GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, February 7, 2014

8:45 a.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are <u>not scheduled on the day's agenda.</u>

9:00 a.m. **Cross-Bar Ranch, LUC 13-00027,** work session/no action, request for third residence on one parcel, located east of the City of Gunnison and north of Sargents on County Road 888 (Whitepine), legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M., 3535 County Road 888

9:30 a.m. **Cross-Bar Ranch, LUC 13-00027,** public hearing/possible action, request for third residence on one parcel, located east of the City of Gunnison and north of Sargents on County Road 888 (Whitepine), legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M., 3535 County Road 888

10:00 a.m. **Sonrise, LUC-13-00025,** work session/no action, request for the construction of three residences on one 13-acre parcel. Sonrise Mountain Ranch is a retreat center and is supported by full time and seasonal staff at 1670 County Road 858 and legally described as 13.673 acres in SE1/4, SW1/4, Section 32, Township 47 North, Range 6 West.

End of Meeting

- Report of actions taken by BOCC.
- A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

Adjourn

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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
February 7, 2014
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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Kent Futlon
Vice-Chairman- Jeremy Rubingh
Commissioner- Warren Wilcox
Commissioner-Susan Eskew
Commissioner- A.J. Cattles
Commissioner- Tom Venard

Director of Community Development- Russ Forrest
Community Development Planner-Cathie Pagano
Community Development Services Manager-Beth Baker
Others present as listed in text

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With a quorum present Chairman Kent Fulton opened the regular meeting of the Planning Commission.

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Moved by; Cattles seconded by Wilcox to approve Planning Commission minutes dated January 17, 2014 as amended. The motion passed unanimously.

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Cross-Bar Ranch, LUC 13-00027; The Gunnison County Planning Commission conducted a work session/ with no action and a public hearing/ with possible action. They reviewed the request for third residence on one parcel, located east of the City of Gunnison and north of Sargents on County Road 888 (Whitepine), legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M., 3535 County Road 888.

Chairman Fulton has recused himself from the review of the Cross-Bar Ranch application.

With a quorum present Vice-Chairman Jeremy Rubingh opened the work session.

Applicant's representative Jennifer Barvitski was present to discuss the project.

Barvitski explained the applicants have increased the square footage now being requested; they are asking to increase the residential area, within the garage, on the first floor. The second floor will remain the same. This will not increase the square footage of the original footprint. Planner Cathie Pagano said the total aggregate square footage of the site is included in the Planning Commission decision. The decision will approve a total square footage of 14, 499 sq. ft.

Pagano said there have been no comments submitted orally or in writing by the public.

There were no questions from the Planning Commission.

Rubingh closed the work session.

With a quorum present Vice Chairman Jeremy Rubingh opened the public hearing.

Chairman Fulton has recused himself from the review of the Cross-Bar Ranch application.

Planner Cathie Pagano confirmed adequate public notice. The applicants submitted the proof of posting and certified mail receipts; the Planning Office had the notice published in the Crested Butte News and the Gunnison Country Times.

Applicant's representative Jennifer Barvitski was present to discuss the project.

The applicants have requested a third residence above the garage.

Rubingh noted the Planning Commission had previously visited this site for another application.

Rubingh seated alternate commissioner Tom Venard for the review and vote on the application.

The Planning Commission reviewed the draft recommendation of approval.

MOVED; by Cattles seconded by Wilcox to approve LUC-13-00027, Cross Bar Ranch Third Residence, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:
Crossbar Ranch, LLC represented by Jennifer Barvitski is requesting construction of a third residence on the subject parcel. There is an existing primary residence adjacent to this proposed third residence. The third residence also includes a garage which has already been permitted; the third residence will be located adjacent to the main residence. The proposed third residence is 1,499 square feet. The garage is currently under construction pursuant to Building Permit No. 13-00190.

