

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: Friday, September 21, 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.** **Brothers Estate Subdivision**, continued joint public hearing/no action, represented by Rikki Santarelli, request for the subdivision of 6.21 acres into three lots, adjacent to Harmel's Resort, east of Almont, 6746 County Rd. 742 (Taylor Canyon Rd).
- 10:30 a.m.** Break
- 10:45 p.m.** **Horse River Ranch – Tract A**, work session/possible action, request for the construction of a road to provide access to seven 35-acre tracts; south and west of the Horse River Ranch development
- 12:00 p.m.** **Lunch**
- 1:00 p.m.** **Glacier Lily Estates Homeowner's Association**, work session/possible action, request to change the use of open space/club house parcel to single-family residential; the open space/club house parcel is 3.95 acres and the applicant proposes the new single-family residential parcel to be 1.1 acres with the remainder of the 3.95 acres to be open space; Glacier Lily Estates Subdivision located between the towns of Crested Butte and Mt. Crested Butte.
- 1:45 p.m.** **Loken Subdivision**, work session/possible action, request for subdivision of 20 acre parcel into one 12-acre parcel and one 8-acre parcel, north of the City of Gunnison at 775 Sierra Vista Way
- 2:15 p.m.** **Crested Butte Nordic Council**, work session/no action, request for 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
- 3:00 p.m.** Break
- 3:10 p.m.** **Adkins**, work session/no action, request for the construction of a single-family residence in compliance with Section 11-108: Development on Ridgelines; Lot 7, Star Mountain Ranch
- 4:00 p.m.** **Leave for Tredway site visit**
- 4:15 p.m.** **Tredway – Site Visit** site visit/no action, request for subdivision of 3.56-acres; 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.

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
September 21, 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	Assistant Director of Planning-Neal Starkebaum
Vice- Chairman -Ramon Reed	Administrative Assistant- Beth Baker
Commissioner- Nick Lypps	Others present as listed in text
Commissioner- Richard Karas	
Commissioner-David Owen	
Commissioner-John Messner	
Commissioner-Sam Lumb	

Absent was:

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

MOVED: by Owen seconded by Lypps to approve the minutes of September 7, 2007 as amended. The motion passed unanimously, with Karas abstaining from the vote.

BROTHERS ESTATE SUBDIVISION: The Commission and Board met with attorney for the applicants Rikki Santarelli. They conducted a continued joint public hearing to review the request for the subdivision of 6.21 acres into three lots, adjacent to Harmel's Resort, east of Almont, 6746 County Rd. 742 (Taylor Canyon Rd).

Board member Paula Swenson attended the meeting.

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

Santarelli stated that the applicants have amended their application. He explained they will be eliminating lot two, combining it with lot one. This amendment eliminates construction on the steepest part of the parcel, the need for a joint septic system, the need for the retaining wall, and the well and septic system will be more easily located. The identified building envelope will not change. The lot line between lots two and three will remain the same. The applicants are requesting permission to construct one single-family residence on the newly combined lot.

Santarelli said the current location of the building envelope will remain the same; if the new owners wanted a different view they would come before the planning department and the board for a building envelope adjustment.

Commissioner Ramon Reed suggested relocating the building envelope. The current envelope is a concern to Reed because the location increases the amount of road cut needed. The driveway should go across the lot into the building site. It would decrease the steepness of the road cut. Santarelli responded that the building could be placed at the edge of the envelope. Reed said going across the lot would decrease the steepness of the grade. Billick agreed with Reed it would be useful to consider a way to make the driveway less steep. Santarelli explained that they have configured the building envelope to accommodate the setbacks from the well and the leach field. He reiterated that the new owners may prefer a different building site.

Assistant Planning Director Neal Starkebaum noted that Colorado State Forest Service representative Brian Ayres has submitted comments explaining that he feels there could be a mapping error. He also commented that with fuels mitigation the fire hazard rating could be reduced. Starkebaum explained that there are standards for building on slopes greater than 30%.

Commissioner Nick Lypps noted that with the amended application the proposal is more acceptable.

Lypps noted that the State Engineer has defined the slope on lot one as 38%. He said that the question is do we go there or not. Starkebaum explained that the standards identified in the *Gunnison County Land Use Resolution (LUR)*, concerning building on slopes greater than 30% will have to be adhered to.

Billick noted that the “unavoidability issue” will have to be settled. Lypps said there could be better suited sites on the larger parcel. Santarelli said that the LUR talks about avoiding natural hazards that are a significant danger to health and safety. The building envelope on lot one could be brought down on the parcel. Billick stated that building on slopes greater than 30% is the issue.

Billick suggested that the applicants come back with a written amended application and an amended site plan. Reed agreed a building envelope on lot one that would be on slopes less than 30% would be a better application

Santarelli asked for identification of the things needed to move the application forward.

Billick noted that the commission is satisfied with the wild fire hazard issues and he said that the recommendation could address this issue.

Billick addressed the Colorado State Geological Survey (CGS) letter. Reed noted that CGS very clearly identified the concerns involved with building on the proposed lots. Santarelli agreed that the mitigation could accomplish lessening rock-fall danger, but he said that mitigation should not be done before construction.

Billick reiterated that unavoidability remains a concern with rock-fall hazards. Santarelli replied that the entire Spring Creek canyon has rock-fall hazards. Starkebaum referred to the LUR, which states that building may be permitted when the applicant can prove the hazard can not be avoided and is restricted to the least hazardous part of the property.

Billick said the commission must determine their level of concern. Starkebaum said this entire property is much larger than just lot one. Commissioner Richard Karas said the problem lies on lot three.

Karas explained that the CGS report stated that with the scaling of the loose rock, and following design guidelines when building, lot three could be a buildable lot. Billick defined the question as; is this significant danger and it is unavoidable? Reed said the CGS report stated that the level of danger on lot three is relatively low. He continued that it does not seem to rise to the level of avoiding this site entirely. Karas suggested adding an acknowledgement to the plat explaining that there is a danger, but it is low. Lypps added that a maintenance procedure could also be defined. Commissioner John Messner agreed that catastrophic situations should be avoided, but mitigation should be used in less severe situations. Reed noted that at this time they are requesting a subdivision not building permits. Billick said the difficulty is the uncertainty; the probability and the severity of an event. Reed said the rock-fall hazard on lot three is not significant at the building site. Lypps suggested maintenance of the slope should also be required. Billick said a rock-fall potential study would be beneficial in determining the suitability of the site. Santarelli agreed but only when there is construction, not as a part of the subdivision process. Starkebaum explained that because this is a new application for subdivision rather than an existing problem within an existing subdivision, a rock-fall simulation can be required.

Messner noted that both geologists’ reports said this could be a problem and a rock-fall simulation should be done. Lypps said that the geologists explained that they want to see the potential danger and mitigation methods.

Santarelli said it is difficult to meet a new problem each time one comes to a meeting. Billick clarified that the 30% slope issue is in the LUR and has been discussed at each meeting.

Billick said the locational standards should be addressed. Karas explained that the alternative locational standards states no adverse impacts to adjacent properties are allowed. He referred to a concern of the neighbors that their well will be contaminated by the new leach fields. The visual impact was also a concern.

Santarelli explained that the regulations imposed by the county, require that in order to avoid contamination of ground water a septic tank will be constructed properly. It is wrong to presume that ground water will be contaminated simply because a septic tank exists. It is unreasonable to say that any septic system upstream will contaminate the wells below it. The visual impact of a new house is not significant. The home on lot one will be visible, but the other homes along the road are also visible.

Lypps asked about the change to Harmels Resort and if there are other subdivisions of the resort in the planning stages. Santarelli replied that there have been quite a few suggestions, but nothing has been decided. Karas explained that subdivision requests are cumulative and further subdivisions of the Resort down the road would be a major impact.

Reed requested updated comments from the environmental health official, now that the application has been amended. Billick requested that staff confer with the environmental health office concerning the ISDS suitability.

Billick said the view shed impacts fit in with how high on the parcel the building envelope is; the lower it is set the less the visual impact will be. Reed added that the road cut will also be less visible if the building envelope is lower.

