

GUNNISON COUNTY PLANNING COMMISSION
Preliminary AGENDA: Friday, December 19, 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.** **Elze Subdivision**, joint public hearing/possible action, site visit observations, request for the subdivision of one 5-acre tract from a 155-acre parcel, located on County Rd. 818 (Wiley Lane), approximately ½ mile west of the intersection of County Rd. 730 (Ohio Creek) and County Rd 818.
- 10:00 a.m.** **Barkman Subdivision**, joint public hearing/possible action, site visit observations, request for the subdivision of a 19-acre parcel into two lots, one 18-acre parcel and one 1-acre parcel, located north of the City of Gunnison at 900 County Road 13 (Slaughterhouse Rd).
- 10:50 a.m.** Break
- 11:00 a.m.** **Michalek Subdivision**, work session/possible action, request for subdivision of 3.18-acres into 2 single-family lots, located approx. 6 miles north of the City of Gunnison, east of the Gunnison River
- Noon** Lunch
- 1:30 p.m.** **Shook Subdivision**, direction from Planning Commission/possible action, notice to applicant; subject to *Section 3-105: Withdrawn and Inactive Applications.*
- 1:45 p.m.** **Planning Commission**, work session/no action, review of the *Planning Commission Organization and Procedural Guidelines*
- Adjourn**

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
December 19, 2008

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

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

Others present as listed in text

Absent- Commissioner Sam Lumb

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

ELZE SUBDIVISION: The Planning Commission and Board of County Commissioners (BOCC) conducted a joint public hearing with applicant Connie Elze. The Planning commissioners placed their site visit observations on the record. They continued and reviewed the applicant's request for the subdivision of a 155-acre parcel, located on County Rd. 818 (Wiley Lane), approximately 1/2 mile west of the intersection of County Rd. 730 (Ohio Creek) and County Rd 818. BOCC members Hap Channell and Paula Swenson attended the joint public hearing.

Site Observations:

- Lypps- there is a ditch running at a diagonal through the five-acre parcel
- Karas- it is on flat ground- there are no topographic features of concern and it is a straight forward layout
- Owen-there are willows on the opposite side of ditch which could suggest wetlands
- Reed-there was nothing remarkable or out of the ordinary

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

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

Elze explained the ranch is under a conservation easement, but they do have permission to subdivide a five-acre parcel. There is currently a double wide trailer on the five-acre parcel.

BOCC member Hap Channell asked about the building envelope; Planner Cathie Pagano explained that the conservation easement has identified the building envelope as B, on the plat.

Commissioner Richard Karas asked if there is an additional five-acre parcel that could be subdivided; Elze confirmed that they can subdivide one more five-acre parcel, although they have not requested that at this time.

Commissioner Ramon Reed asked if the covenants refer only to the five-acre parcel; Elze confirmed the covenants apply only to the newly created parcel. Reed suggested that this issue be made clearer, within the covenants.

Billick asked if the building envelope boundaries were on the plat; Pagano explained that the building envelope will be defined by the setbacks from: the road, the ditch, and the property lines.

Billick asked if a wetlands delineation would be necessary; Pagano explained when a building or septic permit is requested the wetlands will be identified and a delineation could be required at that time.

Commissioner Nick Lypps suggested identifying a stubble height limitation of four inches.

Billick noted that the new lot will be limited to one house. Reed was concerned that the density standards could apply to this application, because the remainder parcel could have more than one residence. The commissioners discussed the density standards. Pagano explained that the existing ranch headquarters is limited to one residence, as noted in the conservation easement.

There were no members of the public present to make comments.

Billick closed the joint public hearing.

The commissioners reviewed the draft recommendation of approval.

MOVED: by Reed seconded by Karas to approve the recommendation of LUC- 2008-10, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

Constance and Richard Elze have submitted an application to subdivide a 5-acre parcel from a larger 179.85-acre tract. The proposed lot is currently served by an individual well and individual sewage disposal system. There is also an existing single-family residence on the proposed parcel. The applicants own property on which a conservation easement has been executed on the entire 179.85-acre tract that is held by Colorado Open Lands, the easement is recorded at Reception No. 536700 in the office of the Gunnison County Clerk and Recorder. The easement does provide an allowance for the subdivision of one five acre parcel on the 179.85-acre tract and a letter of approval for the subject project was received from Mo Ewing of Colorado Open Lands dated November 14, 2008. The applicants have also proposed protective covenants for the 5-acre parcel.

The parcel on which the Land Use Change is proposed is north of the City of Gunnison at 441 County Road 818 (Wiley Lane). The parcel is legally described as 184.85 acres in the S2NE4, NW4, lying west of County Road 730, Section 2, Township 50 North, Range 1 West, N.M.P.M.

The parcel is located in a flat meadow area. Adjacent parcel sizes range from 1.93 acres to 51.43 acres.

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Elze application on the following dates:

- November 21, 2008 Work Session
- December 5, 2008 Site Visit
- December 19, 2008 Joint Public Hearing

ONSITE VISIT:

The Planning Commission conducted a site visit on December 5, 2008.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on December 19, 2008. No comment was received at the public hearing.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent, by certified mail and hand delivery, on November 3, 2008 to review agencies for comments. A referral was sent to the Division of Wildlife, Gunnison County Fire Marshal, Public Works, Environmental Health, City of Gunnison and the Gunnison County Trails Commission. Comments were received from the following individual agencies:

Colorado Division of Water Resources: Comments from Cynthia Love in a letter dated November 13, 2008:

We have reviewed the above reference proposal to subdivide a 155-acre parcel into two lots. One of the lots will contain the existing ranch headquarters (including a ranch house, barn and outbuildings) on 150 acres, and the other lot will contain an existing single-family dwelling. The current source of supply for the ranch headquarters was not specified. Domestic water for the five-acre lot is to be provided by an existing on-lot well (Permit No. 198192). Sewage disposal will be provided through individual systems. Water use estimates were not provided.

