

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, March 21, 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.** **Tomichi Creek Subdivision**, work session/possible action, recommendation on PreliminaryFinal Plan for the subdivision of 23.5-acres into 20 single-family lots; located southwest of the City of Gunnison
- 10:00 a.m.** **Roper Subdivision**, work session/no action, proposed subdivision for three single-family residential lots, located eight miles north of the City of Gunnison, east of the Gunnison River
- 11:00 a.m.** Break
- 11:15 a.m.** **City of Gunnison - Trails Plan**, work session/no action, request for the development of non-motorized trail network, in areas surrounding the City of Gunnison
- Noon** **Lunch**
- 1:00 p.m.** **Gunnison Energy Corporation**, work session/no action, request for 16 vertical and directional gas wells on 10 well pads, located in northwest Gunnison County, Sections 17, 18, 19 and 20, Township 12 South, Range 89 West
- 2:30 p.m.** Break
- 2:45 p.m.** **Crested Butte Fire Protection District**, work session/possible action, recommendation to Board of Commissioners, request to adopt the **2003 *International Fire Code with amendments***
- Adjourn**

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
March 21, 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	Administrative Assistant – Beth Baker
Commissioner- Sam Lumb	
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 Gunnison County Planning Commission.

The commission reviewed a letter to be submitted to the Board of County Commissioners (BOCC.) The letter is in response to private citizens comments, at the March 14, 2008 meeting. They agreed to include discussion of TDRs, incorporating the comprehensive plan into county policy, essential housing, which includes the Housing Needs Assessment, and Inclusionary Zoning. The focus of the letter will be urging the BOCC to communicate with the volunteer committees working on issues of concern to the County. The thrust of the letter will be the need for communication and action.

MOVED; by Karas seconded by Reed to approve the letter signed by the chairman; to be forwarded to the BOCC. The motion passed with Messner, Reed, Billick, Karas and Owen voting yes, and Lumb voting no.

MOVED; by Karas seconded by Lypps to approve the minutes of February 29, 2008 as amended. Motion passed with Karas, Billick, Reed, Lumb and Messner voting yes, and Owen abstaining.

TOMICHI CREEK SUBDIVISION: The Planning Commission conducted a work session with applicant Mark Lucas, and applicant's attorney David Leinsdorf. They reviewed the recommendation on Preliminary/ Final Plan for the subdivision of 23.5-acres into 20 single-family lots; located southwest of the City of Gunnison.

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

Chairman Billick queried the commission concerning ex parte' communications; they confirmed that there had not been any ex parte' communications.

The commission reviewed the draft recommendation.

MOVED; by Karas seconded by Reed to approve the recommendation of LUC-2006-10. The motion passed unanimously.

PROJECT SUMMARY:

West Elk Properties, LLC, Mark Lucas, Manager, represented by attorney David Leinsdorf, has submitted a Preliminary/Final Plan application to subdivide 23.5-acres into 20 single-family lots. The lots will vary from 10,929 to 56,957 square feet, with an average lot size of 22,847 square feet. The residences will vary in size; Lots 1 through 15 will have a minimum 1,550 square feet, with a maximum size of 4,000 square feet and the floor area of the garage shall be a minimum of 400 square feet or 20% of the floor area of the residence, whichever is greater. Lots 16 through 20 will have a minimum 2,000 square feet for the residence with a maximum size of 5,000 square feet. Similar to lots 1 through 15, floor area of the garage shall be a minimum of 400 square feet or 20% of the floor area of the residence, whichever is greater.

Summary of Land Use:

<u>Use</u>	<u>Acres</u>	<u>Percentage</u>
Residential	10.50	44.6%
Open Space	10.10	43.0%

Road R.O.W.	<u>2.90</u>	<u>12.4%</u>
Total	23.50	100.0%

WATER SUPPLY:

The development will be served by extension of the Dos Rios water system, with a water main located nearby in Fairway Lane. Application for water rights and augmentation water to supply water for lawn and gardens, recreational and piscatorial use for the subdivision, is currently before the Division No. 4 Water Court, under Case No. 06CW523. Engineered plans for the water system infrastructure have been submitted by the applicant's engineer.

WASTEWATER:

The development will be served by the Dos Rios Sewer District, providing for central wastewater disposal for each lot. There is an existing sewer collection line running through the property. Engineered plans for the sewer system infrastructure have been submitted by the applicant's engineer.

ACCESS:

Access to the individual lots will be via a loop road, Tomichi Creek Loop, from Fairway Lane. The final plan includes a proposed publicly dedicated trail connection, from Fairway Lane to Hartman Rocks, after construction of a bridge by Gunnison County, the Gunnison County Trails Commission or some other entity. The applicant has reserved the dedication of a public trail easement, if future conditions or circumstances change, to provide a public-access trail connection to BLM lands to the south of the development, across Tomichi Creek. Engineered plans for the access road have been submitted by the applicant's engineer.

PROTECTIVE COVENANTS:

A revised final draft of the protective covenants for the development has been submitted, dated January 29, 2008, with provisions incorporated to provide for compatibility with the surrounding neighborhoods. This includes design limitations on the number and size of the residences, and limitations on the uses allowed on each lot:

- One single-family residence per lot; no secondary residences
- House sizes will be a minimum of 1,550 square feet, with a maximum of 4,000 square feet, on Lots 1 through 15. On Lots 16-20, house size will be at least 2,000 square feet, with a maximum of 5,000 square feet.
- Floor area of garage is the greater of 400 square feet or 20% of the floor area of the residence.
- Irrigated lawns and gardens limited to 1,000 square feet
- Limit on dogs and cats to a maximum of 2 each
- No livestock permitted on any lot

IRRIGATION DITCH/WATER RIGHTS:

The Seventy-Five Ditch and a lateral ditch cross the property, flowing from north to south, emptying into Tomichi Creek. The development's irrigation needs will be met with water from the irrigation ditches, supplemented by augmentation water from the Aspinall-Wilson augmentation pool. Two ponds are proposed for the development. The applicant submitted a letter from attorney Dick Bratton, dated March 15, 2006, identifying the decreed water rights in the Seventy-Five Ditch No. 1, including:

- 0.267 c.f.s. decreed on September 14, 1906, Priority No. 1
- 0.534 c.f.s. decreed on May 10, 1875, Priority 273
- 3.6 acre feet out of Priority 273 which was awarded in the Decree dated May 10, 1875, or if the same has been called out, in Priority No. 1, which was awarded in the Decree dated September 14, 1906, for the purpose of filling the Tomichi Lake for recreation and augmentation purposes.

Comments were received in a letter, dated January 17, 2008, from attorney John Hill, Bratton and Hill, LLC, clarifying the domestic water supply and irrigation water issues, in response to the Colorado Division of Water Resources comments of September 18, 2007. The application for water rights and augmentation is currently before the District Water Court, Division 4, Case No. 06CW523. Water Court approval of the decree is anticipated in the spring of 2008.

WETLANDS:

Bio-Environs performed a wetlands delineation of jurisdictional wetlands located on the property. The wetland areas have been identified on the development plan.

OPEN SPACE:

The common private open space is divided into five areas. Common Area A consists of .68-acres and contains a pond; Common Area B consists of 1.76-acres and contains "Tomichi Lake"; Common Area C consists of 3.50-acres; and Common Area D consists of 3.76-acres, and a Common Area "Park", consisting of .41-acres. Total

acreage of common open space is 10.1-acres (43.0%). The Homeowners Association will be responsible for the upkeep and maintenance of the open space.

IMPROVEMENTS TO TOMICHI TRAIL AND FAIRWAY LANE:

The applicant has been involved in ongoing discussions with Public Works regarding improvements to Tomichi Trail and Fairway Lane, based upon the impacts from traffic generated by the new development. Agreement has been reached regarding the prorata share of improvements by the applicant to widen and overlay portions of Tomichi Trail and Fairway Lane.

PARCEL LOCATION:

The land is legally described as being located in the SE1/4 Section 10 and the N1/2NE1/4 Section 15, Township 49 North, Range 1 West, N.M.P.M., Gunnison County, Colorado. Generally, the property is located 2 miles southwest of the City of Gunnison, at the end of Fairway Lane, east of the Tomichi Condominiums.

SURROUNDING LAND USES:

North – single-family residential, Valco; unplatted, currently used for pasture, irrigated meadow – hay production

West – Single-family residential uses; condominium project; Tomichi condominiums. One lot within Dos Rios F#3.

South – Tomichi Creek and south of the creek: one single-family residence.

Southwest - BLM

East – Valco; unplatted, currently used for pasture, irrigated meadow – hay production

IMPACT CLASSIFICATION:

The application, by definition, is classified as Major Impact.

PHASING AND RELATIONSHIP TO APPROVED SKETCH PLAN:

A Preliminary Plan is required to address all of the areas presented in the approved Sketch Plan, to be consistent with the approved Sketch Plan and to specifically address and comply with the conditions stated in the Board's approval. If the Preliminary Plan represents a significant variation from the approved Sketch Plan, that variation must be clearly and completely identified or described. The Preliminary Plan may address phases that are projected to be phases of the Final Plan, though all studies and engineering design are required to address the entirety of the project.

This Preliminary/Final Plan application does not represent a significant variation from the approved Sketch Plan and no phasing is proposed for the Tomichi Creek Subdivision.

Section 7-103: General Review Process for Major Impact Projects, identifies the following:

- a. **PRELIMINARY PLAN PROVIDES DETAILED SOLUTIONS AND DESIGN.** Preliminary Plan review requires the applicant to formulate detailed, designed/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.
 - 1. **PRELIMINARY AND FINAL PLANS MAY BE COMBINED.** The Preliminary Plan and Final Plan may be combined and processed together based upon consideration of the following factors: design, size, public concern, public facilities and services.

The Planning Commission determined that upon consideration of the design, size, public concern, public facilities and services, Preliminary and Final Plans could be combined for this project.

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 plans and narrative submittals that inform this review:

- *Plat of Tomichi Creek Subdivision*, dated 1/28/08, Pearson Surveying, Timothy E. Pearson, P.L.S.;
- *Cover Sheet, Preliminary Plan*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
- *Site Plan* dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
- *Site and Utility Plan* dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
- *Grading Plan*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
- *Existing Sanitary Sewer Line Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
- *Sanitary Sewer Line A Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;

- *Drainage Plan*, dated 7/28/07, Jerry Greene, P.E.;
- *Roadway Plan, Tomichi Loop, Centerline Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
- *Landscaping Plan*, dated 1/21/08, Jim Sell Design;
- *Declaration of Protective Covenants of Tomichi Creek Subdivision*, Final Revisions dated 1/29/08;
- *100-Year Floodplain Study*, dated July 2007, Jerry Greene, P.E.;
- *Weed Management Plan*, prepared by the applicant, dated 1/29/08;
- *Geologic Report*, prepared by Buckhorn Geotech, dated 4/10/07;
- *Infrastructure Cost Estimate*, Jim Sell Design, Jonathan Forest Sweet, P.E.;
- *Water Supply Plan- Attorney's Letter*, John Hill, P.C. dated 1/17/08;
- *Water Supply Plan- Irrigation requirements*, Tyler Martineau, P.E. dated 6/22/07;
- March 29, 2007 letter, from Joy Cunningham, Operations Manager, Waste Management

COMPLIANCE WITH SKETCH PLAN APPROVAL:

The Board of County Commissioners unanimously approved the Sketch Plan with the following conditions on November 21, 2006. There were no substantive changes made to the Preliminary/Final Plan application. BOCC Sketch Plan conditions are in bold; the applicant's comments from the Preliminary/Final Plan submittal on compliance with those conditions follows.

1. The following are specifically identified as Preliminary Plan submittal items of particular attention:

- **Clarification of pro rated share, with Gunnison County, of improvements to Fairway Lane**
The responsibility for the Fairway Lane improvements is proportional to the number of units using Fairway Lane for access. Since 64 units (54 homes and 10 condos) currently use Fairway Lane, and West Elk Properties, LLC is responsible for adding an additional 32 units (20 new units as part of the Tomichi Creek Subdivision and 12 condos as part of the Back-Nine Development), West Elk Properties, LLC will be responsible for 1/3 of the cost to upgrade Fairway Lane. The improvements will include upgrading Fairway Lane from the entrance of the Tomichi Creek Subdivision extending approximately 0.5 miles to the intersection of Fairway Lane and Tomichi Trail. The cost sharing will not include the addition of bike lanes to Fairway Lane. Designs for the improvements to Fairway Lane are not included as part of this submittal package.
- **Clarification of the public and private elements of the road improvements**
Although Tomichi Creek Loop will be a public road, plowing, and maintaining the road improvements within the Tomichi Creek Subdivision will be the responsibility of the Tomichi Creek Subdivision Homeowner's Association.
- **The trail access should be shown on the plat**
As has been discussed in previous Planning Commission work sessions, a corridor for a trail easement will be reserved for a future public trail, but will not be dedicated as a public easement until a bridge is installed connecting to the trail system on the south side of Tomichi Creek. As part of the site improvements for the Tomichi Creek Subdivision, a private trail will be constructed along the western edge of the property. Please reference the Site Plan in Exhibit G (*note: now shown on the final plat*) for the location of the private trail. Residents of the Tomichi Creek Subdivision and the Back-Nine Subdivision will be able to use this private trail before any public easement is dedicated. If the trail is dedicated for public use, public parking will not be available for the trail on Tomichi Creek Subdivision property.
- **Drainage plan by licensed professional engineer**
A Drainage Report, dated July, 2007, was developed by Jerry Greene, P.E., and can be found in Exhibit H.
- **Flood plain issues on lots 16-20**
The 100 year Floodplain Analysis, as prepared by Jerry Greene, P.E. dated July 2007, (please refer to Exhibit E) recommended a new floodplain elevation for buildings on Lots 16 through 20, as well as a section of Tomichi Creek Loop and Lot 12. As can be seen from the Grading Plan found in Exhibit D, the roadway and the finished floor elevation for Lot 12 have been elevated out of the floodplain by adding fill to raise the associated elevations. In an effort to complement the existing natural features found on the lots adjacent to Tomichi Creek, finished floor elevations have been specified on the Grading Plan, found in Exhibit D, for Lots 16 through 20. As opposed to filling these lots to raise them out of the flood plain, individual lot owners will be responsible to elevate the finished floors of the building on these lots out of the floodplain through the use of stem walls.
- **Relocation of building envelopes on lots 16-20**

The building envelopes on Lots 16 through 20 have been set back 25' from the wildlife corridor boundary, as recommended by the Division of Wildlife. Please refer to the Site Plan in Exhibit G. (*note: now shown on the final plat*)

- **Pet restrictions on all lots but particularly on lots 16-20**

Please refer to Article 7 of the Protective Covenants Declaration in Exhibit N for the pet restrictions for the subdivision.

- **Construction hours**

As is outlined in Section 6.18 of the Protective Covenants in Exhibit N, construction hours for the Tomichi Creek Subdivision shall be Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m., and Saturdays, between the hours of 9:00 a.m. to 5:00 p.m.

- **School bus stop location**

A school bus stop was located outside the Tomichi Creek Subdivision, just north of the intersection of Fairway Lane and Tomichi Creek Loop. The location of the bus stop enables children access from the Tomichi Creek Subdivision while, the school bus has the ability to quickly turn around by utilizing the roundabout at the end of Wild Goose Lane. Please reference the Site Plan in Exhibit G for the exact location of the planned school bus stop.

2. **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 submitted the Preliminary Plan on July 28, 2007. The Final Plan was submitted on January 30, 2008.

3. **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.**

The applicant submitted the Preliminary Plan on July 28, 2007, within 12 months after the date of Sketch Plan approval. The Final Plan was submitted on January 30, 2008.

REVIEW AGENCY COMMENTS:

The following agencies were sent copies of the Preliminary Plan:

- RE-1J School District
- City of Gunnison
- Gunnison County Fire Protection District
- Gunnison County Rural Electric Association
- Colorado Department of Public Health and Environment
- Colorado Division of Water Resources
- Gunnison County Natural Resources Conservation District
- Colorado Geological Survey
- Colorado Division of Wildlife
- Gunnison County Sage-Grouse Coordinator
- Gunnison County Public Works Department
- Gunnison County Weed Commission
- Gunnison County Trails Commission
- Gunnison County Emergency Services
- Gunnison County Sheriff

Comments were received from the following:

08 March 21 PC Minutes
08 May 16 PC Approved

GUNNISON COUNTY PUBLIC WORKS:

Comments were received from Marlene Crosby, Director of Public Works, in a memo dated December 4, 2007. She notes that she and her staff have been working closely with Mr. Lucas. (memo attached)

Comments were received from Mark Templeton, Utility Manager, Public Works, in a memo dated June 15, 2007. He notes that:

“The Tomichi Creek Subdivision currently has both water and sewer service available by the Dos Rios Water Treatment Plant and the Gunnison County Sanitation District. Also, the water pressure in this area has pressure tested at 73 p.s.i.”

COLORADO DIVISION OF WILDLIFE:

The Colorado Division of Wildlife was sent a copy of the Preliminary Plan. No comments were received from the Division. In previous oral comments, Matt Thorpe, District Wildlife Manager, notes that the main recommendation from the Division would be to create a wildlife corridor along Tomichi Creek.

GUNNISON SAGE-GROUSE COORDINATOR:

Comments were received from Jim Cochran, County Sage-Grouse Coordinator, in a memo dated September 25, 2007. (comments attached)

COLORADO GEOLOGIC SURVEY:

Comments were received from Celila Greenman, Geologist, CGS, in a letter dated October 9, 2007. She notes:

“In summary, the chief concern is the potential impact of surface water and groundwater. Lots within the floodplain limits could experience wet conditions during part of the year. Careful fill placement could help mitigate this condition in the lots beyond the floodplain.”

COLORADO DIVISION OF WATER RESOURCES:

Comments were received from Craig L. Lis, Water Resources Engineer, Colorado Division of Water Resources, in a letter dated September 18, 2007. He notes:

“Since insufficient information was provided, we cannot comment of the potential for injury to existing water rights from the proposed domestic water supply under provisions of CRS 30-28-136(1)(h)(II).

CITY OF GUNNISON: Comments were received from Diane Lothamer, Chairperson, City of Gunnison Planning and Zoning Commission, in a letter dated September 19, 2007. She notes:

“The City has no specific concerns since central water and sewer services are available, the road width is sufficient at 60 feet, and annexation is not likely at this time.”

PUBLIC HEARING:

A joint public hearing was conducted by the Planning Commission and the Board of County Commissioners on December 7, 2007 and on January 11, 2008. All comments are included in the public record, as memorialized in minutes for each meeting included within the Planning Department file. The minutes of the public hearing are attached to this recommendation.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

SECTION 9-102: HOME OCCUPATIONS.

Residences within the subdivision may have home occupations that comply with this section. Home occupations are allowed in the proposed development and addressed in the protective covenants.

SECTION 9-103: BED AND BREAKFAST.

No bed and breakfast uses are proposed as part of this application, and the protective covenants do not allow this commercial use within this development.

SECTION 10-102: LOCATIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT.

The proposed subdivision is located within the City of Gunnison’s three-mile plan area, and as such, complies with this section; as noted in a letter dated September 19, 2007, from Diane Lothamer, Chairperson, City of Gunnison Planning and Zoning Commission.

SECTION 10-103: RESIDENTIAL DENSITY.

a. **PRIMARY RESIDENTIAL LOT SIZE AND DENSITY STANDARDS.** A land use change involving more than two residential lots or two residences shall be approved if in addition to meeting all of the applicable requirements of this *Resolution* it complies with the following:

1. COMPLIES WITH MUNICIPAL THREE MILE PLAN AREA. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal three-mile plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the three-mile plan area. Where there is a conflict between the objectives or policies of a three-mile plan or the intergovernmental agreement, and County standards, County standards shall apply; and

In a letter dated September 19, 2007, Diane Lothamer, Chairperson, City of Gunnison Planning and Zoning Commission, it was noted that the proposed subdivision meets this standard.

2. PROVIDES OPEN SPACE. The amount of open space included in the development shall comply with the requirements of Section 13-108: *Open Space and Recreation Areas*; and

The amount of dedicated open space exceeds the 30% requirement, as noted in Section 13-108: *Open Space and Recreation Areas*. The proposed common open space area is 10.1-acres or 43.0% of the total acreage.

3. DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS. Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of individual sewage disposal systems pursuant to the *Gunnison County Individual Sewage Disposal System Regulations*. In no case shall any lots smaller than an acre be allowed in a new subdivision unless served by a central or regional wastewater treatment system.

The proposed lots will be served by central sewer, with connection to the Dos Rios Sewer District collection system, providing for central wastewater disposal.

4. LOT SIZE AND LOT DENSITY CONSIDERATIONS. Lot size and lot density shall be substantially similar to the adjacent parcels unless:

(a.) **CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY.** Conditions are appropriate for smaller lots or greater density because:

(1.) **SITE SERVED BY PUBLIC FACILITIES.** The site can and will be served by public services and facilities, including public water supply and wastewater treatment systems to the maximum extent feasible, or, if required by Section 12-106: *Sewage Disposal/Wastewater Treatment*; and

A central public water supply is available. The development will be served by the Dos Rios Water System. The proposed lots will be served by the Dos Rios Sewer System, providing for central wastewater disposal from each lot.

(2.) **LOTS ARE CLUSTERED.** All the proposed lots have been clustered; and

The lots have been clustered into areas that preserve the remainder of the property as undeveloped open space, and have avoided areas impacting areas of identified value for wildlife habitat, and significant environmental features including delineated jurisdictional wetlands.

(3.) **OPEN SPACE EXCEEDS REQUIRED AMOUNT.** The amount of open space included in the proposed development exceeds by ten percent that is required by Section 13-108: *Open Space and Recreation Areas*; and

The amount of dedicated open space exceeds the required amount by more than ten percent.

(4.) **COMPATIBLE WITH ADJACENT USES.** The development is compatible with current adjacent land uses and densities, and, as a condition of approval, will be subject to permanent protective covenants to ensure that it remains compatible with the adjacent uses and densities as of the date of approval of the Land Use Change Permit.

The proposed development consists of single-family residential lots and uses, and as such, the uses are compatible with the existing adjacent single-family land uses. The protective covenants include provisions that the development will allow only one single-family residence per lot and no further subdivision of the lots is allowed. The protective covenants include limitations on the square footage of the residences and garages that are consistent with existing residences in the neighborhood. The covenants cannot be amended without approval of the Board of County Commissioners.

SECTION 11-102: VOLUNTARY BEST MANAGEMENT PRACTICES.

Voluntary, not required.

SECTION 11-103: DEVELOPMENT IN AREAS SUBJECT TO FLOOD HAZARDS.

The 100-year floodplain of Tomichi Creek is located on the southern boundary of the property. The applicant's engineer, Jerry Greene, P.E., has performed a flood study, identifying the 100-year floodplain. The floodplain affects Lots 15-20. Notice regarding flood hazards is incorporated into the Protective Covenants, (Section 5.15 Notice Regarding Flooding and Geologic Hazards). Development on these lots is subject to the standards identified in this section.

SECTION 11-104: DEVELOPMENT IN AREAS SUBJECT TO GEOLOGIC HAZARDS.

Buckhorn Geotech has submitted a geologic hazard report, titled *Geologic Report* dated 4/10/07. A copy of the report was reviewed by the Colorado Geologic Survey and comments were submitted by CGS on October 9, 2007. Colorado Geologic Survey comments noted. Notice regarding geologic hazards is incorporated into the Protective Covenants, (Section 5.15 Notice Regarding Flooding and Geologic Hazards). Basements are not recommended due to the high groundwater in the area. No specific geologic hazard would preclude development on the lots.

SECTION 11-105: DEVELOPMENT IN AREAS SUBJECT TO WILDFIRE HAZARDS.

The County's wildfire hazard maps identify the parcel as being located within a low risk wildfire hazard area. The predominant vegetation type on the property is grass. Defensible space considerations are still applicable. No comments were received from the Colorado State Forest Service.

SECTION 11-106: PROTECTION OF WILDLIFE HABITAT AREAS.

An 80' wide (average) wildlife habitat corridor, in which improvements are prohibited, has been identified on the plat, running adjacent to Tomichi Creek, as suggested by the Division of Wildlife. The area will provide a corridor for movement of wildlife along the riparian area adjacent to Tomichi Creek and provide a buffer from the development to Tomichi Creek. No development is permitted within the Wildlife Corridor, Protective Covenants, (Section 11.7 Wildlife Habitat Corridor).

Comments have been received from Jim Cochran, County Sage-Grouse Coordinator, memo of September 25, 2007 (attached).

The Protective Covenants place a limit on the number of domestic pets allowed/per lot, including requirements for containment of dogs and requires that cats may not be allowed outside, (Article 7. Animals). In addition, each owner is required to provide bear-proof trash receptacles, (Section 6.9 Trash).

SECTION 11-107: PROTECTION OF WATER QUALITY.

The development will contain water bodies and wetlands. The building envelopes have been designed in accordance with setbacks required in this Section. All driveways, buildings and other improvements shall be located, designed and constructed in compliance with this section. This is identified in the Protective Covenants, (Section 6.15 Wetlands).

SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES.

This site is not located on a ridgeline.

SECTION 11-109: DEVELOPMENT THAT AFFECTS AGRICULTURAL LANDS.

There are agricultural operations adjacent to this development. The Protective Covenants have placed a limit on the number of domestic pets allowed/per lot, including requirements for containment of dogs. Perimeter fencing of the subdivision shall be maintained by the Homeowners Association, as identified in the Protective Covenants, (Section 6.14 Fences). Provision of the "fence-out" notice is identified on the plat.

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.

Access to the individual lots will be via a loop road, Tomichi Creek Loop, from Fairway Lane. Engineered plans for the access road have been reviewed and approved by Public Works.

The applicant has been involved in ongoing discussions with Public Works regarding improvements to Tomichi Trail and Fairway Lane, based upon the impacts from traffic generated by the new development. Agreement has been reached regarding the prorata share of improvements, to be funded by the applicant, to widen and overlay portions of Tomichi Trail and Fairway Lane.

SECTION 12-104: TRAILS.

No public trail currently exists on the property. The applicant will dedicate a non-motorized private trail easement for use of the residents of the development, through the development, with potential connection to BLM land to the south, across Tomichi Creek. The easement will be reserved for the potential dedication of a public trail, in the future, if conditions or circumstances that allow a bridge to be constructed across Tomichi Creek, are realized.

SECTION 12-105: WATER SUPPLY.

The development will be served by extension of the Dos Rios water system. Comments were received in a memo, dated Mark Templeton, Utility Manager, Public Works, noting that: "The Tomichi Creek Subdivision currently has both water and sewer service available by the Dos Rios Water Treatment Plant and the Gunnison County Sanitation District. Also, the water pressure in this area has pressure tested at 73 p.s.i." Comments were received in a letter, dated January 17, 2008 from attorney John Hill, Bratton and Hill, LLC, clarifying the domestic water supply and irrigation issues, in response to the Colorado Division of Water Resources comments of September 18, 2007. Engineered plans for the sewer system have infrastructure been reviewed and approved by Public Works.

SECTION 12-106: SEWAGE DISPOSAL/WASTEWATER TREATMENT.

The development will be served by the Dos Rios Sewer District, providing for central wastewater disposal to each lot. There is an existing sewer collection line on the property. A letter was submitted from Bret Spore, Wastewater Supervisor, City of Gunnison, stating that the Wastewater Treatment Plant will be able to treat the additional wastewater flows from this project. Engineered plans for the sewer system infrastructure have been reviewed and approved by Public Works.

SECTION 12-107: FIRE PROTECTION.

The standards of the Gunnison County Fire Protection District apply. The proposal complies with the standards for vehicle access.

SECTION 13-103: GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS.

The site plan for the 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.

The site plan meets the requirements.

SECTION 13-105: RESIDENTIAL BUILDING SIZES AND LOT COVERAGES.

The site plan and submittals meet the requirements.

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 and language is included in the Protective Covenants restricting the use of solid fuel-burning devices, (Section 5.12 Solid Fuel Burning Devices).

SECTION 13-108: OPEN SPACE AND RECREATION AREAS.

The project has been reviewed for open space requirements and requirement of 30% or more open space. Final calculation of open space, at 43.0% of the total land area, exceeds the requirements of this section. The Homeowners Association will be responsible for the upkeep and maintenance of the Common Areas.

SECTION 13-109: SIGNS.

Sign elements are allowed by this section.

SECTION 13-110: OFF-ROAD PARKING AND LOADING.

The number of parking spaces complies with this section.

SECTION 13-111: LANDSCAPING AND BUFFERING.

A landscaping plan has been submitted, titled *Landscaping Plan*, dated 1/21/08, prepared by Jim Sell Design and complies with this section.

SECTION 13-112: SNOW STORAGE.

The Protective Covenants require snow removal from private driveways and parking areas to be stored on individual lots. Snow shall not be disposed of in water bodies.

SECTION 13-113: FENCING.

No fencing of individual lots is allowed, without approval of the Homeowners Association. Perimeter fencing is the responsibility of the Association, Protective Covenants (Section 6.12 Fences).

SECTION 13-114: EXTERIOR LIGHTING.

Exterior lighting shall comply with this section. Exterior lighting requirements are addressed in the Protective Covenants, (Section 5.10 Exterior Lighting).

SECTION 13-115: RECLAMATION AND NOXIOUS WEED CONTROL.

A Weed Management plan was submitted. The Homeowners Association will be responsible for controlling noxious weeds on the subdivision roadways and within the Common Areas. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

SECTION 13-116: GRADING AND EROSION CONTROL.

The applicant submitted a grading plan, identified as *Grading Plan*, dated 1/21/08, Jim Sell Design, prepared by Jonathan Forest Sweet, P.E. Construction of this project will require the applicant to secure a Reclamation Permit from the Public Works Department, pursuant to *Section 13-115: Reclamation and Noxious Weed Control*.

SECTION 13-117: DRAINAGE, CONSTRUCTION AND POST-CONSTRUCTION STORM WATER RUNOFF.

Stormwater will be detained onsite, utilizing the ponds as detention areas. The applicant submitted a drainage plan, titled *Drainage Plan*, dated 7/28/07, prepared by Jerry Greene, P.E.

SECTION 13-118: WATER IMPOUNDMENTS.

This project does not propose a water impoundment, as defined in the LUR.

SECTION 13-119: STANDARDS TO ENSURE COMPATIBLE USES

Specific design standards and limitations on the uses on each lot are identified in the protective covenants.

SECTION 15-103: EFFECTS OF ADOPTION OF RIGHT-TO-RANCH POLICY.

Approval of this subdivision will not adversely impact the agricultural operation on adjacent lands.

FINDINGS:

The Commission finds that:

1. The Preliminary/Final Plan complies with the conditions imposed by the Board of County Commissioners Sketch Plan approval.

The following are specifically identified as Preliminary Plan submittal items of particular attention:

- **Clarification of pro rated share, with Gunnison County, of improvements to Fairway Lane**
The responsibility for the Fairway Lane improvements is proportional to the number of units using Fairway Lane for access. Since 64 units (54 homes and 10 condos) currently use Fairway Lane, and West Elk Properties, LLC is responsible for adding an additional 32 units (20 new units as part of the Tomichi Creek Subdivision and 12 condos as part of the Back-Nine Development), West Elk Properties, LLC will be responsible for 1/3 of the cost to upgrade Fairway Lane. The improvements will include upgrading Fairway Lane from the entrance of the Tomichi Creek Subdivision extending approximately 0.5 miles to the intersection of Fairway Lane and Tomichi Trail. The

cost sharing will not include the addition of bike lanes to Fairway Lane. Designs for the improvements to Fairway Lane are not included as part of this submittal package.

- **Clarification of the public and private elements of the road improvements**

Although Tomichi Creek Loop will be a public road, plowing, and maintaining the road improvements within the Tomichi Creek Subdivision will be the responsibility of the Tomichi Creek Subdivision Homeowner's Association.

- **The trail access should be shown on the plat**

As has been discussed in previous Planning Commission work sessions, a corridor for a trail easement will be reserved for a future public trail, but will not be dedicated as a public easement until a bridge is installed connecting to the trail system on the south side of Tomichi Creek. As part of the site improvements for the Tomichi Creek Subdivision, a private trail will be constructed along the western edge of the property. Please reference the Site Plan in Exhibit G (*note: now shown on the final plat*) for the location of the private trail. Residents of the Tomichi Creek Subdivision and the Back-Nine Subdivision will be able to use this private trail before any public easement is dedicated. If the trail is dedicated for public use, public parking will not be available for the trail on Tomichi Creek Subdivision property.

- **Drainage plan by licensed professional engineer**

A Drainage Report, dated July, 2007, was developed by Jerry Greene, P.E., and can be found in Exhibit H.

- **Flood plain issues on lots 16-20**

The 100 year Floodplain Analysis, as prepared by Jerry Greene, P.E. dated July 2007, (please refer to Exhibit E) recommended a new floodplain elevation for buildings on Lots 16 through 20, as well as a section of Tomichi Creek Loop and Lot 12. As can be seen from the Grading Plan found in Exhibit D, the roadway and the finished floor elevation for Lot 12 have been elevated out of the floodplain by adding fill to raise the associated elevations. In an effort to complement the existing natural features found on the lots adjacent to Tomichi Creek, finished floor elevations have been specified on the Grading Plan, found in Exhibit D, for Lots 16 through 20. As opposed to filling these lots to raise them out of the flood plain, individual lot owners will be responsible to elevate the finished floors of the buildings on these lots out of the floodplain through the use of stem walls.

