

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: March 14, 2008

Special Meeting

- 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.** **Whetstone Business Park**, work session/possible action, business/residential park south of Crested Butte, north of Riverland Industrial Park
- 10:30 a.m.** Break
- 10:45 a.m.** **Continued work session, Whetstone Business Park**
- Noon** **Lunch**
- 12:15 p.m.** **Larkspur Hockey Rink**, work session/no action, request for an amendment to the approved uses on the Recreation Parcel, Larkspur Subdivision, to include the use of an enclosed hockey rink, located on Lot R1, Larkspur Subdivision, south of the Town of Crested Butte
- 1:00 p.m.** **Bull Mountain Natural Gas Pipeline, SG Interests I Ltd., continued joint public hearing/possible action on individual elements of application**, 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
- 2:30 p.m.** Break
- 2:45 p.m.** **Continued Public Hearing, Bull Mountain Natural Gas Pipeline**
- Adjourn**

GUNNISON COUNTY PLANNING COMMISSION
Special Meeting
March 14, 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- Sam Lumb	Administrative Assistant-Beth Baker
Commissioner-David Owen	
Commissioner-John Messner	
Commissioner- Richard Karas	

Others present as listed in text

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

UNSCHEDULED CITIZENS: Crested Butte citizen Maureen Hall was concerned with the length of time that transfer development rights have been considered and in process, with no resolution.

Crested Butted citizen Dan Jones reiterated Maureen Hall's comments. He added that the county process seems to be a complex process, to the general public.

The commissioners agreed to write a letter addressing their concerns to the Board of County Commissioners.

Beautification committee representative Sue Oates was concerned with the Riverland covenants changes, which allow for more outdoor storage. She asked the commission to be more proactive when reviewing Riverland matters. She was concerned that the lots recently allowed to have outside storage will be more visible from Highway 135.

Karas suggested writing a letter to the Board of County Commissioners to request that the commission be the body to review covenant changes in the future. Director of Planning Joanne Williams agreed to review this situation.

WHETSTONE BUSINESS PARK: The Planning Commission met with applicants Mike Potoker and John Nichols, and applicants' attorney David Leinsdorf. They discussed the application for a business/residential park south of Crested Butte, north of Riverland Industrial Park.

Commissioners Sam Lumb and Nick Lypps recused themselves from the proceedings.

Commissioner John Messner was seated for the meeting.

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

Leinsdorf reported that they have submitted an updated letter from Tyler Martineau-concerning the water, the mutual easement agreement, a letter from engineer Norman Whitehead, and a copy of the application for the approval of a lift station.

Billick asked about the covenants and the reference to sound. Leinsdorf noted that that the sound language had come directly from the *Gunnison County Land Use Resolution (LUR)*.

Engineer Norman Whitehead pointed out that the revised plat had actually been submitted in August 2007 and again submitted in January 2008, with no changes.

Billick asked if the pervious areas, in the courtyard, on lot C2, had been referred to on the plat. Whitehead agreed to note the pervious areas on the plat.

The commission began the review of the recommendation.

The work session was closed; there will be another work session, May 2, 2008, to continue the review of the recommendation.

LARKSPUR HOCKEY RINK; The Planning Commission met with applicant Gary Garland. They discussed his request for an amendment to the approved uses on the Recreation Parcel, in the Larkspur Subdivision, to include the use of an enclosed hockey rink, located on Lot R1, Larkspur Subdivision, south of the Town of Crested Butte.

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

Director of Planning Joanne Williams explained that the hockey rink had been a part of the original Larkspur Subdivision application. It was withdrawn because of the public concern voiced at the time. The parcel was then approved for a recreation facility; indoor and outdoor tennis courts, indoor swimming pool, etc. It is now back as a hockey rink application.

Garland explained that he originally withdrew the hockey rink because the Skyland homeowners were concerned with the entire project. The Larkspur Subdivision is now being built, and the concerns have been quelled, because they seem to be pleased with the Larkspur Subdivision.

Garland explained they were approved for the recreation parcel and are now applying to amend the use of that parcel. They have applied to change the use of the building, from a tennis / swimming facility, to a hockey rink. The traffic studies have been done. The traffic patterns will remain the same; the hockey facility will be approximately two hundred trips per day less than the original recreation facility. He said that the tennis / swimming building was approved to be 38 ft. tall; the hockey facility will be 30 ft. tall. The hockey facility will be 40,000 sq. ft.; opposed to the 39,000 sq. ft. building approved for the recreation facility. The hockey facility will use less water than the tennis / swimming facility. The lighting will be fully enclosed. The facility will be a year round ice rink.

Garland noted that he had pledged one million dollars, for a hockey rink in the town of Crested Butte; due to many delays the rink has not been constructed. Crested Butte is not ready to build it; they are currently working on the design, a traffic study, and the proposed site in town has wetlands issues. Garland has decided to withdraw his offer of one million dollars and construct the rink in Larkspur. He said that the rink would be managed by the Crested Butte Academy. The academy will use the rink for training; the community will be welcome to use the ice, when the academy is not using the ice.

Billick said that the commission will review this application with regard to the impacts outlined in the *Gunnison County Land Use Resolution* (LUR).

Commissioner Ramon Reed asked if there could be games held with spectators attending; Garland explained that there will be 96 parking spaces plus four handicapped parking spaces. The inside seating will be bleachers; there will be locker rooms and bathrooms, etc. There will be an observation level that will be heated. The bleachers will hold approximately 150 people and an additional 120 people in the observation level.

Commissioner Nick Lypps recommended a plan that addresses extra parking needed during tournaments. Garland agreed to apply for a special events permit for any large tournaments. Reed suggested that Garland not allow parking on the streets in the Larkspur subdivision; the overflow parking could be addressed by busing from Crested Butte. Lypps added that the town of Crested Butte should be contacted to cooperate with the operation of the rink.

Commissioner Richard Karas was concerned with the viability of running the facility, because of the high maintenance and energy costs. He asked if they are contemplating any energy conservation methods; heat pumps, extra insulation, etc. Garland replied that they have spoken to engineers; the heat from the cooling plant will be used, geothermal does not work there, and over insulation can cause condensation. Karas reiterated his concern that the operating costs will eventually overwhelm the operational budget; because of the rapidly escalating energy costs. Billick asked what would happen to the ice hockey facility if it becomes too expensive to operate.

Commissioner Sam Lumb pointed out that the lighting in the Larkspur subdivision is excessive already; he recommended adding no additional lighting. Garland said they will not be lighting the parking lot, and the limited lighting on the outside of the building will all be shielded and down cast.

Commissioner John Messner agreed that indoor, safe ice is a necessity in Crested Butte.

Reed said that the hockey facility should include some of the architectural features that were to be on the tennis / swimming facility. Garland noted that the building will be a low profile, 30 ft. high building. The colors used will be

neutral. The building will be placed down in a six foot hole, so it will ultimately be lower than the surrounding houses. Citizen of Crested Butte Mike Potoker recommended landscaping to address the look of the building.

Reed asked Williams what impact classification the rink would fall into. Williams replied that she has recommended that this facility be reviewed as a minor impact. She explained she had not recommended an administrative review, because this is a high profile use. There will be a public hearing held during the minor impact process.

Garland said that the covenants for the Larkspur subdivision had to be changed to allow the hockey facility. He indicated that he believed there had been over a 75% agreement within the subdivision. Reed noted the need for the BOCC to approve any covenant changes.

Crested Butte citizen Mickey Cooper agreed that an ice rink is needed.

Billick queried the commission for their concerns:

- Reed asked the applicants to find out the number of parking spaces at the Gunnison rink, and what their attendance has been.
- Owen requested a landscaping plan, and colors of the building.
- Karas asked for elevations from several vantage points.
- Billick added establishing the threshold for requesting special events permits, pedestrian access- kids in the subdivision, and identifying the site size.
- Lypps asked if there would also be a tennis facility and pool.
- Messner reiterated the need for the Gunnison rink parking numbers, and a need to establish communications with the community skating groups.
- Lumb was concerned with the dark night sky, particularly when the rink was not in use.

The commissioners recommended setting a public hearing. The commission agreed that they will not hold a site visit, but could individually visit the site.

The commissioners agreed to classify the project as a minor impact project.

BULL MOUNTAIN NATURAL GAS PIPELINE; The Planning Commission and Board of County Commissioners conducted a continued joint public hearing; meeting with applicants' representatives Brad Robinson and Lee Fyock with Gunnison Energy, Robbie Guinn with SG Interests, 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 members Jim Starr and Paula Swenson, 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 at 1:30 p.m.

The commission reviewed the submittals that had been presented by the applicants. They also reviewed the comments that were submitted by P.E. Lane Wyatt and the Gunnison County Emergency Response Director Scott Morrill.

Drainage and Water Quality:

The commission discussed the compressor station site. Reed questioned the perimeter; Hurlbut replied that there are new contour lines. The drainage will split; there will be a culvert under the road. There will be a retaining pond built; the rock weir will divert the water overflow. The retention pond will be 50 ft. by 75 ft. and will be unlined. There will be a drainage ditch between the road and the berm; the ditch will be at the base of the berm.

Dickert said that the wetlands had been delineated.

Assistant Planning Director Neal Starkebaum noted that all the information had been sent to the county's expert Lane Wyatt and Wyatt's comments were based on that information. Starkebaum agreed to contact Wyatt to confirm that he has reviewed the compressor station site.

