AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Whetstone Industrial Park – Sketch Plan Approval;

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Whetstone Industrial Park Sketch Plan Planning Commission recommendation

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 11/10/2016 Certificate of Insurance Required

Yes ○ No ●

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 11/10/2016

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 11/15/2016

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

November 7, 2016

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Whetstone Industrial Park – Sketch Plan Approval**
Planning Commission Recommendation

The Planning Commission unanimously approved the Sketch Plan for Whetstone Industrial Park, subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use.

Attachments:
Planning Commission Recommendation
BOCC Resolution

TO: **Board of County Commissioners**

SUBJECT: **Planning Commission Sketch Plan Recommendation**
Whetstone Industrial Park (formerly Slate River Industrial Park)
LUC #2016-00013

PREPARED BY: **Neal Starkebaum, Assistant Director**

DATE: **October 7, 2016**

APPLICANT: **L & D Ranches, LLC**
24474 Highway 135
Crested Butte, CO 81224

REPRESENTATIVE: **Marcus J. Lock**
Law of the Rockies
525 N. Main Street
Gunnison, CO 81230

At its regular meeting of October 6, 2016, John Messner was seated, and the Planning Commission unanimously approved the following Major Impact Project Sketch Plan recommendation to the Board of County Commissioners, as amended, moved by AJ Cattles and seconded by Jack Diani:

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"…Compliance of the proposed land use change with these standards shall be determined broadly and conceptually during Sketch Plan review, in detail during Preliminary Plan review, and definitively during Final Plan Review. "

Section 7-102, Gunnison County Land Use Resolution

"A. SKETCH PLAN IS EXPLORATORY*. Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.*

"1. SKETCH PLAN DESIGN CONCEPTS GUIDED BY THIS RESOLUTION. *Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution in order to be able to submit a plan that has addressed issues important to the County. It should be expected that the proposal will evolve during Sketch Plan review.*

"2. ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED OR ACCEPTED AT SKETCH PLAN. *To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required or accepted by the County."*

Section 7-103: B., ***Gunnison County Land Use Resolution***

SKETCH PLAN – PROJECT SUMMARY:

The applicant requests subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use. Water is proposed to be supplied by a central water system and wastewater treatment will be provided by individual onsite wastewater treatment systems. Access will be via a new access road, via Buckley Drive, to State Highway 135. The applicant has voluntarily changed the name of the development to Whetstone Industrial Park, due to concern from the Fire District, to eliminate any confusion with another development of a similar name (Slate River Development).

PROPERTY LOCATION:

The parcel is legally described as Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.

SURROUNDING LAND USES:

Industrial, Vacant, Residential.

IMPACT CLASSIFICATION:

The application, by definition, is classified as a Major Impact Project, pursuant to Section 7-101: Projects Classified as Major Impact.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, and other submittal documents informing this Recommendation include, but are not limited to:

- Sketch Plan Application, including all exhibits and maps.

REFERRAL AGENCY COMMENTS:

- Ric Ems, Fire Chief/Marshal and Scott Wimmer, Fire Inspector, Crested Butte Fire Protection District, letter of June 29, 2016
- Brandon Diamond, District Wildlife Manger, CO Parks and Wildlife, letter of July 1, 2016
- Crystal Lambert, Environmental Health Official, memo dated July 7, 2016

This review and Sketch Plan Recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application; including all exhibits, references, testimony and documents as included therein.

MEETING DATES:

The Planning Commission and/or Board of County Commissioners held meetings on the following dates:

- July 15, 2016 - Work Session
- September 2, 2016 - Joint Public Hearing/Site Visit
- October 7, 2016 - continued Joint Public Hearing

SITE VISIT:

The Planning Commission and Board of County Commissioners conducted a site visit on September 2, 2016, at which time the Commission and Board walked the property and viewed the neighborhood, proximity to the adjacent properties and the Slate River, the natural features on the land and the proposed location of the roads and lots.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on September 2, 2016 and continued to October 7, 2016. John Rozman was in favor of the project.

See approved minutes of September 2, 2016 and October 7, 2016.

Written Public Comments:

- Aaron J. Huckstep, Huckstep Law LLC, representing the Riverland Industrial Park Lot Owners Association, letter of August 31, 2016, noting concerns with the shared access to Highway 135, from Buckley Drive, and shared maintenance of the road. As well as concerns with residential units on the lots adjacent to Riverland Industrial Park.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:
Comments were received from the following agencies:

- **Colorado Parks and Wildlife** – Brandon Diamond, District Wildlife Manger, Colorado Parks and Wildlife, letter dated July 1, 2016:

  "I have reviewed the Slate River Industrial Park&, Subdivision Sketch Plan application. My understanding is that L&D Ranches is requesting to subdivide 35 acres into 17 lots immediately south of the existing Riverland Industrial Park. This tract is essentially bounded on the west by the Slate River and on the east by Highway 135. The former Division of Wildlife commented on this parcel previously, at which time the former owner had submitted a land use change application *(previous letter attached, dated February 25, 2011).* A variety of wildlife may be encountered on or around this property; however, based on adjacent development and land use practices it is unlikely that the proposed development will greatly increase impacts to wildlife in the immediate area. That being said, it is important to point out that in recent years Colorado Parks and Wildlife (CPW) has responded to various complaints in the neighboring Industrial Park, which have primarily involved black bears.

  The proposed subdivision is located within a CPW mapped black bear human conflict area. The Slate River will always provide a movement corridor for local wildlife, including black bears. Although the development's emphasis appears to be industrial, light industrial, and commercial, there is reference to "ancillary housing" as well. Black bears are perhaps the most significant wildlife concern with this development, and planned conflict mitigation should be a priority. The adjacent communities of Crested Butte and Mt. Crested Butte have a history of human/bear conflicts. Both towns host "resident," bears, which will check trash cans and dumpsters nightly in search of an easy meal. The resulting conflict are 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. Colorado Parks and Wildlife's "Living with Wildlife in Bear Country" brochure provides guidance on proper trash management arid other tips to avoid creating a "nuisance bear". The use of bear-proof trash containers has proven to be the safest and most effective way to avoid human/bear conflicts. Although feeding birds is legal, it is known to attract bears and other wildlife which often results in conflict with people.

  It is important to point out that as the Gunnison basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available habitat, the effects of "minimal impact" projects such

as this are cumulative, and should be considered as such. We strongly encourage the applicant to advise potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts. Thank you for the opportunity to comment on this land use change."

- **Crested Butte Fire Protection District** –Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, dated June 29, 2016, provided comments pertaining to the Fire District requirements.

  "The Fire Division of the Crested Butte Fire Protection District (CBFPD) has received the application packet you sent on June 6, 2016. After reviewing the proposal for compliance with adopted codes, ordinances and resolutions, we have the following comments.

  1. CBFPD strongly recommends renaming the project to avoid confusion with other areas and roads using Slate River.
  2. Roads A and B shall comply with Gunnison County Road and Bridge Standards and the Crested Butte Fire Protection District Subdivision Standards and Guidelines Policy. Note: Applicant proposes only one access point. Per CBFPD Standards and Guidelines Policy, section 201 C, state, "All developments are encouraged to provide two or more points of dedicated access on primary roads that permit adequately separated ingress/egress." CBFPD looks forward to reviewing detailed plan and profiles of said roads.
  3. Approved temporary and permanent street signs and approved building premises ID shall be required during construction and for final approval.
  4. Driveway access from the main road(s) to the building footprint shall be reviewed and approved on a case-by-case basis.
  5. Application notes that all buildings shall be required to have installed automatic fire suppression systems. The Water Supply Plan prepared by Tyler Martineau, P.E. cites the 2009 *International Fire Code* Appendix B. Please note that the 2003 *International Fire Code* is currently adopted by Gunnison County within the boundaries of the CBFPD. Appendix B section 105.2 Buildings other than one- and two-family dwellings, state, "The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1. Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or903.3.1.2 of the *International Fire Code*...The resulting fire flow shall not be less than 1,500 gallons per minute (gpm) for the prescribed duration as specified in Table B 105.1." Further, Mr. Martineau uses an example of a 5,000 sq. ft. wood structure [Type V construction]. Per Appendix B, Table 105.1, such a structure would require 2,000 gpm for duration of two hours. Given an approved reduction for an automatic sprinkler system not less than 1,500 gpm, the resulting stored water is 180,000 gallons plus commercial and domestic usage.
  6. Regarding Exhibit I-4 Utility development Layout sheet 2 of 4, additional fire hydrants shall be required per 2003 IFC Appendix C taking into account Roads A and B are dead- end roads.
  7. The application notes building construction as required by fire protection standards of the applicable building or fire code. CBFPD requires compliance with Colorado State Forest Service pamphlet #6.302 in areas of moderate wildfire hazard and strongly recommends adherence to the National Fire Protection Association (NFPA) "Fire Wise" construction program. Such recommendations include but are not limited to, defensible space, non-combustible roof materials, spark arrestors on chimney caps and approved chimney shrouds, etc.
  8. All natural gas and propane gas service shall be approved prior to installation.
  9. All underground excavation contractors installing fire mains and fire service water lines shall have on file at CBFPD offices a copy of Colorado State Certification for underground

contractors. Plans for said fire mains and fire service water lines shall be submitted, reviewed and approved prior to installation."

- **Gunnison County Environmental Health Office** - Crystal Lambert, Environmental Health Official, provided comments in a letter dated July 7, 2016.
  "The Environmental Health Office has received a request to review the application for the Slate Rive Industrial Park Land Use Change. The applicants are proposing 17 parcels for the purpose of mixed industrial, residential, and commercial uses. The applicants are proposing that wastewater treatment will be provided by On-site Wastewater Treatment Systems (OWTS).

  Mixed uses on a parcel can present challenges for the on-site treatment of wastewater. Typical industrial site inventories can include heavy equipment, placement of unusual items such as steel shipping containers, pallets of material, rack storage, etc. and the important soil treatment area (leach field) buried beneath the ground can be lost in the equipment and material, potentially sustaining damage. Fencing or landscaping to identify the boundaries of a soil treatment area could be an effective method for protecting the wastewater treatment system to help ensure that it remains in working order.

  It is important that only "domestic wastewater" can be put in an OWTS. All industrial wastewater, including floor drains, must be permitted as a CLV injection well and obtain approval through the EPA.

  After review, it does appear that each proposed parcel would be able to accommodate an OWTS in accordance with the regulations, which would be a requirement at the time of application for individual parcel development."

- **Gunnison County Public Works Department** – Marlene Crosby, Public Works Director, noted to staff that she has no comments.

- **Town of Crested Butte** – No comments were received.

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

Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable. No primary residences are proposed as part of this application.

Section 9-200: *Special Residential Uses.*
Not applicable. No special residential uses are proposed as part of this application.

Section 9-300: *Commercial and Industrial Uses.*
Applicable, the applicant has identified that commercial and industrial uses will be allowed in the development. All commercial and industrial uses shall comply with the standards of this Section.

Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*
Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: *Miscellaneous Uses and Activities.*
Not applicable. No miscellaneous uses or activities are proposed.

Section 9-508: Keeping of Livestock not on an Agricultural Operation.
Not applicable.

Section 10-102: ***Locational Standards for Residential Development.***
Not applicable, the residential component proposed as part of the subdivision is accessory to a primary commercial or industrial use on each lot. No primary use of the lots for a residence are is permitted.

Section 10-103: ***Residential Density.***
Not applicable, the residential component proposed as part of the subdivision is accessory to a primary commercial or industrial use on each lot. No primary use of the lots for a residence are is permitted.

Section 10-104: ***Locational Standards for Commercial, Industrial, and other Non-Residential Uses.***
The property is located within the Gunnison – Crested Butte Industrial Special Area, pursuant to Board Resolution 2014-15, adopted July 1, 2014. The Gunnison/Crested Butte Industrial Special Area is a discrete geographic area in which land development and land use is identified as being appropriate for industrial uses on lands adjacent to and compatible with the uses within the Signal Peak Industrial Park, east of Gunnison and the Riverland Industrial Park area, south of Crested Butte.

Section 11-103: ***Development in Areas Subject to Flood Hazards*****.**
The Slate River has a mapped FEMA 100-year flood plain. Information from SGM shows the location of the 100-year flood plain does not affect development of the subject property. All developable portions of the lots are on a bench above the Slate River and out of the 100-year floodplain.