The new garage and third residence will be located on a 2,000 acre parcel that is part of the larger Cross Bar Ranch. The proposed third residence would potentially make the total square footage approved through Land Use Change permits 14,499 square feet. The current, existing square footage on the parcel subject to Section 13-105: G. is 3,835 square feet. The applicant proposed a 9,165 square foot addition to the primary residence, making the total single family residence square footage, approved in LUC-13-00007, 12,500 square feet (not including the existing 500 square foot secondary residence).

The subject parcel is located east of the City of Gunnison, north of Sargents on County Road 888 (Whitepine) at 3535 County Road 888. The parcel is legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M.

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact pursuant to *Section 6-102: A. 2-4 Units.*

MEETING DATES:
The Planning Commission held work sessions and public hearings to discuss the Cross Bar Ranch application on the following dates:

- January 3, 2014 Work session
- February 7, 2014 Work session and Public Hearing

SITE VISIT:
The Planning Commission conducted a site visit at this parcel for a separate application on June 21, 2013. The Commission determined that an additional site visit for this specific application was unnecessary.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on February 7, 2014. No public comment was received, nor was any public present at the hearing.

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent via electronic mail on December 6, 2013 to the following agencies: Colorado Parks and Wildlife, Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Wildlife Coordinator, and the Gunnison County Fire Protection District. Comments from the agencies and are noted in the applicable sections below.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*
Section 9-100: *Uses Secondary to a Primary Residence.*

Not applicable. There is an existing secondary residence on the parcel; this application is for a third residence on the subject parcel.

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.*
Not applicable, no commercial industrial use is proposed as part of this application.

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, no subdivision is proposed as part of this application.

Section 10-103: *Residential Density.*
Not applicable, no subdivision is proposed as part of this application.

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

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

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*
Applicable, portions of the subject parcel are in high wildfire hazard area. The owner shall be required to sign and have notarized an acknowledgment and disclaimer document as part of the building permit review.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The application was referred to Colorado Parks and Wildlife and the Gunnison County Wildlife Coordinator.

An email, dated December 29, 2013, from Nick Gallowich, District Wildlife Manager – Gunnison East, notes that CPW has

> *…determined that the proposed changes should not negatively impact wildlife beyond the level that is currently existing due to the construction on the ranch. CPW does not foresee any major conflicts to wildlife with the potential increase of traffic to this third residence.*
>
> *CPW does request that the applicant take into consideration the potential for increase human/bear conflict due to greater amounts of household trash. Most encounters can be reduced with proper storage and handling. CPW urges residents in higher density bear areas to utilize bear proof trash containers to reduce such conflict.*

The proposed third residence is not in an area of occupied sage grouse habitat.

Section 11-107: *Protection of Water Quality*.
Not applicable, there are no water bodies within 125 feet of the proposed development.

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.

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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. Marlene Crosby, Public Works Director, noted that an access permit and reclamation permit shall be required and that the driveway must be constructed pursuant to Section 4.5 of the *County Road and Bridge Standards*.

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

Section 12-105: ***Water Supply*****.**
There is an existing well that is proposed to serve the addition to the residence. Well permit No. 234114 has been issued to serve not more than three single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.

Section 12-106: ***Sewage Disposal/Wastewater Treatment.***
Applicable, the existing residences are served by two individual sewage disposal systems. Crystal Lambert, Environmental Health Official noted that the "third individual sewage disposal system to service the proposed third residence is feasible and was approved under Special Review by the Environmental Health Board on October 16, 2013."

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; Dennis Spritzer said in an email dated December 9, 2013 that, "I have no fire issues with this proposal as long as the driveway will meet County specifications."

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, "Alvarez Main House Garage & Apartment," prepared by Jennifer M. Barvitski, Architect, LLC and dated November 18, 2013, meets these criteria.

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

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
Applicable, the proposed third residence will expand the approved aggregate square footage from 13,000 square feet to 14,499 square feet. 12,500 square feet is the maximum aggregate square footage allowed without a Land Use Change permit. The applicant received approval in LUC-13-00007 to expand the existing single family residence to 12,500 square feet. The maximum residential square footage allowed without a Land Use Change permit is 10,000 square feet; the maximum aggregate square footage allowed without a Land Use Change permit is 12,500 square feet.

G.1. ***Finding of No Obtrusive Visibility Required for Approval***
G.1.a. ***Minimize Visibility of Structure by Siting***
The proposed third residence is set back approximately three-quarters of a mile from County Road 888 and is located behind the existing main residence.
G.1.b. ***Minimize Visibility of Structure by Screening***
On the south side of the addition is an existing large ridge covered with a dense evergreen and pine forest. This blocks the view of the existing residence and proposed third residence completely from the south and southeast. On the north side of the addition is a large grove of evergreens and pines, which blocks the view of the existing home and the proposed third residence almost completely from the north and northeast. The west side is not visible from any roads. The residences are not visible from any other parcel. The applicant also proposes to use architectural techniques to make the home less obtrusive. Exterior materials will blend with the surrounding site

and will consist of barn wood siding, log siding, stone, reclaimed log and square timbers, wood shake shingle roofs and rusted metal roofs.

G.1.c. *Location of Utilities Underground*

All utilities to the residence will be buried underground.

G.2. *Obtrusive Visibility Shall Cause Denial*

The structure is not obtrusively visible from outside of the subject parcel.

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*
Not applicable, no requirement of open space is required for this application.

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

Section 13-110: *Off-Road Parking and Loading.*
The number of parking spaces complies with **Appendix Table 3 and this section.**

Section 13-111: *Landscaping and Buffering.*
A landscaping plan is required and has been submitted as part of the site plan. The applicants propose that landscape planting areas be seeded with native grasses.

Section 13-112: *Snow storage*.
Design elements have been included within the site layout design allowing for adequate snow storage.

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.

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.*
Not applicable.

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 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:

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1. This project is classified as a Minor Impact.

2. The visibility of the proposed third single-family residence has been minimized by siting and to the shield the building.

3. The visibility of the third single-family residence has been minimized through the use of natural colors and non-reflective building materials.

4. The proposed third single-family residence will not be obtrusively visible from County Road 888 or any of the adjoining parcels.

5. Portions of the subject parcel are in high wildfire hazard area.

6. All utilities to the proposed residence will be buried.

7. This application is consistent with the standards and requirements of this *Resolution*.

8. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

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DECISION:
The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC-13-00027 be classified as a Minor Impact, and be approved with the following conditions:

1. The driveway shall be constructed pursuant to Section 4.5 of the *County Road and Bridge Standards.*

2. The property owner shall utilize bear proof trash containers to reduce human bear conflicts.

3. The existing topography and vegetation shall be maintained in such a way that the third single family residence remains unobtrusively visible.

4. All utilities to the single family residence shall be buried underground.

5. Non-reflective building materials and natural colors that are similar to the tones of the existing landscape at the site shall be used in design and construction of the single family residence.

6. The owner shall be required to sign and have notarized an acknowledgment and disclaimer document as part of the building permit review.

7. 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*.

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

9. 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.

10. 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.

11. 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.

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Sonrise, LUC-13-00025; The Gunnison County Planning Commission conducted the first work session to review the request for the construction of three residences on one 13-acre parcel. Sonrise Mountain Ranch is a retreat center and is supported by full time and seasonal staff at 1670 County Road 858 and legally described as 13.673 acres in SE1/4, SW1/4, Section 32, Township 47 North, Range 6 West.

With a quorum present Chairman Kent Fulton opened the work session.

Planner Cathie Pagano was present to represent staff.

Applicant's representative's consultant Bob Hurford, Director of Sonrise Mountain Ranch Matt McGee, and Sonrise staff member Roger Drown were present to discuss the application.

Hurford explained the site is approximately 21 miles from Gunnison. Sonrise is a family retreat center which is supported by full time and seasonal staff. He prepared a power point presentation to review the application. He said some of the water does come from Silver Jack reservoir, but the majority of the water comes from the High Park Spring. There is an existing manufactured home on the 13-acre site, which would be removed if this request is approved. The applicants are requesting three dwelling units, for staff housing. The location of the houses was chosen for the higher ground level.

Hurford said the High Park Spring was developed as a domestic water supply in the early 1970's. There are several water holding tanks; one has been purchased by Sonrise. He identified the driveway access and noted it will require improvements to comply with county standards.
McGee said Sonrise has been in existence for ten years and moved up to this area in 2004. McGee's family established the retreat center. There now are additional staff families/ permanent staff. They have trouble finding staff rental housing. The 13 acre parcel was recently purchased and is adjacent to their original parcel. He reiterated they are requesting to build three staff cabins, to establish permanent staff housing. He explained at the height of the season they could accommodated a maximum of eight guest families/ 40 individuals. There are no other activities planned for the 13-acre parcel.

Fulton asked if this is a year round operation; McGee said yes, the lodge operates full time throughout the year. Summer and fall are the busiest time of year.

Fulton asked when the houses would be built; McGee said they would like to begin construction in the late spring, on the first house. They will have to secure financing for the development of each home. Fulton asked how long it will take to construct all three of the houses. McGee was not sure they could complete all three homes within the three year vesting right window of time. Planner Cathie Pagano explained the time frame can be addressed in the project description, so the applicants would not have to come back through Planning Commission for another approval if the vested rights expire.

Rubingh requested an explanation of the total plan for this 13-acre site. McGee said the three homes are the only things being requested or projected. He feels strongly they will not be coming back for additional cabins. McGee said it is designed as a small intimate setting and they want it to remain that way. They feel they would be less effective if they increase in size.

The commissioners and Hurford discussed the water adequacy. Hurford said they have water rights in the High Park Spring; it is a high producing quality spring. There is a well on the original lodge parcel, but is not dependable and not in use.

Hurford said they have applied for a water disinfection waiver from the State Water Quality control division. They are attempting to not chlorinate the spring water; it has never failed a water test. He noted the water supply is not in question, and the State has said the water is safe, with no public safety issues or concerns.

Hurford explained there are multiple water rights owners in the spring. The Sonrise water right is at least a third of the production. The spring currently serves a number of houses in the surrounding subdivisions. There are several water storage tanks; Sonrise has a 5,000 gallon underground water tank. He said there is a water augmentation plan in effect.

Rubingh asked about the septic system; Hurford acknowledged a common disposal system is preferred; but because of the terrain it is not feasible. There are draws in-between each one of the houses. The rolling terrain will not allow tying it all together.

Planner Pagano noted they had proposed three individual systems; Environmental Health Official Crystal Lambert has said it is potentially feasible but it would require a waiver from the EH Board; the EH Board would have the final vote on the request. The EH variance request could run simultaneously with the Land Use Change. Hurford said the current septic system for the house would be removed.

Planner Pagano noted her concerns with possible wetlands issues and the swales which could make meeting the setback requirements problematic. Hurford said this configuration would work, but the third cabin will be the most challenging. The leach field will have to be 100 ft. from any swale.

Pagano encouraged the commissioners to conduct a site visit. It would not take place until the snow is gone, in the late spring. A wetlands delineation could be required.

The Planning Commission requested information on the setbacks to the septic systems. They requested a more detailed map showing where the road would go in connection to the large swales.

McGee asked if septic systems could be combined; Pagano said yes.

There will be another work session conducted. The site visit and public hearing could be conducted the same day. The timing of the site visit will coordinate with the melting of the snow so the ground can be observed.

Chairman Fulton closed the work session.

END OF DAY DISCUSSION;

Scarp Ridge was approved by the BOCC; the applicants expect to have the preliminary plan submitted in 12 to18 months.

The BOCC will look at licensing marijuana facilities making the Planning Commission the licensing entity.

There is an active discussion within long range planning to articulate a valley wide common vision.

There will be an orientation discussion conducted by the county attorney at the next Planning Commission meeting.

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Fulton adjourned the meeting at 11:40 A.M.

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/S/ Beth Baker
Community Development Department Services Manager
Gunnison County Community Development Department

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