

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: Friday, April 18, 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.** **Larkspur Hockey Rink**, public hearing/request for staff direction, 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
- 10:15 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
- 10:45 a.m.** Break
- 11:00 a.m.** **Hard Rock Paving & Redi-Mix, Inc.**, work session/no action, request to add a portable asphalt batch plant to the existing Hollenbeck Pit, located approximately 6 miles east of the City of Gunnison, ½ mile south of Highway 50, off of County Road #42
- Noon** Lunch
- 12:15 pm.** **Cement Creek Management LLC**, work session/possible action, request for a fourplex in Crested Butte South, Lots 9 and 10, Block 2, Filing 1
- 1:00 p.m.** **Glatiotis Subdivision**, work session/no action, request for six lot subdivision, north of the City of Gunnison on County Rd 13
- 2:00 p.m.** **City of Gunnison - Trails Plan**, work session/no action, request for the development of a non-motorized trail network, in areas surrounding the City of Gunnison
- 3:00 p.m.** Break
- 3:15 p.m.** **Crested Butte South Homeowners Association**, work session/possible action, Crested Butte South Special Area, Crested Butte South Special Area Regulations
- Adjourn**

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
April 18, 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
Commissioner- Nick Lypps
Commissioner- Sam Lumb
Commissioner-David Owen
Commissioner-John Messner
Commissioner- Richard Karas

Director of Planning- Joanne Williams
Assistant Director of Planning-Neal Starkebaum
Planner-Cathie Pagano
Administrative Assistant-Beth Baker

Others present as listed in text

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

Karas distributed a copy of, *An Overview: Inclusionary and Linkage Programs for Affordable Housing and the Federal Constitution*.

LARKSPUR HOCKEY RINK; The Planning Commission conducted a public hearing with applicant Gary Garland. They reviewed his request for an amendment to the approved uses on the Recreation Parcel, Larkspur Subdivision, to include the use of an enclosed hockey rink and gravity center, located on Lot R1, Larkspur Subdivision, south of the Town of Crested Butte.

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

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

Garland presented an overview of the application. He is requesting a change of the approval of a recreation facility, which had included tennis courts and a swimming pool, to an approval request for a hockey rink and a gravity center. He said the traffic generated would be 31% less than the recreation facility, and the new facility will use less water. They have increased the number of parking spaces to accommodate tournaments. He said the Gunnison ice-skating facility had 82 parking spaces and four ADA spaces; he is proposing 96 parking spaces and four ADA spaces. A county special use permit will be required for tournaments, as well as HOA approval, if the 96 parking spaces are exceeded, for any given event. Garland said he had received approval from the current 47 of the Larkspur lot owners and three owners did not approve.

Garland acknowledged there has been opposition from some of the owners in Skyland; he reminded the commissioners that Skyland also has a recreation facility and a golf course.

Commissioner Richard Karas asked for an explanation of the gravity center. Garland explained the gravity center will be a facility for snow boarders and skate boarders to practice boarding maneuvers indoors; it will also be opened to the public.

Garland reiterated the facility will be open to the public, when the Crested Butte Academy (Academy) is not using it. The Academy will be responsible for the maintenance and all the employees will work for the Academy. This facility will be opened year round.

Reed asked how many parking spaces had been in the original approval; Garland replied 68 spaces had been approved for the original recreation facility. He explained that they have eliminated three outdoor tennis courts, which provides space for 28 additional parking spaces, for a total of 96 spaces.

Owen asked if there would be less landscaping because of the additional parking; Garland replied the landscaping would remain the same.

Lypps asked how the HOA would be contacted when a special event is proposed; Garland said there is not a specific process.

Garland submitted an illustration of the proposed rink. He noted those individuals in opposition have expressed the same issues as they had for the original recreation facility.