Permit No. 198192 is valid per CRS 37-92-602(3)(d)(II) for use in up to three single-family dwellings, the irrigation of not more than one acre of home gardens and lawns and the watering of domestic animals. The submittal indicated that several surface water rights are associated with the subject property, but the domestic supply source was not identified. The applicant should provide this information for all lots in the proposed subdivision in accordance with CRS 30-28-133(3)(d).

A well test completed on November 5, 1996 indicates that the existing well produced 4 gallons per minute over a two-hour period. With sufficient storage capacity this well should provide an adequate supply for the proposed use on the five-acre lot.

Since insufficient information was provided, we cannot comment on the potential for injury to decreed water rights or the adequacy of the proposed water supply under the provisions of CRS 30-28-136(1)(h)(I).

Gunnison County Sage-grouse Coordinator: Comments from Jim Cochran, in a letter dated November 11, 2008:

The parcel owner is applying for a Minor Impact Project, Land Use Change to subdivide approximately 5 acres from the existing parcel of approximately 155 acres. Section 11-106.F.3. of the Gunnison County Land Use Resolution requires a Gunnison Sage-grouse Pre-application Conference for any Minor or Major Impact project located wholly or partially on a parcel within Gunnison Sage-grouse occupied habitat. An on-site assessment was conducted November 11, 2008.

The proposed activity is not within 0.6 miles of a mapped Gunnison Sage-grouse lek. It is within mapped Gunnison Sage-grouse occupied habitat.

This parcel is primarily irrigated hay meadow bounded by Ohio Creek to the east, CR 818 to the south and hay meadow to the west and north and CR 730 to the west and north. The parcel is part of the Ochs Ranch Conservation Easement.

The area proposed for subdivision is separated from actual sage-grouse habitat by almost ¼ mile of hay meadow to the west and Ohio Creek and CR 730 to the east. It is outside of sage-grouse habitat as defined by the Gunnison Sage-grouse Rangewide Conservation Plan (CDOW 2005). The parcel does not include any "Special Resource Areas" with Gunnison Sage-grouse values as defined in the Ochs Ranch Conservation Easement.

Informed by information available to me, in consultation with the Colorado Division of Wildlife (CDOW), I find that the proposed subdivision will not impact Gunnison Sage-grouse.

Because there are Gunnison Sage-grouse in this immediate area, the following requirements will be applied as conditions of all Gunnison County permits issued for projects on this parcel, to protect Gunnison Sage-grouse:

- 1. That non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.*
- 2. Per Section 11-106 G.3.d.1. of the Gunnison County Land Use Resolution, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.*

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

Section 10-102: Locational Standards for Residential Development.

Not applicable, the applicants are not proposing more than two lots or residences.

Section 10-103: Residential Density.

Not applicable, the applicants are not proposing more than two lots or residences.

Section 11-103: *Development In Areas Subject to Flood Hazards.*
Not applicable, the subject parcel is not within the 100-year floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards.*
Not applicable, the subject parcel is not in a geological hazard area.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
The subject parcel is an area with low wildfire hazard. The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on November 3, 2008; no comments were received from the Fire District.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The Colorado Division of Wildlife was sent a copy of the application on September 9, 2008 no comments have been received. Comments from the Sage-grouse coordinator have been noted above.

Section 11-107: *Protection of Water Quality.*
Not applicable, the site is not within 125 feet of a water body or mudflow.

Section 11-108: *Standards For Development On Ridgelines.*
The site is not located on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*
The site is adjacent to agricultural land. Development roads must meet adequate setbacks from property boundaries so that maintenance of roads does not damage boundary fences, and dust control will be required to minimize impacts to agricultural operations. Protective covenants or deed restrictions are required along with language on final plat regarding confinement of domestic animals, "fence-out" requirements, and irrigation ditch maintenance.

Section 11-110: *Development Of Land Beyond Snowplowed Access.*
Not applicable, the site is not located beyond snowplowed access.

Section 11-111: *Development On Inholdings In The National Wilderness.*
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: *Development On Property Above Timberline.*
Not applicable, the site is not located above timberline.

Section 12-103: *Road System.*
Applicable, there is an existing driveway that was permitted by the Public Works Department on June 30, 2005.

Section 12-104: *Public Trails.*
There is no public trail existing or proposed on this site.

Section 12-105: *Water Supply.*
There is an existing individual well (Permit No. 198192) on the parcel. No augmentation is required for the proposed use.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
There is an existing Individual Sewage Disposal System on the subject property. A copy of the application was referred to the Environmental Health office and no comments have been received.

Section 12-107: *Fire Protection.*
The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on November 3, 2008 and no comments have been received.

Section 13-103: *General Site Plan Standards And Lot Measurements.*
The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan prepared by Connie Elze meets these requirements.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
This section applies; the proposed improvements meet the setback requirements.

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

All requirements of this Section apply.

Section 13-106: Energy and Resource Conservation.

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

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

This section applies.

Section 13-108: Open Space And Recreation Areas

This section does not apply.

Section 13-109: Signs.

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

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

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

Section 13-111: Landscaping And Buffering.

A landscaping plan is not required for this application.

Section 13-112: Snow storage.

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

Section 13-113: Fencing

This section does apply. Any new fencing shall comply with this section.

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.

Grading activities are required 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 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.

This section is applicable. The applicant shall be provided a copy the *Right to Ranch Policy* and the *Code of the West*.

FINDINGS:

The Commission finds that:

1. This project, by definition, is classified as a Minor Impact.
2. There are existing improvements on the subject parcel that include, but are not limited to, a single-family residence, individual sewage disposal system and individual well.
3. The subject parcel is in occupied Sage-grouse habitat.

4. There is a conservation easement (Reception No. 536700) on the entire 179.85-acre tract. This subdivision is permitted by the terms of the easement.
5. The conservation easement limits the remainder parcel (174.85 acres) which is larger than 35 acres, to the use of one single-family residence.
6. This application is consistent with the standards and requirements of this *Resolution*.
7. 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. 2008-10 be classified as a Minor Impact, and be approved with the following conditions:

1. That non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.
2. Per Section 11-106 G.3.d.1. of the Gunnison County Land Use Resolution, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
3. 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*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. 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.
6. 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.
7. 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.

BARKMAN SUBDIVISION: The Planning Commission and Board of County Commissioners (BOCC) conducted a joint public hearing with applicant Becky Barkman. The Planning Commissioners placed their site visit observations on the record. They continued and reviewed the applicants request for the subdivision of a 19-acre parcel into two lots, one 18-acre parcel and one 1-acre parcel, located north of the City of Gunnison at 900 County Road 13 (Slaughterhouse Rd). BOCC member Hap Channell attended the meeting.

Commissioner John Messner arrived at the meeting at 10:00 A.M.

Commissioner Richard Karas said he was present at the City of Gunnison meeting when Barkman's Subdivision was discussed.

Site Observations:

- Lypps- flat straight forward application
- Karas- there is a raised portion on the smaller parcel, which reduce effects of the high water table and surface water
- Reed- echoed Karas' observations

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

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

Barkman presented her application. She is proposing subdividing a one-acre lot, from her 19-acre parcel. She explained there will be a shared driveway. The new parcel will be limited to one residence. The aggregate sq. ft. of all the buildings will be limited to 2,000 sq. ft. There will not be an access from County Road 14, at this time.

BOCC member Hap Channel asked about the remainder 18-acre parcel, which is restricted to five-acre parcels. Billick said that the request is only for one parcel. Pagano explained that four or less parcels are defined as a minor impact.

Commissioner David Owen asked why the proposed parcel is only one-acre; Barkman does not want to subdivide any more at this time. The covenants state no further subdivision is allowed unless the covenants are amended. Billick explained that any further subdivision will be required to go through the county process, for subdivision.

Community Development Director Steve Westbay was present. He said the City's primary concern is the access on County Road 14. The City has grave concerns with the possibility of additional driveway accesses on to County Road 14. Public Works representative Alan Moores has said if a request meets County standards a driveway access would be granted. The City's concern is the operations and security of the Van Tuyl Ranch. He added that having a quasi public access on to the ranch is something the City will have to discuss with Barkman. Channell noted this concern has no implication in this application. Westbay said the City had recently received a resource management plan grant, for the Van Tuyl Ranch; the City wants to control the access points to the ranch.

Channell suggested that the City and County work on the traffic and expansion issues sooner rather than later.

Commissioner Richard Karas requested that Westbay resubmit the City documentation which modeled potential density in the area. Commissioner Ramon Reed would like a presentation which includes the City's intentions with the development of the ranch.

Billick explained that this project will not approach the threshold of traffic allowed. Lypps said that in the future the City and County must address traffic impacts.

Barkman noted that she had been contacted by Westbay; he said they would possibly oppose the subdivision, unless hes agreed to cede her half of the City's proposed County Road 14 roadway. She felt threatened by the City's comments. Billick explained the commissioners will determine the viability of the application based upon the standards of the *Gunnison County Land Use Resolution (LUR.)*

There were no members of the public present.

Billick closed the public hearing.

The commissioners reviewed the draft recommendation of approval.

MOVED: by Karas seconded by Lypps to approve the recommendation of LUC- 2008-55, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

Becky Barkman has submitted an application to subdivide a 19.81-acre parcel into lots, Lot 1 is to be 18.81 acres and Lot 2 is to be one acre. There is an existing single-family residence, several outbuildings, an individual well and individual sewage disposal system on Lot 1; Lot 2 is vacant. Building envelopes have been identified for both lots. Draft Protective Covenants have also been submitted. The proposed covenants will only encumber Lot 2 until such time that Becky

Barkman conveys Lot 1, at which time Lot 1 will also be encumbered by the proposed covenants. Lot 2 is to be served by an individual well and the North Gunnison Central Sewer Line extension.

The parcel on which the Land Use Change is proposed is north of the City of Gunnison at 900 County Road 13 (Slaughterhouse). The parcel is legally described as 19.81 acres in the E2SE4NE4, Section 26, Township 50 North, Range 1 West, N.M.P.M. The parcel is located in a flat meadow area. Adjacent parcel sizes range from 4.03 acres to 381.56 acres.

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Barkman application on the following dates:

- November 21, 2008 Work Session
- December 5, 2008 Site Visit
- December 19, 2008 Joint Public Hearing

ONSITE VISIT:

The Planning Commission conducted a site visit on December 5, 2008.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on December 19, 2008. Steve Westbay, Community Development Director for the City of Gunnison was present to comment on the City's letter regarding the application.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent, by certified mail and hand delivery, on November 3, 2008 to review agencies for comments. A referral was sent to the Division of Wildlife, Gunnison County Fire Marshal, Public Works, Environmental Health, City of Gunnison and the Gunnison County Trails Commission. Comments were received from the following individual agencies:

City of Gunnison: Comments from Diane Lothamer, in a letter dated December 10, 2008:

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

The proposed subdivision is located within the Urban Growth Boundary and is classified as Rural Residential (1 unit per 5 to 35 acres). The subdivision would divide the 19.81 acre parent parcel into two lots (18.81 acres and 1 acre). The City's Master Plan projected Urban Growth Boundary designates the parcel as 1 unit per 5 acres. The one acre lot does not comply with the projected density of the Three Mile Plan.

Access is gained from Vulcan Street and County Road 13 (Slaughter House Road) then west via the existing driveway for the parent parcel. The property adjoins County Road 14 to the south (VanTuyl Ranch access). The City does not support access off County Road 14 to the Barkman Subdivision for this proposal or possible future subdivisions. Ms. Barkman may have the right to develop a driveway on County Road 14, which the Planning and Zoning Commission strongly opposes. If the right-of-way were vacated under CRS provisions, the north half would be dedicated to Ms. Barkman and the south half to the City. The City does not want to lose rights to the north half of the right-of-way. If Ms. Barkman agreed to dedicate the rights to the north half of the road to the City, the issue would be resolved.

In conjunction with the VanTuyl Village subdivision, the City dealt with the Colorado Department of Transportation regarding the Highway Access Permit for the Highway 135/County Road 13 intersection; long-term planning must address traffic demand increases, lane geometry and traffic signal requirements for this intersection. The large undeveloped land tracts north of the proposed subdivision along County Road 13 have the potential, if developed at urban residential density, to increase traffic to an unacceptable level if appropriate planning is not implemented now. At this point it is difficult to consider approval of recommendations for subdivisions in this area because traffic circulation, land use considerations, and utility service needs have not been addressed. The City and

County should work together to address potential development for the land area between County Road 13 and Highway 135.

The City is working on an application to annex the VanTuyl Ranch. City staff does not recommend the annexation of County Road 13 up to the ranch driveway. There is a possibility that the Barkman property could be annexed in the future. Annexation of this parcel would add more continuity to the City boundary and allow possible annexations to the east of County Road 13; however, more comprehensive assessment of future land use profiles in the entire geographic area north of the existing City boundary is needed.

The Barkman subdivision does not meet the City's code requirements for utilities and manufactured housing. The proposed 15 by 58 foot residence does not satisfy the minimum dwelling width of 20 feet for a manufactured home. The City has no obligation to provide any services to this proposed subdivision, other than sewage treatment as prescribed under the existing North Valley Sewer District Memorandum of Agreement.

We appreciate the opportunity to review this application. The most significant issue regarding this application is County Road 14. Please address the access concern on County Road 14 and provide City staff with details of the resolution for this issue.

Colorado Division of Water Resources: Comments from Cynthia Love in a letter dated November 13, 2008:

We have reviewed the above reference proposal to subdivide a 19.81-acre parcel into two lots, each of which will contain one single-family residence. Domestic water is to be provided by individual wells, one of which is existing (Permit No. 159197). Sewage disposal will be provided through connection to the North Gunnison Sewer District. Household water use is estimated to require 1.0 acre-foot per year, and the watering of eight horses will require 1.0 acre-foot per year, for a total demand of 2.0 acre-feet per year.

Permit No. 159197 was issued for the entire parcel pursuant to CRS 37-92-602(3)(b)(I) before the subject reach of Ohio Creek was declared over-appropriated. Pursuant to State Engineer Policy Memorandum 95-7, cumulative effect is not considered in this situation, therefore the existing exempt well does not need to be included in a court-approved plan for augmentation. Permit No. 67662-F was issued pursuant to Contract No. 08-120A from the Upper Gunnison River Water Conservancy District for the parcel that will contain the proposed single-family residence. The well permits are valid for the proposed uses and amounts.

No information was provided concerning physical adequacy of the water supply. As stated in CRS 30-28-133(3)(d), the subdivider is required to submit "Adequate evidence that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Adequate evidence may be provided in the form of a production test report for the existing well.

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply will not cause material injury to decreed water rights. However, due to a lack of information we are unable to comment on the physical adequacy of the water supply.

Gunnison County Sage-grouse Coordinator: Comments from Jim Cochran, in a letter dated November 3, 2008:

The applicant is applying for a Gunnison County Land Use Change to create a two lot subdivision, with one lot consisting of 18.81 acres and the other lot being one acre. Access to both lots is proposed to be via an existing driveway.

The proposed activity is not within 0.6 miles of a mapped Gunnison Sage-grouse lek. It is within mapped Gunnison Sage-grouse occupied habitat.

The proposed activity is adjacent to County Road 13. It is separated from actual Gunnison Sage-grouse habitat by over 50 meters of vacant land/hay meadow and the Gunnison River, to the north, west and south. Per Gunnison County Land Use Resolution (LUR) Section 11-106 C.3., these constitute "...legally created or natural physical characteristics, ...are permanent and create barriers to Gunnison Sage-grouse activity within occupied habitat or within 0.6 miles of a lek." Site specific information therefore prevails and the requirements of said Section shall not apply.

Based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not impact Gunnison Sage-grouse or their habitats beyond that which has already occurred.

Because there are Gunnison Sage-grouse in this immediate area, the following requirements will be applied as conditions of all Gunnison County permits issued for projects on this parcel, to protect Gunnison Sage-grouse:

- 1. That non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.*
- 2. Per Section 11-106 G.3.d.1. of the Gunnison County Land Use Resolution, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.*

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

Section 10-102: Locational Standards for Residential Development.

Not applicable, the applicants are not proposing more than two lots or residences.

Section 10-103: Residential Density.

Not applicable, the applicants are not proposing more than two lots or residences.

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

Not applicable, the subject parcel is not within the 100-year floodplain.

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

Not applicable, the subject parcel is not in a geological hazard area.

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

The subject parcel is an area with low wildfire hazard. The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on November 3, 2008; no comments were received from the Fire District.

Section 11-106: Protection of Wildlife Habitat Areas.

The Colorado Division of Wildlife was sent a copy of the application on September 9, 2008 no comments have been received. Comments from the Sage-grouse coordinator have been noted above.

Section 11-107: Protection of Water Quality.

Not applicable, the site is not within 125 feet of a water body or mudflow.

Section 11-108: Standards For Development On Ridgelines.

The site is not located on a ridgeline.

Section 11-109: Development That Affects Agricultural Lands.

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

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

Not applicable, the site is not located beyond snowplowed access.

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

Not applicable, the site is not located on a National Wilderness inholding.

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

Not applicable, the site is not located above timberline.

Section 12-103: *Road System.*

Applicable, a new driveway is proposed and shall obtain an Access permit from the Public Works Department and be constructed to meet applicable Road and Bridge standards.

Section 12-104: *Public Trails.*

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

Section 12-105: *Water Supply.*

There is an existing individual well (Permit No. 159197) on the proposed Lot 1. A new individual well is proposed for Lot 2. Well Permit No. 67662-F has been issued for Lot 2 with a contract for augmentation water (Contract No. 08-120A) from the Upper Gunnison River Water Conservancy District. The well permit for Lot 2 is valid for household water use and the watering of up to eight horses.

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

There is an existing Individual Sewage Disposal System on Lot 1. Lot 2 will tie onto the North Gunnison Sewer Extension line for which there is availability as noted in an email from Marlene Crosby, Director of Public Works, dated December 18, 2008.

Section 12-107: *Fire Protection.*

The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on November 3, 2008 and no comments have been received.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan prepared by All County Survey and dated October 13, 2008 meets these criteria.

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

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

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

All requirements of this Section apply.

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

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

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

This section applies.

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

This section does not apply.

Section 13-109: *Signs.*

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

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

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

Section 13-111: *Landscaping And Buffering.*

A landscaping plan is not required for this application.

Section 13-112: *Snow storage.*

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

Section 13-113: *Fencing*

This section does apply. Any new fencing shall comply with this section.

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.

Grading activities are required 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 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.

This section is applicable. The applicant shall be provided a copy the *Right to Ranch Policy* and the *Code of the West*.

FINDINGS:

The Commission finds that:

1. This project, by definition, is classified as a Minor Impact.
2. There are existing improvements on the subject parcel that include, but are not limited to, a single-family residence, outbuildings, individual sewage disposal system and individual well.
3. The applicants have proposed only one single-family residence on each lot.
4. There is an existing well (Permit No. 159197) on Lot 1.
5. A well permit has been issued for Lot 2 (Permit No. 67662-F).
6. Contract No. 08-120A has been executed with the Upper Gunnison River Water Conservancy District for augmentation water for Lot 2.
7. The subject parcel is in occupied Sage-grouse habitat. Based upon the comments from the Sage-grouse Coordinator the Commission finds that the proposed subdivision does not have negative impacts on Sage-grouse provided that conditions 1 and 2 are followed.
8. This application is consistent with the standards and requirements of this *Resolution*.
9. 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. 2008-55 be classified as a Minor Impact, and be approved with the following conditions:

1. That non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of

the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.

2. Per Section 11-106 G.3.d.1. of the Gunnison County Land Use Resolution, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

3. 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*.

4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

5. 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.

6. 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.

7. 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.

MICHALEK SUBDIVISION: The Planning Commission conducted a work session with applicant's representative Attorney Mike Dawson. They reviewed the request for subdivision of 3.18-acres into 2 single-family lots, located approx. 6 miles north of the City of Gunnison, east of the Gunnison River.

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

Dawson explained the building envelopes have been moved back to avoid the 30% slopes and for the protection of water quality. They are also proposing best management practices. Billick said this is a new lot and the applicants should have to adhere to, "to the maximum extent feasible," rather than use best management practices.

Commissioner Ramon Reed asked for clarification of the plat and the easements noted. He requested that the outbuildings which appear on the plat be physically removed. Karas suggested taking them off the plat only, and letting the owners deal with them.

Billick suggested the covenants refer to the current Gunnison County code in effect that time.

The commissioners reviewed the draft recommendation of approval.

MOVED: by Karas seconded by Reed to approve the recommendation of LUC-2008-22, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The Timothy L Michalek Family Trust has submitted an application to subdivide a 3.18 acre parcel into two parcels, each approximately 1.5 acres in size. There is an existing single family residence and shed on the proposed Lot 1; there is an existing greenhouse on the proposed Lot 2. The applicant is proposing the subdivision of the parcel and the allowance for a single-family residence and secondary residence on each lot. The proposed building envelopes are noted on a site plan dated October 10, 2008. The applicant proposes that each lot be served by an individual well and individual sewage disposal system.

The parcel on which the Land Use Change is proposed is north of the City of Gunnison in the Lost Canyon area. The parcel is legally described as 3.183 acres in the NE4SE4 Section 33, Township 51 North, Range 1 East, N.M.P.M.; the physical address is 8218 Highway 135.

The parcel is located on a mostly sage brush covered bench with slopes draining into the Gunnison River. The Gunnison River runs through the westerly portion of the property. Adjacent and nearby uses include single-family residential development and agricultural use. Adjacent residential parcel sizes range from 0.64 acres to 192 acres.

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Pelletier application on the following dates:

- June 27, 2008 Site Visit
- August 1, 2008 Work Session
- September 19, 2008 Joint Public Hearing
- December 19, 2008 Work Session

ONSITE VISIT:

The Planning Commission conducted a site visit on June 27, 2008.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on August 1, 2008. No written or verbal comment was received regarding the subject application at the hearing.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent, by certified mail and hand delivery, on June 26, 2008 to review agencies for comments. A referral was sent to the Division of Wildlife, Gunnison County Fire Marshal, Public Works, Environmental Health and the Gunnison County Trails Commission. Comments were received from the following individual agencies:

Gunnison County Environmental Health Specialist: Comments from Richard Stenson in a memorandum dated December 8, 2008:

I conducted a site inspection regarding the feasibility for ISDS on the proposed lot split on the 3.183 acres in NE4SE4 sec 33 51N1E owned by the Michalek Family Trust. During the inspection I found that it is feasible to provide a Gunnison County ISDS for the proposed one acre split.

It is noted that the locations for the proposed ISDS will require siting that will take into consideration the driveway and other improvements.

Also noted was the area for the proposed main residence. It may need to be moved to meet the Gunnison County setbacks for inner restrictive buffer.

Building permit setbacks from steep slopes, and regarding slope stability should be addressed during the application for building permits.

I understand that the applicant wants to include an additional "mother in-law unit". That unit appeared to meet the setback requirements. However, wastewater flows for the ISDS will increase substantially with the addition. It appears that, even with the increase, it is feasible to develop an ISDS on the proposed lot.

Gunnison County Sage Grouse Coordinator: Comments from Jim Cochran in a memorandum dated July 1, 2008:

I have reviewed the proposed Land Use Change Permit Application for this subdivision. The application was submitted prior to April 3, 2007 therefore the requirements pertaining to Gunnison Sage-grouse as adopted into the County Land Use Resolution (LUR) by the Board of County Commissioners on that date do apply.

This parcel is not within 0.6 miles of a lek. It is within mapped Gunnison Sage-grouse occupied habitat. The applicant proposes to subdivide the current 3.18 acre parcel into two single family lots, of 1.50 and 1.68 acres in size respectively. The 1.50 acre lot will include the existing residence and outbuildings. The applicant proposes building a single family residence with garage and attached "mother-in-law" apartment on the 1.68 acre lot.

The Gunnison River flows through the west side of this parcel. An access road and a large hay meadow are to the east. Based upon site visits to nearby parcels, actual sage-grouse habitat is east of the hay meadow down to approximately 50 meters from the sagebrush/wet meadow interface east of this property.

Based upon this information I find that though this parcel is within actual sage-grouse habitat as defined by the Rangeland Conservation Plan (CDOW 2005). New impacts to Gunnison Sage-grouse are likely to be indirect and off-site because of the amount of development that has occurred within this subdivision. Those impacts are most likely going to be associated with pets, primarily dogs and cats.

Because impacts to Gunnison Sage-grouse are possible as the result of activities proposed in this application, I recommend the following conditions be attached to the Land Use Change Permit, if approved, as well as any subsequent permits issued for development within this proposed subdivision, to protect Gunnison Sage-grouse:

- 1) Per Section 11-106 G.e. of the Gunnison County Land Use Resolution, unless pre-empted by Federal or State law, Gunnison County will require, as a condition of permits issued on all lots within this subdivision, that non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.*
- 2) Loose domestic pets, particularly dogs and cats, are a hazard to wildlife including Sage-grouse. Appropriate controls are required to insure that negative affects from pets do not occur. This includes construction workers pets.*

Colorado Division of Water Resources: Comments from Craig M. Lis, P.E., in a letter dated July 8, 2008:

We have reviewed the above reference proposal to subdivide a 3.18-acre parcel into two lots. One of the lots will contain an existing residence, and the other lot will contain a single-family dwelling with an attached apartment. Domestic water is to be provided by individual wells, one of which is existing (Permit No. 73661). Sewage disposal will be provided through individual systems. Household water use is estimated to require 75 gallons per day per person, and up to 0.25 acre of irrigated lawn and garden are proposed within the development.

The applicant indicated that two Meridian Lake base units have been purchased from the Upper Gunnison River Water Conservancy District (District), but the submittal only included a copy of District Contract No. MLR-EW-04-43a for one base unit of Meridian Lake augmentation water for the existing well. Although well permits for this area may be available if the wells are included in the District's plan for augmentation, no well permit applications have been submitted for review by this office, and there is no guarantee that well permits can be issued.

No information was provided concerning the physical adequacy of the water supply. As stated in CRS 30-28-133(3)(d), the subdivider is required to submit "Adequate evidence that a water supply is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. A report of this nature was not provided. See the [Updated Memorandum Regarding Subdivisions](http://www.water.state.co.us/pubs/policies/memo_subdivision.pdf) (online at www.water.state.co.us/pubs/policies/memo_subdivision.pdf) for the necessary information.

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply will cause material injury to decreed water rights and is inadequate. If you or the applicant has any questions concerning this matter, please contact Cynthia Love at this office for assistance.

Colorado Division of Wildlife: Comments from J Wenum, in a letter dated July 9, 2008:

My staff has reviewed the proposal for this project. The location of this project is not within mapped significant wildlife habitat. The relatively small scope of the project (subdividing 3.18 acres into two single family home sites), combined with the already existing development in this area will not result in a significant additional impact to wildlife.

Black bears however, will likely be a significant wildlife concern with this development. The Almont area has a history of human/bear conflicts, directly linked to the communities' management of outside pet food, bird feeders, and the careless storage of household and commercial (food service) waste. To avoid human/bear encounters, the storage and handling of trash should be given a high priority. The Division of Wildlife's "Living with Wildlife in Bear Country" brochure provides guidance on proper trash management and other tips to avoid creating a "nuisance bear." The use of bear-proof trash containers is proven the safest and best technique to avoid human/bear conflicts.

As the Gunnison Basin continues to develop, habitat available for use by wildlife is lost incrementally. Although this project in itself presents only a minimal impact to wildlife, the effects of insignificant and minimal impact projects are cumulative, and should be considered as such by the Planning Commission.

Thank you for the opportunity to comment on this land use proposal in Gunnison County.

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

Section 10-102: Locational Standards for Residential Development.

Applicable, the subject parcel is not located within a municipal three mile plan area. The alternative locational standards apply; the applicant has demonstrated that the proposed development will cause no significant net adverse impact to adjacent lands or land uses.

Section 10-103: Residential Density.

Applicable, the application is required to comply with this section. The project is not within a municipal three mile plan area. The applicant is not required to provide open space. The size of the proposed lots meets the standards of the *Gunnison County Individual Sewage Disposal System Regulations*. The lot sizes proposed approximately 1.5 acres, are substantially similar to adjacent lots. Adjacent residential lot sizes range from 0.64 acres to 192 acres. Nearby uses include the residential subdivisions of Womble Tracts, Lost Canyon Resort and Gunnison Riverbanks Ranch.

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

Applicable, portions of the parcel are located within the Gunnison River, however the building envelopes are not located in the 100-year 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 subject parcel is an area of low wildfire hazard. The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on June 26, 2008; no comments were received from the Fire District.

Section 11-106: Protection of Wildlife Habitat Areas.

The Colorado Division of Wildlife was sent a copy of the application on June 26, 2008 and their comments were noted above.

The application was also referred to Jim Cochran, the Gunnison County Sage Grouse Coordinator. Comment received from Cochran on July 1, 2008 stated, "Based upon this information I find that though this parcel is within actual sage-grouse habitat as defined by the Rangewide Conservation Plan (CDOW 2005). New impacts to Gunnison Sage-grouse are likely to be indirect and off-site because of the amount of development that has occurred within this subdivision. Those impacts are most likely going to be associated with pets, primarily dogs and cats."

Section 11-107: Protection of Water Quality.

Applicable, the site is within 125 feet of a water body or mudflow, and this section does apply. Water quality protection plan and topography on site plan. The applicant has shown the topography on a site plan titled, "Sundance Riverfront Topo/Grades," prepared by Fred Ballard and dated October 10, 2008. The applicant has also submitted a water quality protection plan dated December 4, 2008 identifying best management practices to be utilized. The applicant shall comply with the inner restrictive buffer standards and comply with the variable outer buffer. The location of the building envelopes reflects the required water quality setbacks.

Section 11-108: Standards For Development On Ridgelines.

The site is not located on a ridgeline.

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

Applicable, the site is adjacent to agricultural lands. Pets shall be confined to the subject property by kenneling, leashing, fencing or other physical constraint. A property owner is required to construct and maintain fencing in order to keep livestock off the subject property.

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

Not applicable, the site is not located beyond snowplowed access.

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

Not applicable, the site is not located on a National Wilderness inholding.

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

Not applicable, the site is not located above timberline.

Section 12-103: *Road System.*

Applicable, no new road is proposed. The applicants have been granted, by the Gunnison County Board of Commissioners, "A Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Requested by the Timothy L. Michalek Family Trust for Access Over and Across The Womble Tracts to Property Located at 8218 Highway 135, Almont, Colorado," recorded in the office of the Gunnison County Clerk and Recorder, Resolution No. 2008-27, Reception No. 584600. Allen Moores of Public Works said in a telephone conversation with Planning staff on September 30, 2008 that the Public Works office had no additional comments on the subject application.

Section 12-104: *Public Trails.*

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

Section 12-105: *Water Supply.*

The applicant is proposing individual wells to serve each lot. The applicant has obtained augmentation water from the Upper Gunnison River Water Conservancy District.

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

An individual sewage disposal system (ISDS) is proposed for the new lot. There is an existing ISDS serving the existing single-family residence. Gunnison County Environmental Health has reviewed the application and the comments have been noted above.

Section 12-107: *Fire Protection.*

The proposed development is located within the Gunnison County Fire District; the District has no adopted standards. A copy of the application was sent to the Fire District on June 26, 2008 and no comments have been received.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan prepared by Fred Ballard and dated November 21, 2003 meets the site plan criteria.

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

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

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

All requirements of this Section apply.

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

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

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

This section applies.

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

This section does not apply.

Section 13-109: Signs.

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

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

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

Section 13-111: Landscaping And Buffering.

A landscaping plan is not required for this application.

Section 13-112: Snow storage.

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

Section 13-113: Fencing

This section does apply. Any new fencing shall comply with this section.

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.

Grading activities are required 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 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.

This section is applicable. The applicant shall be provided a copy the *Right to Ranch Policy* and the *Code of the West*.

FINDINGS:

The Commission finds that:

1. This project, by definition, is classified as a Minor Impact.
2. The proposed lot sizes are substantially similar to and compatible with other lots in the area and meet the locational and residential density standards.
3. The applicant will utilize individual wells for the water supply.
4. The applicant has signed augmentation agreement with the Upper Gunnison River Water Conservancy District for both individual wells in (Identification No. MLR-EW-04-43b and MLR-EW-04-43a).
5. The augmentation agreement is valid for one single-family residence on each lot; any future development of secondary residences may require additional augmentation water.
6. The applicants have been granted, by the Gunnison County Board of Commissioners, "A Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Requested by the Timothy L. Michalek Family Trust for Access Over and Across The Womble Tracts to Property Located at 8218 Highway 135, Almont, Colorado," recorded in the office of the Gunnison County Clerk and Recorder, Resolution No. 2008-27, Reception No. 584600.
7. The subject parcel is in occupied sage grouse habitat.

8. The applicant has stated that no livestock shall be permitted to be kept on the subject property.
9. The subject parcel is adjacent to an existing agricultural operation.
10. This application is consistent with the standards and requirements of this *Resolution*.
11. 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. 2008-22 be classified as a Minor Impact, and be approved with the following conditions:

1. The applicant shall comply with all terms and conditions of Gunnison County Board of Commissioner Resolution No. 2008-27, recorded in the Gunnison County Clerk and Recorder's Office at Reception No. 584600.
2. Prior to action on this application by the Gunnison County Board of Commissioners the applicant shall record a deed restriction that requires the applicant and/or the owners of either subject lot to be paying participants in any organization (e.g., a local improvement district or homeowners association) which is developed to address road work and bridge funding.
3. A property owner is required to construct and maintain fencing in order to keep livestock off the subject property.
4. No livestock shall be kept on the subject property.
5. If demolition of any existing structures is required a demolition permit shall be obtained from the State of Colorado prior to any demolition commencing.
6. That non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to a parcel within this subdivision, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.
7. Loose domestic pets, particularly dogs and cats, are a hazard to wildlife including Sage-grouse. Appropriate controls are required to insure that negative affects from pets do not occur. This includes construction workers pets.
8. 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*.
9. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. 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.
11. 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.

12. 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.

SHOOK SUBDIVISION; The Planning Commission conducted a work session to discuss a notice to the applicant, Casey Shook.

MOVED; by Reed seconded by Owen to direct staff to draft a letter advising Casey Shook he has six months from December 19, 2008, to provide the information requested by the Planning Commission; following the six months the application will be considered closed. The motion passed unanimously.

PLANNING COMMISSION GUIDELINES; The Planning Commission and staff conducted a work session to discuss the *Planning Commission Organization and Procedural Guidelines*.

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

Director of Planning Joanne Williams said the Planning Commission retreat will be conducted February 19 & 20, 2008.

Commissioner Richard Karas had previously submitted suggestions for operational protocol. The commissioners reviewed the suggestions.

Karas suggested that the staff person give the initial explanation of the application, at the first work session, rather than the applicant. Assistant Planning Director Neal Starkebaum did not agree; he said the applicant should give the initial explanation.

Messner was concerned the applicants' explanations could be vague. Reed suggested an outline given to an applicant; which listed the things that will be expected of them, including a brief description of the project.

The commissioners requested time to consider policy.

Karas suggested that an agenda item, providing for reflection, suggestions, and future agenda items be added to the end of the meeting day; a summary should be given, to wind down the meeting.

Karas suggested designating a planning commissioner to attend City meetings etc. Starkebaum said designations would likely be made by the BOCC.

The commissioners expressed concerns with working in better concert with the municipalities; figure out the mechanism to do that.

The commissioners said meeting with the BOCC several times a year would be very beneficial.

The commissioners requested time to discuss the spreadsheet of pending applications, perhaps quarterly. Williams suggested they could also get a copy of building permit reports and the matrix of enforcement issues.

Reed said language could be added to specify decorum, in a public hearing, as a guideline.

The Planning Commission will conduct a commission retreat February 20, 2008.

The regular meeting of the Gunnison County Planning Commission was adjourned at 3:00 P.M.

/S/ Beth Baker
Administrative Assistant
Gunnison County Planning