Section 11-104: ***Development in Areas Subject to Geologic Hazards*****.**
The property is not within a geologic hazard area, according to County mapping.

Section 11-105: ***Development in Areas Subject to Wildfire Hazards.***
The subject property is within an area mapped as low wildfire hazard, as identified by County mapping.

Section 11-106: ***Protection of Wildlife Habitat Areas.***
The subject parcel is not within Gunnison Sage-grouse occupied habitat.

Comments were received from the Brandon Diamond, District Wildlife Manger, letter of July 1, 2016, Colorado Parks and Wildlife, noting concerns regarding potential human-wildlife conflicts.

Section 11-107: ***Protection of Water Quality*****.**
All development is required to maintain a minimum 25-foot setback from the Slate River. A water quality protection plan, in compliance with this Section, shall be required at Preliminary Plan application.

Section 11-108: ***Standards for Development on Ridgelines.***
The property is not located on a ridgeline.

Section 11-109: ***Development that Affects Agricultural Lands.***
Not applicable. No agricultural land is adjacent to the development.

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*.
The applicant has identified the general location of the roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan. The applicant has documented legal access to Highway 135. A copy of the application was referred to Gunnison County Public Works and Colorado Department of Transportation (CDOT). Gunnison County Public Works has no comments, and no comments were received from CDOT. A traffic study and engineered plans for the roads will be required at Preliminary Plan application.

Section 12-104: *Public Trails*.
No new public trails are contemplated in this application for the East Parcel.

Section 12-105: *Water Supply*.
The Sketch Plan contemplates that the water supply for the development will be provided by a central water distribution system, supplied by two wells. A report was prepared by Mr. Martineau, P.E., Water Resource Engineer, Exhibit V-1, addressing the adequacy of the water supply. Gunnison County will determine, based upon test results required to be submitted as part of the Preliminary Plan application, whether, pursuant to Section 12-105: G.8., additional well testing will be required during January or February to ensure that a year-round, consistent supply of water will be available to this development.

Kendall K. Burgemeister, Esq, provided an attorney's opinion concerning the legality of the water supply, contained in Exhibit V-4.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
On-site wastewater treatment systems are proposed for each lot. Each lot is a minimum of 1-acre, compliant for minimum parcel size for installation of OWTS.

Crystal Lambert, Environmental Health Official, provided comments in a letter dated July 7, 2016.

Section 12-107: *Fire Protection*.
The property is served by the Crested Butte Fire Protection District. Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, letter of June 29, 2016 provided comments pertaining to the Fire District requirements. The applicant will address compliance with those comments and the District fire protection requirements in the Preliminary Plan application.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
The site plan for the subdivision complies with the standards of this Section.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
Development of the individual lots will be required to meet the requisite setbacks.

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
The proposed covenants will address accessory residential components of the development.

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***
Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

Section 13-108: ***Open Space and Recreation Areas***
The application is required to comply with Section 13-108: F.1 and 2. through the inclusion of landscaping elements and property line setbacks and the inclusion of a minimum 30% open space. The applicant has identified open space areas on the site plan, totaling 37% of the development, including a 6-acre open space parcel and pond, buffering existing residential property to the south.

Section 13-109: ***Signs.***
Signs proposed as part of individual industrial/commercial uses are required to comply with this Section. Sign elements as allowed by this section may be proposed within the Preliminary Plan.

Section 13-110: ***Off-Road Parking and Loading.***
Compliance with this Section is required at time of building permit issuance. The covenants will include additional restrictions on parking.

Section 13-111: ***Landscaping and Buffering.***
A conceptual plan for landscaping has been submitted. As a Major Impact Project, this proposal is required to include a landscaping plan in the Preliminary Plan submittal. Initial landscape concepts have been included in the Sketch Plan, showing that open space will be maintained in native vegetation. Additional landscaping area, with berming and trees are shown on the open space tract adjacent to Highway 135. Berming, buffering and a detailed landscaping plan, including the type and location of plantings, planting schedule and a plan for maintenance, in compliance with this Section, will be required at Preliminary Plan application.

Section 13-112: ***Snow storage.***
The applicant is required to include language in the covenants identifying the Homeowners Association as the responsible entity for snow removal and become familiar with the requirements of this Section. Specific site design for snow storage is required at Preliminary Plan.

Section 13-113: ***Fencing***
All new fencing shall comply with this Section. Any specific fencing requirements will be addressed in the covenants at Preliminary Plan.

Section 13-114: ***Exterior Lighting.***
All new structures are required to comply with this section, requiring fully shielded fixtures. Specific lighting requirements will be addressed in the covenants at Preliminary Plan.

Section 13-115: ***Reclamation and Noxious Weed Control.***
The applicant has acknowledged that an Earthmoving Site Revegetation and Noxious Weed Control Plan, prepared in compliance with this Section, shall be required at Preliminary Plan.

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.*
The applicant indicates that the layout of the lots and road are intended to minimize potential erosion and sedimentation. The Preliminary Plan will include an engineered drainage and stormwater management plan.

Section 13-118: *Water Impoundments.*
Not applicable. The potential augmentation pond, noted in the application, would not qualify as a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.
The proposal shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas. The Gunnison/Crested Butte Industrial Special Area is a discrete geographic area in which land development and land use is identified as being appropriate for industrial uses on lands adjacent to and compatible with the uses within the Riverland Industrial Park. Design standards and limitations on the uses are generally identified in the draft covenants. Protective covenants, including design standards and limitations on uses to address compatibility, are required to be submitted at Preliminary Plan.

Section 15-103: *Right-to-Ranch Policy*.
This Section is applicable to all land use change permits.

FINDINGS:
The Commission finds that:

1. The submitted Sketch Plan applies to all of the 35-acres proposed for development.
2. Section 4-504: A., of the Gunnison County Land Use Resolution prescribes that, "…Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant…" and that detailed engineering plans and other overly detailed information shall not be required or accepted by the County."
3. This application, by definition, is classified as a Major Impact Project.
4. Pursuant to Division 7-200: Sketch Plan for Major Impact Projects of the *Land Use Resolution*:

   This Sketch Plan application is generally consistent with the standards and requirements of the Resolution, pursuant to Division 7-200: Sketch Plan for Major Impact Projects, i.e., compliance of the proposed land use change with the standards of the Resolution are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the Resolution within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-703 A., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.
5. The Commission discussed combining Preliminary and Final plans and finds that it would be appropriate for this development, based upon the design, size, and lack of public

concerns/comments, noted by the lack of public attendance at the public hearings.

6. The Planning Commission has expressed concern regarding compatible uses and siting within the development. It has been noted that some heavy industrial uses may not be appropriate adjacent to other "lighter" industrial or commercial uses, with accessory residences.

7. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process.

8. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this Resolution, then the application shall be denied at the Preliminary or Final Plan review stage.

9. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

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.

11. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

12. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony has reached the above Findings and recommends to the Board of County Commissioners that LUC-2016-00013, L & D Ranches LLC, Whetstone Industrial Park is classified as a Major Impact Project and that the Sketch Plan be approved with the following conditions:

1. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.

2. The applicant may submit a combined Preliminary/Final Plan application. If a combined Preliminary/Final Plan application is submitted, the applicant shall include Final Plan application submittal requirements, consistent with *Section 7-401: Final Plan Application for Major Impact Projects*.

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

    - Analysis of the visibility of the development from Highway 135 and mitigation through buffering, berming and/or landscaping.

    - Segregation/limitations of types of uses, including segregation/limitations on accessory residential use, within the development.

    - Protection of water quality of the Slate River.

    - Response to the Riverland Industrial Park Lot Owners Association comment letter of August 31, 2016, as appropriate.

    - Compliance with the Crested Butte Fire Protection District requirements.

    - Level of commercial/retail permitted within the development.

    - What level of county land use review will be required for varying uses.

4. Submittal of a traffic study in compliance with Section 12-103: E. is required as part of the Preliminary Plan application.

5. Gunnison County will determine, based upon test results required to be submitted as part of the Preliminary Plan application, whether, pursuant to Section 12-105: G.8., additional well testing will be required during January or February to ensure that a year-round, consistent supply of water will be available to this development.

6. The applicant shall be required to submit and actively pursue the completion of a Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.

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.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2016 - ___

A RESOLUTION APPROVING THE SKETCH PLAN FOR
LUC NO. 2016-00013
WHETSTONE INDUSTRIAL PARK
PART OF LOT 1, ALL LOTS 2, 3, 4, PART OF THE SENW,
PART OF NESW, SESW 33.93-ACRES IN SWSE,
0.41-ACRES IN SESE SECTION 18, LOT 1 E1/2NW
3.51-ACRE IN W1/2NWNE
SECTION 19, TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6TH P.M.
L & D RANCHES, LLC

WHEREAS, L & D Ranches, LLC, represented by Marcus J. Lock, Law of the Rockies, submitted the Whetstone Industrial Park Sketch Plan, which proposes the subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use. Water is proposed to be supplied by a central water system and wastewater treatment will be provided by individual onsite wastewater treatment systems. Access will be via a new access road, via Buckley Drive, to State Highway 135. The applicant voluntarily changed the name of the development to Whetstone Industrial Park, due to concern from the Fire District, to eliminate any confusion with another development of a similar name (Slate River Development).The property is located in Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.; and

WHEREAS, a joint public hearing was conducted September 2 and October 7, 2016, by the Planning Commission and Board of County Commissioners; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on October 7, 2016 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:

1. The submitted Sketch Plan applies to all of the 35-acres proposed for development.

2. Section 4-504: A., of the Gunnison County Land Use Resolution prescribes that, "…Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant…" and that detailed engineering plans and other overly detailed information shall not be required or accepted by the County."

3. This application, by definition, is classified as a Major Impact Project.

4. Pursuant to Division 7-200: Sketch Plan for Major Impact Projects of the *Land Use Resolution*:

   This Sketch Plan application is generally consistent with the standards and requirements of the Resolution, pursuant to Division 7-200: Sketch Plan for Major Impact Projects, i.e., compliance of the proposed land use change with the standards of the Resolution are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the Resolution within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-703 A., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the

issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

5. The Commission discussed combining Preliminary and Final plans and finds that it would be appropriate for this development, based upon the design, size, and lack of public concerns/comments, noted by the lack of public attendance at the public hearings.

6. The Planning Commission has expressed concern regarding compatible uses and siting within the development. It has been noted that some heavy industrial uses may not be appropriate adjacent to other "lighter" industrial or commercial uses, with accessory residences.

7. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process.

8. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this Resolution, then the application shall be denied at the Preliminary or Final Plan review stage.

9. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

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.

11. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

12. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Whetstone Industrial Park Sketch Plan need be conducted by the Board, and further, the Board hereby approves the Whetstone Industrial Park Sketch Plan for LUC No. 2016-00013 as recommended by the Planning Commission, with the following conditions:

1. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.

2. The applicant may submit a combined Preliminary/Final Plan application. If a combined Preliminary/Final Plan application is submitted, the applicant shall include Final Plan application submittal requirements, consistent with *Section 7-401: Final Plan Application for Major Impact Projects*.

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

    - Analysis of the visibility of the development from Highway 135 and mitigation through buffering, berming and/or landscaping.

    - Segregation/limitations of types of uses, including segregation/limitations on accessory residential use, within the development.

    - Protection of water quality of the Slate River.

    - Response to the Riverland Industrial Park Lot Owners Association comment letter of August 31, 2016, as appropriate.

    - Compliance with the Crested Butte Fire Protection District requirements.

    - Level of commercial/retail permitted within the development.

    - What level of county land use review will be required for varying uses.

4. Submittal of a traffic study in compliance with Section 12-103: E. is required as part of the Preliminary Plan application.

5. Gunnison County will determine, based upon test results required to be submitted as part of the Preliminary Plan application, whether, pursuant to Section 12-105: G.8., additional well testing will be required during January or February to ensure that a year-round, consistent supply of water will be available to this development.

6. The applicant shall be required to submit and actively pursue the completion of a Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.

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.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted on this ____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Commissioner

_____
Jonathan Houck, Commissioner

ATTEST:

_____
Gunnison County Clerk and Recorder