Commissioner Ramon Reed expressed his concern with the wetlands delineation. He requested information that confirmed that an actual wetlands delineation was conducted. He was bothered by the existing drainage not appearing in

the delineation. Petterson said this was done as a wetlands delineation, per the guidance of the Army Corps of Engineers, and their definition of a wetlands delineation. Dickert explained that there is an irrigation ditch which appears in the photo. Petterson pointed out that many of the wetlands would not qualify as jurisdictional wetlands per the new Army Corps of Engineers definition.

Green asked if all the wetlands, regardless of the Corps' current definition of jurisdictional and non-jurisdictional wetlands, will be mitigated using the same criteria. Petterson confirmed that they will treat the wetlands all the same; jurisdictional and non-jurisdictional.

Billick asked the applicants if they were comfortable with Lane Wyatt's recommendations. Petterson questioned the stream health monitoring plan. Petterson questioned what is significant; 1%, 10%? When does it rise to the level that something needs to be changed? Billick noted that the measurements need to be agreed to ahead of time. Billick reiterated that establishing criteria ahead of time will prevent confusion later.

The applicants will review and discuss Wyatt's comments, before making comments.

Lighting:

Reed asked if the compressor site would be lit at all times; Hurlbut replied that it will only be lit when there is someone working at the site, and it will be infrequently manned at night. Billick noted that all lighting must be full cutoff lighting. Starkebaum said this will be a condition of approval. Billick asked if motion sensors could be used; to prevent the lights being left on accidentally. Starkebaum suggested a timer could be used to automatically shut the lights off.

Roadways:

The applicants have agreed to use timing, staging of vehicles, and car pooling. Reed suggested execution and funding of the agreement could be a condition of approval. Starr asked who makes the determination that the roads are too muddy to drive on; Dickert said that road conditions are part of the mitigation matrix; the right-of-way (ROW) will be monitored by the environmental inspector. Starr requested comments from public works, on the rutting of the county road. Starkebaum said that County Rd. 265 is currently monitored by public works, and they would trace damage back to the operator. Swenson noted that the applicants are bonding for the increased use of the county road.

Wildlife and Wildlife Habitat:

Petterson said the Division of Wildlife is withholding comments because of the current litigation and they will not comment until the litigation is settled. Karas was concerned with the matrix and its mention of dogs and firearms in the ROW, but not including the immediate vicinity of the ROW. Hurlbut said that the employees are not allowed to go off the ROW. Billick suggested clarifying that the applicants are referring to employees only.

Landscaping Plan:

Reed questioned if the front staging area will still be used; Hurlbut said they do not intend to use it, but they are still asking to use that area. Fyock said it is a temporary use and hiding the construction is difficult. Reed reiterated the need to know what would be on the site. Karas questioned the reclamation methods they would use on the site, if it was used. Guinn said they will use the area less than one full season; approximately two months. They are working on another staging area in Hotchkiss; but they might need an area to stage pipe. Billick suggested requiring reclamation and visual screening plans as a condition of approval; if they use the area for staging they would provide county staff with a reclamation plan and visual screening plan from County Rd. 265.

Reed questioned the type of vegetation that will be planted. Karas referred to the landscaping plan that had been submitted by the applicants. Billick explained that the applicants will be using seed mix or shrubs or both. Green suggested that a condition of approval could be that the applicants would work with county staff on revegetation. Baumgarten explained that money is escrowed until any revegetation grows back and doesn't die. Billick suggested that the applicants bring back a plan that includes the number of shrubs.

Reed asked if the compressor station would be visible; Hurlbut said that the station will be sited behind a hill and there will be a berm on that hill. The visibility of the compressor station will be reduced but not completely screened. It will be seen from the access road. Billick suggested using site lines to clarify what could be seen.

Billick requested that the applicants submit site lines.

P-1 Waiver:

MOVED; by Karas seconded by Lypps to recommend granting the P-1 waiver, from the water body setback standard, which is standard H, in the *Gunnison County Temporary Oil and Gas Regulations*. The motion passed unanimously.

Wildfire Hazards:

The Emergency Management Director Scott Morrill has submitted comments. The applicants have reviewed the comments and have accepted the conditions.

Consensus of commission- Standard J has been met at this time.

Emergency Response Plan:

Reed requested that Morrill review the applicants' updated plan and provide comments with respect to the compressor station and the long term operations.

Consensus of commission- Standard L has not been met at this time.

Recreation:

The commission requested a landscaping plan.

Consensus of commission- Standard M has not been met at this time.

Financial Guarantee:

Dickert will add it to matrix in a limited fashion.

Compliance:

Guinn submitted a sample of a Forest Service monitoring report, which they could submit daily. He asked if that would be acceptable for compliance. Baumgarten said that Public Works representative Allen Moores will not be available to review these reports. He suggested Bruce Bertrum from Delta County, to review the reports.

Karas said the report is written from the perspective of the Federal government; he was concerned that it is not written with the perspective of Gunnison County. Billick noted that the individual reviewing the notices- will be reviewing the notices using the county standards.

The applicants requested time to review the comments P. E. Lane Wyatt submitted and they agreed to provide written response, following that review.

Lane Wyatt's comments:

Reed referred to Wyatt's comments and his reference to the phasing of the project. Guinn said that they will build the northern end of the pipeline first. The northern end would be finished approximately July 2008. Then they would redeploy all the equipment to the southern end. Reed said the design criteria had referred to the spring spawning season for fish, noting that it would limit working in the streams between April and September. Guinn explained that they will be using temporary bridges until after September, and then they will return and complete the stream crossing structure. Reed requested that the applicants clarify the timing of the construction in general. Guinn replied that the contractor would have to address the timing.

Livestock:

Dickert submitted a copy of the letter from the Sully Ranch, dated September 7, 2005, in favor of the project.

Wildlife and Wildlife Habitat:

Green said the applicant stands on their record; the mitigation in the EIS and POD will meet the standard. The county's wildlife consultant will look at this to determine whether or not the statement is true; if not- are there any additional conditions? The county's consultant and the applicants' consultant will confer and this will be resolved ten days before the April meeting. Petterson has spoken to consultant Susan Bonfil and he is considering her recommendations. Petterson agreed that Bonfil's suggestions are doable, but she has not reviewed all of the information yet.

Air Quality:

Commissioner Nick Lypps asked about air quality, in reference to the diesel machinery used on site. Karas reiterated his concern with adverse impacts the air quality could have on the wildlife and habitat. Green explained that air quality is regulated by the state and no further qualifications can be placed by the county. Wonstolen said a chart has been submitted which explains the air pollutants will increase by less than 3%.

County attorney David Baumgarten has agreed to speak to Delta County expert Bruce Bertrum, concerning the monitoring the Bull Mountain pipeline site.

Water Quality:

Petterson said they will be monitoring both upstream and downstream. Billick asked why they would not keep the samples separate; not combine the samples. Petterson said that they are not going to combine the upstream samples with the downstream samples, but would combine each sample taken upstream; he noted that they are following the established protocol. Billick explained that multiple samples taken at a site and not combined with other samples would be preferable. Billick explained that they needed to explain the specific logic used in their sampling protocol. Dickert agreed to review the current protocol.

Karas referred to the five step analysis of the stream health; he asked why they are not going to test for pollutants that might be introduced during construction. He asked why they are only going to be monitoring for two years; it would be beneficial to continue this for longer than two years. Petterson said they are not moving many chemicals; they are more concerned with siltation and fine sediment. Petterson explained that in two years the stream beds should be reestablished. Billick explained that the most potential for damage will occur during construction, and any impacts to the insects will show in the first years. Guinn added that there will be an annual inspection of the pipeline done on horseback.

Billick acknowledged that the write up on the algae was acceptable. The draft of the five main factors was pretty good; Impacts to big game is incomplete. Petterson said that the Division of Wildlife (DOW) is currently doing research on the impacts to the big game. Green noted that the Division of Wildlife has said that the EIS will satisfy the standard, but it is not mandatory. The applicants have agreed to comply with the county standards; impacts to big game. The DOW will not talk about the big game or anything else that has to do with Bull Mountain, until the current litigation is settled.

Lypps asked if the preconstruction work was going to be done, before the litigation is settled. Robinson confirmed that the preconstruction will be done.

Karas questioned the five items submitted and surveys they agree to conduct; they have not described the surveys.

Petterson explained that they will track the use and reuse of the site by the big game. The DOW will track the big game population numbers.

Billick asked if any consideration has been given to pollinators and added the pollinators; bees, butterflies, etc; the applicants will review the studies and answer this question.

Billick asked if there were homes on the surrounding private properties; Guinn replied that there were hunting cabins. Billick commented that fragmentation plus residences compound impact.

Billick outlined some of the remaining issues:

- Applicant and commission to review Lane Wyatt comments
- Pollinators to be included in study
- Staff to review emergency response plan- Neal to confirm that the plan was reviewed by Scott Morrill
- Applicants to submit visual analysis of compressor plant
- Staff will check with Public Works to confirm that the rutting and other road impacts are captured in the road agreement

The commission directed staff to draft a recommendation of approval that uses the matrix and the conditions, excluding the wildlife section; for the April 4, 2008 meeting.

The joint public hearing was continued to April 4, 2008, at 2:00 p.m.

The special meeting of the Gunnison County Planning Commission was adjourned at 4:45 p.m.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning