

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: Friday, April 4, 2008

- 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.** **Shady Island Subdivision**, work session/possible action, Preliminary Plan recommendation to Board of County Commissioners - for the subdivision of 10.36 acre parcel into 16 single-family residential lots; located north of the City of Gunnison
- 10:00 a.m.** **Richards**, work session/no action, request for the construction of a single-family residence with attached garage and detached second residence in compliance with *Section 11-108: Development on Ridgelines*; Lot 17, Red Mountain Ranch, south of the Town of Crested Butte, west of Highway 135
- 10:45 a.m.** Break
- 11:00 a.m.** **Taylor River Ranch**, work session/no action, request for road construction to serve twenty five 35-acre parcels, and request for an "Owner's Complex", with a commons building, (kitchen, dining hall, pool) and two residential units, located approximately 15 miles northeast of the City of Gunnison, on Taylor River Road
- Noon** **Lunch**
- 1:00 p.m.** **Andrew McFaul**, work session/no action, request for a single-family residence in compliance with *Section 13-105: Residential Building Sizes and Lot Coverages*, Lot 33, Red Mountain Ranch, south of the Town of Crested Butte, west of Highway 135
- 2:00 p.m.** **Bull Mountain Natural Gas Pipeline, SG Interests I Ltd., continued joint public hearing/possible work session/ possible action - recommendation to Board of County Commissioners**, request for Bull Mountain Natural Gas Pipeline; a proposed 20-inch diameter buried steel natural gas pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County
- Adjourn**

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
April 4, 2008

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	Planner –Cathie Pagano
Commissioner- Nick Lypps	Administrative Assistant- Beth Baker
Commissioner- Sam Lumb	Others present as listed in text
Commissioner-David Owen	
Commissioner-John Messner	
Commissioner- Richard Karas	

With a quorum present Chairman Ian Billick opened the regular meeting of the Commission.

MOVED; by Lypps seconded by Karas to approve the minutes of March 14, 2008 as amended.

SHADY ISLAND SUBDIVISION; The Planning Commission met with applicant Bill Lacy and applicant's attorney David Leinsdorf. They discussed the Preliminary Plan recommendation - for the subdivision of 10.36 acre parcel into 16 single-family residential lots; located north of the City of Gunnison.

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

Commissioner Nick Lypps recused himself from the meeting.

Commissioner Ramon Reed pointed out grammatical errors in the covenants.

Billick asked about the open space by the river. Leinsdorf replied that the new plat and the covenants both describe the open space.

Billick seated alternate commissioner John Messner for the vote on the recommendation.

The commissioners reviewed the Preliminary Plan recommendation.

Reed said that the applicants had not complied with the locational standards; there is a lack of adequate open space. Commissioner David Owen reiterated Reed's concerns with open space. Leinsdorf explained that the density was determined at Sketch Plan and was actually reduced at Preliminary Plan.

Doug Mayes representative of Streamside Development owners of property across the river noted his concerns; there is ongoing litigation concerning the ownership of 1.82 acres in lot one - if this is 1.82 acres it could skew the open space calculation. He also said that lot has emergency access issues. Billick pointed out that the applicant bears the risk of not meeting the open space requirement, which could undermine the approval.

Owner in Clines Homesites Mary Frame said she was concerned that lot number one would not be large enough for an actual building site. She asked about the CDOT permit for the access; will it include all the Clines Homesites lots. Pagano agreed to contact CDOT concerning the actual number of lots.

Owner in Clines Homesites Frank Oyster asked about the maintenance of the road. Leinsdorf said the applicant has stated that he will be responsible for the road maintenance.

MOVED; by Karas seconded by Messner to approve the recommendation of LUC-2005-73 as amended. Additional discussion- Owen questioned the reduced density; Leinsdorf pointed out the adjacent property has no open space, resulting in the gross density of Shady Island being less than the adjacent properties.

The motion passed with a vote of three to two, with Commissioners Messner, Billick and Karas voting yes and Commissioners Owen and Reed voting no.

PROJECT DESCRIPTION:

Verzuh Ranch, Inc. (Bill Lacy) represented by Attorney David Leinsdorf and designer Jim Sell submitted an application to subdivide a 10.36-acre parcel into sixteen single-family residential lots and common open space area of 4.74 acres. Properties adjacent to the subject parcel are single-family residential ranging in size from 0.24 acres to 8.361 acres. The parcel is adjacent to the Glen Subdivision to the south, Cline's Homesites to the northeast and Garlic Mike's restaurant to the southwest. Cline's Homesites lot sizes are all approximately 1/2 of an acre; all but one of the owners has two lots with one residence, although few of the lots have been formally clustered. A portion of the subject parcel is separated from the rest of the parcel by the Gunnison River lying south of the Gunnison River and adjacent to the Glen Subdivision. Agricultural operations are located within the general area but none are adjacent to the Shady Island Subdivision.

The parcel is located in the SW 1/4 NE 1/4 and the NW 1/4 NE 1/4, Section 24, Township 50 North, Range 1 West, N.M.P.M., east of Highway 135. It is within the City of Gunnison's Three-Mile Plan area. There are currently two access points from Highway 135 used to access the parcel. Clark Stream and the Gunnison River both run through the subject parcel. The parcel is primarily flat ground with cottonwoods, spruce and willows present. There are jurisdictional wetlands present and the entire parcel is within the 100-year floodplain.

The applicant has proposed the following division of the property:

<u>Use</u>	<u>Acres</u>	<u>Percentage</u>
Residential	4.37	42 %
Open Space	4.74	46 %
Road R.O.W.	1.2	12 %
Total	10.31	100.0%

An area of the subject parcel is currently in litigation disputing the ownership. If the applicant were to lose the disputed land the division of the property would be:

<u>Use</u>	<u>Acres</u>	<u>Percentage</u>
Residential	4.37	50 %
Open Space	3.24	37 %
Road R.O.W.	1.2	13 %
Total	8.81	100.0%

Lot sizes in the proposed development range from 0.18 acres to 0.38 acres. Building envelopes, some with zero lot line setbacks, have been identified for each lot. There will be two access points to the subdivision. The northern access will be moved approximately 40 feet south of its current location. The relocated access will provide increased safety and visibility. The relocated access affects the total acreage of Lot 1 of Shady Island; a portion of Lot 1 will include what was formerly part of the access easement, if all of the easement owners consent to the relocation. To convey title to Lot 1, the developer must gain approval from all easement holders. The applicant is currently pursuing this approval. If approval cannot be obtained the size of Lot 1 will be reduced.

Two irrigation ditches, the Hyzer-Ketchum Ditch and the Hyzer-Ketchum Ditch (second decree), flow through the northwest corner of the property. The applicant proposes to relocate the Hyzer-Ketchum Ditch (second decree) slightly north of its current location adjacent to the existing northern access road, as identified in a site plan titled, "Shady Island, Proposed Ditch Alignment," prepared by Jim Sell Design and dated November 14, 2007.

There are multiple existing structures on the parcel. The parcel had previously been approved for a seasonal commercial use as a recreational vehicle park with several cabins that were available for rent. The applicant proposes to remove all existing structures on the subject parcel. Protective covenants have been drafted for the subdivision.

The applicant proposes two central wells, Shady Island Well No. 1 and Griffith Well. A water augmentation plan is required to replace out of priority depletions occurring downstream of the Aspinall Unit. The applicant is required to obtain water service contracts with the Upper Gunnison Water Conservancy District and is currently finalizing the draft ruling of the referee which must be approved by the referee and the water court judge. The development will be served by the North Gunnison sewer extension for all wastewater treatment needs and the developer of Shady Island Subdivision will provide a sufficiently sized sewer line to accommodate Cline's Homesites.

The site is within the 100-year floodplain. The applicants have submitted a Floodplain Development Narrative, dated May 18, 2007 and an updated Floodplain Development Narrative dated March 28, 2008; maps titled, "Shady Island Pre-Development" and "Shady Island Post Development," prepared by Schmueser, Gordon, Meyer, dated February 14, 2008; a geotechnical report addressing flooding potential titled, "Geologic Report, Lacy and Dow, LLC, Shady Island Subdivision, U.S. Highway 135, Gunnison County, Colorado," dated February 21, 2007. The May 18, 2007 (original) narrative states that fill material will be brought in to elevate the building sites and the roadway however in a letter from Jim Sell, dated December 27, 2007 he notes that they have revised the plan and no fill material will be brought in to prevent any additional or increased flooding to nearby/adjacent properties. The bridge accessing "the island" shall be constructed one foot above the base flood elevation. Additionally, all buildings proposed within the 100-year flood plain will be required to comply with *Section 11-103: Development in Areas Subject to Flood Hazards* and provide a flood elevation certificate prior to the issuance of any building permits.

A revised final draft of the Declaration of Protective Covenants of Shady Island has been submitted, dated March 21, 2008. The covenants include, but are not limited to, the following limitations on the uses of each lot:

- One single-family residence and one attached or detached garage per lot shall be allowed.
- No commercial uses shall be permitted except for a home occupation.
- The floor area shall not be less than 1,500 square for any residence, plus an attached or detached garage of at least 400 square feet. The floor area of the garage shall be no less than 20% of the floor area of the residence.
- The maximum floor area of all buildings on a lot shall not exceed 4,250 square feet in the aggregate
- One solid fuel burning device shall be allowed per lot.
- All buildings shall be constructed in accordance with the recommendations in the Geologic Report prepared by Buckhorn Geotech, dated February 21, 2007.
- The Association shall be responsible for repairing damage to Shady Island roads, bridges, utilities and landscaping caused by flooding.
- The Association is responsible and empowered to enforce strict compliance with the wetlands regulations set forth in the covenants.
- No cats are allowed outside at Shady Island; all cats must be confined indoors.
- Owners of lots in Shady Island have access to the Gunnison River via the pedestrian path west of Lot 16, as shown on the Plat and by wading in the river, however they do not have access to the Gunnison River bank on the southeasterly side of Lots 13, 14, 15 and 16, except by prior permission of the owners of these lots.

IMPACT CLASSIFICATION:

The project, by definition, is a major impact.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:

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

- *Demolition Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
- *Utility Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
- *Drainage and Grading Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
- *Roadway Plan and Profile*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
- *Sanitary Sewer Plan and Profile*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
- *Site Plan*, dated May 16, 2007, prepared by Jim Sell Design
- *Floodplain Study and Narrative*, dated May 18, 2007, prepared by Jim Sell Design
- *Floodplain Study and Narrative*, dated March 31, 2008, prepared by Jim Sell Design
- *Geotechnical Report*, dated February 21, 2007, prepared by Buckhorn Geotech
- *Drainage Report*, dated May 16, 2007, prepared by Jim Sell Design
- *Traffic Impact Analysis*, dated April 23, 2007, prepared by Matt Delich & Associates
- *Water Treatment/Pump House Design and Water Line Layout*, prepared by Schmueser, Gordon, Meyer, Inc.
- *Landscape Plan and Landscape Details*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
- *Protective Covenants of Shady Island*
- *Final Plat*, prepared by Schmueser, Gordon, Meyer, Inc. dated March 27, 2008
- *Wetlands Delineation*, dated July 18, 2006, prepared by Bio-Environs

- *Infrastructure Cost Estimate*, prepared by Jim Sell Design and stamped by Jonathan Sweet, dated March 24, 2008
- *Preliminary Exterior Lighting Plan*, prepared by Jim Sell Design
- *Bridge plans*, prepared by Contech Bridge Solutions Inc., stamped by Craig Thorstad, P.E. dated March 27, 2008

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss Shady Island Preliminary Plan on the following dates:

- October 12, 2007 Work Session
- November 2, 2007 Site Visit
- December 7, 2007 Joint Public Hearing
- January 11, 2008 Continued Joint Public Hearing
- February 15, 2008 Continued Joint Public Hearing
- April 4, 2008 Work Session

ONSITE VISIT:

The Planning Commission conducted a site visit on November 2, 2007. Jim Sell of Jim Sell Design attended the site visit as the applicant’s representative.

PUBLIC HEARING:

The Planning Commission and Board of County Commissioners conducted a joint public hearing on December 7, 2007 which was continued on January 11, 2008 and February 15, 2008.

Comments from the public hearing include but are not limited to the following:

- Greg Weihs, asked about sewer service and utilities and the location of the northern access road. He also asked if the irrigation ditch would be moved. Weihs expressed concern that the water from the ditch may back up onto his property and also asked if he would be required to pay additional fees at the request of the Shady Island Homeowner’s Association. Weihs asked how the snowplowing costs would be handled for the northern access road.
- Carol Oyster, stated that moving the Cline’s access road to the south is an improvement for safety reasons.
- Mary Frame, expressed concern that it would be difficult to comply with ditch setbacks requirements on Lot 1.
- Tracy Busse, expressed concern about the use of the Shady Island property adjacent to her property and restaurant.
- Don Maguire, expressed concern about zero lot line development, wetlands, setbacks, and the cutting of trees.
- Barbara Shelton, expressed concern about lack of information submitted to her. She has specific concerns about gunfire, dogs at large, construction workers causing disturbance after hours and enforcement of covenants.

COMPLIANCE WITH SKETCH PLAN APPROVAL:

The Board of County Commissioners approved the Sketch Plan with the following conditions on May 16, 2006. There were no substantive changes made to the Preliminary Plan application (Sketch plan conditions in italics, applicants verbatim response to compliance with those conditions follows).

- *That the Preliminary Plan specifically address the following concerns, pursuant to each applicable section of the Gunnison County Land Use Resolution:*
 - *Impacts to wildlife and wildlife habitat*
After reviewing *Section 11-106* of the *Land Use Resolution*; the Colorado Division of Wildlife was contacted regarding the proposed subdivision. According to a letter dated February 1, 2006 from J Wenum of the Colorado Division of Wildlife, the Shady Island Development does lie within the Gunnison Sage Grouse brood winter and severe winter ranges. However, as stated in the letter, the proposed development will not affect the habitats of these two species. The subdivision was developed with the Colorado Division of Wildlife’s comments in mind incorporating several existing trees into the site plan, as well as recommending that specific sites be developed to minimize the impact to the existing vegetation. In addition, provisions have been outlined for the subdivision as stated in the Protective Covenants, taking into account the Colorado Division of Wildlife’s recommendations for the planned community.
 - *Whether access to Cline’s homesites would be impeded by the proposed development*
The road improvements to the existing Cline’s Homesites access road were developed such that the new roadway can be constructed while the existing access remains open. Notes were also added to the plans specifically requesting the existing Cline’s Homesites access road not be impeded during the construction of the Shady Island site improvements.

- *Right to float on the Gunnison River*
As is outlined in Section 11.7 of the Protective Covenants, the public has the right to float the Gunnison River, which flows through the property. Neither the Shady Island Association nor any lot owner shall obstruct or impede any person floating through the property.
- *The exact number of existing trees on the parcel and how they would be impacted by the right of way*
As was requested, a second site survey aimed specifically at determining the number and size of the site's existing trees was completed. At the time of the survey, there were 353 existing larger than 2" in diameter, present at the site. Vegetation smaller than 2" were not surveyed. All the existing trees were included on the Site Plan as well as the Site and Utility Plan.
- *Location and ownership of irrigation ditches on the parcel*
Two irrigation ditches, the Hyzer-Ketchum Ditch and the Hyzer-Ketchum Ditch (Second decree) flow through the northwest corner of the property. The proposed development will not be impacting the flow or banks of the Hyzer-Ketchum Ditch. The Hyzer-Ketchum Ditch (Second decree) will be addressed during final submittal. Please reference a letter developed by John R. Hill, dated July 12, 2007, for additional information, including the location, name, name of owner, size and decreed capacity of the two ditches.
- *Clarification regarding how the proposed open space complies with Section 13-108*
The Shady Island Development was designed to exceed the minimum 30% open space requirements as outlined in Section 13-108 of the Gunnison County Land Use Resolution. As is shown on the Site Plan, the percentage of open space for the development is 45.0%. The designated open space areas for Shady Island were developed to compliment the existing lay of the land as well as the existing vegetation when possible. The open space was also designed in large, contiguous blocks, and to be accessible to the community.
- *Construction noise and disturbance in relation to the operation of Garlic Mike's restaurant*
Construction hours for the project were developed keeping in mind the close proximity of Garlic Mike's Restaurant to the project site. Construction hours were identified as 7:00 a.m. until 5:00 p.m. Monday through Fridays, 7:00 a.m. to 4:00 p.m. on Saturdays, and no construction will be allowed on Sundays. These hours were designated in Section 6.19 of the Protective Covenants as well as the Site and Utility Plan.
- *That the location of the building envelopes adjacent to Highway 135 be designed to reduce visual impact and in accordance with all applicable setback requirements.*
The building envelopes for the properties adjacent to Highway 135 were developed in accordance with Section 13-104 of the Gunnison County Land Use Resolution. As per Section 13-104, the setbacks for the three properties adjacent to Highway 135 were 40' from the Right-of-Way. Please reference the Site Plan and Preliminary Plat.
- *That construction hours are identified in the protective covenants as follows: 7:00 a.m. until 5:00 p.m., Monday through Friday; 7:00 am to 4:00 p.m. on Saturdays and that no construction will be permitted on Sundays.*
Construction hours were identified as 7:00 a.m. until 5:00 p.m. Monday through Fridays, 7:00 a.m. to 4:00 p.m. on Saturdays, and no construction will be allowed on Sundays. These hours were designated in Section 6.19 of the Protective Covenants as well as the Site and Utility Plan.
- *That the protective covenants allow access to open space for all lot owners in the proposed development and that they also address wildlife and the recommendations that the Division of Wildlife identified in a letter written February 1, 2006.*
Applicant did not address this condition in narrative.
- *An exterior lighting plan be submitted.*
A Preliminary Plan Exterior Lighting Plan was developed for the Shady Island Development highlighting planned locations for exterior lighting. A Final Exterior Lighting Plan, which will incorporate the standards as developed within the Gunnison County Land Use Resolution as well as the Declaration of Protective Covenants, will need to be developed for the Shady Island Subdivision.
- *A landscaping plan is required to be submitted.*
A landscaping plan was developed for the Shady Island Development which incorporates new plantings as well as complements the site's existing vegetation. The landscape plan is also in compliance with the Gunnison County Land Use Resolution.
- *The proposed development requires snow removal from roadways and/or parking areas; site design must comply with Section 13-112: Snow Storage.*
Although a variance has been requested regarding the front setback requirements for several lots within the Shady Island Development, the standard Gunnison County Right-of-Way width of 60' for a rural lane road was incorporated into the roadway design for Shady Island. In addition to the 60' Right-of-Way, several designated "snow storage" areas were located throughout the site, which meet the requirements of Section 13-112 of the Gunnison County Land Use Resolution.
- *That a geotechnical report be submitted within the Preliminary Plan application.*
A Geotechnical Report, dated February 21, 2007 was developed by Buckhorn Geotech for the Shady Island site.
- *That a wetlands delineation be submitted within the Preliminary Plan application.*

A Wetland Delineation report, dated July 18, 2006, was developed by Bio-Environs.

- *That the applicant shall submit flood information in compliance with Section 11-103 J.4. including:*
 - *Minimization of flood damage*
 - *Utilities shall be constructed to minimize flood damage*
 - *Drainage facilities shall be provided to reduce exposure to flood damage*
 - *That base flood elevation data be provided for the subdivision and that the water surface of the base flood elevation shall not increase more than one foot any point.*

In order to address planned improvements in an area located within a designated floodplain, a Floodplain Study was conducted for the Shady Island project. Since 100-year base flood information was not available for the Shady Island parcel, pre-projects base flood elevations were developed through a HEC-RAS model. Once the 100-year base flood elevations were available, elevations for the planned improvements for the site were developed.

In an email from Jim Sell, dated March 26, 2008 he explains a revised plan to address flood hazards: The flood analysis that our consultant prepared, later verified by Schmueser, Gordon, Meyer Inc (SGM), indicated that the 100 year high water line would be less than a foot above the proposed road grade and the new bridge would be above by several feet. Therefore, there is no need to bring in additional fill material to build the road up. And as SGM presented at the January 11th meeting; filling around the foundations of the homes would have no appreciable negative impact on the flood levels. Currently, our covenants do not allow foundation filling beyond that necessary for positive drainage as recommended by the soils report.

In summary, we do not plan on raising the road bed up beyond what is necessary for creating positive drainage and providing structural integrity of the pavement. Residence will be prohibited by covenant for filling around their house for purposes of hiding their foundations, in the event that this happens unnoticed, it should have no detriments affect.

- *The Preliminary Plan and Final Plan may be combined.*

The applicant has decided not to combine the Preliminary Plan Application and the Final Plan Application. The information contained within this application packet is only for the Preliminary Plan Application. A Final Plan Application will be submitted at a later date.
- *Protective covenants shall be submitted in accordance with Section 7-301 K.*

The Declaration of Protective Covenants was developed by David Leinsdorf, Attorney, in accordance with *Section 7-301 K.* of the *Gunnison County Land Use Resolution.*
- *Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the Resolution then the application shall be denied at the Preliminary or Final Plan review stage.*
- *The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary/Final Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.*

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete Preliminary Plan application was sent by certified mail and hand delivery to following review agency for their comments: City of Gunnison, Gunnison Fire Protection District, Colorado Division of Wildlife, Colorado Division of Water Resources; Colorado Geological Survey, Colorado Department of Transportation, and Gunnison County Public Works. Comments from individual agencies included these:

Colorado Division of Water Resources, comments from Mark Vanarelli in a letter dated March 21, 2008:

We have reviewed the above referenced proposal to subdivide a 10.3-acre parcel into sixteen lots. The parcel has been used as a recreational vehicle/mobile home park. Currently, existing cabins and remnant campsites associated with the former Shady Island Resort are scattered across the property. The applicant proposes sixteen (16) single-family units on each lot of varying size from 0.18 to 0.53 acres. Open space will compromise 1.29 acres. The applicant proposes to provide water through two wells. The estimated water requirement for the sixteen lots is 350 gallons per day per lot. Sewage disposal is to be provided through connection by a central collection system.

Based on a review of the preliminary plat, four wells appear to exist on the parcel. According to our records, several well permits are valid for the parcel. These permits are valid for the existing wells, but new well permits will be required when the parcel is subdivided. The applicant proposes to utilize two wells as described in Case No. 05CW267 and identified as the Shady Island Well No. 1 and Griffith Well. Case No. 05CW267 is an application for an underground water right, change of water right and for approval of a plan for augmentation. In the application, the Griffith Well has a permit no. of 29629-F which is incorrect. The correct permit number is 29692-F. Our records indicate that the application is still under review, as such, the plan of augmentation has not been approved. The application indicates that a permit will be requested for the Shady Island Well No. 1, once the plan for augmentation is approved. The applicant proposes to store water from these two wells in an 8,000 (gallon) storage tank.

Information was provided concerning the physical adequacy of two wells. However, it is not clear which wells on the parcel have been tested. As stated in CRS 30-28-133(3)(d), the subdivider is required to submit "adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. A report of this nature was not provided.

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

Colorado Department of Transportation, comments from Devin Drayton in an email dated September 7, 2007

I can remember commenting on this development some time ago. At that time our position was since there will be less traffic than the existing traffic, no access permit is required. However, the plans show they may be re-constructing one or both driveways. If so, a State Access Permit will be required for each access that requires any construction in the ROW.

Colorado Department of Transportation, comments from Devin Drayton in an email dated March 21, 2008:

Permit 308006 is for the 2nd access on the right as your heading toward Crested Butte or the north access. The only reason this needed permitting is because they are re-constructing the access in the CDOT ROW. If the south access is being reconstructed in the CDOT ROW, then yes they will need to get an access permit, it was my understanding that they were not.

Gunnison County Public Works, comments from Marlene Crosby, in a letter dated February 15, 2008:

It is a priority for Gunnison County to extend the North Gunnison Sewer to Cline Homesites to facilitate the removal of individual septic systems that are along the Gunnison River.

It should be a condition of the final approval that the proponent's engineer be required to work with Gunnison County so that the sewer line that serves this development is sized and installed so that it can be extended to provide service to the homes in Clines.

Please see North Gunnison Sewer District comments on page 2 of a memo to Planning dated October 27, 2005.

Gunnison County Public Works, comments from Marlene Crosby, in a letter dated January 2, 2008:

Our office has reviewed the submitted plans for the proposed road construction and would recommend accepting them as complete.

City of Gunnison, comments from Diane Lothamer, in a letter dated September 26, 2007:

Thank you for giving us the opportunity to comment on the preliminary plan application for the Shady Island Subdivision. The following comments are based on the submitted application material, and its relation to the Gunnison Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado and the City of Gunnison Master Plan.

1. *The project is within the Three Mile Area but outside of the Urban Growth Boundary. The Gunnison River is the dividing line between rural-residential density (1 unit to 5-35 acres) to the north; and low-residential density (1 unit to 1-5 acres) to the south. This proposed subdivision does not fall into either designation.*
2. *The application proposes to hook onto the North Gunnison Sewer Line and upgrade the water system using the two existing wells.*
3. *The existing cabins will be demolished and the existing sewage vaults will be pumped and filled with county approved backfill.*
4. *The road plan does not include dimensions for the driveway to lots 13 and 14 or dimensions and angles of the "y" turnaround. A turnaround on Cline's Homesites access road is not indicated on the plan.*
5. *The applicant must consult with the Gunnison Fire Protection District regarding fire protection provisions. The bridge design on Shady Island Lane has not been included in the application materials. The bridge must be at least 22 feet wide and have a load bearing of 42,000 pounds to allow for fire engine access to lots 11 through 16. Fire hydrant connections must be compatible with the Gunnison Fire Protection District hose and equipment.*
6. *Intersection alignment and lane geometry of Highway 135 are a continual concern. The two proposed access points must meet Colorado Department of Transportation (CDOT) specifications. A traffic study has been provided indicating key intersections will operate acceptably with the addition of the Shady Island Subdivision. However, this portion of Highway 135 near County Road 11 is very congested and poses a safety hazard. The County should consult with CDOT regarding improvements to this intersection.*
7. *The conceptual Gunnison outer loop trail system is proposed to have an underpass along the south portion of the Gunnison River. A pedestrian access on the west side of the existing bridge is planned to connect to the trail system. An access on the east side of Highway 135 north across the river is not included in the trail improvements plan.*

Colorado Geological Survey, comments from Celia Greenman, Geologist, in a letter dated October 9, 2007:

In response to your request and in accordance with Senate Bill 35 (1972) I visited this property to review the development plans. The referral included a Floodplain Development Narrative prepared by Jim Sell Design, a Geologic Report (2/21/07) prepared by Buckhorn Geotech. The site consists of 10 acres to be divided into 18 lots.

Floodplain. *The floodplain of the Gunnison River covers the eastern part of the site. Jim Sell Design determined flood elevations and established finished floor elevations above these levels for the lots that would be affected. The floodplain narrative states that it would be necessary to import fill, and for this, a CLOMR will be submitted to FEMA. There is also existing development near the river.*

Concerns with flooding on a major river are not only the rise in flood water but the potential for channel migration and surge waters due to blockage of areas by debris or ice. The proposed subdivision is on the outer side of a slight bend in the river, which could make it subject to erosion ; the river bank has been riprapped in the vicinity as protection. CGS recommends that historical aerial photos of the river be examined to determine how the river has behaved in flood stage in the past, with specific attention to channel wandering that could place the eastern-most homes at risk. The flood conditions should be discussed with the Colorado Water Conservation Board, which might have recent information, and with the local floodplain administrator.

Other questions that should be addressed are,

- a) *If the access road were damaged, who would repair it? Would Gunnison County be accepting responsibility for the road and bridge or would repairs fall to the homeowners?*
- b) *If the river breaks out of its channel, who would be responsible for restoring the landscape?*
- c) *What would be the effect on utilities (water lines, sewer lines) in case of flooding (and in conditions of high groundwater)?*
- d) *Although the land use regulations require consideration of the 100-yr flood, it should be remembered that a 500-yr flood is possible. During a 500-yr event, the water depth might not be significantly different, but the extent of the area affected would be broader.*

Drainage. *Because of the presence of groundwater at 4.5 ft to 7 ft below ground level and the potential for flooding purposes would help to increase the separation from groundwater and allow foundations to be placed below the frost level. The recommendations in the Buckhorn report about the removal of surface and subsurface water within developed areas should be followed.*

As stated in the site application, the bridge to the eastern part of the site should be rebuilt and designed to carry construction loads.

The drainage report states that runoff would be carried to grass swales and wetlands to avoid direct discharge to the river. Are the wetlands to be protected? How would the sedimentation and other pollutants affect the wetlands?

Dewatering equipment should present on site during development.

Soil. The alluvial gravel and cobbles should provide good substrate for foundations. Rocks larger than 5 inches in diameter should be removed because of the possibility of differential compaction.

Mineral resource. Because of the small size of the property and the proximity to residential development, the site would probably not be viable as a gravel resource, although good gravel exists at the site.

In summary, the historical behavior of the river in the vicinity of the site should be investigated further to estimate the potential for channel movement during flood conditions.

U.S. Army Corps of Engineers, comments in a letter dated August 31, 2006:

I am responding to your consultant's request for an approved jurisdictional determination for the Shady Island Subdivision property. This approximately 10.3-acre site is located on the Gunnison River, east of Highway 135 approximately three miles north of the City of Gunnison within the NE ¼ of Section 24, Township 50 North, Range 1 West, Latitude 38°35' 1.00," Longitude 106°55' 17.0", Gunnison County, Colorado.

I visited the property with wetland consultant Tim Lapello of Bio-Environs on August 3, 2006. Based on this inspection and the information submitted, we concur with the estimate of waters of the United States, as depicted in the July 18, 2006, Wetland Delineation Report prepared by Bio-Environs. There are approximately 3.56 acres of waters of the United States, including wetlands, within the surveyed area, We regulate these waters under Section 404 of the Clean Water Act since they include the Gunnison River and adjacent wetlands and are tributary to the Colorado River, an interstate water.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. A Notification of Administrative Appeal Options and Process and Request for Appeal form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of the Corps of Engineers' Clean Water Act jurisdiction for particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service, prior to starting work.

State of Colorado Division of Wildlife, comments from J Wenum, in a letter dated February 1, 2006:

I have reviewed the Shady Island subdivision proposal submitted by Verzuh Ranch Inc., located between Highway 135 and the Gunnison River, approximately 2 miles north of Gunnison, Colorado. My staff has visited the site; a flat, moderately forested portion of Gunnison River floodplain. Many mature cottonwoods and some spruce provide the major vegetative component. Several small streams and/or irrigation ditches cross the property. It is bounded on the west by Highway 135, on the north by moderate acreage rural home sites, on the east by the Gunnison River, and on the south by heavy development. The proponent proposes 18 single-family home sites on the parcel, which had previously served as an RV park.

The proposed subdivision is located within mapped Gunnison Sage Grouse brood, winter, and severe winter ranges, and mule deer winter and severe winter ranges (DOW WRIS Mapping, 2003). Black bears inhabit the area, which has resulted in some human/bear conflicts. Cotton tail rabbits, striped skunks, raccoons, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion. Beavers may also be present in the Gunnison River and associated waterways.

It is important to understand that the WRIS maps are based on large scale vegetative analysis. The surface area indicated on the map as sage grouse brood, winter or severe winter range does not reflect actual or potential value for sage grouse. Aside from the appropriate vegetation communities, many other habitat components are required to provide wildlife species suitable living space. With the existing development surrounding this parcel, as well as other limiting factors, it is extremely doubtful that GSG will experience any impacts by the development of this subdivision.

The parcel is also identified by the Gunnison County Planning Commission as "critical habitat," based upon its mule deer winter range value. During winter months, deer utilize southern facing slopes and valleys for feeding and loafing. Many deer are year-round residents of the river bottom. These resident deer have become accustomed to the surrounding development, and will likely experience little adverse effects from this project. Populations of deer which migrate from higher climes to lower elevation winter range will likewise experience negligible negative impacts. The value as "winter range" for migrating mule deer has been degraded by the existing development, which essentially surrounds the proposed subdivision. Conflicts with deer are still likely to arise however, especially if homeowners landscape with non native flowers, shrubs and trees, which may actually draw resident and nearby wintering deer into the subdivision. As a consequence of development in mapped deer winter range, residents should not be allowed to chase, scare, disturb, or otherwise harass deer in an attempt to drive 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 deer.

The development plan identifies 18 home sites, with special attention to preserving existing trees. This is important as the riparian ecosystem and its associated canopy provides critical breeding and brood rearing habitat for many neo-tropical birds and raptors, as well as many other wildlife species. 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 to exceed 42 inches in height, and not restrict movement of deer). "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.

"Household" pets, such as cats and dogs, present perhaps the greatest threat to native wildlife when a new development is created. Dogs allowed to roam will "pack-up" and harass and kill deer and other wildlife. Dogs outside their yard, kennel or dog run should be on a leash or otherwise under direct control. If enclosed dog runs are utilized, they should be located adjacent to the home to maximize the amount of suitable wildlife habitat available within the subdivision. (In areas known to be frequented by mountain lions, it is strongly recommended that tops be included on dog runs and/or kennels to avoid potential predation). Domestic cats are formidable hunters, and can devastate populations of local birds and small mammals. They may also attract and ultimately become prey for coyotes, foxes, lions and bears. Consideration should be given to the potential impacts and conflicts that could result from free ranging domestic cats. Pet food left outside may attract bears and other predators as well as nuisance wildlife species. If horses or other livestock are permitted, 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.

Black bears will likely be a wildlife concern with this development. Human/bear conflicts are not uncommon in this area. Bears travel the river corridor, especially in the fall when they feed on the spawning Kokonee Salmon. 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 subdivision encroach upon mountain lion habitat containing an abundance of prey (winter concentrations of deer), 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.

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 wildlife habitat, the effects

of “minimal impact” projects such as this are cumulative, and should be considered as such. We strongly encourage that the proponent for this project advise potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts.

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

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

Applicable, the project complies with this section. The subject parcel is located within the municipal three mile plan of the City of Gunnison, although the parcel is on the border of the three-mile boundary. A copy of the application was sent to the City of Gunnison on September 4, 2007 and their comments were noted above.

Section 10-103: *Residential Density.*

Applicable, the project is required to comply with this section. The project is located within the municipal three mile plan of the City of Gunnison; the parcel is on the border of the three-mile boundary. The application does not meet the density standards identified in the three-mile plan, however at the time the three-mile plan was prepared a central wastewater treatment system was not taken into account. The applicant is required to provide 30% open space and has identified 4.74 acres (46%) of the entire parcel as open space. The applicant is currently in litigation regarding the ownership of a portion of the subject parcel. The size of the open space could be affected by the outcome of the litigation. If the applicant loses their case, the size of the open space will be 3.24 acres (37%) which still exceeds the 30% County requirement. All lots sizes proposed within the subject development are less than one acre and will be served by a central wastewater treatment system. The proposed lot sizes range from 0.18 acres to 0.38 acres which are substantially similar to adjacent lots. Adjacent lot sizes range in size from 0.24 acres to 8.361 acres. Although Cline’s Homesites lot sizes are all approximately ½ of an acre all but one of the owners have two lots with one residence, although few of the lots have been formally clustered.

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

The site is within the 100-year floodplain. The applicants have submitted a “Floodplain Development Narrative;” maps titled, “Shady Island Pre-Development” and “Shady Island Post Development,” prepared by Schmueser, Gordon, Meyer, dated February 14, 2008; and a geotechnical report addressing flooding potential titled, “Geologic Report, Lacy and Dow, LLC, Shady Island Subdivision, U.S. Highway 135, Gunnison County, Colorado,” prepared by Buckhorn Geotech, dated February 21, 2007.

In compliance with this section the applicant has demonstrated that flood damage will be minimized through construction of the bridge one-foot above the base flood elevation and construction of all structures one-foot above the base flood elevation. Utilities have been located in such a way to minimize flood damage and they have been equipped with water tight manholes to prevent infiltration. The “Drainage and Grading Plan,” dated May 16, 2007, prepared by Jim Sell Design identifies proper drainage to reduce exposure to flood damage. The applicant has also provided base flood elevation data in the “Flood Plain Development Narrative” for the entire subdivision with eight different cross sections identified. Base flood elevations range from 7769.97 feet to 7784.91 feet.

The narrative states that fill material will be brought in to elevate the building sites and the roadway however in a letter from Jim Sell, dated December 27, 2007 he notes that they have revised the plan and no fill material will be brought in to prevent any additional or increased flooding to nearby/adjacent properties. The bridge accessing “the island” shall be constructed one foot above the base flood elevation. A flood elevation certificate, prepared by Schmueser Gordon Meyer (SGM) and engineered plans, prepared by Contech Solutions dated March 27, 2008 have been submitted depicting the bridge. Additionally, all buildings proposed within the 100-year flood plain will be required to comply with this section and shall provide a flood elevation certificate prior to the issuance of any building permits. The Protective Covenants also require that all buildings be constructed in accordance with the “Geologic Report” prepared by Buckhorn Geotech and that mounding around building foundations shall be prohibited.

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

The applicant submitted a geologic hazard report at Preliminary Plan. Additionally, copies of the Preliminary Plan and geologic hazard report were sent to the Colorado Geologic Survey for review and comments (please see their comments above). The applicant submitted a geotechnical report titled, “Geologic Report, Lacy and Dow, LLC, Shady Island Subdivision, U.S. Highway 135, Gunnison County, Colorado,” dated February 21, 2007. The report addressed shallow groundwater, flooding, compressive soil, seismicity, radon gas and subsurface conditions. Language is included within the Protective Covenants stating that the report has been prepared and the issues that were addressed. Acknowledgement and disclaimer language is also required to be on the final plat.

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

The proposed development is not within a severe (high/extreme) wildfire hazard area. The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on September 4, 2007; no comments have been received.

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

Comments (see above) were received initially from the Colorado Division of Wildlife on February 1, 2006. The DOW was also sent a copy of the application on September 4, 2007 and no comments have been received since that time from the DOW.

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

The site is within 125 feet of a water body or mudflow, and this section does apply. The applicant has submitted a wetlands delineation, prepared by Bio Environs, dated July 18, 2006. The Army Corps of Engineers, in a letter dated August 31, 2006 accepted the wetlands delineation and jurisdictional determination. The applicant's proposed improvements meet the inner restrictive buffer setback requirements which shall also be verified at the time of individual building permit application.

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

The site is not located on a ridgeline.

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

The site is not adjacent to agricultural land and this section is not applicable.

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, the applicant has submitted engineered road plans stamped by Jonathan Sweet, P.E. Two access points for the subdivision are proposed. The southern access point will cross a newly constructed bridge and end in a cul-de-sac. The bridge shall be one foot above the base flood elevation. The northern access will be moved approximately 40 feet south of its current location. The relocated access will provide increased safety and visibility. The relocated access affects the total acreage of Lot 1 of Shady Island; a portion of Lot 1 will include what was formerly part of the access easement, if the easement holders consent to the relocation. To convey title to Lot 1, the developer must gain approval from all easement holders. The applicant is currently pursuing this approval. If approval cannot be obtained the size of Lot 1 will be reduced.

The Colorado Department of Transportation (CDOT) has issued permit No. 308006 for the northern access point. A new permit for the southern access is not required because no construction in the CDOT right-of-way is proposed.

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 two central wells for the subdivision. The second well will be primarily used for backup of the first well.

John Hill, the applicant's attorney, in a letter dated May 16, 2007 states:

The Shady Island Subdivision will be supplied by two wells. The waste water from indoor use will be pumped to the wastewater treatment plant in the vicinity of McCabe Lane. Therefore, water pumped from the wells for indoor use will cause 100 per cent depletions in the each of the Gunnison River from Shady Island to McCabe Lane and 5 per cent depletions downstream of McCabe Lane. On December 30, 2005, I filed an application in the District Court, Water Division No. 4, Case No. 05CW267, for a conditional water right, change of water right and for approval of a plan for augmentation for the proposed Shady Island Subdivision. The plan for augmentation proposes to replace the out-of-priority depletions resulting from the Shady Island Subdivision to rights

downstream of Blue Mesa Reservoir. The proposed plan does not propose to replace depletions occurring in the reach of the Gunnison River downstream of Shady Island to McCabe Lane.

The reason the plan for augmentation does not propose to replace depletions in the reach Shady Island to McCabe Lane is that augmentation of well depletions occurring in that reach have not been required in the past because a call has never originated in that reach. The Upper Gunnison River Water Conservancy District (District) has applied for a water right for a Recreational In-Channel Diversion (RICD) which could change the regimen on the reach in question. The RICD application was opposed by the Colorado Water Conservation Board (CWCB) and the Colorado River Water Conservation District (River District) among others. The Water Court granted the application for the RICD and the CWCB appealed and the Colorado Supreme Court remanded the case to the Water Court. I understand that a settlement has been reached between the CWCB and the District which involves reduced flows for the RICD. The Water Court has not yet entered a decree based upon the settlement. Also, the River District imposed a condition on the withdrawal of its statement of opposition obligating the District to afford some relief to in-basin uses. Thus, it now appears that there is a high probability that in-basin water users such as Lacy will be relieved from the necessity to replace depletions to the RICD.

I am advised that the District has begun the process of subordinating its RICD to water users upstream of the RICD to benefit wells like the ones involved in the Shady Island project. It appears that the District's effort to subordinate will be successful. In the unlikely event that it does not succeed, Mr. Lacy also had available to him the alternative of entering into an option agreement with the District which will provide the necessary augmentation water. Thus, in my opinion, Mr. Lacy will either not have to augment the Shady Island Wells or he will acquire the necessary augmentation water from the District. In either event, the pending application for water rights will be approved.

Mr. Hill sent an email to Planner Cathie Pagano on March 27, 2008 with the following update to the water supply plan:

This updates the information about the water supply for the Shady Island Project contained in my May 16, 2007 letter to Joanne Williams. In that letter, I stated that the Upper Gunnison River Water Conservancy District (District) had begun the process of subordinating the Recreation In Channel Diversion (RICD) to allow in basin water users to deplete the RICD. Since that letter, the water court has entered a decree allowing the subordination. The Shady Island Project is eligible for that subordination which eliminates any need to augment the reach of the Gunnison River between Shady Island and Blue Mesa Reservoir. That eliminates the need to acquire the relatively expensive Meridian Lake water. That was probably what Mr. Lacy was referring to when he said no augmentation water was needed. The project must still augment the Gunnison River to replace out-of-priority depletions occurring downstream of the Aspinall Unit. Those depletions are estimated to be about 1.1 acre-feet. That will be done by a water service contract with the District. We have applied to the District for that contract and will provide you copies as soon as contract numbers are assigned. We plan to finalize the proposed ruling of the referee and send it to the referee tomorrow. It will have to be signed by the referee and Judge Patrick which will take about a month. I am confident that the court will approve the plan for augmentation.

To summarize, the Shady Island Project will still be supplied by the existing Shady Island Well No. 1 and Griffith Well. Those wells will have to be re-permitted which can occur only after the plan for augmentation is approved.

The applicant's engineer has submitted documentation that two pump tests have been conducted. Joseph McElroy, P.E. in a letter dated October 11, 2006 states, "Tests on each well were conducted over a 24 hour time period and each was pumped at 30 gallons per minute (gpm) in Well No. 1 and 15 gpm in Well No. 2. Drawdown on Well No. 1 was less than 0.5' and drawdown on Well No. 2 was slightly more than 1'. These tests confirm both wells are capable of producing adequate water for subdivision water demands." The average daily demand for the subdivision is 6 gpm, peak day demand is 18 gpm and peak hour demand is 50 gpm.

The water supply at Shady Island has been determined to be potable, as identified in a letter from Joseph McElroy, P.E., dated June 28, 2007:

...results indicate the water is suitable for domestic consumption and is only above secondary maximum contaminant levels (aesthetic) for iron and manganese.... The water treatment system currently proposed for the site is a filtration system to remove the iron and manganese for aesthetic reasons per CDPHE recommended aesthetic guidelines. However, the raw water from the wells is adequate for human consumption.

As stated in Section 6.3 of the Protective Covenants the water supply system shall be maintained by the Shady Island Homeowner's Association.

Section 12-106: Sewage Disposal/Wastewater Treatment.

The development will be served by the North Gunnison Sewer Extension. An eight inch line from the highway crossing will be provided and will allow for Cline’s Homesites owners to connect to the sewer system also. The applicant’s attorney, David Leinsdorf, stated in a letter dated January 31, 2008, “Bill Lacy and Jim Sell assured the neighboring property owners that Shady Island would have an 8 inch sewer main, the same size as the North Gunnison sewer line, and that the grade from Cline’s to the Shady Island manhole was sufficient for gravity flow (except from basement, which apparently do not exist on any of the properties involved.”

Section 12-107: Fire Protection.

The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on September 4, 2007; no comments have been received.

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

The site plan for this proposed development meets the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site.

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

This section applies; the proposed improvements meet the setback requirements and the zero lot line requirements. Lots 2, 3, 4, 5, 7, 8, 11, 14 and 15 are zero lot line development lots. All of the lots on Shady Island will be served by central wastewater treatment system and the nine lots that have zero lot lines meet the width and separation requirements. Additionally, the Sections 5.16 and 11.6 of the Protective Covenants identify the limitations on the structure on the zero lot line. A five foot easement along the zero lot lines has been noted on the plat and is identified in Section 5.16 C. of the Covenants, providing access to the zero lot line wall from the adjoining lot for purposes of maintenance of the zero lot line wall.

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; the protective covenants state that one solid fuel burning device shall be permitted for each residence.

Section 13-108: Open Space And Recreation Areas

This section applies; the applicant proposes an open space area of 4.74 acres or 46%, exceeding the 30% minimum requirement. The open space includes portions of the Gunnison River and Clark Stream which complies with definition of open space as stated in the LUR and this section.

The applicants are currently in litigation with an adjacent landowner regarding a 1.5-acre portion of the subject parcel and its ownership. If it is determined that the applicant does not own the disputed land the open space calculations will be:

<u>Land Status</u>	<u>Total Area</u>	<u>Open Space Acreage</u>	<u>Open Space Percentage</u>
Current	10.31 acres	4.74 acres	46%
Disputed	8.81 acres	3.24 acres	37%

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. The applicant has contacted the Gunnison RE-IJ School District regarding school bus stops. The applicant has indicated based on their conversations with Laurie Smock of the District that the bus may pull off of Highway 135 to pick up children or may decide at a later date to drive into the subdivision to pick up children. The road has been designed to provide sufficient turnaround for the school bus.

Section 13-111: Landscaping And Buffering.

"Landscape Plan and Landscape Details," prepared by Jim Sell Design, dated March 14, 2008 has been submitted. The plan identifies the number and location of the existing trees and shrubs on the subject parcel and delineates the proposed landscaping types and locations. The applicant proposes a number of trees and shrubs in excess of the minimum one tree and three shrubs per 500 square feet. The plan meets the requirements of this section.

Section 13-112: *Snow storage.*

Snow storage is specifically identified in a site plan titled, "Snow Storage," dated December 6, 2007. Design elements have been included within the site layout design allowing for adequate storage. The Protective Covenants identify that lot owners shall be required to store snow from their individual driveways on the respective lot, rather than in the common area of the subdivision or the road right-of-way. The Public Works Department has indicated no concerns related to snow storage.

Section 13-113: *Fencing*

This section does not apply.

Section 13-114: *Exterior Lighting.*

Applicable, any new structures that are proposed will be required to comply with this section. A lighting plan titled, "Preliminary Exterior Lighting Plan," dated June 21, 2007 prepared by Jim Sell Design has been submitted. The plan shows two proposed light fixtures for entry features at the southern access point to the subdivision. There will be a pole mounted light at the northern access point to the subdivision and another pole mounted light on the east side of the bridge. All fixtures shall comply with this section. The Protective Covenants, Section 5.10 identify that all lighting shall 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. The applicants submitted "Shady Island Weed Management Plan," dated March 27, 2008 describing techniques for and implementation of the weed management plan.

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*. The applicant has submitted a "Grading Plan," dated May 16, 2007, prepared by Jim Sell Design.

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

Applicable, the applicant has submitted a "Preliminary Drainage Plan and Analysis" prepared by Jonathan Sweet, P.E. The report explains that in smaller storm events water will be directed to the existing wetlands, adjacent to waterways, by way of overland flow and through swales adjacent to the road; the swales are to be lined with an erosion control fabric. The stormwater runoff will first be directed to the wetlands and then to the adjacent water bodies: the Gunnison River, the sidearm of the Gunnison River and Clark Stream. The stormwater runoff is directed through the wetlands to remove the pollutants.

Section 13-118: *Water Impoundments.*

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

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

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

FINDINGS:

The Commission finds that:

1. This application is consistent with the standards and requirements of the *Land Use Resolution*.
2. The project, by definition, is classified as a Major impact.
3. The Preliminary Plan complies with the conditions imposed by the Board of County Commissioners Sketch Plan approval.
4. No phases are proposed for this development.

5. The Colorado Department of Transportation has issued access permit No. 308006 for the northern access point. An access permit was not required for the southern access point.
6. The northern access to Shady Island also provides access to lot owners in Cline's Homesites and other property owners that are not part of either subdivision.
7. To convey land under the existing easement shall require 100% approval of all easement holders; the size and boundaries of Lot 1 are dependent on this approval.
8. The Shady Island Subdivision will be served by the North Gunnison Sewer extension for wastewater treatment.
9. The developer of Shady Island has agreed to provide adequate sewer line sizing to allow for the homeowners in Cline's Homesites to connect to the North Gunnison Sewer extension for wastewater treatment.
10. A wetlands delineation has been prepared by Bio-Environs, dated July 18, 2006. The Army Corps of Engineers, in a letter dated August 31, 2006 accepted the wetlands delineation and jurisdictional determination.
11. The proposed development complies with the inner restrictive buffer setback of 25 feet as identified in *Section 11-107* of the *LUR*.
12. Lots 2, 3, 4, 5, 7, 8, 11, 14 and 15 are zero lot line developments.
13. There are specific limitations on development of zero lot lines identified in *Section 13-104 C.* of the *LUR*. The Covenants of Shady Island identify the limitations and restrictions of zero lot lines.
14. The applicant has agreed to limit construction hours in Shady Island Subdivision to the following: 7:00 a.m. until 5:00 p.m. Monday through Fridays, 7:00 a.m. to 4:00 p.m. on Saturdays, and no construction will be allowed on Sundays. These hours were designated in Section 6.19 of the Protective Covenants.
15. Well permits have not yet been issued by the Colorado Division of Water Resources.
16. The applicant has submitted an augmentation plan to the Colorado Water Court which has not been approved yet.
17. The bridge accessing the island shall be constructed one-foot above the base flood elevation, as identified in a flood elevation certificate stamped by Gerald Burgess, P.E. and dated March 28, 2008.
18. Portions of the Shady Island Subdivision are within the 100-year floodplain; Flood Elevation Certificates and Floodplain Development permits shall be submitted prior to the issuance of any building permits within the 100-year floodplain.
19. The proposed land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 7-102: Standards of Approval for Major Impact Projects*, unless specific required additional submittal items have been identified, as a condition of approval.
20. This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.
21. The applicant is required to timely and fully obtain and comply with all applicable federal, state, municipal and other permits and terms and conditions of any municipal, state, federal permits required
22. 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.
23. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that the Preliminary Plan for LUC No. 2005-73 be classified as a Major Impact, and be approved with the following conditions:

1. All development on zero lot lines shall comply with *Section 13-104 C* of the *Gunnison County Land Use Resolution*.
2. There are limited uses on the zero lot line wall. The wall of the residence located on the zero lot line shall have no windows, doors, air conditioning units or any other type of opening except that the following alternatives may be used: enclosed atriums, patios or similar amenities are permitted on the zero lot line side when they are enclosed by three walls of the residence and a solid wall on the zero lot line at least eight feet in height and constructed of material that complements the color and texture of the residence exterior.
3. All buildings proposed in the 100-year floodplain shall be required to submit a Flood Elevation Certificate prepared by a Colorado licensed engineer and a Floodplain Development permit prior to the issuance of any building permits.
4. A Floodplain Development permit for the bridge shall be required prior to recordation of the final plat of Shady Island Subdivision.
5. Mounding, in excess of that needed to provide positive drainage, adjacent to any building within the development shall be prohibited.
6. The owner and/or developer of the Shady Island Subdivision shall be responsible for working with the Gunnison County Public Works Department so that the sewer line that serves Shady Island Subdivision is sized and installed so that it can be extended to provide service to Cline's Homesites.
7. No construction of the sewer line may begin until the owner/developer has written approval of the Public Works Department.
8. Construction hours shall be limited to the following: 7:00 a.m. until 5:00 p.m. Monday through Fridays, 7:00 a.m. to 4:00 p.m. on Saturdays, and no construction will be allowed on Sundays.
9. All development and improvements within the Shady Island Subdivision shall comply with *Section 11-107: Protection of Water Quality* of the *Gunnison County Land Use Resolution*.
10. A Final Plan application shall be submitted to the Planning Department within 12 months after the date of the approval of the Preliminary Plan. Failure to submit a complete Final Plan application within this time period shall render the Preliminary Plan approval null and void, and require the applicant to begin the Preliminary Plan review process again.
11. The Final Plan application shall conform to the approved Preliminary Plan, and shall specifically address and comply with the conditions stated in the Board of County Commissioner's approval of the Preliminary Plan.
12. The Final Plan application shall include the updated well permits, the approved water augmentation plan and the decree.
13. The final plat shall contain acknowledgement and disclaimer language for flood hazards and geologic hazards as outlined in *Section 7-401* of the *Gunnison County Land Use Resolution*.
14. All applicable Land Use Change permit fees shall be paid prior to recordation of the Major Impact Certificate and/or recordation of the final plat of Shady Island Subdivision.
15. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, prior to recordation of the final plat, addressing the infrastructure improvements defined in the following plans:
 - *Demolition Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Utility Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Drainage and Grading Plan*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Roadway Plan and Profile*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.

- *Sanitary Sewer Plan and Profile*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Site Plan*, dated May 16, 2007, prepared by Jim Sell Design
 - *Floodplain Study and Narrative*, dated May 18, 2007, prepared by Jim Sell Design
 - *Floodplain Study and Narrative*, dated March 31, 2008, prepared by Jim Sell Design
 - *Geotechnical Report*, dated February 21, 2007, prepared by Buckhorn Geotech
 - *Drainage Report*, dated May 16, 2007, prepared by Jim Sell Design
 - *Traffic Impact Analysis*, dated April 23, 2007, prepared by Matt Delich & Associates
 - *Water Treatment/Pump House Design and Water Line Layout*, prepared by Schmueser, Gordon, Meyer, Inc.
 - *Landscape Plan and Landscape Details*, dated March 14, 2008, prepared by Jim Sell Design and stamped by Jonathan Sweet, P.E.
 - *Protective Covenants of Shady Island*
 - *Final Plat*, prepared by Schmueser, Gordon, Meyer, Inc. dated March 27, 2008
 - *Wetlands Delineation*, dated July 18, 2006, prepared by Bio-Environs
 - *Infrastructure Cost Estimate*, prepared by Jim Sell Design and stamped by Jonathan Sweet, dated March 24, 2008
 - *Preliminary Exterior Lighting Plan*, prepared by Jim Sell Design
 - *Bridge plans*, prepared by Contech Bridge Solutions Inc., stamped by Craig Thorstad, P.E. dated March 27, 2008
16. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent; such costs as detailed by the applicant's engineer, "Infrastructure Cost Estimate," Jim Sell Design, Jonathan Forest Sweet, P.E., and that said surety is retained by the County.
17. A Colorado licensed engineer shall provide verification post construction that the bridge was constructed one-foot above the base flood elevation prior to the issuance of any building permits in Shady Island Subdivision.
18. The applicant shall install road signs and provide documentation from the Fire Protection District that the signs have been installed and inspected by the Fire District, to the Planning Department, prior to the issuance of any building permits for the subdivision.
19. The applicant shall provide three copies of the subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for County addressing of the new lot, and inclusion into the rural addressing system.
20. The following shall be completed upon recordation of the Final Plat:
- The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
 - The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
21. 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*.
22. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
23. 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.
24. 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.
25. 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.

RICHARDS- DEVELOPMENT ON A RIDGELINE: The Planning Commission met with applicant's representative Dan Murphy and applicant's attorney David Leinsdorf. They reviewed the application for the construction of a single-family residence with an attached garage and detached second residence in compliance with *Section 11-108: Development on Ridgelines*; Lot 17, Red Mountain Ranch, south of the Town of Crested Butte, west of Highway 135.

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

Planner Cathie Pagano noted this is a minor impact application; to be reviewed under the ridgeline standards. The applicants are applying to build a single family residence with an attached garage, and a guest house.

Murphy explained that the primary house will be a two story structure. They will use rusted metal for the roofing, reclaimed wood for the siding, and will site the house in the prescribed building envelope.

Murphy said the ridgeline vantage extends throughout the entire site. There are no less than 1000 ft. of trees in the front, and thousands of trees in the back; it appears to be fully screened, but some of the trees are Aspen trees and they lose leaves. The trees are on the applicant's parcel and the adjacent parcels.

Commissioner Richard Karas was concerned with lighting from the inside of the house making the house very visible from the highway. He referred to an application that had been presented by Crested Butte Mountain Resort, in which they had provided a lighting analysis.

The commissioners discussed the difference between full screening and significant screening. The applicants would be required to sign an agreement to replace any dead or damaged vegetation that had been used for screening, to use the full screening standard. Billick explained the applicants will have to decide whether they comply with full screening or significant screening, before the lighting can be designed.

Commissioner Nick Lypps questioned if reflected sun glare off of the windows had been considered. Murphy said the north facing windows will probably not reflect glare. Commissioner John Messner agreed glare will not likely be a problem, if the site is fully or substantially screened. Murphy agreed to consider how to address the indoor lighting and glare issues.

Lypps asked if trees would have to be cut down to provide defensible space; Murphy replied that some trees will have to be eliminated.

Lypps asked if the commission had any purview on the placement of the driveway. Murphy noted that the HOA had determined where the driveway was placed, and it has been constructed.

The commissioners decided a site visit would be needed to determine if the applicant could use the standard for full screening or significant screening. They said after the site visit the next meeting could be a public hearing.

Billick outlined some of the outstanding issues as:

- Site visit
- Public hearing
- Identify the standards to be used- full screening or significant screening
- Applicants to consider recording documents to guarantee replacement of dead or damaged vegetation used for screening
- Define the number of trees on the parcel
- Provide the night time lighting information

TAYLOR RIVER RANCH- ROADS: The Planning Commission met with applicants' representative Julie Ann Woods. They discussed a request for road construction to serve twenty five 35-acre parcels, and request for an "Owner's Complex", with a commons building, (kitchen, dining hall, pool) and two residential units, located approximately 15 miles northeast of the City of Gunnison, on Taylor River Road.

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

Commissioner David Owen recused himself from the proceedings.

Assistant Director Neal Starkebaum submitted a staff review and explained that this is a minor impact application. It will include as many work sessions as needed, a site visit and a public hearing, and ultimately the decision is made by the commission.

Billick asked if the commission would be deciding on more than the roads, pointing out that the owners' complex could be an additional issue. He explained that the applicant has asked for a staff administrative review to consider the primary and secondary units; requesting a blanket administrative review consideration for the residences.

Woods introduced the development team;

- Vice-President, Residential Development, Jackson-Shaw, Ron Welborn
- Project Manager, Design Workshop, Philip Jeffreys
- Landscape Architect, Design Workshop, Heather Henry
- Architect, Cottle Carr Yaw, Chris Touchette
- Engineer, SGM, Tyler Harpel

Landscape Architect, with the Design Workshop Heather Henry explained the property is the former Wapiti Ranch; the entire parcel is approximately 2,000-acres. They have been working on the land planning for approximately two years.

Commissioner Nick Lypps asked about the current ownership of the land to the north. Henry said it is currently owned by Jackson Shaw and it is part of the ranch. Lypps was concerned with the access to land to the north. Henry said the existing ranch roads will be maintained for future use. They determined the ranch was overall culturally and visually significant, requiring a careful- well thought out land plan. The land plan included maintaining the beauty of the property and maintaining the river, water sheds and drainages. The new community will share in the ranching heritage.

Henry explained they will use 1,064 acres of the total 2,000 acres. She added that 95% of the 1,064 acres is being preserved; 5% is being improved- with roads, driveways and building envelopes. Other than the roads and driveways, the entire disturbance will occur within the building envelopes. There will be 27 lots; 24 residential lots and three lots for the ranching operations.

Henry said that the community will be governed by covenants and design guidelines. They will use native low water plants and green guidelines as voluntary measures used by the new owners. She said that the owners' complex will reflect the look and feel of a residence. Billick explained the commission will have to decide if the complex is part of the review.

Engineer with SGM, Tyler Harpel explained some of the engineering. The roads are at the back of the hay meadows, following the existing roads and topography as much as possible, and will vary in size from 24 ft. to 16 ft. They matched the topography to the maximum extend feasible, resulting in no wetlands being impacted. The roads were designed around the historic irrigation patterns of the hay meadow. There is one main new access. They will also use an existing road which will be improved for a better intersection. The mountain road will access the mountain lots. There is a ranch operation road used only by the ranch. The gates on the roads will be set back. They will alter the Jack's Cabin Cutoff road to improve the intersection.

Harpel reported that there are two bridges; the west bridge is wooden, and the east bridge is a steel structure. The east bridge is structurally adequate and they will continue to use it; it will be inspected and will have signage describing the poundage allowed to cross. The west bridge will be rebuilt and raised up 1.2 ft. higher; the steel beams will be decked in wood so it will look similar to the existing bridge.

Harpel explained the FEMA flood plain map for this area is not exactly correct. They have done a study; the flow rates are consistent with federal highway regulations. He said none of the proposed building envelopes are in the flood plain. Lots 11, 15, 7, 6 and 5 will submit a letter of amendment to FEMA.

Harpel said they will have two dry hydrants in the ponds; one on lot 6 and one on lot 12. The geologic hazard analysis was done by CTL Thompson. It states the proposed uses are not in conflict with any geologic conditions. Harpel said they are either going to avoid or mitigate any geologic hazards.

Starkebaum reported that the mountain lots cross a large debris flow; the staff has not seen the report. Staff will review the report on the debris flow and then the report might need to be forward to CGS for their review.

Lypps asked the ranch manager Don Zombroski if the proposed road would allow the ranch to maintain its working integrity. He replied that it may actually improve it. Zombroski said the road design resulted in the least impact to the hay

meadow. They have relocated the exiting road to the rocky area, so the hay meadow will be actually be enlarged. All the ditches will be maintained. The natural irrigation has historically kept the proposed home sites dry. The ponds are interconnected and will tie together and flow into the Taylor River. Lypps congratulated the applicant on continuing the historical ranching operations.

Architect with Cottle Carr Yaw, Chris Touchette described the visual impacts and the ranch architecture. They will use gable and shed structures. They will refurbish the barns; replace the damaged logs and reroof them. The cabin on the north side of the road will be used for employee housing, they are working with the Federal government to ensure that the cabin can remain. That cabin was refurbished in 1991.

Touchette said there is a barn complex, which includes a bunk house. They will add a centrally located barn at the center of the ranch, it will house the equipment. The ranch manager will move to the ranch headquarters. The ranch office will be relocated and upgraded. They will attempt to create a complex which has the feel of the current ranch operation, but better cared for. They will use timber, wood siding, local stone, and beetle kill wood for the porch systems. The same tone will also be reflected in the owners' complex.

Touchette explained the owners' complex will be between 8,000 and 9,000 sq. ft., which will include multiple buildings. The complex will include three or four loosely configured structures. There will also be two guest cabins, used only by the owners. None of the facilities are intended for public use.

Billick noted the two secondary residences could involve additional county review, and queried the commissioners for their opinions:

- Reed was concerned that they could generate additional traffic; clearly lay out the specifics of the intended uses
- Lypps said it is a minor impact
- Billick said there is no additional demand for public services, but impact to the environment could be reviewed
- Messner agreed with Billick
- Lumb would like to see more before a decision is made

Billick suggested the applicants come back with a statement outlining the specific uses of the owners' complex. The commissioners could then make a decision whether or not there is sufficient clarity.

Starkebaum reiterated the geotechnical report has not been submitted and depending upon the report, it may need to be forwarded to the Colorado Geological Survey for their review. If the report is forwarded to CGS it is critical to get those results before the application goes to public hearing.

The commission will conduct a site visit on May 9, 2008; a public hearing could follow at the next meeting for the application.

MCFAUL- OVERSIZE RESIDENCE; The Planning Commission met with applicant Andrew McFaul. They reviewed his request for a single-family residence in compliance with *Section 13-105: Residential Building Sizes and Lot Coverages*, Lot 33, Red Mountain Ranch, south of the Town of Crested Butte, west of Highway 135.

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

Assistant Planning Director Neal Starkebaum provided a memo describing the process as a minor impact review. He said the county assessors office describes this residence as 15,103 sq. ft. The commission will review this application by applying *Section 13-105- G- Finding of no obtrusive visibility required for approval* as the review standard. This application is the result of a court case initiated by the Homeowners Association (HOA) because of a violation of their covenants and the county regulations. The HOA prevailed in the lawsuit; McFaul paid a fine to the HOA and is required to obtain county approval of the oversized structure.

Billick explained that because the structure already exists the only question is whether there is adequate screening, or if additional screening is required, would it reduce any obtrusiveness.

McFaul said the actual residence is not visible from Highway 135, and is approximately 4.5 miles from Highway 135. The above ground structure has not changed, but there is now habitable space above the garage and a full basement, resulting in the extra square footage. He said the peaks of the house are visible from several vantage points. The HOA has stated they were not aware that he had dug the basement. He has been assessed a \$300,000.00 fine, payable to the HOA. County Attorney David Baumgarten explained the process to the applicant. The agreement with the HOA has been

executed. He noted that the residence can not be sold until he obtains a certificate of occupancy (C.O.) from the county building department.

Commissioner Ramon Reed noted the visibility of the structure is now the issue. McFaul explained that because the property is an odd shaped 35-acre parcel and the road goes through the parcel; from the road the residence is not visible. The peaks of the residence are visible from several vantage points. The applicant did a land swap, prior to building the residence, so the building site could be tucked back into the trees.

Billick noted by putting the additional square footage in the basement the applicant has limited the obtrusive visibility. Reed pointed out that obtrusive visibility will be determined during the site visit.

Commissioner David Owen asked if the basement is finished; McFaul said it is not finished.

Commissioner Rich Karas asked if the adjacent neighbors have objected to the obtrusiveness; McFaul said they had not.

The commissioners will conduct a site visit and the next applicant's meeting will be a public hearing; they directed staff to prepare a draft decision for the public hearing.

BULL MOUNTAIN NATURAL GAS PIPELINE; The Planning Commission and Board of County Commissioners conducted a continued joint public hearing & work session; meeting with applicants' representatives Brad Robinson with Gunnison Energy, Robbie Guinn with SG Interests via phone, legal counsel Ken Wonstolen, and Trigon representatives Catherine Dickert, and Brett Hurlbut. They reviewed the request for the Bull Mountain Natural Gas Pipeline; a proposed 20-inch diameter buried steel natural gas pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County. Board of County Commissioner member Jim Starr, County Attorney David Baumgarten, and special counsel to the Board Barbara Green attended the hearing.

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

MOVED; by Karas, seconded by Lypps for the Commission to go into executive session with County Attorney David Baumgarten, Special Counsel to the Board Barbara Greene, Assistant Planning Director Neal Starkebaum, and BOCC members for the purpose of reviewing the documents received from the applicant and get the opinion of counsel on the documents. The motion passed unanimously.

The Commission went into executive session at 2:05 P.M. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

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

Date: _____
David Baumgarten
Gunnison County Attorney

A. Chairperson Statement Regarding Executive Session

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

Date: _____
*****, Chairperson

The Commission came out of executive session at 2:35 P.M. Chairperson Billick stated the discussion had remained on the topic.

Billick noted additional information had been submitted recently by the applicants.

Lane Wyatt Comments:

Commissioner Nick Lypps asked if Wyatt had been contacted concerning the compressor site. Starkebaum confirmed Wyatt had considered the entire project.

Commissioner David Owen asked if stages were different than phases; Dickert said they use the term stages but they are in fact phases. He asked how quickly any one part of the pipeline goes from stage one to stage five; she replied that it is site specific. Hurlbut said that from the point of which there is a lot of ground disturbance to reclamation is approximately eight weeks. Billick asked if the time could be minimized; Hurlbut said it depends on how fast your crew can work; they finish each phase before moving on.

Drainage and Erosion Control:

The drainage erosion plan has been incorporated. The distance between the retention pond and the wetlands is a minimum of 300 ft, and the distance between the pad and the wetlands is in excess of 500 ft. Starkebaum asked if the retention pond was part of the storm water plan; Hurlbut confirmed that it is.

Commissioner Nick Lypps said he regrets Wyatt did not specifically address the compressor site.

Water Quality:

Owen questioned what percentage would constitute an impact using the Wyatt stream health monitoring plan; Petterson said they measure embedded fine sediment and he estimated changes of over 10% could constitute an impact. Billick asked what 10% was based upon, pointing out that there is natural variability that may be over 10%. He added that the way that something is designed determines the success; pointing out the process can be substituted for answers.

Commissioner Ramon Reed asked how changes are monitored and measured if no measurements were taken before construction started. Petterson replied that these streams naturally move massive amounts of sediment, and because of that it will be difficult to measure changes. Each crossing point will be addressed as its own study, and individual measurements will be made. Billick suggested taking samples before and after construction; if there has been a one time event, take a second sample. Petterson replied that the protocol used is the same protocol approved and used by CDOT.

Lypps asked who determines when there is a problem; Peterson said a county compliance individual. Lypps asked if a compliance officer had been hired. Starkebaum said they have been in contact with Western Land and Water; they over see the Palisade and Grand Junction water shed, and gas drilling on the Grand Mesa, etc. They are being considered by Gunnison County for consulting, monitoring, and compliance.

HCCA representative Dan Morse was concerned the county is being asked to approve a project, with potentially significant impacts, without specific parameters which would define significant impacts. Morse urged the commissioners to use a standard that defines significant degradation. Gunnison County citizen Ralph Butch Clarke said the US Forest Service is a good resource for protocol information. Reed said the county needs clarification for what determines success or failure.

Baumgarten explained the county uses a non-prescriptive code, but it does not mean that the applicant will not have to meet the burden of proof. Greene explained when other counties are faced with unknowns they have chosen to deny the project, or they have approved the project, with a condition which states that prior to any disturbance the county expert and the applicant must define the criteria for determining success or failure. Wonstolen noted Wyatt had addressed this issue by recommending estimating the natural variability of the streams and observing if the activity causes the stream to

fall outside of the range of natural variability, which is contained within the protocol. Robinson stated there is nothing in the record of the prior pipeline which indicates there will be impacts.

Wildlife:

Lypps asked if the county's expert Susan Bonfield had been contacted to give additional comments since SG had submitted their rebuttal. Starkebaum said she had not made any additional comments.

Owen referred to the Bonfield memo which said his could be a multi-year project; Dickert replied that it was analyzed using those time frames but it will actually take one year.

Billick noted his dissatisfaction with the narrative; there are a lot of little facts with no big picture.

Billick asked if pollinators had been considered in the review. Petterson said he did not produce any documentation, but they are converting habitat which will now be more desirable to the pollinators. The herbicides that will be used, will be spot applied, which is very different application method than used by an agricultural operation.

Enforcement:

Starkebaum reiterated the county is actively looking for consultants. Lypps stated enforcement is critical to the success of a project.

Site Visit:

Lypps noted because of the magnitude of the decision, he would prefer to do a site visit. Reed, and Lumb agreed with Lypps. Lypps said they would be looking for red flags which may have been missed in the dialogue. Wonstolen explained because of the extreme snowpack this year a site visit could not be done until approximately June and a delay would put the applicant in an extremely difficult position. Billick said he was not sure a site visit was necessary, but the commission does have a general policy of conducting site visits for most applications, particularly the larger projects. Reed said the commission is not familiar with the site itself, and a site visit could provide a comfort level; whether it is before or after a decision. Robinson said the commissioners have the benefit of the EIS and the Forest Service personnel who have been on site. Wonstolen stated the applicants have satisfied the standards and all required information has been provided.

Greene explained the county has the authority to reopen the permit if misrepresentations are found. Reed recommended moving forward but reiterated a site visit would be beneficial even after the decision. Starr said that the EIS has established the corridor, so he agreed with Greene's solution.

Billick asked if there were comprehensive issues to be talked about before reviewing the recommendation.

Billick queried the commissioners as to their opinions for approval or denial:

- Owen asked if the commission could move forward before Bonfield was given a chance to comment again; Starkebaum suggested the Bonfield comments could be forwarded to the Board.
- Billick agreed the information requested has been submitted. He was torn, but appreciated the good faith efforts made by the applicants; many issues will not be resolved in the context of this application. They are lacking an overall narrative that states what is happening in that ecosystem.
- Lypps remains uncomfortable but is relying on mitigation and enforcement

The commission took a break at 4:20 P.M. and reconvened the meeting at 4:25 P.M.

Reed asked if the storage area below the compressor site will it be used; if so will there be fencing and a reclamation plan. Guinn replied it will not be used and they will take that off of the table.

Commissioner John Messner was concerned the visual impacts illustration was not realistic. Hurlbut explained the road was not at the same elevation as the compressor sight, so the illustration is accurate. Billick asked the commissioners if they needed more information on the sight lines. The commissioners agreed that they have enough information at this time. Messner noted that he is still not convinced the illustration provided by the applicants is accurate. Wonstolen said

they are prepared to stand on the record; the illustration is accurate and they agree to submit the sight lines to the BOCC for their review.

Chairman Billick closed the public hearing at 4:35 P.M.

Starr left the meeting for the day.

Chairman Billick opened work session at 4:38 P.M.

The commission reviewed the recommendation.

MOVED: by Owen seconded by Lypps to approve the recommendation OG-2007-01, the Bull Mountain Natural Pipeline as amended. The motion passed unanimously.

PROJECT SUMMARY:

The Bull Mountain Natural Gas Pipeline is a proposed 20-inch diameter buried steel natural gas pipeline and 8-inch produced water pipeline and related aboveground facilities within a 50-foot right-of way (ROW) on Bureau of Land Management (BLM) public lands and National Forest System (NFS) lands, Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, northwest Gunnison County. The pipeline will interconnect with an existing pipeline at the Divide Creek Compressor Station in Garfield County, Colorado. This pipeline is linked to the Meeker/Greasewood "hub" west of Meeker, Colorado for gas delivery to the national energy market via existing inter- and intrastate pipelines including those operated by Questar Gas Pipeline, Kinder Morgan, and Colorado Interstate Gas (CIG) or proposed by Entrega and El Paso Energy.

The project crosses approximately 7 miles of land within Gunnison County. The project would also involve the construction and operation of a compressor station and natural gas processing facility on private land to process gas to receiving pipeline quality specifications. The compressor station and gas processing site are proposed to be located on private land at the southern terminus of the pipeline in Gunnison County.

The proposed pipeline and related facilities would extend approximately 25.5 miles between its southern origin point at the proposed compressor and natural gas processing facility site on private land near the Bull Mountain Unit and its northern terminus also on private land at the existing Divide Creek Compressor Station.

SURFACE OWNERSHIP:

USDA - Forest Service
Grand Mesa, Uncompahgre,
and Gunnison National
Forests
Paonia Ranger District
PO. Box 1030
Paonia, CO 81428

Rock Creek Ranch I, LTD
909 Fannin Suite 2600
Houston, TX 77010
HES258*

Roger Day, et al.
306 McCarron Ave.
Rifle, CO 81650

* H.E.S. 258 being those same lands as more particularly described in that certain Warranty Deed by and between McIntyre Livestock Corporation, a Colorado corporation as Grantor, and Rock Creek Ranch I, LTD, a Texas limited partnership as Grantee, at Reception Number 564338 recorded April 12, 2006 of the records of Gunnison County, Colorado.

LEGAL DESCRIPTION:

The Bull Mountain Pipeline will follow the route identified in the Record of Decision – December 2007, USDI Bureau of Land Management, USDA Forest Service, White River National Forest; USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison National Forests. Pipeline construction and maintenance operations will occur in T11S, R90W

08 April 04 PC Minutes
08 May 16 PC Approved

Sections 3, 4 & 10; T10S, R90W Sections 18, 19, 30, 31, 32 & 33; within Gunnison, County, CO. This route will start from the compressor station on private land located in T11S, R90W, Section 10, run north to intersect the existing Ragged Mountain Pipeline (RMP) corridor in T10S, R90W, Section 33 and then would intersect the RMP pipeline again in-between T10S, R90W, Sections 29 & 32, before exiting Gunnison County.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:

This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents.

GUNNISON COUNTY, COLORADO TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS: The application was reviewed for compliance with the *Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations, May 18, 2004*, and is defined as a Major Oil and Gas Project.

PUBLIC HEARING:

A joint public hearing was held with the Planning Commission and the Board of County Commissioners on April 6, 2007. The hearing was continued to the following dates:

- May 5, 2007;
- June 1, 2007;
- August 3, 2007;
- September 9, 2007;
- November 2, 2007;
- December 7, 2007;
- January 25, 2008;
- January 26, 2008;
- February 29, 2008;
- March 14, 2008;
- April 4, 2008.

Testimony that was presented, and the full record of that hearing, including written letters and oral testimony, is hereby incorporated into this record. Written public comments received and incorporated into the record of the public hearing include:

- Dan Sullivan, Henderson/West Muddy Cattle Allotment, September 7, 2005 (submitted March 14, 2008)
- Mark J. Carter, Phd, - April 5, 2007
- Dan Morse, Public Lands Director, High Country Citizens' Alliance – April 30, 2007
- Mark J. Carter, Phd, - May 2, 2007
- David A. Clinger, - May 3, 2007
- John A. Hotchkiss, Hotchkiss Ranches, Inc., - May 16, 2007
- Mark J. Carter, Phd, - June 1, 2007
- Michael Soule, September 21, 2007
- Danny Bartelli, November 17, 2007
- Preston Rule, November 20, 2007
- Jessica Vogan, November 25, 2007
- Tracy Rutheford, November 29, 2007
- Roxanne Rule, November 29, 2007
- Bob Meldrum, November 29, 2007
- Christine & Rodney Barnett, November 30, 2007
- Dan Morse, Public Lands Director, High Country Citizens' Alliance – December 5, 2007
- Kyle Robbins, December 6, 2007
- Charles Haus, December 6, 2007
- Mike Darnell, January 18, 2008
- Oscar Marks, January 17, 2008
- Becky Darnell, January 25, 2008
- Ralph E. Clark III, January 31, 2008

REVIEW AGENCY REFERRAL COMMENTS:

The file and record contains review agency referral comments. Comments were received from the following agencies:

Gunnison County Public Works: Comments from Marlene Crosby and Allen Moores, in a memorandum dated December 10, 2007.

Gunnison County Emergency Management: Comments from Scott Morrill, Emergency Management, in a memorandum dated March 14, 2008.

Colorado Division of Wildlife: Comments from J Wenum, Area Wildlife Manager, CDOW, in a letter dated March 29, 2007, including comments from Ron D. Velarde, Regional Manager Northwest Region, CDOW, letter of November 29, 2006. Comments from Thomas E. Remington, Director, CDOW, in a letter of January 18, 2008.

GUNNISON COUNTY CONSULTANT COMMENTS:

Sue Bonfield, County Consultant, memorandum dated March 14, 2008, received March 26, 2008.

Lane Wyatt, County Consultant, memorandum dated March 13, 2008.

FINDINGS:

The Gunnison County Planning Commission, having considered the application, all exhibits and public testimony finds that:

1. Pursuant to *Section 1-107 P.1 of the Gunnison County Temporary Oil and Gas Regulations*, the applicant requested that the County waive *Oil and Gas Operations Standard 1-107 H, WATERBODY SETBACKS*. The construction of the Bull Mountain Pipeline in compliance with the WATERBODY SETBACKS standard would result in an operational conflict with mandatory federal requirements dictating the location of the Bull Mountain Pipeline and therefore the waiver of the waterbody setbacks standard is appropriate.
2. Subject to the Technical Infeasibility Waiver and the Conditions of Approval included in the Recommendation, below, the application is consistent with *Section 1-107: Oil and Gas Operations Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004*.
3. Subject to the mitigation identified in the Mitigation Matrix – Revision 2, dated March 21, 2008 and the Conditions of Approval included in the Recommendation, below, the application is consistent with *Section 1-107: Oil and Gas Operations Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004*.
4. Approval is limited to the location and description of the Bull Mountain Pipeline and Compressor Station, including the federal design criteria and mitigation requirements applicable to facilities to be located in Gunnison County described in the Final Environmental Impact Statement, Record of Decision and Plan of Development, as described in the application as submitted. Any change 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 Temporary Oil and Gas Regulations, or as those may be hereinafter amended.
5. An assertion was made during public comments that the construction of the Bull Mountain Pipeline within Inventoried Roadless Areas is illegal; and a lawsuit has been initiated based upon that assertion. Nothing in this recommendation is or should be construed to be a determination by the County of the legal merit of this assertion. Whether the pipeline can be constructed within the Inventoried Roadless Area is subject to on-going litigation involving the applicant and parties other than Gunnison County. Any legal remedy will be enforced by the courts, if necessary, and not Gunnison County.
6. 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 application, all exhibits and public testimony, and having reached the above Findings, recommends to the Board of County Commissioners that the Bull Mountain Pipeline application, including the waiver of waterbody setbacks standard, be approved with the following conditions:

26. This permit is limited to the location and description of the Bull Mountain Pipeline and Compressor Station, including implementation of the federal design criteria and mitigation requirements applicable to facilities to be located in Gunnison County described in the Final Environmental Impact Statement and Plan of Development – July 2007, USDI Bureau of Land Management, USDA Forest Service, White River National Forest; USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison National Forests and the Record of Decision – January 8, 2007, USDI Bureau of Land

Management, USDA Forest Service, White River National Forest; USDA Forest Service, Grand Mesa-Uncompahgre-Gunnison National Forests, and any state permit requirements. Any change 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 Temporary Oil and Gas Regulations, or as those may be hereinafter amended.

27. The applicant shall submit copies of all daily, written construction inspection progress reports that are prepared for the project, to the County's designated inspector, and respond within 72 hours to any inquiries regarding the inspection reports, from the inspector.
28. The applicant shall implement and comply with the requirements of the approved Stream Water Quality Monitoring and Mitigation Plan, dated March 2008, prepared by Rocky Mountain Ecological Services, Inc., attached hereto and incorporated herein as Exhibit A.
29. The applicant shall implement and comply with the requirements of the approved Landscaping Plan - Revision B, dated March 19, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit B.
30. The applicant shall implement and comply with the requirements of the approved Compressor Station Drainage and Erosion Control Plan, dated March 20, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit C.
31. The applicant shall implement and comply with the requirements of the approved Exterior Lighting Plan for the Compressor Facility, dated March 19, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit D.
32. The applicant shall implement all wildlife mitigation measures proposed by the Colorado Division of Wildlife, as identified in the January 18, 2008 letter from Thomas E. Remington, Director, Colorado Division of Wildlife, attached hereto and incorporated herein as Exhibit E.
33. The applicant shall implement all proposed mitigation, as identified in the Mitigation Matrix – Revision 2, dated March 21, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit F.
34. Prior to construction, the applicant shall execute and fund a Mitigation Funding Agreement that constitutes the applicant's agreement to perform the following mitigation:
 - i. Monitoring and Inspection Compliance Agreement, as directed by the Board of County Commissioners and developed by the County Attorney's office and the applicant.
 - ii. Stream Water Quality Monitoring and Mitigation Plan, dated March 2008, prepared by Rocky Mountain Ecological Services, Inc., attached hereto and incorporated herein as Exhibit A.
 - iii. Landscaping Plan, Revision B, dated March 19, 2008, prepared by Trigon/EPC, attached hereto and incorporated herein as Exhibit B
35. Prior to construction, the applicant shall execute and fund, and during construction comply with, the terms and conditions of the Road Maintenance Agreement with the Gunnison County Public Works Director, attached hereto and incorporated herein as Exhibit G.
36. 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, or if a court of competent jurisdiction finds that the construction of the Bull Mountain Pipeline, within the Inventoried Roadless Area's is not legal. This permit may be suspended if a court of competent jurisdiction rules that the construction of the Bull Mountain, within the Inventoried Roadless Area's is not legal and such suspension will toll the operation of Section 1-111 of the permit during the period of any appeal of the ruling. The permit will be reinstated or revoked in accordance with the outcome of a final, non-appealable ruling on the matter.
37. The Board of County Commissioners and the Planning Commission shall conduct a site visit to the area, prior to any disturbance, to review the presented facts.
38. Prior to any decision by the Board of County Commissioners on this application, the applicant shall provide sight lines for the visual analysis of the compressor station from County/Forest Service Road 265.

39. Sue Bonfield shall be requested to respond to SG Interest's response to her March 18, 2008 comments. Her comments shall be provided to the Board as part of their review.
40. Approval of this permit 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.

List of Exhibits

<u>Exhibit</u>	<u>Title</u>
Exhibit A	Stream Water Quality Monitoring and Mitigation Plan, dated March 2008, prepared by Rocky Mountain Ecological Services, Inc.
Exhibit B	Landscaping Plan - Revision B, dated March 19, 2008, prepared by Trigon/EPC.
Exhibit C	Compressor Station Drainage and Erosion Control Plan, dated March 20, 2008, prepared by Trigon/EPC.
Exhibit D	Exterior Lighting Plan, dated March 19, 2008, prepared by Trigon/EPC.
Exhibit E	January 18, 2008 letter from Thomas E. Remington, Director, Colorado Division of Wildlife.
Exhibit F	Mitigation Matrix – Revision 2, dated March 21, 2008, prepared by Trigon/EPC
Exhibit G	Road Maintenance Agreement

The regular meeting of the Gunnison County Planning Commission was adjourned at 5:25 P.M.

 /S/ Beth Baker
 Administrative Assistant
 Gunnison County Planning