spring. Pomponio responded that they have discussed using the overflow from a cistern. Reed explained that the commission must be confident that there is enough water for the new parcel. Pomponio explained that at a minimum the new parcel will get the overflow from the cistern. He is proposing the existing residence get water from a spring. The new lot would get water from the Brown cabin parcel or a well permit.

Lypps requested that Pomponio reveal his master plan for his acreage. Pomponio said he does not intend to further subdivide his total acreage. Commissioner Richard Karas asked if he would agree to no further subdivision of the new parcel. Pomponio explained that his 37-acre parcel is subject to existing covenants, which state that any further subdivision is limited to a parcel no less than 10-acres in size.

Pagano explained that each subdivision is required to have covenants, and there are minimum covenant requirements, which are described in the *Gunnison County Land Use Resolution* (LUR.)

Commissioner John Messner asked if there is an overlap of ownership with the Brown 1.6 acre parcel. Pomponio responded that there might be a ¼-acre overlap.

Owen asked about the easement for the Deer Hunters Club. Pomponio replied that he was required to sell an easement to the Deer Hunters Club, because of a previous agreement.

The commission requested that the applicant address:

- Draft of covenants for the new lot
- Clarification of water- demonstrate a feasible well or attach sufficient water from the spring
- Indicate a building envelope on the plat

The commission will conduct a joint public hearing. The commission directed staff to prepare a draft recommendation for review following the joint public hearing.

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The regular meeting of the Gunnison County Planning Commission was adjourned at 4:00 p.m.

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/S/ Beth Baker  
Administrative Assistant  
Gunnison County Planning