- **Relocation of building envelopes on lots 16-20**

The building envelopes on Lots 16 through 20 have been set back 25' from the wildlife corridor boundary, as recommended by the Division of Wildlife. Please refer to the Site Plan in Exhibit G. (*note: now shown on the final plat*)

- **Pet restrictions on all lots but particularly on lots 16-20**

Please refer to Article 7 of the Protective Covenants Declaration in Exhibit N for the pet restrictions for the subdivision.

- **Construction hours**

As is outlined in Section 6.18 of the Protective Covenants in Exhibit N, construction hours for the Tomichi Creek Subdivision shall be Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m., and Saturdays, between the hours of 9:00 a.m. to 5:00 p.m.

- **School bus stop location**

A school bus stop was located outside the Tomichi Creek Subdivision, just north of the intersection of Fairway Lane and Tomichi Creek Loop. The location of the bus stop enables children access from the Tomichi Creek Subdivision while, the school bus has the ability to quickly turn around by utilizing the roundabout at the end of Wild Goose Lane. Please reference the Site Plan in Exhibit G for the exact location of the planned school bus stop.

2. The water supply for the Dos Rios Water District is identified in State Water Court Case 95CW212 & 97CW111, "Ruling of the Referee and Decree", Aaron R. Clay, Water Referee, Water Division No. 4, December 9, 1997.
3. 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.

4. 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.
5. 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
6. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted application, site observations and public testimony has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2006-10, Tomichi Creek Subdivision, Preliminary/Final Plan be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. A mylar subdivision plat, in compliance with Section 7-401, *Gunnison County Land Use Resolution*, shall be provided to the Planning Department for signature by the Board of County Commissioners. Approval shall not be effective until the plat is signed by the Chairman of the Board of County Commissioners and is recorded with the Gunnison County Clerk and Recorder.
3. The approval shall be memorialized by Board Resolution/Certificate of Major Impact. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
4. The applicant shall provide a copy of the Division No. 4 Water Court approval, Case No. 06CW523 to the Planning Department. The subdivision plat shall not be recorded until this condition is fulfilled.
5. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the infrastructure improvements defined in the following plans:
 - *Site and Utility Plan* dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Grading Plan*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Existing Sanitary Sewer Line Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Sanitary Sewer Line A Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Drainage Plan*, dated 7/28/07, Jerry Greene, P.E.;
 - *Roadway Plan, Tomichi Loop, Centerline Plan and Profile*, dated 1/21/08, Jim Sell Design, Jonathan Forest Sweet, P.E.;
 - *Landscaping Plan*, dated 1/21/08, Jim Sell Design;
4. 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.
5. The applicant shall provide a cost estimate, prepared by a licensed P.E., for the improvements to be performed on Fairway Lane, to be reviewed and approved by the Gunnison County Public Works Department, prior to the review and action by the Board of County Commissioners.
6. The approved cost estimate for the improvements to be performed on Fairway Lane, shall be incorporated into the Development Improvements Agreement and that a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent.

7. 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.
8. 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.
9. The following shall be completed upon recordation of the Final Plat:
 - 1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.
 - 2) The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
10. This approval is subject to the execution of the Development Improvements Agreement by the Board of County Commissioners and recordation of the Development Improvements Agreement with the Gunnison County Clerk and Recorder. The subdivision plat shall not be recorded until this condition is fulfilled.
11. 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.
12. 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.

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
Date: December 7, 2007

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

Chairman- Ian Billick	Director of Planning-Joanne Williams
Vice- Chairman -Ramon Reed	Assistant Director of Planning-Neal Starkebaum
Commissioner- Nick Lypps	Planner-Cathie Pagano
Commissioner- Richard Karas	Administrative Assistant-Beth Baker
Commissioner-David Owen	
Commissioner-Sam Lumb	

Others present as listed in text

Absent: Commissioner John Messner

TOMICHI CREEK SUBDIVISION: The Planning Commission and the Board of County Commissioners conducted a joint public hearing. They discussed the Preliminary Plan for the subdivision of 23.5-acres into 20 single-family lots, located southwest of the City of Gunnison, at the end of Fairway Lane. County Commissioners Paula Swenson and Hap Channell were present for the joint public hearing.

With a quorum present Chairman Ian Billick opened the joint public hearing at 12:05 p.m.

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

Applicant Mark Lucas explained that the south end of Fairway Lane will be school bus accessible. The project will be served by the Dos Rios water and sewer district. The wetlands have been delineated. The lots will range from 1/3-acre to just over an acre in size. There will be a park on the river; all the lot owners will have river access.

Billick asked the commission members and board members whether there had been any ex parte' communications, in reference to this application. The board and commission members confirmed there had not been.

Attorney David Leinsdorf explained that the five lots on Tomichi Creek are a little larger, so the sq. ft. limitations on the larger lots are 5,000 sq ft and 4,000 sq. ft. on the smaller lots. The covenants now address public access; the county has been given the right, in the future, to establish a public trail.

Commissioner Nick Lypps asked where the bridge would be located. Lucas explained the bridge would be in corner of the property. The final plat will illustrate where the potential bridge would be.

Adjacent owner Bill Kara's representative Bill Mair asked about the Forest Service access. Lucas explained it is only for non-motorized vehicles.

Channell asked what mitigation methods would be used in the flood plain areas. Lucas replied that they had done a new flood plain study. Leinsdorf explained that the geo-hazards and flood plain issues are addressed in the covenants. A building permit would not be issued if they did not comply.

Commissioner David Owen asked if the larger lots are in the wetlands. Lucas confirmed that they were not.

Reed suggested that the homeowners association be informed that they are responsible for the maintenance of the wetlands.

Bill Maier asked about the setbacks from a water body. Pagano identified the setbacks as 25 ft from the ordinary high water mark. Maier said that this area is likely to flood. He also expressed concern with the higher density.

Leinsdorf explained the public access easement will be limited to pedestrians and cross country skiers.

Adjacent owners Betty Light and Sandra Mark expressed their concerns with the density. Lucas replied that this is very comparable to the density on Fairway Lane. They reduced the number of lots to 20 on 24-acres, and there are no guest houses allowed.

Leinsdorf reported that Lucas will pay for 33% of the road improvements, under a cost sharing agreement with the county. The Fairway Lane neighborhood does not want wider lanes, because of the potential for increased speeding through the neighborhood.

Swenson reported that the Fairway Lane HOA had held a meeting recently. They agreed to the striping of the bike and pedestrian lanes as a method for slowing traffic. Channell suggested crosswalks and stop signs. Swenson said that it can be done, but it is not a legal measure, so no one could be ticketed. She said that the neighborhood is in favor of the striping plan.

Leinsdorf confirmed that the applicants were going to combine preliminary and final plan.

Billick outlined items of concern as:

- Amendment language to be clarified to state that any amendment to the covenants would have to be approved by the county
- Review final plan submittal requirements.
- Get clarification on the state water engineer comments, in letter dated September 18, 2007
- Obtain a service letter from an additional trash operator
- Clarify solid fuel burning devices – should comply with Gunnison county regulations
- Include the information that the HOA is responsible for the maintenance of the wetlands

Billick continued the joint public hearing to January 11, 2008 at 10:00 a.m.

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
Vice- Chairman -Ramon Reed
08 March 21 PC Minutes
08 May 16 PC Approved

Director of Planning-Joanne Williams
Assistant Director of Planning-Neal Starkebaum

Commissioner- Nick Lypps
Commissioner- Richard Karas
Commissioner-David Owen
Commissioner-John Messner
Commissioner-Sam Lumb

Planner-Cathie Pagano
Administrative Assistant-Beth Baker

Others present as listed in text

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. He 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.

Continuation of March 21, 2008 Planning Commission Regular Meeting Minutes:

ROPER SUBDIVISION: The Planning Commission conducted a work session with applicants Albert and Angela Roper. They discussed a proposed subdivision, located eight miles north of the City of Gunnison, east of the Gunnison River.

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

Assistant Planning Director Neal Starkebaum reminded the commission there are two sets of standards the Primary and the Alternative locational standards; each one considers residential density. The commission agreed the Alternative Locational Standards should be used for this review.

Albert Roper explained his frustrations with county regulations and the planning commission. Billick acknowledged Roper's concerns, and said the commissioners would do their best to address the Ropers' concerns.

Billick asked the commissioners if there had been any *ex parte* conversations; they confirmed there had been no *ex parte* conversations.

Commissioner Ramon Reed requested a new site plan showing the specifics of the lot.

Albert Roper said Environmental Health Official Richard Stenson had done a site visit; Stenson had reported although it might be a bit difficult, a septic system will be feasible on each lot. Billick asked if there was a history of wells being contaminated in the area. Starkebaum confirmed there was not a history of contaminated wells in this area.

The commission reviewed the density standards. Lot size and lot density considerations; is it substantially similar to the adjacent lots? Roper reminded the commission the fourth lot, (the remainder lot,) is the remaining ranch. Roper explained the lots are being placed in this area because it is non-productive ranch land.

Commissioner Nick Lypps said the lots are substantially similar; Commissioner Richard Karas agreed noting the diversity in the sizes of the surrounding lots. Commissioner David Owen agreed the fourth lot would be the remaining ranch, and that did change how the density is viewed. Reed was not convinced the smaller lots in Womble Tracts were substantially similar in size, but there are other considerations; whether there will be integrated secondary residences would be another factor.

Roper suggested it would be beneficial to look at the community as a whole. Commissioner John Messner said he is comfortable that potentially the lots could be substantially similar. He added the actual cumulative acreage of these lots is of concern, because the road decreases the amount of useable space. Commissioner Sam Lumb concurred with Messner; and noted the road takes quite a bit of useable space out of lot three. Lumb added well defined covenants could help to make these lots good residential lots. Roper commented he prefers less covenant restrictions. Billick summarized the commission had a general sense that the locational standards have been met.

Billick noted the commission was not convinced that all the proposed uses could feasibly be placed on the lots; two residences, horses, corals, wells, septic systems, and the road. Starkebaum explained the intent of the review is to determine if all the proposed uses functionally work.

Billick added, "no significant impact to adjacent properties," is also a concern. Starkebaum pointed out the surrounding lots can have livestock. Reed said looking at the uses of the lots as well as the sizes of the lots is important. The number of horses on these dry lots is a consideration; being a part of the overall impacts to the neighboring lots. Roper pointed out the *Gunnison County Land Use Resolution* (LUR,) grants the opportunity to have horses on a lot that is one acre in size or more.

Karas explained the commission is charged with deciding if the application meets the standards of the LUR. He requested the applicants attempt to prove that all proposed uses for each lot are feasible.

Adjacent property owner Lou Costello related he had spoken to the Ropers concerning their subdivision request. Costello was concerned the Ropers could have two residences on each lot. He also noted the bend of the road is heavily willowed and Public Works Director Marlene Crosby has said the willows will have to be taken out. He asked Roper not to use herbicides; explaining his domestic well is too close and could be contaminated. Roper agreed to grade the willows rather than apply herbicide, if public works agrees.

Adjacent property owner Michelle Mileski was concerned this subdivision will set a precedent; once approved there could be many more subdivision requests in the area. She continued the road is not designed for all the additional activity. She was also concerned with the potential additional density and traffic. She said it would help if the county would take over the maintenance of the road.

The commission made final additional comments concerning additional information needed:

- Lumb noted a need for permanent covenants- addressing the horses
- Lypps asked for a plan with a defined building envelope, showing how the horses would fit in
- Billick noted the road issue is flagged for discussion at the next meeting
- Reed and Owen requested a report from public works on the road waiver and the traffic on that road
- Karas agreed with Lumb- will all the uses on the lots be feasible?

Billick summarized; no new information is required from the applicants, although they can provide any new information they wish to. The staff will submit information requested by the commission, on the road waiver. The next meeting will be an update of all the information. The commission will give direction to staff to prepare a recommendation of approval or denial, at the next meeting.

CITY OF GUNNISON- TRAILS PLAN: The Planning Commission conducted a work session with City planner Steve Westbay. They discussed the City's request for the development of a non-motorized trail network, in areas surrounding the City of Gunnison.

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

Westbay said the city had sent out a survey and the results of the survey noted an overwhelming desire for trails. A City election provided one million dollars which is designated for trails. The city is now in the implementation phase; hiring engineer, Gary Lacey, to help them with the design elements. The city has spoken with the stake holders; BLM, CDOW, RE1J schools, Gunnison Rising, and they have held a number of public meetings.

Westbay noted the city will use \$1.1 million dollars of its own money, over a ten year period. It is also anticipating approximately \$3 million dollars in grants.

Westbay explained the updated plan included the trails master plan; inner-loop trail system through the city boundaries, and an outer-loop system outside the boundaries of the city. The inner-loop will primarily be street bike lanes; Spencer Blvd. is being seriously considered. Connecting the recreation areas and city facilities is also being considered.

Westbay provided an illustration of the entire proposed route, including the outer-loop which incorporates North Bridge; CDOT has received funding to extend the bridge allowing pedestrians to use a trail that goes under the bridge. He noted the trail along the airport through the Wilson ranch is the most difficult part, because of the wetlands; noting that trails through wet meadows are difficult, but are well worth the effort.

Assistant Planning Director Neal Starkebaum said a land use permit is required, for the portions of the trail that is within the unincorporated portions of Gunnison County. He noted concerns as: reclamation, wildlife, wetlands, etc. Westbay explained the individual wetlands will be dealt with as they are being crossed.

Commissioner Richard Karas requested the staff lay out the decision points that will need to be addressed. Strakebaum replied the commission will specifically be looking at alignments. He added the Trails Commission will review the plan and provide comments.

Westbay pointed out this is a master plan and not a site specific development plan.

Billick asked staff to prepare a report which orients the commission on what they are charged to decide. He requested staff define the process and outline what is needed for evidence.

There will be another work session to discuss the application.

GUNNISON ENERGY CORPORATION: The Planning Commission conducted a work session with the applicants representative Lee Fyock and Brad Robinson, Neil Allen operations manager, Mike Ward well locater, and Judy Cohn assistant. They reviewed a request for 16 vertical and directional gas wells on 10 well pads, located in northwest Gunnison County, Sections 17, 18, 19 and 20, Township 12 South, Range 89 West.

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

The applicants presented a power-point version of the application. Fyock noted these wells are located close to Paonia Reservoir and Highway 133 in Gunnison County. He described the request as; three existing wells, one existing but abandoned pad- constructed and drilled in 1987, nine directional wells, and five new well pads. They will not construct any new roads; 86% will follow the existing road and pipeline; the remaining 14% will not. They have a two to three year frame, which largely depends on the weather. The proposed wells will use the current Ragged Mountain Pipeline to transport the gas to market.

Robinson said the first well in that area was permitted in 2004. They have drilled several wells, which have been producing for more than a year. They are basically connecting the old wells on the north side of Muddy Creek to the proposed news ones. They are considering drilling directionally from the exiting pads.

Fyock explained they are attempting to use existing roads and previous disturbances; noting there are inventoried roadless areas, mineral leases and slope stability issues to consider. He described some of the terrain as on slopes of 45% or more; noting slope stability can limit where a pad can be placed. They look for flat locations, with less than a 10% slope; avoiding water bodies and wildlife habitat. They are currently mapping the locations of the raptors, etc.

Fyock described the area as rolling hills covered with sage brush. Robinson added with few exceptions this is primarily a dry area.

Fyock reiterated the need for good level locations for the well pads; adding it can be difficult to get a pipeline to the pad. He explained there are many locations on their leaseholds that they can not access.

Billick questioned the relationship between the driller and the surface owner, in a "split estate." Robinson explained there are always active negotiations. A split estate is defined as a parcel of land in which the surface rights are owned by one party and the mineral rights are owned by another party. The mineral rights owner is guaranteed access to the minerals. Fyock said the well pad locations are reclaimed, unless the surface owner does not want it to be reclaimed.

Billick asked how the property is fenced and managed. Fyock replied the Hotchkiss ranching property is currently fenced by the rancher.

Robinson submitted documentation describing products are injected in the wellbore during the drilling process. He noted they are required to report all problems and log them. He said they have been working in the area for four years and have done two environmental assessments- for previous projects, and they are currently working on another that will address this specific project.

Billick outlined several of the issues requiring additional information as:

- Definition for the rule that is referred to as the GOCC rule
- Reed would like to know what a producing well site looks like- report on snow melt for a site visit
- Reed requested a copy of the GOCC rules referred to in the application
- Karas noted that infeasibility and preemption will come up- requests an executive session with counsel
- Staff to provide feed back on preemption
- Karas requested a list of chemicals used and a copy of the materials data safety sheets

The next work session the commission will further review the applications and step through the county oil and gas exploration standards.

CRESTED BUTTE FIRE PROTECTION DISTRICT: The Planning Commission conducted a work session with the applicants' representative Scott Wimmer and Ric Emms. They reviewed the recommendation to Board of Commissioners, request to adopt the **2003 *International Fire Code with amendments***.

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

Wimmer explained that the International Fire Code (IFC) was adopted in 1991 and was updated in 2003; but has not been adopted by the Board of County Commissioners (BOCC.) The Crested Butte Fire Protection District (CBFPD) is now requesting that the BOCC adopt the 2003 IFC, and the proposed amendments. This would only be for the CBFPD not the Gunnison Fire District.

Wimmer noted several of the changes; the 2003 IFC said attached garages did not need self-closing doors; the amendment would require the doors to be self-closing. They will now require exit signs next to the floor in hotels and apartment houses and a redundant exit sign higher up. New buildings regardless of square footage; car ports, sheds when not used for human habitation will not be required to be sprinkled.

Commissioner John Messner asked if an agricultural building over 200 sq. ft. would be required to be sprinkled. Wimmer replied it would, but added an agricultural building on an agricultural parcel generally does not require a building permit. Lypps suggested an exemption for agricultural buildings of any size; the commissioners agreed. Building Official Rich Wojdakowski explained agricultural buildings are not usually heated; therefore water could freeze and a sprinkler system would not work.

Emms added existing buildings, not on a central water system, build an addition of 1,000 sq. ft. or more, or half again to the size of the structure will have to be sprinkled.

Colorado State Forest Service representative Brian Ayers commented the latest version of the *Gunnison County Land Use Resolution* (LUR) should be changed to refer to fire levels as- moderate, high or extreme.

Commissioner Sam Lumb left the meeting at 3:50 p.m. for the rest of the meeting.

The commissioners agreed to change the wording to automatic fire suppression systems are required in habitable structures, which are not on a central water system.

MOVED: by Owen seconded by Karas to recommend adoption of chapters seven and ten of the CBFPD Fire Code, as amended. The motion passed unanimously.

MOVED: by Owen seconded by Reed to recommend the adoption of the amendments to the 2003 IFC, as amended. The motion passed with a vote of four to one; Commissioners Billick, Owen, Reed and Lypps voted yes and Commissioner Karas voted no.

MOVED: by Reed seconded by Lypps to drop the requirements in Section 402, Water Supply, to track with the previous motion. The motion passed with a vote of four to one; Commissioners Billick, Owen, Reed and Lypps voted yes and Commissioner Karas voted no.

MOVED: by Karas seconded by Owen to adopt the CBFPD Fire Code Section 5 Wildfire Mitigation as amended and specifically adding defensible space to include the terminology- moderate, high or extreme. The motion passed unanimously.

*For a complete copy of the Crested Butte Fire Protection District regulations, please see CBFPD for a copy of their regulations.

The commission began a review of the proposed LUR amendment. Planning Director Joanne Williams said the draft includes changes to the definitions and references to wildfire hazard ratings. She suggested combining the fire suppression section and the wildfire hazard section.

Ayers said the goal of a community wildfire protection plan is to have a community which has determined the fuel requirements, and worked with the fire district and forest service to come up with a joint vegetative plan. This plan enables the community to apply for grants from the federal government.

Lypps suggested there should be a way to exempt an area if they can prove they are not in a wildfire hazard area, even if the wildfire map states otherwise.

Ayers suggested requiring defensible space and encouraging forest management.

Billick queried the commission for topics to be flagged: none at this time.

The next work session will include further review of the LUR draft amendment.

The regular meeting of the Gunnison County Planning Commission was adjourned at 5: 20 P.M.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning