

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2016 - 46

**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 Huck, seconded by Commissioner Chamberland, and adopted on this 15th day of November, 2016.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Paula Swenson
Paula Swenson, Chairperson

Phil Chamberland
Phil Chamberland, Commissioner

Jonathan Huck
Jonathan Huck, Commissioner

ATTEST:

[Signature]
Gunnison County Clerk and Recorder
Deputy