Garland discussed an earlier plan to building a hockey rink in the town of Crested Butte. He explained the area designated for an ice rink, in the Town of Crested Butte, has over an acre of wetlands. The EPA is involved because the wetlands are over an acre; he said the EPA involvement will slow the process. Commissioner Nick Lypps asked why the applicants can not wait for the EPA study and approval of the Town's site. Garland explained the Town does not have adequate ice for the skaters at this time; they have an approximate 45-day season; waiting will put the skaters at a disadvantage when competing with skaters that have ice year round.

Commissioner Richard Karas noted the original Larkspur Sketch Plan approval has been cited in some of the letters in opposition, which stated the hockey rink was no longer part of the application. Garland acknowledged the Sketch Plan approval, but added there was an approval for a recreation facility, which included three tennis courts and an indoor swimming pool. He is now asking to build a hockey rink and gravity center instead of the recreation facility.

The commissioners asked Director of Planning Joanne Williams if the \$1 million Garland had offered to Town for their hockey rink was a condition of the original approval. She explained that the donation could not be required as a condition of approval; it could have been interpreted as a condition by the public, but it was neither a condition nor a finding.

Business owner in Mt. Crested Butte Chris Osmundson said he in favor of the Larkspur hockey rink. He explained there are 440 participants in the upper valley hockey program. Year round indoor ice would be a great asset, allowing the skaters to increase their skills for longer than the present 45-day season. He pointed out that hockey tournaments can be good economic engines. He expressed his frustration with delay with the Town, reiterating the issue of the wetlands.

Resident of Crested Butte Nancy Taaca said she would love to see the rink happen for her children. She expressed her frustration with the amount of money and time the Town has spent, and will they will have to spend more time and money, before any ice rink is built. She asked the commissioners to support this application.

Owner in the Larkspur subdivision Norman Patton was not in favor of the project. He questioned who would run the rink if the Academy can not. He was concerned with the hours of operation and the increased traffic.

Owners in the Larkspur subdivision Mandy and Rusty Weir asked if the Larkspur subdivision design guidelines will be followed. She asked if there would be a paved or gravel parking lot. How will they finance the maintenance of the facility? She said if the rink is designed to HOA standards she could agree to a rink.

Resident of Crested Butte Sara Hayes said the kids need a rink now.

Owner in the Larkspur subdivision Todd Carroll said he purchased his lot with the knowledge that there would be a recreation center. He said the rink is needed now; give the kids a chance to excel at hockey. The rink should be in the town, but he does not have faith that the rink will ever built in the town. He pointed out that the parking and traffic studies have been done. The lights and the noise will be contained in the building.

Resident of Crested Butte South Keith Wohlers agreed waiting for the town to build a rink is very frustrating. He asked the commissioners to give the kids a chance to compete, approving the Larkspur rink.

Resident of Crested Butte Steve Mayberry was in support of the hockey rink.

Garland responded to some of the issues. He agreed a hockey facility is a great economic engine; camps and tournaments can fill in shoulder seasons. He said the Town of Crested Butte can still move forward on their rink. He confirmed the Academy will finance the maintenance of the Larkspur facility. He added that any lighting and noise will be contained indoors; no lights in the parking lot. The lights on the outside of the structure will be downcast and minimal in number. The hours for the original recreation facility were approved to be 6 A.M. to 11 P.M., but the specific hours of the hockey rink have not yet been determined. The parking lot will eventually be paved; but it will be graveled first. The roof pitch will not comply with the HOA guidelines. The facility will be a square box with a fairly flat roof, the exterior building

will be gray and slate colored metal. There will be no public employees; it will be staffed by employees of the Academy. The tournament parking should be adequate, additional cars could be parked at the adjacent tennis courts.

Lypps asked if the HOA would ever be responsible for the facility; Garland responded the HOA will never be responsible for the maintenance of the facility. Commissioner Ramon Reed requested a copy of the acknowledgement.

Billick suggested Garland explore the energy program, which is run by the Governor's office. The program encourages "green" building with loans given to the builder. Garland agreed to look into the program.

Nancy Tacca noted any location suggested could be disputed. She added it is important to realize Garland is living up to his commitment, by providing an indoor hockey rink.

Norman Patton agreed a hockey rink is needed but he is worried and said it should follow the subdivision design guidelines.

Billick suggested the hours of operation be defined; Garland agreed to consider the specific hours of operations.

Reed said the hours of operation could act as a mitigation tool for impacts to the neighborhood. He pointed out that special events should be defined and planned for.

Lypps reiterated his concern the facility would actually be for public use.

Sara Hayes said the outdoor town rink and the Crested Butte South outdoor rink will still be used.

Williams noted the letter from Skyland resident, Carolyn Riemer, stated she was concerned the public hearing was being held during their spring break.

Billick outlined some of the outstanding issues as:

- Staff to provide the commissioners with the standards for review
- Applicant to define the specifics of special events- hours, traffic, etc.
- Define the specific hours of both daily operations and tournaments
- Address the HOA design guidelines in reference to the new facility and parking lot
- Traffic discussion
- Does the parking meet the LUR standards
- Do the setbacks meet the LUR standards
- Possible issues with regard to financial security
- Provide information on drainage
- Provide information on snow storage

Billick continued the public hearing to May 2, 2008 at 9:00 A.M.

ROPER SUBDIVISION: The Planning Commission conducted a work session with applicants Albert and Angela Roper. They discussed the Ropers' request for the subdivision of single-family residential lots, 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.

Angela Roper submitted a site plan, which included building envelopes; illustrating that all the proposed uses could be contained on the proposed lots.

Commissioner David Owen asked if the remaining ranch would have a residence on it; Roper replied they will not rule out a residence on the remainder parcel.

The commission reviewed the recently recorded Board of County Commissioners approval for the road and bridge waiver of standards given to the Ropers. Starkebaum noted the Ropers are required to notify all the owners in the area, in writing, citing the bridge weight limitations. Ropers will also have to complete and record a deed restriction.

Commissioner Ramon Reed asked if Public Works had submitted comments concerning the additional traffic volume; at what point does the traffic on that road require more than the 16 ft. wide road. Assistant Planning Director Neal Starkebaum explained Public Works had taken the traffic volume into consideration during their review.

The commissioners reviewed the most recent site plan. Commissioner Richard Karas asked if there is room for a horse corral on each of the lots; Roper replied there is adequate area for the corral, adding if the houses are smaller the corrals can be larger.

Lypps asked if the manure area was also the corral area. Roper explained the manure area is 150 ft from the well. Lypps asked how many horses would be allowed; Roper said they are not going to specify a number of horses. Starkebaum pointed out the LUR does not define the numbers of livestock allowed. Chairperson Ian Billick pointed out the stubble height standard which is generally used will not work in this sage brush area. He asked if the LUR standards that are in place could be called out in the decision; Starkebaum agreed.

Billick asked if the utility easements had been worked out. Starkebaum explained the utility easements are in the road and will not go through one lot to another.

Owen asked about the manure area on lot three. Roper explained the new owner will have to configure the lot appropriately if they wish to have horses on the lot. Starkebaum pointed out the well could actually be placed in the road easements.

Commissioner Nick Lypps asked what type of wells the lots would have; Roper replied they would each have one household well.

Billick queried the commissioners; for their opinions- approval or denial, or concerns.

- Reed- approval
- Lypps-approval
- Billick- with the site plan submitted he can support an approval
- Lumb-approval
- Messner-approval
- Owen- abstained
- Karas- approval
- Reed- still concerned with lot sizes in relation to the adjacent lot sizes

The commissioners directed staff to draft a recommendation of approval for the next meeting. They specified the recommendation should specifically address any further subdivisions, articulate any LUR restrictions on livestock, and note that all four lots- including the remainder ranch lot were taken into consideration, when determining the locational standards.

HARD ROCK PAVING & REDI MIX / ASPHALT BATCH PLANT; The Planning Commission conducted a work session with Hard Rock Paving representative John Paul Ary, Land Use consultants Dan Osburn and Denise Gonzales. They reviewed the request to add a portable asphalt batch plant to the existing Hollenbeck Pit, located approximately 6 miles east of the City of Gunnison, ½ mile south of Highway 50, off of County Road #42.

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

Assistant Director of Planning Neal Starkebaum explained this application is a minor impact review; there is a site visit scheduled, May 9, 2008. The public hearing will be scheduled at the discretion of the commission.

Ary said Hard Rock Paving is a family operation with facilities throughout the state; primarily doing highway work. They have been awarded the highway overlay project between Gunnison and Crested Butte. It will begin in June and be completed in September. They have done private projects in Gunnison County in the past. There has been an asphalt plant at the Hollenbeck site on and off for many years. He explained there had been at least four operators at the pit over the years, but the permit runs with the pit not the operator. The state permit is current and valid. Starkebaum said local approval involves a non-conforming use; it is a legitimate and existing use. There has never been a specific approval of an asphalt batch plant; they are now asking for a land use permit. The asphalt plant will be permitted by state. The asphalt will be used for their highway work in the area, and maintenance work. The asphalt plant could run steadily for six to eight weeks and be dormant for a while; not operating during the cold months.

Ary explained the plant will have reserve fuel; enough to run for a day. The tanks will contain asphalt oil and burner fuel. There is containment on site and permits for containment. They are working with the fire district for a spill permit; he will not be able to operate until there is a spill permit in place.

Commissioner Ramon Reed asked in what areas the county is preempted; air pollution or spill protection. Starkebaum confirmed there is a lot of state oversight.

Commissioner Richard Karas explained one of the standards is, "no significant adverse impact." Karas requested guidance from the County Attorney regarding preemption. Staff will contact legal counsel concerning this standard.

Ary said there are additives that actually mitigate some of the odors; but if run properly they should not be necessary.

Osburn explained this is a 16-acre permit. The existing disturbed area is approximately two acres, and it will be used for the asphalt plant. The site was chosen because it is naturally screened on three sides. The plant would only be visible from Highway 50 for several seconds, as one drives by. The winds are predominately from west to east; the topography and the direction of prevailing winds make this the appropriate location. The Hollenbeck conservation easement exempts the gravel pit site.

Osburn said the site will include an asphalt plant, fuel tanks, sand and gravel piles, and a scale. There will be two access points. The aggregate will not be mined on the property; it will be brought to the site. It will all fit within the two acre impact boundary.

Reed asked what the capacity of the plant is; Ary reported the maximum would be 250 tons per hour; 90% of the time in this type of community it is 80 to 90 tons per hour. The typical truck will haul 25 tons, with 10 trucks per hour maximum.

Commissioner Nick Lypps asked if they have contacted Public Works and CDOT; Ary replied typically CDOT does not get involved, although they may choose to. Reed noted slow trucks pulling out on to the highway as a safety issue, suggesting education for the drivers.

Commissioner John Messner asked about the trucking route; Starkebaum said they use the existing county road and the state highway.

Karas requested a list of chemicals to be used on site, and the MSDS sheets.

Reed questioned how the dust is contained on the sand and gravel stockpiles; Ary reported the only thing that works is water until there is crust on the pile. Ary explained a company representative will be working directly with the county reporting complaints and actions taken. Reed asked if there is a current reclamation permit; Osburn confirmed the bond has been submitted by Hollenbeck; the permit was included in the application.

Starkebaum said Sage-Grouse coordinator Jim Cochran has been to the site. Jim Cochran noted his concerns where off site impacts; as long as the pit is in a low lying area any impacts could be mitigated. He recommended limitation of activity during the leking period, March 15th to May 15th. There would be no explosives allowed during this period. There will be no pets allowed on site. He said this is in one of the better locations between Long Gulch and Chance Gulch, if they change locations they will have to address the Sage-Grouse issues again. The CDOW will also review this site. The applicants indicated that they had no problems with Cochran's recommendations.

Neighbor in the area Jerry Burgess lives within a mile of the proposed plant, he asked the applicant and commission to consider the impacts to the neighbors.

Neighbor in the area Bill Chambliss said the map presented does not show all the houses in the area, including a lot less than 1,500 ft. from the pit.

Billick flagged additional questions to be addressed at the next meeting:

- How many people will be on site?
- Spill plan
- Odor mitigation
- Traffic issues- slow trucks pulling out on the state highway
- Comments from public works and CDOT
- Need basis of trip estimates

- List of chemicals & MSDS sheets
- Clear vicinity map showing the adjacent owners
- Enforcement and how it will work
- Review the LUR standards for review
- Verification from legal counsel- on the issue of preemption
- Drainage information
- Lighting at night described

There will be a site visit held May 9, 2008.

CEMENT CREEK MANAGEMENT LLC; The Planning Commission conducted a work session with applicants' representative Charlie Zieter and applicants attorney Richard Bratton. They discussed a request for a fourplex in Crested Butte South, Lots 9 and 10, Block 2, Filing 1.

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

Pagano said the cost estimates were submitted and approved by public works. She said that Crested Butte South Property Owners Association had submitted a letter, stating that the applicants received an extension of their approval and they POA accepted the applicants' master plan, as submitted.

Billick questioned why the submittals had taken so long; Bratton said it had been very hard to maintain continuity.

The commissioners reviewed the draft decision.

MOVED: by Lypps seconded by Reed to approve LUC-2006-33 as amended. The motion passed with a vote of four to one: Billick voting no, and Lypps, Karas, Owen and Reed voting yes. Billick noted his concern that the applicants had missed the six month deadline for additional submittals.

PROJECT DESCRIPTION:

Cement Creek Management LLC has submitted an application for a four-unit residential complex. The applicant proposes each of the units to be approximately 1,830 square feet with an attached garage of approximately 552 square feet. The proposed fourplex will become part of the Cement Creek Condominium Association. The proposed improvements are identified on the site plan dated September 6, 2007.

The parcel on which the Land Use Change is proposed is south of the Town of Crested Butte in Crested Butte South subdivision. The parcel is legally described as Lot 2, Block 3, Crested Butte South, Filing 1. Access will be from Elcho Avenue. The site is vacant land in Crested Butte South.

The subject parcel is adjacent to the Waterfall Creek Building which is part of Cement Creek Condominium Association (CCCA). CCCA is the umbrella association for the East River Building, the Italian Creek Building and the Waterfall Building located on Lots 3, 4, 5, Block 3, Crested Butte South, Filing 1. There are nine units in the East River Building, two units in the Italian Creek Building and fourteen units in the Waterfall Creek Building. Other adjacent uses include a single-family residence, triplexes, and vacant land. Additionally, Cement Creek Management LLC owns Lots 9 and 10, Block 2, Crested Butte South, Filing 1 and Lots 15 and 16, Block 2, Crested Butte South, Filing 1.

Access is via Elcho Avenue. Currently Elcho Avenue is one-way with traffic being directed from Teocalli Avenue to Cascadilla and around the southwest side of the Cement Creek Condominiums via a private road. The applicant has agreed to widen Elcho Avenue to 24 feet and make it a two-way street with no parking allowed on Elcho Avenue.

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:

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

- *Site Plan, Crested Butte South, First Filing, Block 3, Lot 2*, prepared by Szalankiewicz Services dated November 29, 2005.
- *Landscaping Plan, Crested Butte South, First Filing, Block 3, Lot 2*, prepared by Szalankiewicz Services, date issued, October 10, 2001, received by the Planning Department March 20, 2008

- *Cost Estimate*, stamped by Colorado-licensed engineer, Jerry Greene and dated January 18, 2008; bids from Paving and Pavement Maintenance Services, dba PMS, dated January 3, 2008 and S.C. Warren Construction Company, dated December 12, 2007

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss Cement Creek Management LLC on the following dates:

- August 18, 2006 Work Session
- October 20, 2006 Site Visit
- November 3, 2006 Work Session
- January 26, 2007 Work Session
- March 2, 2007 Joint Public Hearing
- April 20, 2007 Continued Joint Public Hearing
- June 1, 2007 Continued Joint Public Hearing
- April 18, 2008 Work Session

ONSITE VISIT:

The Planning Commission conducted a site visit on October 20, 2006.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on March 2, 2007 and was continued on April 20, 2007 and June 1, 2007.

Public comments included the following:

- Dan Ewert, condominium owner in Italian Creek Building, asked who would pay for the road expansion and expressed concern that his HOA fees have increased substantially. Ewert also said that a master plan for Cement Creek Management LLC should be completed and approved prior to land use change approval.
- Suzy Coykendall, condominium owner in Waterfall Creek Building said that members of the condominium association have had very little input with the HOA. She also expressed concern about the high cost of HOA fees and maintenance fees.
- Lynn Ewert and Alex Ewert said the management does not respond to their concerns as homeowners.
- Clay Jutte, nearby property owner, stated that a master plan is necessary and road easement is essential.

Letters were also received from David Powell; Dr. Herman and Robin Gerhardt; Dan Ewert; Peggy and Kyle Pentecost; Susan Coykendall; Karen and Ray Fontenot; and Sara Wynes.

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

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

Applicable, the proposed fourplex is in the existing population center of Crested Butte South and complies with this section.

Section 10-103: *Residential Density.*

Applicable, the applicant is required to comply with this section. The applicant is not required to provide open space. Uses surrounding the subject parcel include multi-family and single-family residences. Lot size and density are substantially similar to adjacent parcels. Adjacent density ranges from a single-family residence on a 0.30 acre lot to approximately 4.5 units per 0.30 acres (Waterfall Creek Condominiums).

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

The site is not located within the floodplain.

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

The site is not located within areas subject to geologic hazards.

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

The proposed development is not within a severe (high/extreme) wildfire hazard area. The proposed development is located within the Crested Butte Fire Protection District (CBFPD). A letter dated January 11, 2007 from Scott Wimmer and Ric Ems states, "On January 11, 2007 we met on site with Allen Moores of the Public Works Department and the proponent, Craig Brandon. After discussing the proposal we do not have any issues with the Land Use Change as submitted."

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

The Colorado Division of Wildlife was sent a copy of the application on August 16, 2006 and no comments have been received from the DOW.

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

The site is not within 125 feet of a water body or mudflow, and this section does not apply.

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

The site is not located on a ridgeline.

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

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

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

The site is not located beyond snowplowed access.

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

The site is not located on a National Wilderness inholding.

Section 11-112: *Development On Property Above Timberline.*

This site is not located above timberline.

Section 12-103: *Road System.*

Applicable, access is via Elcho Avenue. Currently Elcho Avenue is one-way with traffic being directed from Teocalli Avenue to Cascadilla and around the southwest side of the Cement Creek Condominiums via a private road. The applicant has agreed to widen Elcho Avenue to 24 feet and make it a two-way street with no parking allowed on Elcho Avenue.

Section 12-104: *Public Trails.*

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

Section 12-105: *Water Supply.*

The proposed fourplex will be served by Crested Butte South Metropolitan District.

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

Sewage Treatment will be provided by Crested Butte South Metropolitan District. In a letter dated May 5, 2006 from Jack Dietrich of the Metro District, he stated, "The Crested Butte South Metropolitan District will move the water main located on Block 3, Lot 2 at the owners expense with the estimated cost of construction to be paid to the District before construction begins. This work will be done so a fourplex can be constructed on this lot."

Section 12-107: *Fire Protection.*

The proposed development is not within a severe (high/extreme) wildfire hazard area. The proposed development is located within the Crested Butte Fire Protection District (CBFPD). A letter dated January 11, 2007 from Scott Wimmer and Ric Ems states, "On January 11, 2007 we met on site with Allen Moores of the Public Works Department and the proponent, Craig Brandon. After discussing the proposal we do not have any issues with the Land Use Change as submitted."

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The applicant has completed a lot cluster agreement through Crested Butte South Property Owners Association to combine Lots 2, 3, 4 and 5, Block 3, Crested Butte South Filing 1. The lot cluster eliminates the property line between Lots 2 and 3 thereby enabling the applicant to meet all setback requirements. The lot cluster has not been recorded with the Gunnison County Clerk and Recorder's Office and shall be recorded prior to final approval by the Gunnison County Board of Commissioners. A site plan titled "Cement Creek Condominiums" and dated November 28, 2006 meets the site plan criteria.

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

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

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

All requirements of this Section apply and the proposed improvements comply with this Section. The applicants propose that each unit of the fourplex will be 1,830 square feet of living space with a 552 square foot garage.

Section 13-106: Energy and Resource Conservation.

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

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

This section applies.

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

This section does not apply.

Section 13-109: *Signs.*

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

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

The number of parking spaces complies with **Tables 5-11 and 5-12** of this section. Each unit is required to have two parking space; the applicants have proposed a two-car garage per unit and one outdoor parking space per unit.

Section 13-111: *Landscaping And Buffering.*

A landscaping plan is required for this application and was submitted on March 18, 2008, prepared by Szalankiewicz Services.

Section 13-112: *Snow storage.*

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

Section 13-113: *Fencing*

This section does not apply.

Section 13-114: *Exterior Lighting.*

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

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

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

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

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

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

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

Section 13-118: *Water Impoundments.*

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

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

Not applicable, this project is not adjacent to an agricultural operation.

FINDINGS:

The Commission finds that:

1. This project, by definition, is classified as a Minor Impact.
2. The proposed lot sizes are similar and compatible to other lots within the area.
3. The applicant has clustered the lots through the Crested Butte South Metropolitan District but has not recorded the cluster agreement with the Gunnison County Clerk and Recorder's Office.

4. The applicants have received approval and an extension of approval from the Crested Butte South Property Owners Association, as noted in a letter from Christian Behan, Association Manager, dated July 19, 2007.
5. The applicants have pursued and supplied a master plan to Crested Butte South Property Owners Association.
6. The applicants have agreed to widen Elcho Avenue to 24 feet in width with no parking permitted on Elcho Avenue.
7. This application is generally consistent with the standards and requirements of this *Resolution*.
8. No phases are proposed for this development.
9. Approval is limited to the plan described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the former *Land Use Resolution*.
10. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC No. 2006-33 be classified as a Minor Impact, and be approved with the following conditions:

1. The applicant shall record the Cluster Declaration dated May 25, 2006 with the Gunnison County Clerk and Recorder prior to approval by the Gunnison County Board of Commissioners.
2. The applicant shall complete a Development Improvements Agreement with the Gunnison County Attorney prior to recordation of the Minor Impact Certificate addressing the infrastructure improvements defined in the following plans:
 - *Site Plan, Crested Butte South, First Filing, Block 3, Lot 2*, prepared by Szalankiewicz Services dated November 29, 2005.
 - *Cost Estimate*, stamped by Colorado-licensed engineer, Jerry Greene and dated January 18, 2008; bids from Paving and Pavement Maintenance Services, dba PMS, dated January 3, 2008 and S.C. Warren Construction Company, dated December 12, 2007
3. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent of improvements; such costs as detailed by the applicant's engineer, Jerry Greene, P.E. and that said surety be retained by the County until each improvement has been installed, inspected and signed by the engineer of record, and such documentation is provided to the County.
4. The applicant shall widen Elcho Avenue to 24 feet in width and no parking shall be
5. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
8. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

9. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

GLATIOITS SUBDIVISION: The Planning Commission conducted a work session with applicants Pete and Jeannie Glatiotis. They reviewed his request for a six lot subdivision, north of the City of Gunnison on County Rd 13.

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

Reed reported he had a brief ex parte' discussion, with City of Gunnison Chairman of Planning and Zoning Diane Lothimer regarding the City's' comments, outside of the meeting.

Planner Cathie Pagano described the process as major impact subdivision. The applicant has requested a lowering of the impact; based upon criteria outlined in the LUR, which includes density, and water.

Pete Glatiotis explained the total lot size is 3.168, which will be subdivided into six single family lots, each approximately .5 acres. They have applied for a waiver of road standards. The property is immediately north of the City of Gunnison. They will tie on to the north sewer extension; each lot will have a household well, and they will purchase augmentation water through UGWCD. The lots will be served by natural gas.

Commissioner Nick Lypps noted compatibility with the surrounding lots is always considered. Glatiotis explained the larger lots surrounding the proposed lots were larger because there was no central sewer when these lots were subdivided.

Chairman Ian Billick asked the applicant to amend the covenants to state, any changes to the covenants must be approved by the county, instead of shall be approved.

Commissioner Richard Karas asked the applicants to consider prohibiting outdoor cats. Glatiotis agreed to consider it.

Commissioner John Messner asked if there are irrigation ditches running through the parcel. Glatiotis said there are several branches of the Whipp Ditch in the front of the property and a ditch at the back of the parcel.

Lypps asked how far they are from City water. Glatiotis said that they are currently approximately .5 miles from City water; still too far to bring it to the property. He agreed to amend the covenants; requiring owners to tap in if the central water line is within 600 ft. of the lot.

The commissioners discussed the applicants' request for lowering the impact classification from major to minor impact. Reed pointed out major impact requires open space, minor impact does not. The current application does not include open space. Messner said he was concerned with setting a precedent in this area; at some point there will have to be some open space considerations. Karas noted the adjacent 650 acre Van Tuyl Ranch is all open space. Karas said potentially there could be an issue involving continuity with the City's road grid.

Billick queried the commissioners for their opinions concerning the lowering of the impact classification:

- Owen-remain major impact
- Messner- leaning towards minor impact
- Karas- wants feed back from the City and from the public
- Reed- agreed with Karas – concerned with precedent- leaning toward major impact
- Billick- leaning towards major
- Lypps- needs more information
- Lumb- leaning towards major

Billick noted issues of concern as:

- City of Gunnison comments- specifically addressing major vs. minor addressing & the precedent issue
- Ditch setbacks
- Covenants to include tapping into City water line if it is brought to the property
- Consider not allowing outside cats

A site visit will be conducted, May 9, 2008.

CITY OF GUNNISON/ TRAILS: The Planning Commission conducted a work session with applicants' representative Steve Westbay. They discussed the 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.

Billick queried the commissioners for their opinions concerning lowering the impact classification from minor impact to administrative review. He noted it was unclear if any of the standards the commission can review will be benefited by a public hearing; they included the review of flood hazards, protection of wildlife habitat, and noxious weeds. He said that it seemed none of these issues benefited by review of the commission and a public hearing. The commission discussed the merits of planning commission review.

MOVED: by Karas seconded by Lypps to lower the impact of the classification from minor impact to administrative review. The motion passed unanimously.

CRESTED BUTTE SOUTH HOMEOWNERS ASSOCIATION: The Planning Commission conducted a work session with applicants representative Chris Behan. They discussed the Crested Butte South Special Area, Crested Butte South Special Area Regulations.

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

During the course of discussion Crested Butte South representative Chris Behan stated that the Cement Creek Town home application POA approval had expired. (This comment was unrelated to the current agenda item.)

The commissioners reviewed the most current draft of the Crested Butte South regulations.

Billick summarized the remaining issues as:

- Change the maximum height definition
- Drop water quality commission references
- Change the number of review board members to five
- Consider solar access criteria and encourage it- possibly including reference to ORE
- Correct references to Crested Butte South as the subdivision
- Special events permits will be addressed- add fees
- Clarify variances do not mean changes to land use
- Consider the issue of defensible space and the Crested Butte Fire District regulations

The commission will conduct a public hearing on June 20, 2008.

The regular meeting of the Gunnison County Planning Commission was adjourned at 4:45 P.M.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning