AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Extension to Submit Preliminary Plan; 28.07 acres in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., a/k/a 43950 Highway 50; Hal Hearne

Action Requested: Motion

Parties to the Agreement:

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

Summary:
See attached memo.

Fiscal Impact: -

Submitted by: Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:

see above

Reviewed by: DBaumgarten Discharge Date: 8/9/2013 Certificate of Insurance Required Yes ○ No ●

County Manager Review:

Comments:

Reviewed by: MBirnie Discharge Date: 8/14/2013

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 8/20/2013 Follow Up Agenda Date: N/A

Revised April 2013

Katherine Haase

From: Cathie Pagano
Sent: Tuesday, August 06, 2013 4:58 PM
To: Katherine Haase
Subject: Agenda item for BOCC
Attachments: Memo to BOCC request for extension.pdf; Vista Business Park Draft Sketch Plan Recommendation.docx

Hi Katherine,

I have an agenda item for the next available BOCC meeting. The item is a request from Hal Hearne, proponent for Vista Business Park, for an extension to submit preliminary plan. It should take 10-15 minutes and I've attached a memo for the BOCC.

The subject parcel is located approximately two miles east of the City of Gunnison within the City's Three Mile Plan area. The parcel is legally described as 28.07 acres in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., also known as 43950 Highway 50. Thanks.

Cathie Pagano, AICP CEP | Planner
Gunnison County Community Development
221 N. Wisconsin St. Suite D
Gunnison, CO 81230
cpagano@gunnisoncounty.org | Ph. 970-641-0360
www.gunnisoncounty.org

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org/planning.html
Email: planning@gunnisoncounty.org

To: BOCC

From: Cathie Pagano, Planner

Date: August 6, 2013

Re: Vista Business Park

Hal Hearne, as the representative for Vista Business Park, has requested an extension from the BOCC to submit the Major Impact Preliminary Plan application. The BOCC approved the Sketch Plan application for Vista Business Park on September 18, 2012. Section 7-202: P. *Expiration* of the Gunnison County *Land Use Resolution* (LUR) requires that the Preliminary Plan be submitted within 12 months after the date of approval of the Sketch Plan.

Hearne's letter of request for extension is attached for your review. I have also attached the Sketch Plan approval for your reference. To approve the extension the Board must find that "there has been no substantial change in circumstances of adjacent land uses, to the capability or willingness to serve of proposed service providers, or to the site of the proposed land use change since Sketch Plan approval."

As you know, one of the adjacent parcels, Gunnison Valley Development, LLC is currently pursuing a Land Use Change permit for a gravel pit, that permit is still in process at this time. There has been no change in the capability or willingness to serve or proposed service providers and there has been no change to the proposed Vista Business Park site since Sketch Plan approval.

Section 7-202: Sketch Plan Review Process for Major Impact Projects:

O. SIGNIFICANCE OF SKETCH PLAN APPROVAL*. Approval of the 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 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.*

P. EXPIRATION. *The applicant shall be required to submit 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.*

Q. EXTENSION OF SUBMITTAL DEADLINE. *The Board may extend the deadline to submit a Preliminary Plan application for good cause shown, provided the applicant requests the extension in writing no less than 30 days before the deadline, and provided the Board makes a finding that there has been no substantial change in circumstances of adjacent land uses, to the capability or willingness to serve of proposed service providers, or to the site of the proposed land use change since Sketch Plan approval. Should the Board determine that such findings are not supportable, the review process shall be required to being anew with the submittal of a Sketch Plan.*

---

1. Referral to Planning Commission for Recommendation. *The Board may request a recommendation from the Planning Commission on the request for extension before taking action.*

2. Maximum Period of Extension. *In no case shall the deadline for submittal of a Preliminary Plan application be extended for more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted.*

3. Fee For Request For Extension. *In order to compensate the County for the cost of reviewing and processing the requested extension, each applicant shall pay the required fee, as shown in a schedule of fees issued by the Community Development Department that is adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.*

TO:	**Planning Commission**
SUBJECT:	**Draft Planning Commission Sketch Plan Recommendation** **Vista Business Park** **LUC-11-00035**
DATE:	**, 2012**
PREPARED BY:	**Cathie Pagano, Planner**
APPLICANT:	**Hal Hearne**

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*.*

SKETCH PLAN EXPECTED TO EVOLVE. *Requirements of Sketch Plan direct the applicant to review specific sections of this* Resolution *and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.*

ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR 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 nor accepted by the County.*

PROJECT DESCRIPTION:

Hal Hearn, the applicant, has submitted a Major Impact Sketch Plan application to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25 to 2.15 acres. The subdivision is intended to be used for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation. Residences are limited by the Protective Covenants to no larger than 2,500 square feet and will be served by an individual sewage disposal system. Each lot will be served by a central well or wells and an individual sewage disposal system that meets the standards for the proposed use on each lot.

There will be a common open space area, approximately 2.2 acres in size, along the northeastern portion of the parcel. Two augmentation ponds are proposed as part of the applicant's water supply plan and the locations are identified on the development layout plan. Lot 12 (Outlot) will remain as is with the existing house, barn, shop, and out-buildings. The applicant proposes to clean up Lot 12 and restore the 98-year old Vader barn. The applicant proposes mitigation of the view shed from Highway 50 via landscaping, berming, screening and building material selection.

Access to the proposed subdivision will be provided via two access points on the east and west side of the parcel. There are existing access roads from Highway 50 at each of those points but new access permits from the Colorado Department of Transportation will be required. A new road within the subdivision will provide access to the individual lots.

The parcel is located approximately two miles east of the City of Gunnison within the City's Three Mile Plan area. The parcel is legally described as 28.07 acres in the NW1/4SW1/4 and

SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., also known as 43950 Highway 50.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- Exhibit G, Development Layout Plan, prepared by NCW & Associates, Inc. dated March 10, 2012
- Exhibit G2, Landscaping Plan, prepared by NCW & Associates, Inc. dated February 3, 2012
- Wetlands delineation, prepared by Colorado Land & Water Specialists, LLC, dated April 16, 2011
- Easement agreement between R.I. Vaders & Sons, Inc, Letha Vader (Grantors) and William K. Edwards and Link, LLC (Grantees) dated February, 2012

IMPACT CLASSIFICATION:
The project, by definition, is a Major Impact pursuant to Section 7-101:A.

MEETING DATES:
The Planning Commission held work sessions and public hearings to discuss the Vista Business Park application on the following dates:

- June 1, 2012 Work Session
- June 22, 2012 Work Session
- June 22, 2012 Site Visit
- July 20, 2012 Work Session
- August 3, 2012 Joint Public Hearing

SITE VISIT:
The Planning Commission conducted a site visit on June 22, 2012. The Commission noted the topography, adjacent uses, and natural features of the parcel.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on August 3, 2012. The following comments were received:

- An email from Bob Benell, dated June 18, 2012, opposing the provision of joint industrial and residential use
- An email from Aaron McLennan, dated August 2, 2012, expressing concerns related to traffic safety, noise, air and light pollution, and visual impacts
- A letter from Ralph E. Clark, III, dated June 11, 2012, related to flooding and hazardous materials
- Aaron McLennan, regarding traffic and water supply
- Joe Puchek, stating that the combination of residential and industrial uses is incentive for people to start businesses. He also said that the proposed berming and landscaping will enhance the area.
- Sally Hayes, expressed concerns about noise, air and light pollution. She would like to see more assurances about air quality.
- Bob Gyedesen, stated that the residential component of the development is beneficial because people need to live onsite to make businesses feasible.
- Jeff Wilkinson, said this is the best parcel in the County for the proposed use.
- Jeff Dykes, said that he is in favor of the mixed use aspect of the development.
- Bill Edward, property owner, expressed general support for the project.
- Debby Heffner, said that workers need areas like the proposal.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent, by certified mail and hand delivery to review agencies for comments. A referral was sent to the Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Wildlife Coordinator, Gunnison County Emergency Services, Gunnison County Trails Commission, City of Gunnison, Colorado Department of Transportation, Colorado Division of Water Resources, Colorado Division of Parks and Wildlife, Gunnison Fire Protection District.

City of Gunnison: The subject property is located within three miles of the City of Gunnison. The City, in a letter dated April 25, 2012, comments noted that, "it seems that this application is compatible with some of the adjacent uses….The Planning and Zoning Commission absolutely opposes any proposed uses in this subdivision that would permit retail sales. The City Planning and Zoning Commission supports the application's intent to develop a highway landscape buffer to mitigate visual impacts…Please note that the Gunnison Rising Annexation has very detailed landscape and buffer standards and it would be appropriate to require very specific performance buffer and landscape standards associated with this proposed subdivision.

Gunnison County Environmental Health: Richard Stenson, in a memorandum dated April 25, 2012 noted, "An ISDS can be feasible for each lot for residential use….It is important to note that prior to Gunnison County approval for ISDS permits on lots considering the following proposed uses, review and approval by the U.S. EPA Class V Underground Injection Control Program (EPA UIC) will be required: auto service repair, machinery and transportation equipment service, mixing plants, commercial laundries, wood and mineral processing/milling.

Additionally, the applicant stated the use of 'An oil and sand separator will be required for all floor drains.' Floor drains that could drain into the septic systems or soils will also require review and approval under the EPA UIC Program for each of the above listed uses.

Gunnison County Wildlife Coordinator: Jim Cochran, in a letter dated April 10, 2012 noted, "the highly developed industrial and residential setting makes this property a logical candidate for this type of development and is much preferable to development of a 'new' area with Gunnison Sage-grouse habitat….this proposal, if approved, will not impact Gunnison Sage-grouse or their habitats beyond that which has already occurred."

Gunnison County Fire Protection District: In an email dated May 22, 2012 from Hugo Ferchau, Assistant Fire Marshal, the District noted they had no concerns related to access and requested that a dry hydrant be installed adjacent to the augmentation pond.

Colorado Division of Water Resources: Comments from Karlyn Adams, Water Resource Engineer, dated April 26, 2012, noted that a "court decreed plan for augmentation is required to offset depletions caused by the pumping of any wells within the subdivision."

Colorado Division of Parks and Wildlife: Comments from Jeff Oulton, Acting Area Wildlife Manager, dated April 10, 2012, notes that the "proposed project to subdivide the parcel should not create any major impacts to wildlife beyond those that already exist at the site with one exception. Gunnison's prairie dogs are present on the property and are a candidate for listing under the Federal Endangered Species Act…Should it be deemed necessary to have the prairie dogs removed from this sit, CPW requests prior notification and opportunity to relocate, conduct research, or use these animals for other conservation needs. If the above actions are not feasible, it is understood that it may be necessary for the applicant to conduct lethal control to remove the Gunnison prairie dogs from the site.

CPW also agrees with recommendations made by Gunnison County Wildlife Coordinator concerning the control of pets, specifically dogs and cats, and requests compliance to help minimize any negative impacts to wildlife due to increased interaction."

Colorado Department of Transportation: In an email from Dan Roussin dated April 24, 2012, noted that "The applicant will need to provide a traffic study that shows that the development will not increase the traffic volume by 20%. If the development does increase the traffic volume on either road then a new access permit will be required with this development. Looking at the two access points (Industrial Park Road and Vader Road), I have concerns with the possible sight distance issues because of the curvature of the road."

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

Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable. No secondary uses 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 permitted commercial and industrial uses that 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 10-102: *Locational Standards for Residential Development.*
Not applicable, the residential development proposed as part of the subdivision is accessory to the primary use of commercial or industrial for each lot. The proposed development is within the City of Gunnison Three Mile Plan area.

Section 10-103: *Residential Density.*
Not applicable, the residential development proposed as part of the subdivision is accessory to the primary use of commercial or industrial for each lot. The proposed development is within the City of Gunnison Three Mile Plan area.

Section 10-104: *Locational Standards for Commercial, Industrial, and other Non-Residential Uses.*
Applicable, the proposed development is within the City of Gunnison Three Mile Plan area and the City of Gunnison has commented on the proposal, stating, "Based on the existing Three-Mile map, the property is designated as Rural Residential (1 unit per 5-35 or more acres) and is located outside of the Urban Growth Boundary….While the proposed industrial use is not contemplated by the Three-Mile Plan because it is not immediately adjacent to existing city Industrial zones, the adjacent area is the Signal Peak Industrial Park. It seems that the application is compatible with some of the adjacent uses."

Section 11-103: *Development In Areas Subject to Flood Hazards*.
Applicable, portions of the subject parcel are within the 100-year floodplain. The location of the floodplain is delineated on Exhibit G, Development Layout Plan, prepared by NCW & Associates, Inc. dated March 10, 2012. Preliminary Plan review requires the applicant to formulate detailed, designed/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address those issues, in a site-specific manner.

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

Not applicable, the subject parcel is not in an area of geologic hazards.

Section 11-105: ***Development In Areas Subject to Wildfire Hazards.***
Applicable, the subject parcel is in an area of low wildfire hazard. A copy of the application was referred to Gunnison Fire Protection District (District) for review and comment. The District did not identify any concerns related to wildfire on the subject parcel.

Section 11-106: ***Protection of Wildlife Habitat Areas.***
The application was referred to the Division of Parks and Wildlife (DPW). Comments from DPW noted, "the proposed project to subdivide the parcel should not create any major impacts to wildlife beyond those that already exist at the site with one exception. Gunnison's prairie dogs are present on the property and are a candidate for listing under the Federal Endangered Species Act. The applicant has been in contact with CPW biologists and is aware of this status." Gunnison County Wildlife Coordinator, Jim Cochran, also commented on the proposed use and stated: "the highly developed industrial and residential setting makes this property a logical candidate for this type of development and is much preferable to development of a 'new' area with Gunnison Sage-grouse habitat….this proposal, if approved, will not impact Gunnison Sage-grouse or their habitats beyond that which has already occurred."

The Planning Commission requested that Nick Gallowich, District Area Wildlife Manager for Gunnison East, attend a work session to provide additional information. The Planning Commission requested information about accidents between cars and deer. Commissioner Reed expressed specific concern that the proposed use may increase the incidences of the car/deer accidents along Highway 50. Gallowich responded that the location of the proposed Vista Business Park between existing industrial and commercial uses makes it unattractive to deer and does not increase the likelihood of additional accidents. The Commission also inquired about the status of Gunnison's prairie dog. Gallowich indicated that at this time the DPW is not relocating the animals and if the property owner wishes to relocate or exterminate them they will not object.

Section 11-107: ***Protection of Water Quality*****.**
Applicable, the proposed development is within 125 feet of a water body. A wetlands delineation has been prepared by Colorado Land & Water Specialists, LLC and the location of the wetlands and the floodplain are identified on Exhibit G, Development Layout Plan. The applicant has proposed building envelopes in compliance with this Section that meet the inner restrictive buffer requirements. A water quality protection plan, in compliance with this Section, shall be required at Preliminary Plan.

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

Section 11-109: ***Development That Affects Agricultural Lands.***
Not applicable, the subject parcel will not directly affect agricultural lands.

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 copy of the application was referred to Gunnison County Public Works and the Colorado Department of Transportation. The applicant has identified the general locations of roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies

are not required or accepted at Sketch Plan. A copy of the application has been referred to Gunnison County Public Works and CDOT.

Allen Moores noted, "The standards to which the proposed road will be constructed, will be addressed at the required meeting our office and the applicant. It would appear that an easement is required for the proposed east access point."

Dan Roussin of CDOT noted, "The applicant will need to provide a traffic study that shows that the development will not increase the traffic volume by 20%. If the development does increase the traffic volume on either road then a new access permit will be required with this development. Looking at the two access points (Industrial Park Road and Vader Road), I have concerns with the possible sight distance issues because of the curvature of the road."

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

Section 12-105: *Water Supply*.
The applicant proposes 4-6 shared wells for the development. Attorney Kendall Burgemeister submitted a letter of feasibility (Tab P of the application) for the proposed development. A copy of the application was referred to the CO Division of Water Resources. Comments from the Division include: "This area of Tomichi Creek is over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells within the subdivision. The applicant indicates that they intend on developing a plan for augmentation, however a plan has not yet been submitted to the Water Court. Until a plan is approved by the water court, this subdivision will not have a legal water supply."

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, Individual sewage disposal systems are proposed for each lot. A copy of the application was referred to the Environmental Health Official. Stenson commented that, "An ISDS (Individual Sewage Disposal System) can be feasible for each lot for residential use. A Gunnison County ISDS application and permit would be required. It is important to note that, prior to Gunnison County approval for ISDS permits on lots considering the following proposed uses, review and approval by the United States Environmental Protection Agency Class V Underground Injection Control Program (EPA UIC) will be required. Additionally, the applicant stated the use of 'An oil and sand separator will be required for all floor drains.' (Section IV and elsewhere) Floor drains that could drain into the septic system or soils will also require review and approval under the EPA UIC Program for each of the above listed uses.

I have met with Mr. Hearne during discussions with the EPA and he has expressed the willingness to comply with the EPA UIC Program. I recommend UIC Program considerations during the Gunnison County Planning Commission review for this application."

Section 12-107: *Fire Protection*.
The proposed development is located within the Gunnison Fire Protection District. The application was referred to the Gunnison Fire Protection District and the District commented that everything "including access" looks fine. The District requested that the applicant install a dry hydrant on the subject parcel.

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 NCW & Associates, titled, "Exhibit G, Development Layout Plan" dated March 10, 2012 meets these criteria.

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

This section applies; the proposed improvements meet the commercial and industrial setback requirements. The proposed development complies with all setback requirements adjacent to other parcels. The setbacks between the proposed lots comply with the 15-foot setback required between adjacent commercial and industrial uses.

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
Applicable, the submitted protective covenants restrict the maximum residential building size to 2,500 square feet.

Section 13-106: ***Energy and Resource Conservation.***
Applicable, this section will be applied at the time of building permit application.

Section 13-107: ***Installation of Solid Fuel-Burning Devices***
This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: ***Open Space And Recreation Areas***
Applicable, the proposed development is within the City of Gunnison Three-Mile Plan, however there are no adopted standards in the Intergovernmental Agreement for open space, therefore the county standards apply.

The application is required to comply with Section 13-108: F.1 through the inclusion of landscaping elements and property line setbacks. The applicant has identified 2.2 acres (or 7.7% of the total acreage) of defined open space on the Development Layout Plan. Landscaping elements and setbacks are also identified on the Development Layout Plan and on the Landscaping Plan (Exhibit G2). Twelve spruce trees, 37 cottonwood trees, and 21 new shrubs are proposed in the landscaping plan.

Section 13-109: ***Signs.***
There are no signs proposed as part of the Sketch Plan application. Staff has discussed this Section with the applicant and recommended that a sign proposal be submitted with the Preliminary Plan.

Section 13-110: ***Off-Road Parking And Loading.***
Applicable, individual parcels and uses are required to comply with this Section.

Section 13-111: ***Landscaping And Buffering.***
A landscaping plan is required and has been submitted as Exhibit G2, Landscaping Plan. The applicant is proposing twelve spruce trees, 37 cottonwood trees, and 21 new shrubs. Additional landscaping requirements are identified on Page 4 of the narrative of the Sketch Plan application and include specific requirements for individual lots that are included in the protective covenants.

Section 13-112: ***Snow storage****.*
Applicable, the applicant is required to include language in the covenants identifying the HOA as responsible for snow removal and become familiar with the requirements of this Section.

Section 13-113: ***Fencing***
Applicable, this section applies and any fencing proposed shall comply with this section.

Section 13-114: ***Exterior Lighting.***
Applicable, this section applies and any exterior lighting proposed shall comply with this section. Additionally, commercial and industrial uses are required to comply with the exterior lighting requirements of Section 9-301: D.6. *Exterior Lighting.* The protective covenants address exterior lighting requirements in Section 5.7.

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

Applicable, the applicant has acknowledged that a reclamation plan, prepared in compliance with this Section, shall be required at Preliminary Plan. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: *Grading And Erosion Control.*
Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan. 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, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan.

Section 13-118: *Water Impoundments.*
Not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

Section 13-119: *Standards to Ensure Compatible Uses.*
The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

Article 15: *Right-to-Ranch Policy*.
This section is not applicable; there are no agricultural lands that will be affected by the uses on the subject parcel.

FINDINGS:
The Gunnison County Planning Commission finds that:

1. This application, by definition, is classified as a Major Impact.
2. The proposed development is not located adjacent to a municipality but is within the City of Gunnison Three Mile Plan area.
3. Gunnison County and the City of Gunnison have an Intergovernmental Agreement for the Three Mile Plan area.
4. The Planning Commission has expressed concern that compatible uses and siting within the development be considered. It has been noted that some heavy industrial uses may not be appropriate adjacent to other “lighter” commercial uses (e.g. a smelter next to landscaping nursery) and any associated residences.
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. There are no signs proposed as part of this Sketch Plan application. Sign elements as allowed by Section 13-109: *Signs* may be proposed as part of the Preliminary Plan.
7. Draft protective covenants or deed restrictions are to be submitted within the Preliminary Plan are required, along with language on the final plat regarding confinement of domestic animals, fence-out requirements, and irrigation ditch maintenance.
8. Integration of the standards of Section 13-119: Standards to Ensure Compatible Uses, as well as other measures to mitigate issues raised during this Sketch Plan review is required within the Preliminary Plan submittal.
9. Pursuant to Section 7-102:Standards of Approval for Major Impact Projects:

    a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution,* pursuant to Section 7-103, *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 7-103: C., 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.

b. The proposed land use change is required to be compatible with, or to enhance the character of existing land uses in the area surrounding the subject property, and shall not adversely impact the future development of the area surrounding the subject property.

c. No phasing has been proposed by the applicant within this Sketch Plan submittal, and none is being recommended by the Planning Commission at this time.

d. All uses have been identified on lots within this proposed subdivision.

10. 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. 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 applicants are unable to fulfill all of the requirements of this *Resolution*, then the application shall be denied at the Preliminary or Final Plan review stage.
11. 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 required the applicant to begin the Sketch Plan review process again.
12. 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-11-00035 be classified as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

1. A traffic study in compliance with Section 12-106: E. is required to be submitted as part of the Preliminary Plan application.
2. A detailed analysis of what type of uses will or will not be allowed and what level of county review will be required for varying uses is required to be submitted as part of the Preliminary Plan application.
3. A detailed analysis of what type of uses will or will not be allowed adjacent to other uses is required to be submitted as part of the Preliminary Plan application.
4. 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.
5. Integration of the standards of Section 13-119: Standards to Ensure Compatible Uses, as well as other measures to mitigate issues raised during this Sketch Plan review is required within the Preliminary Plan submittal.
6. 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*.

7. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
8. 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.
9. 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.

10. 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.