Billick identified outstanding issues as:

- Rock-fall simulation model on lot three
- Building envelope location
- Review of lot one & the visual impacts
- Can an ISDS be placed on each of the two lots-staff will research
- A revised site plan with a formal amendment
- Submit covenants
- Easement for utilities - language to guarantee the new property owner will have legal access to get power

Paige Proctor a resident of Spring Creek observed that whether anyone likes it or not the area is going to change. He has watched the operation of Harmels; they are good land stewards. This two lot subdivision, under the Roberts' supervision, will be done well.

Mark Warren owner in the area asked for better clarification of the rock-fall hazard. Billick explained that two reports have been submitted, which both state that there should be a rock-fall simulation study. The rock-fall study should be done on lot three.

Billick closed the public hearing.

The commission will continue to review the application at the next work session.

HORSE RIVER RANCH-TRACT A/ ROADS: The Commission and applicants' representative Erich Ferchau conducted a work session to discuss the request for the construction of a road to provide access to seven 35-acre tracts; south and west of the Horse River Ranch development.

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

Commissioner John Messner was recused from the proceedings.

Ferchau explained the enforcement language has been as a separate agreement. Within the covenants there is sage grouse protection using location of construction. An enforcement agreement will be the enforcement mechanism used, rather than the covenants.

Commissioner Richard Karas suggested changing the enforcement language. Starkebaum suggested the language be changed to read "credible evidence." Karas asked what the county process would be if the homeowners association did not enforce their covenants. Starkebaum replied that the county could use stop orders, cumulative actions, and court actions. The commission requested that the county attorney review the enforcement agreement.

Billick noted that the pet control requirement is in the Horse River covenants.

Construction activity limitations and dust mitigation were discussed. Starkebaum said dust mitigation will be addressed with public works and the construction of the road. The hours of construction will be handled by the applicant.

MOVED: by Lypps seconded by Reed to approve LUC-2006-71 as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The applicant has submitted an application to construct a road to provide access to Lots A-1, A-2, A-3, A-4, A-5 and A-6 of Tract A, Horse River Ranch. The applicant has petitioned the Horse River Ranch Association for inclusion into the Horse River Ranch Development, as defined in Exhibit C, Potential Member Property, *Horse River Ranch Declaration of Protective Covenants* (Amended and Restated) 12/09/04. The applicant indicates that the Horse River Ranch Homeowners Association, by affirmative action at their annual meeting on or about July 10, 2007 accepted the Tract A Lots into the Homeowners Association. In addition, the applicant requests a change in access to Lot 19, Horse River Ranch and a modification to the boundary line between Lot A-6 and Lot 19, Horse River Ranch. Lot 19 is currently accessed from Overlook Trail, via a driveway easement across Lots 17 and 18, Horse River Ranch and the new access will be via a shared driveway with Lot A-6, from the subject road. Overlook Trail was previously approved by Gunnison County, LUC #2004-79, March 17, 2006.

The proposed lot configurations, road alignment, shared driveway accesses, and adjusted property line for Lots 19 and A-6, are shown on a development layout plan, titled "Tract A and Lot 19, Horse River Ranch". Road construction plans have been submitted by the applicant titled "Tract A - Roadway Plan and Profile", dated January 27, 2007, prepared by NCW & Associates.

This review and Decision incorporates, but is not limited to, all 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 subject lots and road, are located on 212.6 acres, and are located approximately three miles north of the City of Gunnison, west of County Road #730 (Ohio Creek Road), north of the Ohio Meadows Subdivision and generally described as being located within Sections 2 and 3, Township 50 North, Range 1 West, N.M.P.M.

SURROUNDING LAND USES:

- North - Horse River Ranch - residential lots
- East – Horse River Ranch - residential lots
- South – BLM public lands
- Southeast - Ohio Meadows Subdivision - residential lots
- West – BLM public lands

CHARACTERISTICS OF THE LAND:

The Lots and building envelopes are located in existing irrigated hay meadow; the southwest and southern portions, mainly above the Lone Pine Ditch, contain sagebrush steppe.

ACCESS:

Access to Lots A-1, A-2, A-3, A-4, A-5 and A-6 Tract A and Lot 19 Horse River Ranch is proposed via a 60 foot access and utility easement, from one point of intersection with Horse River Ranch Drive. Horse River Ranch Drive was previously approved by Gunnison County, LUC 2001-61, October 4, 2002. Lot 19 was previously accessed from Overlook Trail, via a driveway easement across Lots 17 and 18, Horse River Ranch and the new access will be via a shared driveway with Lot A-6, from the subject road. There is no change to the building envelope on Lot 19. The provisions contained in the *Amendments to the Declaration of Protective Covenants of Horse River Ranch* applicable to Lot 19 remain in effect. Two residences, per lot, are allowed by the covenants.

IRRIGATION DITCHES:

The Lone Pine Ditch provides irrigation water to the property and crosses several of the parcels, with the applicant holding water rights, if not wholly, in part, to the ditch. The maintenance of and required irrigation practices regarding the ditch are identified within the *Horse River Ranch Declaration of Protective Covenants*

WETLANDS:

The road and driveways do not cross, and the building envelopes are not located within proximity to jurisdictional wetlands.

WILDLIFE:

The property is located within occupied habitat for the Gunnison Sage-Grouse, as mapped by the Colorado Division of Wildlife. The property is not within 0.6 miles of a mapped Gunnison Sage-Grouse lek.

Colorado Division of Wildlife Comments:

J Wenum, Area Wildlife Manager, Colorado Division of Wildlife, in a letter dated April 19, 2007, noted that:

"..As you are aware we have worked with the proponent to try and minimize impacts form this project to the wildlife species, primarily the Gunnison Sage grouse. We feel that positive steps have been taken through relocation of building envelopes away from sensitive Grouse habitat. The applicants have also moved some site further away from the sage brush/ wet meadow interface and that should help to reduce the impacts on the birds. However, we are unable to quantify what the cumulative impacts to wild species will be from the continued development and alternation of their habitats. So, while steps to minimize impacts to habitat have been taken, there may still be impacts to Gunnison sage grouse from this development.

.. The three southeastern lots should have minimal impact due to their proximity to the existing Upper Castle Mountain development. The 4 lots along the western portion of the property have had adjustments made to their building envelope

locations based upon on site consultation between the DOW and proponents. Similar to comments on the development to the north on Horse River Ranch/Overlook Trail we recommend that building envelopes not be within 50 meters of the sage/wet meadow interface or in this case the existing ditch that delivers water and runs along the west and southern portions of the property. Research has shown that grouse will venture into and use hay meadows up to 50 meters from available cover (see Gunnison Sage Grouse Conservation Plan, Gunnison Basin, Co June 1997)

The covenants address many subjects in a pro-active manner, however there are a couple of areas we would like to address. First, the covenants provide up to three domestic pets are allowed on each tract and must be controlled by the owners. One concern is that domestic cats are a significant predator of wildlife, especially birds, and can have significant impacts on local populations. We recommend that cats be restricted indoors or under control. Second, we recommend that language be added to the covenants to require bear resistant refuse containers throughout the sub-division. These containers along with reducing other potential bear attractants can greatly reduce the incidence of bear/human conflict. We also recommend that a weed management plan be developed and implemented for the properties.”

Sage-Grouse Pre-Application Conference:

The amendments to Section 11-106: Protection of Wildlife Habitat Areas, adopted by the Board of County Commissioners on April 3, 2007, requires a pre-application conference for any project classified as a Minor impact project. As the amendment was adopted after the submittal of this application, it was not a prerequisite of the review. However, the applicant requested a Sage-Grouse pre-application conference as part of the review and the conference, including an on-site visit, was conducted on July 12, 2007. County staff and representatives from the Colorado Division of Wildlife and Natural Resources Conservation Service visited the site and provided comments, which are memorialized in a memo from Jim Cochran, County Sage-Grouse Coordinator, dated August 2, 2007.

Sage-Grouse Coordinator Comments:

Jim Cochran, County Sage-Grouse Coordinator, in a memo dated August 2, 2007, noted that:

“The proposed activity is not within 0.6 miles of a mapped Gunnison Sage-grouse (Sage-grouse) lek. It is within mapped Sage-grouse occupied habitat. Previous reconnaissance by the CDOW on the upper part of this parcel and the adjacent property indicated Sage-grouse activity in the sagebrush and along the upper ditch. Sage-grouse nests were located and the adjacent irrigated meadow is likely quality brood rearing habitat. The Gunnison Sage-grouse Rangewide Conservation Plan (CDOW, 2005) defines important Sage-grouse brood rearing habitat as being within 50m (150ft) of the sagebrush-wet meadow interface.

The owner consulted with the CDOW, the Natural Resources Conservation Service (NRCS) and Gunnison County prior to application for the access road to this subdivision (Minor Impact Project) and during the associated review process to address Sage-grouse issues that might result as this property is developed. The access road application is currently being considered by the Gunnison County Planning Commission. The owner has also applied to Gunnison County for a variance of Road and Bridge standards for the driveways accessing individual lots. This variance application will be considered by the Gunnison County Board of County Commissioners. The CDOW and the Gunnison County Sage-grouse Conservation Coordinator support the concept of shared access where possible and reasonable.

During the road application review process the owner agreed to four Sage-grouse related conditions which will be incorporated into the covenants of this subdivision:

- 1) A “no construction zone” from 150ft below the Lone Pine Ditch to the upper-most edge of each of the seven lots. Placement of a livestock shelter (open sided structure with no foundation) would be allowed. No barns, corrals or other construction would be permitted.
- 2) A prescribed grazing plan in the area from 150ft below the Lone Pine Ditch to the upper-most edge of each of the seven lots. Grazing will be managed in a manner to maintain an average stubble height on grasses and forbs of four inches. This provides vegetative cover, soil erosion protection, and keeps weeds from invading the site. The applicant has proposed a monitoring and enforcement plan that requires the Horse River Ranch Homeowners Association (HRR HOA) to monitor and enforce this plan.
- 3) A “historic irrigation” requirement is proposed. The HRR HOA would have the responsibility of irrigating the meadows below the Lone Pine Ditch as historically irrigated.
- 4) Inclusion of four habitat improvement options for consideration by subsequent owners of the parcels (an explanation of each option will be included in the covenants):
 - a. Brush Control
 - b. Range Seeding
 - c. Irrigation
 - d. Water Developments

Our onsite review and previous assessments indicated that the proposed covenants listed above provided significant protection to Gunnison Sage-grouse and their habitats on this property. In addition to these covenants the following recommendations and requirements are provided:

- 1) On all lots (A1 – A7) a requirement of all permits issued by Gunnison County for development on these lots shall be that no woven wire or similar fencing material shall be allowed either as perimeter or interior cross fence from 150ft below the Lone Pine Ditch to the upper most lot line. The reason for this restriction is to allow Sage-grouse movement across the properties to the sagebrush/wet meadow interface.
- 2) On lots A1-A5 concern was expressed regarding the impacts of grazing animals, particularly horses, on the sagebrush component of these lots, even with the grazing prescription being included in the covenants for these parcels. The decision of the reviewers was not to recommend specific restrictions, but to emphasize this concern. Many property owners are not aware of grazing impacts until the sagebrush has literally been eliminated. Careful management of the sagebrush areas of these parcels will be required to ensure the integrity and value of the habitat for Gunnison Sage-grouse. Limiting use of sagebrush areas to minimal grazing and turnout (periodic exercise), particularly for horses, will help maintain the sagebrush component of the Sage-grouse habitat on the property. Longer-term grazing should be limited to the area 150ft below the Lone Pine Ditch.
- 3) On Lots A1-A5, no additional development will be permitted, with the exception of an open shelter for livestock use. Management issues as noted in 2) are of significant concern.
- 4) Per Section 11-106 G. e., 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), in addition to compliance with applicable State and Federal laws, shall be imported only from certified disease free sources. 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 shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of this area by Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.

If the applicant and subsequent owners comply with these recommendations and with the requirements as stated, further restrictions on activities on these lots will not be required to protect Gunnison Sage-grouse and their habitats. Parcel owners are encouraged to contact Gunnison County, the CDOW or the Natural Resources Conservation Service for advice regarding wildlife issues, weed management, soil erosion control, irrigation and other resource issues.”

**GUNNISON COUNTY PUBLIC WORKS COMMENTS:
ROAD DESIGN REVIEW**

Marlene Crosby, Public Works Director, and Allen Moores, Gunnison County Public Works, in a memo of April 2, 2007, noted that:

“Our office has reviewed the submitted plans for road construction and as submitted the plans meet our standards. We do see the need for a stop sign at the intersection for the proposed road and the applicant should meet with emergency services to address appropriate road name and signage.

Note: The comments were prior to discussion regarding the number of residences, per lot. Based upon the provision of shared driveways, and two residences permitted, per lot, which would allow four residences to access on each driveway access, and by definition would be a road, the applicant applied for a waiver of standards to the *Gunnison County Road & Bridge Specifications for Road Construction*.

WAIVER OF GUNNISON COUNTY STANDARDS AND SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION:

The Board of County Commissioners held a public hearing on August 21, 2007 concerning the request for waiver of standards to *Gunnison County Road & Bridge Specifications for Road Construction*, submitted by the applicant. The Board approved the requested waiver. Modifications to the road plans were brought about by the waiver review, particularly regarding the driveway intersections and minor design elements. The revised plans will be reviewed by Public Works and the Fire District.

SITE VISIT:

The Planning Commission conducted a site visit to the property on May 25, 2007 and viewed the property, surrounding neighborhoods, and the proposed alignment of the road and building sites.

PUBLIC HEARING:

The Gunnison County Planning Commission conducted a public hearing July 6, 2007. At that time, several members of the public provided comment to the Commission including:

Debbie Phelps – concerns regarding the road location, construction timing and irrigation practices.
Jean Holmes – concerns with the location of the livestock shelters and disturbances above the ditch.

The public hearing was closed, and written public comment was extended to July 20, 2007. The minutes of the hearing are attached to this decision document, and all testimony, both written and oral, are hereby incorporated as part of this record of review and evaluation.

Letters received by the Planning Department include:

Debbie Phelps and Ralph Kwiatkoski, concerns with the County road standards and irrigation practices, – letter of July 17, 2007.

Debbie Phelps, concerns with the location of access for the road, access from Wiley Lane an option, – letter of July 19, 2007.

Jean Stewart Thoms, concerns with access to the Lone Pine Ditch, fencing and enforcement – letter of July 12, 2007

All letters are a part of the public record and are contained in the file.

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

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

There are no flood hazards present on the subject property.

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 located within an area subject to high wildfire hazards.

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

The application meets the standards, as noted by the review and comments from the Colorado Division of Wildlife and County Sage-Grouse Coordinator.

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

The road construction will not impact any wetlands or water bodies located on the subject property.

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

The road construction will not affect any agricultural uses conducted on the property, and the agricultural use is addressed in the Horse River Ranch covenants.

Section 12-103: *Road System.*

The proposed road has been reviewed by the Gunnison County Public Works Department and is in compliance with the *Gunnison County Specifications for Road and Bridge Construction*, and by the waiver of standards for the driveways, approved by the Board of County Commissioners.

Section 12-107: *Fire Protection.*

Fire protection is provided by the Gunnison Fire Protection District.

Section 13-109: *Signs.*

The applicant is required to install a stop sign and street sign identifying the road at the intersection with Horse River Ranch Drive.

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

Each residence is required to provide two off-road parking spaces, per parcel.

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Section 13-111: *Landscaping And Buffering.*

Not required.

Section 13-112: *Snow storage.*

Sufficient area is provided for snow storage within the right-of-way easement and on the individual building sites.

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

Obtaining a Reclamation permit is a requirement of this approval.

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

The applicant shall provide erosion control, as required, during the construction of the road.

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

Applicable.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The Planning Commission has reviewed and is informed by 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 submitted with this application and by public comment at a public hearing, both written and oral.
2. The road and location of the road has minimal impact to sage-grouse habitat, as it is located in existing irrigated hay meadows, outside of 150' from the sage/wet meadow interface of the Lone Pine Ditch, which has been identified as critical sage-grouse brood rearing habitat. Potential impacts to sage-grouse and sage-grouse habitat, from the development on individual lots, have been mitigated by the applicant by the following:
 - a. The locations of the building envelopes have been located at least 150' from the Lone Pine Ditch.
 - b. Provision of shared driveways to adjoining lots.
 - c. Recordation of an "Enforcement Agreement" that includes the following:
 - (1.) No construction above the 150' "No Construction Zone", as identified on the "Amended Plat of Horse River Ranch", except for one, open-sided, livestock structure, and notation on the plat regarding same.
 - (2.) No woven wire or similar fencing material allowed as perimeter or interior cross fencing.
 - (3.) Habitat Improvement Options, including:
 - (a.) Brush Control
 - (b.) Range Seeding
 - (c.) Irrigation
 - (d.) Water development
 - (e.) Avoid overgrazing
 - d. Provision of an Enforcement Process
3. The amended driveway access to Lot 19 and subsequent boundary line adjustment between Lot 19 and Lot A-6, Horse River Ranch, have been reviewed as part of this process. There is no change to the building envelope on Lot 19. The provisions contained in the *Amendments to the Declaration of Protective Covenants of Horse River Ranch* applicable to Lot 19 remain in effect.
4. The application complies with all applicable standards of the *Gunnison County Land Use Resolution*.
5. The application has been granted a waiver from the *Gunnison County Standards and Specifications for Road and Bridge Construction* design elements, approved by the Board of County Commissioners on August 21, 2007.
6. The Planning Commission reviewed the request that access be from County Road #818 (Wiley Lane) and that access from County Road #818 (Wiley Lane) would cause adverse impacts to sage-grouse and sage-grouse habitat.
7. Concerns regarding maintenance of the Lone Pine ditch are not within the purview of this review by the Planning Commission and are required by the *Declaration of Protective Covenants of Horse River Ranch*.

8. Comments from J Wenum, CDOW, letter of April 19, 2007, noted a recommendation on controls on domestic pets, specifically control of cats, and recommended bear-resistant trash containers. The *Declaration of Protective Covenants of Horse River Ranch* contains provisions requiring the owner of each lot to control domestic pets. However, there is no provision for requiring bear-resistant trash containers in the covenants. The Planning Commission encourages the applicants to require bear-resistant trash containers on each lot.
9. The County Public Works Department and Gunnison County Fire Protection District will review the final modified plans for the road construction.
10. County road maintenance is not provided to this property as of the date of this approval. This approval shall not be interpreted to imply, nor shall it obligate the County to maintain or provide snowplowing in the future.
11. All maintenance, dust control and snowplowing shall be the responsibility of the property owner(s).
12. The applicant shall record a *Declaration of Covenant*, which identifies responsibilities and costs for maintenance, dust control and snowplowing of the road, by the landowners. No amendment to the *Declaration of Covenant* is permitted without approval by Gunnison County. The *Declaration of Covenant* shall be recorded with the Office of the Gunnison County Clerk and Recorder.
13. This review and decision, regarding the proposed road 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.
14. The applicant indicates that the property has been accepted into the Horse River Ranch Association and is subject to the *Horse River Ranch Declaration of Protective Covenants*.
15. This permit is limited to the construction of the proposed road described within the "Project Summary" of this application, and as depicted on the plans and exhibits submitted as part of this application. Any uses other than those identified in the 'Project Summary' 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 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.
17. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) except as approved or required as part of this Permit, relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

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, including public comment at a public hearing and having reached the above cited findings, classifies LUC #2006-71, Tract A - Horse River Ranch Road Construction, as a Minor Impact Project and is hereby approved with the following conditions:

1. That this approval be memorialized within a Certificate of Minor Impact, and recorded within the Office of the Gunnison County Clerk and Recorder. Approval shall not be final until recordation of the Certificate of Minor Impact is recorded within the Office of the Gunnison County Clerk and Recorder.
2. The applicant shall provide documentation of acceptance by Horse River Ranch Association as a "Member Property" and that the "Member Property" is subject to the *Horse River Ranch Declaration of Protective Covenants*. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
3. The applicant shall submit revised road plans. The Certificate of Minor Impact shall not be recorded until the revised plans have been reviewed and approved by the County Public Works Department and the Gunnison County Fire Protection District.

4. The applicant shall provide a road name for the subject road, subject to review and approval by the County Emergency Services office, which shall be identified on the survey plat.
5. The applicant shall provide two 14" x17" copies of the survey plat to the County Building Inspector for addressing of the Lots. The Certificate of Minor Impact shall not be recorded until addresses have been assigned by the Building Inspector.
6. The applicant shall install a stop sign and a road name sign at the intersection of the road and Horse River Ranch Drive. No building or septic permits shall be issued until the signs have been installed and documentation of installation has been provided to the Planning Department.
7. The applicant shall record the survey plat of Tract A with the Office of the Gunnison County Clerk and Recorder. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
8. County road maintenance is not provided to this property as of the date of this approval. This approval shall not be interpreted to imply, nor shall it obligate the County to maintain or provide road maintenance or snowplowing in the future.
9. All maintenance, dust control and snowplowing shall be the responsibility of the property owner(s).
10. Dust control is required during the construction of the road, by the use of magnesium chloride, oil treatment or other suitable dust retardant.
11. Subject to the review and approval by the County Attorney, the applicant shall record the "Enforcement Agreement", containing the provisions reviewed by the Planning Commission, with the Office of the Gunnison County Clerk and Recorder. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
12. The applicant shall record the *Declaration of Covenant* regarding the responsibilities and costs for maintenance, dust control and snowplowing of the road. No amendment to the Declaration of Covenant is permitted without approval by Gunnison County. The *Declaration of Covenant* shall be recorded with the Office of the Gunnison County Clerk and Recorder. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
13. The applicant shall submit documentation to the County Attorney's office, which shall include reference to the final approved construction design plans, with revised cost estimates from the applicant's engineer, including provision of reclamation, as reviewed and approved by the Gunnison County Public Works Department, for the development of a Development Improvements Agreement with Gunnison County, subject to approval by the Gunnison County Attorney, which shall be executed by the Board of County Commissioners. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
14. A performance bond, letter of credit or other means of surety, acceptable to the County, shall be submitted to cover costs of construction 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 construction and establishment of reclamation. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
15. This permit is limited to the "Project Description" of this application, and as depicted on the plans and exhibits submitted as part of this application. Any uses other than those 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 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.
17. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative), except as required and approved as part of this Permit, relied on herein to mitigate a possible conflict, shall require a new or amended land use change permit.

GUNNISON COUNTY PLANNING COMMISSION

**Regular Meeting
July 6, 2007**

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

Chairman of Danger- 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	
Commissioner- David Owen	
Commissioner- John Messner	

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.

HORSE RIVER RANCH, HORSE RIVER RANCH – TRACT A; The Commission conducted a public hearing with applicants' representative Erich Ferchau. They reviewed the application for the construction of a road to provide access to seven 35-acre tracts; south and west of the Horse River Ranch development.

Commissioner John Messner was recused from proceedings.

Chairperson Ian Billick opened the public hearing.

Assistant Planning Director, Neal Starkebaum, confirmed adequate public notice.

Ferchau reported that the pet control documentation has been included in the protective covenants. They have applied for a waiver of road standards; to allow a common driveway as recommended by the Colorado Division of Wildlife. The grazing plan has been reviewed by the Sage-grouse Coordinator, Jim Cochran. Sage-grouse habitat improvement language has been included in the protective covenants; the recommended 150' setback from the irrigation ditch is shown as a plat line. The livestock structures have been limited to a three-sided shed, not a barn.

The County's role in enforcing the protective covenants was discussed, particularly because this is a 35-acre tract development; nothing has yet been identified in these covenants allowing County involvement. Ferchau indicated he believes the Homeowners' Association (HOA) will be responsible for the enforcement. The issue of enforcement will be flagged for additional discussion.

Debbie Phelps, owner in Ohio Meadows Filing 3, was concerned that in other hearings applicants had made initial presentations about their projects, and requested that this be done for this application.

Ferchau detailed the elements of the application. Billick noted that there are essentially two issues: the road development and the Gunnison Sage-grouse.

Phelps asked, "Why go across Horse River Ranch Drive? Why not access by Wiley Lane?" She noted that there are shorter ways to access; and suggested that the applicant consider developing an access from Overlook Trail down, to reduce the amount of disruption. Ferchau responded that there is no easement to allow that access. Phelps observed that there will be seven more horses and guest houses with landscaping. She questioned who would manage Tract A's water so that Castle Mountain will continue to receive their water. Ferchau noted that Castle Mountain owns water in the Lone Pine Ditch and that historic irrigation will be continued. Phelps noted that the area of the Lone Pine Ditch is Sage-Grouse habitat. What access does operator of the Lone Pine Ditch have to the ditch? Ferchau noted that state law requires a 25' setback from the irrigation ditch bank. Phelps expressed her concern that irrigation will be done as it has been historically; work that Mr. Shirley did dried up wetlands, affecting her well. She questioned the length of the construction timeline. In response to a question from Billick, Phelps affirmed that she would request road construction not occur during irrigation season. She added that the Horse River Ranch Road is dusty during the summer, and the dust blows into her home.

Jean Holmes, owner in the area, questioned the three-sided shelter above Lone Pine Ditch, because of the animals that will be crossing the ditch to access the shelters; why not keep shelters below ditch. Ferchau noted that the property above the ditch will be grazed above the ditch; any disruption of the ditch will have to be maintained. She was concerned that disruption would be daily and that homeowners who have these lots might move their animals above the ditch as well. Phelps expressed concern about the differences in animal management and enforcement when there are many owners versus one rancher.

Cochran said that rather than limit the numbers of animals per lot or acreage, there is instead a recommended minimum stubble height, which is an issue of time rather than number of animals per area.

Phelps also expressed concern about the hauling in of road construction materials and resultant dust.

Karas requested that the staff confirm what the water law is that regulates how irrigation will be required to be managed and maintained.

Billick listed outstanding issues as:

- Review of enforcement language in the covenants.
- Review clause on pet control in covenants.
- Covenants items: grazing language in covenants, particularly related to stubble height limitations; how irrigation management will be addressed; habitat improvement language; get update on status of water; update whether HOA adopt enforcement into covenants; discuss alternative road, logic of currently-proposed location of the road with consideration of any alternative locations.
- Impact of horses on irrigation ditch
- Exploration of what limitations actually mean when covenants limit number of horses to two.
- Provide a listing of highlighted changes to covenants, to illustrate the original language and how it has been redrafted.

Additional discussion will likely continue about the potential for an alternative location for the road.

Billick closed the hearing extending written comment for two weeks, to July 20, 2007. Another work session will be scheduled.

GLACIER LILY ESTATES HOMEOWNER'S ASSOCIATION (HOA) / ONE LOT SUBDIVISION; The Commission, applicants' attorney David Leinsdorf, and member of the HOA Seymour Everett conducted a work session. They reviewed the request to change the use of open space/club house parcel to single-family residential; the open space/club house parcel is 3.95 acres and the applicant proposes the new single-family residential parcel to be 1.1 acres with the remainder of the 3.95 acres to be open space; Glacier Lily Estates Subdivision located between the towns of Crested Butte and Mt. Crested Butte.

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

Attorney David Leinsdorf explained that the state's approval of the water system is in process. Assistant Planning Director Neal Starkebaum noted that the approval is a condition of approval.

Leinsdorf said there will be a pump house on the remainder of the open space, but there will not be a club house constructed on the remainder of the open space.

Commissioner Nick Lypps asked about the high nitrate levels reported. Seymour Everett said the state has requested that they do a microscopic analysis; that has been completed and the results have been submitted to the state, for their review.

Commissioner Ramon Reed emphasized his concerns with the elimination of open space. He said the current proposal will cut the open space to 8% of total subdivision. He objects to considering this separate from the original subdivision. The cumulative impact, the breaking point of making this a major impact came with the first subdivision. He stated that any new subdivision is required to have 30% open space. This request reduces the open space to less than one third of today's standards. The approval of this would set a precedent; approving further subdivision of the existing open space within existing subdivisions. The open space in this subdivision was an intentional and an integral part of the original subdivision. It is clear that in the original approval the open space as it exists now was very intentional. The open

spaces are generally exempt from property tax; if they can be subdivided should they not be taxed. Billick said he was not convinced that the club house is defined or would qualify as open space.

Leinsdorf disagreed that the open space is not taxed. The value of the open space gets added to the assessed value of the individual lots. He did not agree that this would set a precedent.

Billick polled the commission as to Reed's open space concern. Following a short discussion, the commissions' majority consensus was to proceed with the review of the recommendation.

MOVED; by Lypps, seconded by Kars to approve LUC-2006-60 as amended. The motion passed with Billick, Lypps, Owen and Karas voting yes and Reed voting no.

PROJECT DESCRIPTION:

The Glacier Lily Association has submitted an application to subdivide a 1.1-acre parcel (to be known as Lot 21) from an existing 3.99-acre open space/clubhouse parcel. The existing clubhouse will be removed from the parcel; the applicant proposes to leave the existing individual sewage disposal system in place. The proposed 1.1-acre parcel is to be known as Lot 21 and used for single-family residential use with the allowance for an integrated secondary residence (as allowed in the Glacier Lily Protective Covenants). The lot is served by a central well and an individual sewage disposal system.

LOCATION:

The parcel on which the Land Use Change is proposed is located between the towns of Crested Butte and Mt. Crested Butte, at the junction of County Road 317 (Gothic Rd.) and County Road 811 (Meridian Lake Rd.). The parcel is legally described as the Open Space tract, Glacier Lily Subdivision.

SITE CHARACTERISTICS:

The site is a sloped area consisting of vegetation made up mostly of grasses and hummocky terrain. There is an existing clubhouse and tennis courts on the open space parcel.

ADJACENT AND NEARBY USES:

The proposed Lot 21 is surrounded by Glacier Lily Subdivision. Glacier Lily Subdivision is bordered by Saddle Ridge Estates to the south with lots consisting of two to three acres; agricultural parcels, ranging in size from two acres to approximately 700 acres, are adjacent to the subdivision on the north and west sides of the subdivision.

WATER SUPPLY:

The proposed lot will be served by a central well, Permit No. 59787, No. 60305 and No. 60562. The water supply is addressed in a letter from Lori J.M. Satterfield of Holland & Hart LLP:

Glacier Lily Association (GLA) adjudicated a water supply and augmentation plan for the subdivision in Case No. 01CW274, Water Division No. 4. A copy of the decree approving the plan is enclosed. As confirmed in Paragraph 17.A. (page 11) of the decree, the water demands for the clubhouse lot were considered to be the same as the demands for the other residential lots in the subdivision. Thus, the clubhouse lot is already served and accounted for as a residential lot under the augmentation plan decree.

As explained in the enclosed November 17, 2006 letter from Resource Engineering, Inc., GLA can also demonstrate an adequate physical supply of water for the clubhouse lot, as changed. The existing potable water system is supplied by several springs and permitted wells. GLA's interest in the Meridian Ditch supplies irrigation water to the lots, including the clubhouse lot.

The Glacier Lily Association is required to have a Colorado Department of Public Health and Environment (CDPHE) approved community water supply. At this time the community water supply has not been approved by CDPHE. Robert W. Pennigton, P.E. of Schmueser Gordon Meyer has submitted the required information to CDPHE and the applicants are awaiting final approval from CDPHE. The subdivision request shall not be granted unless and until the community water supply has been approved by CDPHE.

WASTEWATER TREATMENT:

The applicant proposes to utilize an existing individual sewage disposal system for the proposed Lot 21. ISDS-1984-720 was approved for the clubhouse in 1984. Richard Stenson, Gunnison County Environmental Health Official, in an email dated December 28, 2006 stated, "...the current ISDS is functioning in compliance with the current Gunnison County Regulatory standards. The proposed change of use from clubhouse to single-family residence is feasible with the existing ISDS."

Any ISDS or building application to expand the size or use of a future single-family residence or integrated secondary residence beyond the capacity of current ISDS may require an ISDS alteration permit.

ACCESS:

Access is via County Road 811 to Glacier Lily Way. The applicant proposes to utilize the existing driveway. Gunnison County Public Works was sent a copy of the application on December 7, 2006 and no comments have been received.

WILDLIFE:

The Colorado Division of Wildlife was sent a copy of the application on December 7, 2006 and the following comments were received in a letter from J Wenum dated December 12, 2007:

The proposed subdivision is located within mapped elk winter range, and lies in an elk migration corridor (DOW WRIS Mapping, 2003). Black bears reside in the area, which has resulted in frequent human/bear conflicts. Prairie dogs, cotton tail rabbits, striped skunks, red fox and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.

During winter months, elk utilize southern facing slopes and valleys for feeding and loafing. The south eastern exposure of Mount Crested Butte is one such example of suitable winter range. Although Glacier Lily is in mapped elk winter range, and in the path of an elk migration corridor, the suitability of this parcel of land for elk has been greatly diminished due to existing development, which essentially surrounds the proposed subdivision. As a result, it is doubtful that wintering/migrating elk will be directly affected by the development of this parcel. Conflicts with elk are still likely to arise however, especially if homeowners landscape with non-native flowers, shrubs and trees, which may actually draw nearby wintering elk into the subdivision. As a consequence of development in mapped elk winter range, residents should not be allowed to chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months. The real threat from development will occur from uncontrolled dogs harassing, chasing, or killing wintering elk.

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

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

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

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

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

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact.

ONSITE VISIT:

The Planning Commission conducted a site visit on January 12, 2007.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on February 2, 2007.

Glacier Lily lot owners Seymour Everett, Bob and Linda Colvey, Pinky and Al Schuele, and Judy Filippone were present at the hearing and expressed their support of the proposed subdivision.

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

Section 10-102: Locational Standards for Residential Development.

Complies, the subject parcel is within three miles of the towns of Crested Butte and Mt. Crested Butte. The application was sent to both towns on December 7, 2006. No comment was received from either town.

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, 1.1 acres, is substantially similar to adjacent lots. Lot sizes in Glacier Lily Subdivision range from 1.13 acres to 1.6 acres. Other adjacent lot sizes range from two acres to 700 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 located within areas subject to geologic hazards. The proposed Lot 21 is in an area with potentially unstable slopes. A geotechnical study may be required prior to issuance of any building or individual sewage disposal system permits.

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 Crested Butte Fire Protection District (CBFPD). CBFPD did submit comments in a letter dated December 19, 2006:

The Fire Division of the Crested Butte Fire Protection District has received the application for the above noted project. As you are aware, we inherited this subdivision after our Fire District expanded in 1995. We currently require the homeowners association to maintain the all weather driving surface, approach and staging area adjacent to the dry hydrant. In addition, we require that this area have installed a no parking sign stating "FIRE DEPARTMENT DRY HYDRANT CONNECTION—KEEP CLEAR." Otherwise, we do not have any issues with the proposal as submitted.

Section 11-106: Protection of Wildlife Habitat Areas.

The Colorado Division of Wildlife was sent a copy of the application on December 7, 2006 and the following comments were received in a letter from J Wenum dated December 12, 2007:

The proposed subdivision is located within mapped elk winter range, and lies in an elk migration corridor (DOW WRIS Mapping, 2003). Black bears reside in the area, which has resulted in frequent human/bear conflicts. Prairie dogs, cotton tail rabbits, striped skunks, red fox and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.

During winter months, elk utilize southern facing slopes and valleys for feeding and loafing. The south eastern exposure of Mount Crested Butte is one such example of suitable winter range. Although Glacier Lily is in mapped elk winter range, and in the path of an elk migration corridor, the suitability of this parcel of land for elk has been greatly diminished due to existing development, which essentially surrounds the proposed subdivision. As a result, it is doubtful that wintering/migrating elk will be directly affected by the development of this parcel. Conflicts with elk are still likely to arise however, especially if homeowners landscape with non-native flowers, shrubs and trees, which may actually draw nearby wintering elk into the subdivision. As a consequence of development in mapped elk winter range, residents should not be allowed to chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months. The real threat from development will occur from uncontrolled dogs harassing, chasing, or killing wintering elk.

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

In Gunnison County, where subdivisions encroach upon mountain lion habitat containing an abundance of prey (winter concentrations of elk), encounters between lions, humans and their pets and livestock

may arise. The Division of Wildlife's brochure entitled "Living with Wildlife in Lion Country" provides good information to help residents reduce the potential for conflicts with mountain lions.

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

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

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

Section 11-107: Protection of Water Quality.

This section does not apply.

Section 11-108: Standards For Development On Ridgelines.

The site is not located on a ridgeline.

Section 11-109: Development That Affects Agricultural Lands.

The subdivision 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.

07 September 21 PC Minutes

07 October 05 PC Minutes

Applicable, no new road is proposed. Access is via Glacier Lily Way. 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 proposed lot will be served by a central well, Permit No. 59787, No. 60305 and No. 60562. The water supply is addressed in a letter from Lori J.M. Satterfield of Holland & Hart LLP:

Glacier Lily Association (GLA) adjudicated a water supply and augmentation plan for the subdivision in Case No. 01CW274, Water Division No. 4. A copy of the decree approving the plan is enclosed. As confirmed in Paragraph 17.A. (page 11) of the decree, the water demands for the clubhouse lot were considered to be the same as the demands for the other residential lots in the subdivision. Thus, the clubhouse lot is already served and accounted for as a residential lot under the augmentation plan decree.

As explained in the enclosed November 17, 2006 letter from Resource Engineering, Inc., GLA can also demonstrate an adequate physical supply of water for the clubhouse lot, as changed. The existing potable water system is supplied by several springs and permitted wells. GLA's interest in the Meridian Ditch supplies irrigation water to the lots, including the clubhouse lot.

The Glacier Lily Association is required to have a Colorado Department of Public Health and Environment (CDPHE) approved community water supply. At this time the community water supply has not been approved by CDPHE. Robert W. Pennigton, P.E. of Schmueser Gordon Meyer has submitted the required information to CDPHE and the applicant is awaiting final approval from CDPHE. The subdivision request shall not be granted unless and until the community water supply has been approved by CDPHE.

Section 12-106: Sewage Disposal/Wastewater Treatment.

The applicant proposes to utilize an existing individual sewage disposal system for the proposed Lot 21. ISDS-1984-720 was approved for the clubhouse in 1984. Richard Stenson, Gunnison County Environmental Health Official, in an email dated December 28, 2006 stated, "...the current ISDS is functioning in compliance with the current Gunnison County Regulatory standards. The proposed change of use from clubhouse to single-family residence is feasible with the existing ISDS."

Any ISDS or building application to expand the size or use of a future single-family residence or integrated secondary residence beyond the capacity of current ISDS may require an ISDS alteration permit.

Section 12-107: Fire Protection.

The proposed development is not within a severe (high/extreme) wildfire hazard area. The proposed development is located within the Crested Butte Fire Protection District (CBFPD). CBFPD did submit comments in a letter dated December 19, 2006:

The Fire Division of the Crested Butte Fire Protection District has received the application for the above noted project. As you are aware, we inherited this subdivision after our Fire District expanded in 1995. We currently require the homeowners association to maintain the all weather driving surface, approach and staging area adjacent to the dry hydrant. In addition, we require that this area have installed a no parking sign stating "FIRE DEPARTMENT DRY HYDRANT CONNECTION—KEEP CLEAR." Otherwise, we do not have any issues with the proposal as submitted.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan titled, "Replat of Open Space Tract," prepared by NCW & Associates, dated July 27, 2006 complies with the site plan criteria

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

This section applies; the 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*

This section applies because the subdivision 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.*

Not applicable.

FINDINGS:

The Commission finds that:

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1. This application, by definition, is classified as a Minor Impact.
2. The proposed lot size is similar and compatible to other lots within the area.
3. The applicant will utilize a central well for the water supply.
4. The applicant has not received approval from the Colorado Department of Public Health and Environment for the community water supply at Glacier Lily Subdivision.
5. There are no substantial geologic hazards, other than potentially unstable slopes, which will be addressed at the time of individual sewage disposal system and/or building permit application.
6. The protective covenants for Glacier Lily shall be amended to reflect the change in use of the subject portion of the open space and the removal of the clubhouse. The amended protective covenants shall be approved by the Board of County Commissioners prior to approval of this Land Use Change permit.
7. The applicant has agreed that there shall be no further subdivision of the open space in Glacier Lily Subdivision.
8. That a drainage plan will be submitted at the time of building permit application.
9. This application is generally consistent with the standards and requirements of this *Resolution*.
10. No phases are proposed for this development.
11. 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*.
12. 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. 2006-60 be classified as a Minor Impact, and be approved with the following conditions:

1. The recommendation and application for subdivision shall not be forwarded to the Board of Commissioners until the Colorado Department of Public Health and Environment has approved the community water supply plan.
2. The protective covenants of Glacier Lily Subdivision shall be amended to reflect the change in open space and the removal of the clubhouse.
3. There shall be no further subdivision or development of the open space in Glacier Lily Subdivision, except for improvements related to the water system.
4. There shall be no construction of a clubhouse in the open space.
5. Bear proof trash containers shall be utilized as recommended by the Division of Wildlife.

6. The applicant shall comply with the recommendations of the Crested Butte Fire Protection District.
7. 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*.
8. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
9. 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.
10. 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.
11. 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.

LOKEN SUBDIVISION: The Commission met with applicant Lance Loken and applicants' representative Jennifer Barvitski. They conducted a work session to review the request for subdivision of a 20-acre parcel into one 12-acre parcel and one 8-acre parcel, north of the City of Gunnison at 775 Sierra Vista Way.

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

Commissioner Richard Karas recused himself from the proceedings.

Loken has now secured a second well permit and the water augmentation plan has been approved.

Following the review of the recommendation the commission approved the recommendation as amended.

MOVED: by Reed, seconded by Lypps to approve LUC-2005-59 as amended. The motion passed unanimously, with commissioners Billick, Reed and Lypps voting yes.

PROJECT DESCRIPTION:

Lance and Abby Loken have submitted an application for approval of the subdivision of 20 acres into two lots. There is an existing residence on the 20-acre parcel with an existing well and individual sewage disposal system. The residence will be located on the proposed Lot A, which will be 6.29 acres; Lot B will be 13.87 acres. Lot B is to be served by an individual well and sewage disposal system. The applicant has not proposed any protective covenants for the subdivision.

LOCATION:

The parcel on which the Land Use Change is proposed is north of the City of Gunnison in the Ohio Creek drainage. The parcel is legally described as being in the East half of the Northwest quarter of the Northwest quarter, Section 13, Township 50 North, Range 1 West, N.M.P.M. The parcel is commonly described as being approximately two miles north of the City of Gunnison; the address of the current residence is 775 Sierra Vista Way.

SITE CHARACTERISTICS:

The site is located in the Ohio Creek Valley in an area dominated by hay pasture and high groundwater. There are jurisdictional wetlands on the proposed Lot B; the wetlands have been delineated by Richard Richards. The site is not located within a geologic hazard area or a floodplain.

ADJACENT AND NEARBY USES:

The Loken parcel is bordered by Serra Subdivision on the east, Fox Meadows Subdivision to the west, The Ranches at Ohio Creek to the north and several other residential parcels to the south. Adjacent residential parcels range in size from 4.5 acres to 35 acres.

WATER SUPPLY:

The applicant has proposed an individual well for Lot B. There is an existing well on the parcel that will continue to be used to serve the current residence on what is proposed to be Lot A. The applicants received Water Court approval on August 6, 2007 for the approval of groundwater rights, storage water rights, approval of a plan for augmentation and a change of water right in Case No. 06CW162.

WASTEWATER TREATMENT:

An individual sewage disposal system is proposed for the new lot. Gunnison County Environmental Health Official, Richard Stenson, conducted an onsite visit on October 26, 2005 and determined that it would be feasible to place an individual sewage disposal system on the new lot. Stenson stated that, "It should also be noted that high groundwater conditions exist on the lot. If the groundwater is noted at the location of the proposed ISDS, an engineered mound will be required for the system."

ACCESS:

Access is via Sierra Vista Way. Sierra Vista Way is a private road and the applicant has a non-exclusive easement across it recorded in the Gunnison County Clerk and Recorder's Office at Reception No. 543145. Gunnison County Public Works had no comments on this application.

WILDLIFE:

The Colorado Division of Wildlife submitted written comments on January 24, 2006. Comments from J Wenum, Area Wildlife Manager, noted that:

...Although the area is mapped as deer and elk severe winter range on CDOW Wildlife Resources Information System (WRIS) maps, the area has seen substantial development in the distant and recent past and has not functioned as viable habitat for many years. Therefore the Colorado Division of Wildlife believes that the subdivision of this parcel will not adversely affect wild species in the area. However the cumulative effects of this and other developments, while difficult to quantify will result in a reduction in the amount of wildlife habitat available in the Gunnison Basin and will over time result in a permanent loss of numbers and diversity of wild species.

We offer the following suggestions to help both the intended residents and the wild species that are present or may be present at some time. Development on this parcel may include ornamental plantings and landscaping. We recommend that species that are unpalatable to deer and elk be used in the development to discourage deer and elk from grazing the area. Deer will likely be present throughout the year with larger numbers in the winter months. Elk may reach the area during severe winters when natural forage is covered by snow.

Additionally we recommend that the proponent require the use of bear resistant refuse containers in the development to mitigate attractants to black bear who range up and down the riparian areas near this site primarily during late summer and fall. There is a colony of Gunnison's Prairie Dogs very close to and possibly on this area. Although control measures have been undertaken in the recent past, the animals will probably remain. Overgrazing by domestic livestock could allow these animals to expand. Additionally overgrazing could allow weeds, either undesirable or noxious to become established which negatively impact both humans and wild species.

IMPACT CLASSIFICATION:

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The project, by definition, is a minor impact.

ONSITE VISIT:

The Planning Commission conducted an onsite visit on December 2, 2005.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on February 3, 2006. There was no public comment.

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

Section 10-102: Locational Standards for Residential Development.

Applicable, the applicant meets the requirements of primary locational standards; the application complies with the City of Gunnison Three Mile Plan. Comments from The City of Gunnison included:

1. *The land use category of this area, according to the Three Mile Plan is Rural Residential and the application proposes rural residential use.*
2. *Based on BLM/Division of Wildlife GIS data, the location of the subdivision is within critical mule deer and sage grouse habitat.*
3. *To ensure emergency access, the driveway will need to be constructed to County standards.*
4. *The applicants do not plan to tie into City sewer or water sources.*

In conclusion, we have no objection to this subdivision.

Section 10-103: Residential Density.

Applicable, the applicant is required to comply with this section. The applicant is not required to provide open space. The size of the proposed lots meets the standards of the *Gunnison County Individual Sewage Disposal System Regulations*. The lot sizes proposed, 13.87 acres and 6.29 acres are substantially similar to adjacent lots. Adjacent lot sizes range from 4.5 acre to 35 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 located within the Gunnison County Fire District; the District has no adopted standards.

Section 11-106: Protection of Wildlife Habitat Areas.

The Colorado Division of Wildlife submitted written comments on January 24, 2006. Comments from J Wenum, Area Wildlife Manager, noted that:

...Although the area is mapped as deer and elk severe winter range on CDOW Wildlife Resources Information System (WRIS) maps, the area has seen substantial development in the distant and recent past and has not functioned as viable habitat for many years. Therefore the Colorado Division of Wildlife believes that the subdivision of this parcel will not adversely affect wild species in the area. However the cumulative effects of this and other developments, while difficult to quantify will result in a reduction in the amount of wildlife habitat available in the Gunnison Basin and will over time result in a permanent loss of numbers and diversity of wild species.

We offer the following suggestions to help both the intended residents and the wild species that are present or may be present at some time. Development on this parcel may include ornamental plantings and landscaping. We recommend that species that are unpalatable to deer and elk be used in the

development to discourage deer and elk from grazing the area. Deer will likely be present throughout the year with larger numbers in the winter months. Elk may reach the area during severe winters when natural forage is covered by snow.

Additionally we recommend that the proponent require the use of bear resistant refuse containers in the development to mitigate attractants to black bear who range up and down the riparian areas near this site primarily during late summer and fall. There is a colony of Gunnison's Prairie Dogs very close to and possibly on this area. Although control measures have been undertaken in the recent past, the animals will probably remain. Overgrazing by domestic livestock could allow these animals to expand. Additionally overgrazing could allow weeds, either undesirable or noxious to become established which negatively impact both humans and wild species.

Section 11-107: Protection of Water Quality.

Applicable, Richard Richards of R.E. Richards Inspections, LLC. stated in a letter to Lance Loken, dated April 14, 2006:

- 1. The flagged sites for your house and barn are on upland pasture meadows and as long as a 25-foot setback from the ditch water is followed, your sites impact no jurisdictional wetlands. I have flagged the 25-foot setback for your convenience.*
- 2. The proposed and existing roads will cross a jurisdictional wetland in the form of the ditch whose waters are controlled by your ditch gate. It is my contention that the only jurisdictional wetland per se follows the established ditch with a few patches of willow (Salix monticola) along it. The jurisdictional wetland does not extend beyond the banks of this ditch based on the lack of hydrophilic plants, which is one of the requirements for a wetland to be jurisdictional. The upland pasture grasses grow to the banks' edge. Upland pasture grasses compose 99% of total vegetation and none are obligate wetland species.*
- 3. We talked about the existing road you flagged. As much as possible, design your road to have a 25-foot setback from the ditch and the swales the waters have previously created. You would avoid some of the water swales if you would swing the road slightly to the West as I have flagged before the bridge over the ditch. The necessary culverts we discussed will not, in my opinion, have any effect on the upland pasture growth except perhaps to reduce erosion in the wet areas which are being damaged by vehicles traveling over them.*

The applicant shall comply with this section. Prior to issuance of Building and Individual Sewage Disposal System permits determination of compliance with water quality standards shall be identified.

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. Language on final plat is required 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. Any new driveway shall comply with *Gunnison County 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 Lot B. There is an existing well on the parcel that will continue to be used to serve the current residence on what is proposed to be Lot A. The applicants received Water Court approval on August 6, 2007 for the approval of groundwater rights, storage water rights, approval of a plan for augmentation and a change of water right in Case No. 06CW162.

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

An individual sewage disposal system is proposed for the new lot. Gunnison County Environmental Health Official, Richard Stenson, conducted an onsite visit on October 26, 2005 and determined that it would be feasible to place an individual sewage disposal system on the new lot. Stenson stated that, "It should also be noted that high groundwater conditions exist on the lot. If the groundwater is noted at the location of the proposed ISDS, an engineered mound will be required for the system."

Section 12-107: *Fire Protection.*

Applicable, the project is within the Gunnison Fire District; however the District has no adopted standards.

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 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 because the application is a minor impact and is exempt from this section.

Section 13-109: *Signs.*

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

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

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

Section 13-111: *Landscaping And Buffering.*

A landscaping plan is not required for this application.

Section 13-112: *Snow storage.*

Applicable, the applicant has adequate storage area for snow.

Section 13-113: *Fencing*

Applicable, however no fencing is required as part of this application.

Section 13-114: *Exterior Lighting*

Applicable, any new exterior lighting that is proposed shall 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*

Grading activities are required 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.

FINDINGS:

The Commission finds that:

1. This application, 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. The augmentation plan was approved August 6, 2007 in Case No. 06CW162.
4. There is an existing individual sewage disposal system on the parcel.
5. Richard Stenson, Gunnison County Environmental Health Official, has conducted an onsite visit and determined that it is feasible to place an individual sewage disposal system on the proposed Lot B.
6. This application is generally consistent with the standards and requirements of this *Resolution*.
7. No phases are proposed for this development.
8. Access will be from Sierra Vista Way. A new driveway shall be required to meet Gunnison County Road and Bridge Standards.
9. Language regarding the containment of domestic animals and the "fence-out" requirement has been noted on the plat.
10. 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*.
11. 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 to the Gunnison County Board of Commissioners that LUC-2005-59 be classified as a Minor Impact, and be approved with the following conditions:

- 1) There shall be no further subdivision of the subject parcel unless and until central sewer service is available. Availability of central sewer does not guarantee approval of further subdivision.
- 2) A stubble height of 4 inches shall be maintained on Lot B
- 3) All domestic animals shall be confined to the property.
- 4) 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*.
- 5) This approval is founded on each individual and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
- 6) 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.
- 7) 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.
- 8) 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.

CRESTED BUTTE NORDIC COUNCIL; The Commission met applicants' representative Keith Bauer to discuss the request for 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 work session.

Assistant Director of Planning Neal Starkebaum said addition of the yurt is being reviewed as a minor impact.

Bauer explained that in the past they have used a tee-pee that they have put up in the winter and took down in the spring. They now have a yurt that they would like install at the site. They would use a port-a-potty. All the drinking water will be brought in and any gray water will be taken out.

The environmental health official found that to be acceptable alternative. The yurt will be left up year round; but will only be used seasonally at this time. This yurt is brown with a beige roof, and creates very minimal visual impacts.

Starkebaum noted that when they apply for the building permit they will have to provide plans signed by an engineer. It is on a conservation easement held by the Crested Butte Land Trust; it will scrutinized by the Town of Crested Butte and the Land Trust.

Commissioner Ramon Reed requested a copy of the conservation easement.

Billick polled the commission to see if they thought a site visit was necessary. Bauer said they have sited the yurt to minimize the visual impacts. Bauer said that both Board member Jim Starr and Town of Crested Butte planner John Hess have been on site and approved the placement. The commission agreed to hold the public hearing; if they hear concerns from the public they will conduct a site visit.

The commission reviewed the locational standards. The commission agreed that the primary locational standards will apply.

Commissioner John Messner said a specific plan should be submitted; make sure the project description specifically defines the uses; hours of operation, seasons of operation, disposal of trash, etc.

Billick outlined issues of concern as;

- Additional information on the use of the port-o-potty
- Environmental health official's review
- Specify hours, days and seasons of operation
- Provide a copy of the conservation easement

The public hearing will be held October 12, 2007.

ADKINS/ DEVELOPMENT ON A RIDGELINE; The Commission met with the applicant Brett Adkins for a work session. They discussed the request for the construction of a single-family residence in compliance with Section 11-108: Development on Ridgelines; Lot 7, Star Mountain Ranch.

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

Starkebaum reviewed the ridgeline requirements. He said *Gunnison County Land Use Resolution (LUR) Section 11-108, Development on Ridgelines;* includes County Rd. 730 and Carbon Creek Road.

Adkins explained that they have suggested three different sites. He said that the preferred site will have minimal impacts. The upper site would require a residence with a crawl space, and provides feasible areas for vegetative screening. The lower site could be built on, but the feasibility is extreme; there a great distance from the well and utility lines. The soil in that area is unstable, therefore unsuitable to build. The grade at the steepest point is between 30% and 40%; a contractor has quoted them \$50,000.00 to construct the driveway.

Adkins showed the commission photographs of the area and from each site. He said that this lot is on the far north end of Star Mountain Ranch.

Commissioner Nick Lypps asked what these sites looks like from Ohio Creek Rd. Adkins replied that there are no violations on the Ohio Creek Rd. side.

Adkins said exterior lighting will be kept to a minimum. Billick requested a specific lighting plan.

Billick asked if there was natural vegetation screening at site A. Adkins replied that there is not. Billick said the height of the building, the colors, lighting outside and inside and windows (sun reflecting off the glass) are all mitigation factors.

Adkins explained that site C does have aspens that would provide some minimal screening, but not from every direction.

Billick said a site visit will be held in November, from each of the vantage points.

Commissioner Sam Lumb suggested that motion sensors and timers on the lighting be used.

Billick outlined several concerns of the commission as:

- No feasible alternative site exists
- Provide a detailed lighting plan
- Provide architectural sketch of the house to include the lighting plans

The commission directed staff to prepare a draft decision to be ready at the public hearing.

TREDWAY / ONE LOT SUBDIVISION: The Commission conducted a site visit. They observed the site of the request for subdivision of 3.56-acres; 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.

The regular meeting of the Gunnison County Planning Commission at the Blackstocks Government Center was adjourned at 3:55 p.m. and reconvened at the Tredway site visit.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning