TO:	**Planning Commission**
FROM:	**Neal Starkebaum, Assistant Director**
SUBJECT:	***DRAFT* Planning Commission Minor Impact Recommendation** **Bemis Subdivision** **LUC-2013-26**
DATE:	**March 7, 2014**
PREPARED BY:	**Neal Starkebaum, Assistant Director**
APPLICANT:	**Ted and Kim Bemis** **444 Camino Del Rio** **Gunnison, CO 81230**

PROJECT DESCRIPTION:
The request is for the subdivision of Lot 8, Dos Rios Home Sites Unit No. 2 Subdivision (3.74-acres) into two single-family residential lots, consisting of Lot 8A – 1.58-acres and Lot 8B – 2.16-acre lots. There is an existing single-family residence on the proposed Lot 8B, served by central water and sewer provided by the Dos Rios Water and Sewer District. Dos Rios Home Sites Unit No. 2 Subdivision was approved by the Board of County Commissioners on October 2, 1962 and was recorded on the same day at Reception No. 252853, with the Gunnison County Clerk and Recorder. Access will be from County Road 77 (Camino Del Rio).

Covenants for the Dos Rios Home Sites Unit No. 2 Subdivision were approved as part of the subdivision and were recorded October 15, 1962 at Book 637, Page 694, with the Gunnison County Clerk and Recorder. The covenants allow the subdivision of lots with Dos Rios Home Sites Unit No. 2. Lot 8A will be served by central water and sewer. The Dos Rios Homeowners Association approved the subdivision request.

The subdivision is shown on a plat titled “Bemis Subdivision”, prepared by Stephen Jessoe, PLS, All County Survey, Inc., dated July 20, 2010.

LOCATION:
The property is located approximately 1 mile southwest of the City of Gunnison, 1/2 mile south of State Highway 50, southeast of County Road 77 (Camino Del Rio)

SURROUNDING LAND USES:
Dos Rios Golf Course
Residential – Single-family residences

IMPACT CLASSIFICATION:
Minor Impact Project, based upon classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

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

- Minor Impact Application
- Easement Deed, Driveway Access, October 26, 2001, Reception No. 515388 Gunnison County Clerk and Recorder
- Dos Rios II Homeowners Association letter, Mike Grosse, President, October 14, 2013
- Gunnison County Public Works comments, December 4, 2013
- Gunnison County Wildlife Conservation Coordinator comments, December 6, 2013
- City of Gunnison comments, December 12, 2013
- Gunnison County Public Works – Utility Division, letter of May 6, 2013

MEETING DATES:
The Planning Commission held meetings on the following dates:

- January 3, 2014 Work Session
- March 7, 2013 Joint Public Hearing/Work Session

SITE VISIT:
The Planning Commission determined a site visit was not necessary, as the members were familiar with the project location and surrounding neighborhood.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on March 7, 2014. All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation. At that time……

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

City of Gunnison:
Comments were received from Greg Larson, Chairperson, City Planning and Zoning Commission, letter dated December 12, 2013:

> "The City has no specific concerns since central water and sewer services are at the site, access to both lots are available and the subdivision is compatible with the surrounding neighborhood and the Three Mile Area designation."

Gunnison County Public Works Department:
Comments were received from Marlene Crosby, Gunnison County Public Works Director, on December 4, 2013:

> "The driveway will access CR #33. There is an existing driveway to a barn/shed structure. The applicant was advised that he will either need to upgrade and use that access or close it and build a new drive. Only one driveway will be allowed to access CR #33 from this parcel."

Gunnison County Public Works – Utility Division:
Comments were received from Mark Templeton, Utility Division Manager, on May 6, 2013:

> "The lot that Ted Bemis wants to subdivide has a main sewer line already running through it. Tapping into the main line will be quite easy. He will be required to pay a sewer tap fee of course.
>
> The water is available off of Camino Del Rio which runs on the north side of the newly subdivided lot. Again a water tap fee will be required to tie onto the County water line."

Gunnison County Wildlife Conservation Coordinator:
Comments were received from Jim Cochran, Gunnison County Wildlife Conservation Coordinator, memo dated December 6, 2013:

> "This parcel is located within the Gunnison River corridor, which is primarily cottonwood/willow/alder habitat and is not actual Gunnison Sage-grouse habitat. The Dos Rios subdivision is an older subdivision with considerable development.
>
> No part of this parcel is within Gunnison Sage-grouse priority habitat (score15) as mapped using the 2012 Habitat Prioritization tool (HPT) (Gunnison Basin Sage-grouse Strategic Committee 2012). The overall Gunnison Sage-grouse habitat scores for this parcel range from a low of -34 to a high of -9, reflecting the location in non-habitat, and the surrounding development.
>
> Development on this parcel will be reviewed under the Section 11-106 amendments to the Gunnison County Land Use Resolution as adopted by the Gunnison County Board of County Commissioners on November 5, 2013. There is no Tier 1 habitat on this parcel.
>
> It is my finding that subdivision of this parcel will not adversely impact Gunnison Sage-grouse or their habitats.
>
> To avoid and/or minimize potential offsite impacts to Gunnison Sage-grouse and/or their habitats the following conditions will be applied to all permits issued by Gunnison County for activities on this parcel and any parcels resulting from the proposed subdivision:
>
> 1) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
>
> 2) Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. A Gunnison County Reclamation Permit is required for any land-disturbing activities on this property. It may contain additional site-specific reclamation requirements.
>
> 3) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main/CDAGLayout. The Gunnison County Weed District should be contacted (970- 641-4393) for additional information and technical assistance."

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

Section 10-102: *Locational Standards for Residential Development.*
The request meets the primary residential density standard, being located within the City of Gunnison's municipal Three-Mile Plan area. Comments were received from the City of Gunnison Planning and Zoning Commission December 12, 2013 noting that the proposal meets the City's Three Mile Plan (land use) designation. The area is designated by the Plan as "Moderate Density", which provides for a density of 1 to 6 units/acre.

Section 10-103: *Residential Density.*
The proposed subdivision is located within the City of Gunnison's municipal Three-Mile Plan area. The proposed lots are substantially similar in lot size and lot density to parcels in the neighborhood. The lots are served by central water and sewer.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
A small portion of the property on Lot 8B, on the banks of the Gunnison River, is within a flood hazard area. The 100-year floodplain has been identified on the plat. Lot 8A and the existing residence on Lot 8B are not located within the 100-year floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Not applicable, the subject property is not in a geological hazard area, as defined by County mapping.

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

Section 11-106: *Protection of Wildlife Habitat Areas.*
The property is within mapped Gunnison Sage-grouse habitat. Jim Cochran, County Wildlife Conservation Coordinator, memo of December 6, 2013, notes that the subdivision will not adversely impact Gunnison Sage-grouse.

Section 11-107: *Protection of Water Quality*.
A pond is located on the property. The 25' buffer setback is incorporated into the subdivision design.

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, there are no agricultural lands in the immediate area.

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*.
An existing driveway, over an existing access easement is in place for access to the proposed Lot 8B from County Road77 (Camino Del Rio), October 26, 2001, Reception No. 515388 Gunnison County Clerk and Recorder. Access to Lot 8A will be via a driveway from County Road 77 (Camino Del Rio). The road system will not be impacted by the proposal. Marlene Crosby, Gunnison County Public Works Director comments, December 4, 2013.

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

Section 12-105: *Water Supply*.
The subdivision will be served by central water, provided by the Dos Rios Water and Sanitation District, with an existing water line adjacent to the property. Lot 8B is currently served and Lot 8A has service availability. Letter from Mark Templeton, Utility Manager, May 6, 2013.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
The subdivision will be served by central sewer, provided by the Dos Rios Water and Sanitation District, with an existing sewer line running through the property. Lot 8B is currently served and Lot 8A has service availability. Letter from Mark Templeton, Utility Manager, May 6, 2013.

Section 12-107: *Fire Protection*.
The property is within the Gunnison County Fire Protection District. No comments were received.

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

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
This section applies; the proposed improvements, within the building envelopes meet the setback requirements. The draft subdivision plat identifies that the building envelope meets the required setback of 40 feet from Camino Del Rio and side lot lines setbacks of 15 feet.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Compliance with this Section is required at the time of building permit application. No specific square footage limitations are identified in the covenants.

Section 13-106: *Energy and Resource Conservation.*
All structures to be constructed within the development will be subject to the standards of this Section at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
This section applies and installation of solid fuel-burning devices will be subject to the standards of this Section at the time of building permit application. .

Section 13-108: *Open Space and Recreation Areas*
Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: *Signs.*
There are no signs proposed as part of the submitted application.

Section 13-110: *Off-Road Parking and Loading.*
The applicant has provided parking spaces for the proposed new residence. A minimum of two parking spaces is required for each single-family residence.

Section 13-111: *Landscaping and Buffering.*
Not applicable, not required for minor impact residential subdivisions.

Section 13-112: *Snow storage*.
Adequate area is available for snow storage.

Section 13-113: *Fencing*
This section does apply. Any new fencing shall comply with this Section.

Section 13-114: *Exterior Lighting.*
Applicable, any new structures that are proposed will be required to comply with this section.

Section 13-115: *Reclamation and Noxious Weed Control.*
A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: *Grading and Erosion Control.*
Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff.*
Compliance with this Section is required at the time of building permit/driveway application.

Section 13-118: *Water Impoundments.*
Not applicable, this project does not propose a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.
The proposed use is similar to and compatible with the existing residential uses in the surrounding neighborhood.

Section 15-103: *Right-to-Ranch Policy*.
Not applicable. There is no ranch operations in the immediate vicinity.

FINDINGS:
The Commission finds that:

1. The application is classified as a Minor Impact Project.

2. The subdivision plat was reviewed and approved by the County Attorney's office, as to form and content.

3. Jim Cochran, Gunnison County Wildlife Conservation Coordinator, memo dated December 6, 2013, notes the finding that subdivision of this parcel will not adversely impact Gunnison Sage-grouse or their habitats.

4. The proposed use is similar to and compatible with the existing residential uses in the surrounding neighborhood.

5. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and Section 6-103: *Standards of Approval for Minor Impact Projects*.

6. 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 plans, exhibits, site specific mitigation, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2013-26, Bemis Subdivision, be approved with the following conditions:

1. 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*.

2. To avoid and/or minimize potential offsite impacts to Gunnison Sage-grouse and/or their habitats the following conditions will be applied to all permits issued by Gunnison County for activities on this parcel and any parcels resulting from the proposed subdivision:
   1) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

   2) Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. A Gunnison County Reclamation Permit is required for any land-disturbing activities on this property. It may contain additional site-specific reclamation requirements.

   3) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: http://www..colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main/CDAGLayout. The Gunnison County Weed District should be contacted (970- 641-4393) for additional information and technical assistance."

3. A mylar subdivision plat, in compliance with Section *6-105* of the *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until the plat is signed by the Chairman of the Board of County Commissioners and is recorded with the office of the Gunnison County Clerk and Recorder.

4. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.

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

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

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