

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, January 11, 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**, continued joint public hearing/no action, Preliminary Plan 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.** **Tomichi Creek Subdivision**, continued joint public hearing/no action, Preliminary Plan for the subdivision of 23.5-acres into 20 single-family lots; located southwest of the City of Gunnison,
- 10:50 a.m.** Break
- 11:00 a.m.** **Pomponio Subdivision**, joint public hearing/possible action, request for subdivision of 37-acre parcel into two lots, a 13-acre parcel and 24-acre parcel; located at 11322 Hwy 50, 40-miles west of the City of Gunnison
- Noon** **Lunch**
- 1:00 p.m.** **John Nichols**, work session/no action, request for a 16,000 square foot commercial/industrial building; Lot 4, Riverland Industrial Park, south of the Town of Crested Butte
- 2:00 p.m.** **Planning Commission**, work session/no action, discussion of planning issues
- Note - Whetstone Business Park**, rescheduled to 9:00 a.m. on February 1, 2008
- Adjourn**

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
January 11, 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	Director of Planning-Joanne Williams
Vice- Chairman -Ramon Reed	Assistant Director of Planning-Neal Starkebaum
Commissioner- Nick Lypps	Planner-Cathie Pagano
Commissioner- Richard Karas	Administrative Assistant-Beth Baker
Commissioner-David Owen	
Commissioner-John Messner	
Commissioner-Sam Lumb	Others present as listed in text

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

MOVED; by Lypps and seconded by Lumb to approve the minutes of December 7, 2008 as amended. The motion passed unanimously.

MOVED; by Reed and seconded by Karas to approve the minutes of December 14, 2008 as amended. The motion passed unanimously.

SHADY ISLAND SUBDIVISION: The Planning Commission and Board of County Commissioners conducted a continued joint public hearing. They met with applicant Bill Lacy, applicant's attorney David Leinsdorf and project designer Jim Sell. They reviewed the Preliminary Plan for the subdivision of a 10.36 acre parcel into 16 single-family residential lots; located north of the City of Gunnison. County Commissioner Paula Swenson attended the hearing.

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

Commissioner Nick Lypps recused himself from the hearing.

Leinsdorf explained that moving the access route to the south could be difficult legally; it could require unanimous approval from all lot owners in Clines Subdivision. He noted that many of owners in Clines have expressed support for the moving of the access.

Billick said that because of the possibility that an easement on Lot One could be used for access the lot could be too small to build on. Leinsdorf responded that Lacy is confident that Lot One would be large enough to build on, under any circumstances.

Lot owner in Clines Subdivision Carol Oyster agreed that moving the access to the south is an improvement, for safety reasons. She had no objections.

Lot owner in Clines Subdivision Mary Frame was concerned that because of the ditches on both sides of Lot One; the setbacks would be hard to achieve. Lacy replied that they are moving the ditch, and under any circumstances the smallest any lot would be is 9600 sq. ft.

Sell confirmed that the access would be moved 40 ft. to the south.

Adjacent property owner Greg Weihs asked about moving the access. Leinsdorf explained that because Wiehs property is not in Clines Subdivision, his approval was not required to move the access.

Billick asked if any of the owners outside the Clines Subdivision must also agree to move the access. Leinsdorf will research the other easement.

Planner Cathie Pagano reported that Public Works had submitted comments. They confirmed that the roads were adequate for emergency equipment turn around. Public Works has not yet received engineered plans for the bridge; the plans are required before the application can move forward.

Leinsdorf said he has spoken to the Transportation Manager for the school district Laurie Smock. She has stated that buses will not drive off the highway and into Shady Island Subdivision. She has agreed to check the regulations to see if the buses are permitted to leave the highway

Billick noted his concern with flooding; primarily how this development would impact houses to the north of Shady Island Subdivision. Sell explained that they were not going to install pads for each house and raise the road elevations. They have made minor changes to respond to the new flood study. The grading is based on minimal fill. The house foundations will be at grade level.

Lacy explained that originally he had proposed an elevated road and pad. They have now withdrawn the pad and are not elevating the road to reduce or eliminate the possibility of flooding upstream. The houses will be on tall foundations. Karas pointed out that there is still a lot of intercept area if mounding around the foundation is done. Sell replied that they could eliminate mounding around the foundations; ensuring that by amending the covenants.

Commissioner Ramon Reed asked about the road and the grade. Lacy replied that the roads will be at existing grade.

Commissioner Dave Owen questioned if owners could reach their homes if the road were flooded. Lacy replied that higher profile emergency vehicles emergency could get in. Sell agreed to research if emergency vehicles could get in if there were a 100-year flood.

Billick asked if the new structures built could cause flooding problems to the lots down stream. Karas questioned if the zero lot line development being considered could increase the amount of debris that could get dammed up. Sell explained that the likelihood is diminished because most of the home sites will line up parallel to the flow of water.

Billick referred to the Shady Island covenants and their reference to repairs to roads within Shady Island. He referenced the Colorado Geologic Survey (CGS) comments, which noted CGS concerns for the roads within Shady Island as well as roads downstream, if there were flooding and damage. Leinsdorf explained that the covenants do not accept responsibility for damage to any roads downstream.

Reed noted that the CGS letter referred to the 1980s flood and asked if there were aerial photos from that incident. Billick agreed that the photos could be beneficial, but added that knowing what damage would be done as a result of any additional structures would be difficult. Reed requested historic photos of the flooding. Karas added that the trees will also catch debris if there is flooding. Sell responded that they have submitted drawings showing the flood level and grade elevation. He agreed to provide a graphic of grade elevations. He reminded the commission that there are existing buildings present and 45 RV sites. He agreed that no additional filling around foundations is appropriate. Sell agreed to provide a new flood plain narrative.

Oyster said their lot was completely flooded on the west side, during that flood.

Owen asked about snow storage. Sell replied that the lot seven driveway will contain an easement that will allow the subdivision HOA to push snow across it. Public Works representative Allen Moores has said that the individual lot owners will have to store snow on their individual lots. Leinsdorf agreed to amend the covenants to add that the individual owners are not permitted push snow on to the common areas.

Karas asked about the quiet title suit that is in process. Leinsdorf responded that the trial is scheduled for April 2008.

Garlic Mike's Restaurant owner Tracy Busse noted her concern with the Shady Island property that is directly behind Garlic Mike's. Lacy said nothing is planned for that area. Leinsdorf explained that if it is platted as open space with nothing on it, any change would have to go through the county. Lacy agreed to speak to the Busse's concerning the property.

Greg Weihs asked if a future Shady Island HOA could make decisions that would cost him money. Liensdorf said that Weihs would not pay for road improvements; he could be asked to contribute to the cost of maintaining a shared easement.

Mary Frame was present to represent owner in Clines Subdivision Don Maguire, who was unable to attend. She read portions of a letter that Maguire had submitted at a prior meeting of the planning commission. He had expressed concerns with the zero lot line development being considered, the wetlands and setbacks, and the cutting of any trees. Leinsdorf noted that the county regulations permit zero lot line development.

Frame requested that the applicant consider repairing the damaged electric line at the time he installs the utilities. Leinsdorf said they would consider working with them, but cooperation would be required. They agreed to deal with the request as a private matter.

Sell explained that they will tie into the central sewer line. They will over-size the sewer line to eight inches, and there will be a manhole at the end of the property to tie into.

Billick itemized a list of concerns;

- Impact to wetlands
- Impact of flooding that Shady Island could cause to the upstream properties
- How large will lot one be if it has to be reduced in size?
- Submit engineered plans for the bridge
- Get feedback from the school district concerning the bus turnout
- Amend covenants to not allow mounding around structures
- Clarify that emergency vehicles could get into the subdivision in the event of a 100 year flood
- Clarify snow storage issues in the covenants
- Allow for some consideration for Weihs for plowing the access
- Clarify what the access to the river will be
- Further discussion on the number of solid fuel burning devices allowed
- Zero lot line development- building envelopes on the periphery of the development- review the standards
- Discuss the open space: no additional info needed
- Discuss the changes to the covenants
- Report on status of CDOT access permit
- Review the City of Gunnison letter
- Contact public works concerning emergency access

Billick continued the joint public hearing to February 15, 2008 @ 9:00 a.m.

TOMICHI CREEK SUBDIVISION; The Planning Commission and Board of County Commissioners conducted a continued joint public hearing. They met with applicant Mark Lucas, applicant's attorney David Leinsdorf and project designer Jim Sell. They reviewed the Preliminary Plan for the subdivision of 23.5-acres into 20 single-family lots; located southwest of the City of Gunnison. County Commissioner Paula Swenson attended the meeting.

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

Leinsdorf said they are working on the plat and the infrastructure cost estimates, for the preliminary and final plan combination. He has added provisions on the public access to the stream.

Sage Grouse coordinator Jim Cochran commented that this application preceded the current sage grouse regulations, but there is access to public land from the subdivision. There is a sage grouse habitat on the public land; however they do not know the quality of that habitat. He was concerned with the sphere of influence when including pets and trails. He confirmed that the pet issues within the subdivision had been adequately addressed in the covenants. His reiterated that his primary concern is the trail and dogs on the trail. Lypps suggested not allowing dogs on the trail.

Owen questioned the 90-year length of the covenants. Leinsdorf agreed to make the covenants perpetual. Owen questioned the waiver of development rights. Leinsdorf explained the language is designed to exempt the smaller developments from the Colorado Common Interest Ownership Act, which can be onerous. The waiving of future development rights accomplishes that.

Karas requested that staff contact the state engineers' office concerning the letter they had submitted, regarding water rights.

Lypps asked Swenson about the road improvements that have been agreed upon. Swenson noted that the development and infrastructure will have to be complete first before the overlay is done. Leinsdorf said the improvements will have to be in the Developments Improvement Agreement.

The applicants agreed to identify the maintenance and dedication of the road on the plat.

Billick closed the joint public hearing at 11:00 a.m.

Billick outlined the issues of concern:

- Amend the covenants- they will not expire in 90-years, they will be perpetual
- Provide a water report from John Hill
- Work out the DIA
- Provide the details for final plan

There will be another work session to further discuss the proposal.

POMPONIO SUBDIVISION: The Planning Commission and Board of County Commissioners conducted a joint public hearing. They met with applicant Pat Pomponio to reviewed the request for subdivision of 37-acre parcel into two lots, a 13-acre parcel and 24-acre parcel; located at 11322 Hwy 50, 40-miles west of the City of Gunnison. County Commissioners Hap Channell and Paula Swenson attended the hearing.

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

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

Billick asked the commissioners and board members, if there had been any ex parte' communication. There had been none.

Pomponio explained that he has applied to subdivide his irregular shaped 35-acre parcel. He also owns a contiguous 80-acre parcel, on the rim. He has filed for a well permit that has been issued for three family dwellings. He previously owned the spring rights to the Brown Cabin spring water. He has since sold the first rights to the spring to the Brown Cabin owner and he is going to get the over-flow from the cistern.

Owen questioned the shared driveway from the highway access point. Pomponio replied that he had been granted a Colorado Department of Transportation (CDOT) access permit. He also has an agricultural access at another point.

Attorney Phil Klingsmith representing the Giles family reported that he had submitted comments that identify a boundary line concern. He said the fence line has historically been in the same location, and it had been assumed to be the property line. Pomponio's survey indicates the boundary is farther south; there is a discrepancy. Klingsmith said the water rights are also in question. In light of the unresolved issue of the boundary line any recommendation should include a reference to the dispute. The Giles are concerned that a new owner could take down the fence and harm their cattle operation. Pomponio agreed to make the fence line the legal boundary on that section of the parcel; along the newly created 13-acre parcel. Klingsmith agreed only if this agreement was very specific and appeared on the plat.

Victor Giles stated that he has owned his property for 57 years. The fence has been in the same place that entire time. He had not seen the new survey until recently. They had always assumed the fence line was the property line.

Billick closed the public hearing at 11:45 a.m.

The commission reviewed the draft recommendation.

MOVED: by Reed seconded by Karas to approve the recommendation of LUC-2007-48 as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

Patrick Pomponio has submitted an application to subdivide a 37.6-acre parcel into two lots; Lot A is to be 13.3 acres; Lot B is to be 24.3 acres. There will be an individual access for each parcel from Highway 50; however Lot A will share an

access with the adjacent 1.6-acre parcel (aka "Brown Cabin"). The applicant proposes that each lot will be allowed one single-family residence. Lot A will be served by the overflow from the Brown Spring and/or a legal and adequate supply of water which may be an individual well, permitted by the State of Colorado. Lot B is served by the Elkhorn spring. A building envelope has been identified for Lot A; there is an existing residence on Lot B.

LOCATION:

The subject parcel is approximately 28 miles west of the City of Gunnison at 11322 Highway 50. The parcel is legally described as 37.6-acres in the SW1/4 NW1/4, Section 6, Township 48 North, Range 4 West, N.M.P.M.

SITE CHARACTERISTICS:

The site is adjacent to Highway 50 and dominated by sagebrush, native grasses and some aspen trees. The site slopes upward slightly to the south.

ADJACENT AND NEARBY USES:

Adjacent uses include 35-acre residential tract developments and some larger agricultural tracts. Nearby uses include National Park Service land. Adjacent parcel sizes range from 1.6 acres to 700 acres.

IMPACT CLASSIFICATION:

The project is classified as a minor impact.

ONSITE VISIT:

The Planning Commission did not conduct a formal site visit due to weather. The Commission agreed that each member may visit the site on their own time if they felt it necessary.

PUBLIC HEARING:

The Planning Commission conducted a joint public hearing on January 11, 2008. Comments from the hearing include the following:

Attorney Phil Klingsmith, representing Victor and Eileen Giles, explained that there is a possible dispute between the Giles and Mr. Pomponio regarding the existing location of a fenceline and the surveyed location of the Pomponio/Giles property boundary. Mr. Pomponio has agreed to work with the Giles' to resolve the issue and to change the boundary of the proposed Lot A to alleviate the Giles' concerns that a third entity be party to the boundary dispute.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent, by certified mail and hand delivery, on November 19, 2007 to review agencies for comments. Comments were received from the following individual agencies:

Colorado Division of Water Resources: Comments from Mark Vanarelli, in a letter dated December 14, 2007:

We have reviewed the above referenced proposal to develop a 37.6-acre into 2 lots consisting of 13.3 and 24.3 acres. Lot 1 is will be served by an existing well. There is an existing residence on lot #2. The domestic water supply is to be provided through a spring (aka, Elkhorn Spring No. 2) and the individual on-lot well. Sewage disposal will be provided through individual systems. Domestic use is estimated to be 2,678 gallons per day for three dwellings, stock watering for poultry, domestic animals and livestock and 1 acre of lawn and garden irrigation for both lots. The total water requirement for the subdivision is estimated to be 3 acre-feet.

Permit No. 274679 was issued pursuant to CRS 37-92-602(3)(b)(II)(A), as the only well on a parcel of 37.6 acres. This well will be located in Lot 1 and will require a new well permit as explained below. In addition, a spring is located on lot #2 and will supply water to this lot. The water supply from this spring has water rights adjudicated in Case No. 97CW227 to supply 0.008 cubic feet per second for domestic use. The source of the proposed water supply would be from, or tributary to, the Gunnison River. The Gunnison River is over-appropriated, therefore, a plan for augmentation is required to offset the depletions cause by the use of water for this development. The spring has a junior water right on the stream system. Therefore, an augmentation plan will be required for year round use of spring water. CRS 37-92-602(6) states that it is the policy of the state to allow citizens to obtain water supply in less densely populated areas for in-house and domestic animals uses where other water supplies are not available. Accordingly, if the parcel is subdivided, the CRS 37-92-602(6) declares that it is not the intent that wells be used to cause material injury to the vested water rights of others or to any other existing well from such well, will no longer apply. Therefore, an augmentation plan is required to offset depletions caused by the pumping of this well and a new permit will be required pursuant to this plan prior to diversions from the well.

Alternatively, the existing well may be shared between the two lots. Please contact us if you would like additional information on this alternative. No information was provided on the physical adequacy of the water supply.

Due to lack of well permits approved pursuant to a water court-approved augmentation plan or the District's SWSP, it is our opinion, 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. If you or the applicant has any questions concerning this matter, please contact me at this office for assistance.

Colorado Department of Transportation: Comments from Dan Roussin, in an email dated November 9, 2007:

CDOT has issued the permit for two lots. Keep in mind there will be only one access for both lots. The property owner has agreed with the decision. We have no issues at this time.

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

Section 10-102: Locational Standards for Residential Development.

Not applicable, the proposed subdivision is not more than two lots or two residences.

Section 10-103: Residential Density.

Not applicable, the proposed subdivision is not more than two lots or two residences.

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

The site is not located within a floodplain.

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

The site is not located within area of identified geologic hazards.

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

The proposed development is within a moderate wildfire hazard area. The proposed development is located within the Gunnison Fire Protection District. The District has no adopted standards.

Section 11-106: Protection of Wildlife Habitat Areas.

The Colorado Division of Wildlife was sent a copy of the application on November 9, 2007 and no comments have been received.

Section 11-107: Protection of Water Quality.

This section does not apply.

Section 11-108: Standards For Development On Ridgelines.

The site is not located on a ridgeline.

Section 11-109: Development That Affects Agricultural Lands.

The site is adjacent to agricultural land. Development roads must meet adequate setbacks from property boundaries so that maintenance of roads does not damage boundary fences, and dust control will be required to minimize impacts to agricultural operations. Protective covenants or deed restrictions are required along with language on final plat regarding confinement of domestic animals, "fence-out" requirements, and irrigation ditch maintenance.

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

The site is not located beyond snowplowed access.

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

The site is not located on a National Wilderness inholding.

Section 11-112: Development On Property Above Timberline.

This site is not located above timberline.

Section 12-103: Road System.

Applicable, no new road is proposed. Access for Lot A is via an existing, shared (with the adjacent 1.6 acre parcel, aka "The Brown Cabin") driveway from Highway 50. There is also an existing access from Highway 50 for Lot B. CDOT has submitted comments stating that a permit has been issued for the two proposed lots.

Section 12-104: *Public Trails.*

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

Section 12-105: *Water Supply.*

The applicant proposes an individual well (Well Permit No. 274679) for the proposed Lot A; the water supply will be augmented through Contract No. 08.104A with the Upper Gunnison River Water Conservancy District (UGRWCD). Lot A is also served by the Brown Spring, (as decreed in Case No. M-1903). Lot B and the existing residence are served by Elkhorn Spring #2, as identified in Case No. 97CW227; this water supply will also be augmented through Contract No. 08.103A with the UGRWCD.

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

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

Section 12-107: *Fire Protection.*

The proposed development is located within the Gunnison Fire Protection District; no comments have been submitted regarding this application.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan titled, "Site Plan," prepared by Pat Pomponio, dated January 1, 2008 meets the site plan criteria.

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

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

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

All requirements of this Section apply.

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

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

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

This section applies.

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

This section does not apply.

Section 13-109: *Signs.*

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

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

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

Section 13-111: *Landscaping And Buffering.*

A landscaping plan is not required for this application.

Section 13-112: *Snow storage.*

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

Section 13-113: *Fencing*

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

Section 13-114: *Exterior Lighting.*

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

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

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

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

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

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

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

Section 13-118: *Water Impoundments.*

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

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

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

FINDINGS:

The Commission finds that:

1. This project, by definition, is classified as a Minor Impact.
2. An adequate and legal supply of water has been provided for the subdivision.
3. The applicant has executed a contract for augmentation water from the Upper Gunnison River Water Conservancy District (Contract No. 08.103A and No. 08.104A)
4. The applicant has provided information to show that there is likely an adequate physical supply of water.
5. Access will be from the existing driveways off of Highway 50. Lot A will share an access from the Highway with the adjacent 1.6-acre parcel (aka "The Brown Cabin"). Any new driveway shall be required to comply with Gunnison County *Road and Bridge Standards* and Colorado Department of Transportation standards.
6. There is an existing fenceline between the Pomponio and Giles parcels that is not in agreement with the survey titled, "Plat of Survey, for John G. and Linda L. Clark." The parcel boundary may be disputed however the dispute is not relevant to the approval standards for the proposed subdivision.
7. This application is consistent with the standards and requirements of this *Resolution*.
8. No phases are proposed for this development.
9. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the former *Land Use Resolution*.
10. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC-2007-48 be classified as a Minor Impact, and be approved with the following conditions:

1. Lot A shall be served by the overflow of the Brown Spring (Case No. M-1903) and/or a legal and adequate supply of water which may be a well permit issued by the State of Colorado.
2. Lot B shall be served by the Elkhorn Spring (Case No. 97CW227) and/or a legal and adequate supply of water which may be a well permit issued by the State of Colorado.

3. All domestic animals shall be confined onsite by kenneling, leashing or other physical constraint.
4. It is the responsibility of the property owner or the homeowner's association to remove snow from interior roads and driveways.
5. 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*.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.
8. 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.
9. 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.

NICHOLS/ RIVERLAND INDUSTRIAL PARK LOT #4; The Planning Commission conducted a work session with applicant John Nichols. They discussed the application for a 16,000 square foot commercial/industrial building; Lot 4, Riverland Industrial Park, south of the Town of Crested Butte.

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

Commissioner Sam Lumb recused himself from the meeting.

Assistant Planning Director Neal Starkebaum noted letters had been submitted by Colorado Department of Transportation (CDOT) and law firm of Bratton and Hill.

John Nichols responded to the Bratton/ Hill letter, which details Bill Lacy's concern with the use of the southern access. Nichols agreed that Lacy has a legitimate concern. He agreed to the suggestion that was made by Lacy: using the north access.

Attorney for Bill Lacy Marcus Lock said CDOT is recommending closure of the southern access, until the southern access can be made safe. He said enforcement will be difficult; the only effective method would be to close the southern entrance. Lock pointed out that any agreement to use the northern access will not be effective until the southern access is actually closed. He encouraged the commission to write a letter encouraging CDOT to close the intersection. Starkebaum suggested asking CDOT pursue one the options mentioned in the letter CDOT submitted, not necessarily closure of the southern entrance. Lock again suggested closing the access until it can be made safe. Commissioner Ramon Reed objected, because it is not in the commissions' purview to add that as a condition of approval. Billick disagreed; we have an obligation to try to ensure that concerns really work out. Starkebaum agreed to relay to CDOT that the commission would appreciate seeing progress on this issue.

Commissioner Nick Lypps noted his concern with the size limitations in phase one. Nichols said filing one does not have limitations.

Starkebaum reported that he had spoken to Crested Butte Fire Protection District (CBFPD) representative Scott Wimmer who confirmed the CBFPD have no issues with the grade of the road.

Nichols confirmed that the disposal of hazardous waste will not be going into the Individual Septic Disposal System.

Lypps acknowledged that the applicants have a landscaping plan.

The commission directed staff to prepare a draft decision of approval for the applicants' next work session.

PLANNING COMMISSION: The Planning Commission conducted a work session to discuss planning issues.

The regular meeting of the Gunnison County Planning Commission was adjourned at 3:15 p.m.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning