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

8:45 a.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Election Of Officers**
- **Designation Of Official Posting Location**
- **Welcome to New Planning Commission member**
- **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 not scheduled on the day's agenda.

9:00 a.m. **Bemis Subdivision, Ted and Kim Bemis**, **LUC 13-00026** joint public hearing/no action, request is for the subdivision of Lot 8, Dos Rios Home Sites Unit No. 2 Subdivision into two single-family residential lots, 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) work session/possible action; recommendation to County Commissioners

10:00 a.m. **David Baumgarten, County Attorney**, work session/no action, Planning Commission training, ex parte communication, etc.

11:00 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.

Lunch

1:00 p.m. **Planning Commission and staff,** work session/no action Planning Commission training – Handbook, bylaws

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
March 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 Fulton
Commissioner- AJ Cattles
Commissioner- Warren Wilcox
Commissioner-Susan Eskew
Alternate Commissioner- Tom Venard
Alternate Commissioner- Jack Diani

Director of Community Development- Russ Forrest
Assistant Director of Community Development- Neal Starkebaum
Community Development Planner-Cathie Pagano
Community Development Services Manager-Beth Baker

Absent; Vice-Commissioner Rubingh

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.

Fulton welcomed Commissioner Diani to the Commission.

Fulton seated Alternate Commissioner Tom Venard for the entire meeting.

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Moved by Fulton seconded by Wilcox to approve Planning Commission minutes dated February 7, 2014 as amended. The motion passed unanimously.

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ELECTION OF OFFICERS:

MOVED: by Eskew seconded by Cattle's to appoint Commissioner Fulton Chairman of the Gunnison County Planning Commission. The motion passed unanimously.

MOVED: by Eskew seconded by Cattles to appoint Commissioner Rubingh Vice-Chairman of the Gunnison County Planning Commission. The motion passed unanimously.

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NOTICE POSTING LOCATIONS: **Moved**; by Fulton, seconded by Wilcox to designate the official meeting notice locations for 2014 to be the glass case outside the Clerk and Recorders office in the Blackstocks Government Center and the bulletin board outside of the Planning Commissioners Meeting Room at the Blackstocks Government Center designated as an advisory posting location. The motion passed unanimously.

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Bemis Subdivision, Ted and Kim Bemis, LUC 13-00026; The Gunnison County Planning Commission and Board of County Commissioners opened the joint public hearing/no action, request is for the subdivision of Lot 8, Dos Rios Home Sites Unit No. 2 Subdivision into two single-family residential lots, 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) work session/possible action; recommendation to County Commissioners.

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BOCC members Paula Swenson and Phil Chamberland were present for the joint public hearing. Assistant Director of Community Development Neal Starkebaum and Director of Community Development Russ Forrest were also present for the joint public hearing.

With a quorum present Chairman Fulton opened the public hearing of the Planning Commission.

Planning Services Manager Beth Baker confirmed adequate public notice: the Planning office had the notice published in the Gunnison Country Times and the Crested Butte News and the applicants submitted the proof of posting and the certified mailing receipts.

Ted and Kim Bemis were present to explain their application. Kim Bemis noted they are subdividing their property into two separate lots. The lot with the original home will be the larger lot.

Starkebaum identified comments received;

- City of Gunnison comments- no specific concerns
- Public Works- no issues
- Public Works Utility Division – existing sewer line runs through and there is a water tap
- Wildlife Conservation – no issues
- Staff received no public written or oral comments

Staff had no additional comments.

Chamberland asked if they we going to sell the property. Ted Bemis said it is listed and the intention is to sell the original home and lot and build on smaller lot.

Planning Commission had no issues.

Fulton closed the public hearing.

With a quorum present Chairman Fulton opened the work session

The commissioners reviewed the draft planning recommendation of approval.

Moved by Wilcox seconded by Fulton to approve the recommendation to the Board of County Commissioners, LUC-13-00026; Ted and Kim Bemis request for a two lot subdivision- Lot 8, Dos Rios Home Sites Unit No.2. The motion passed unanimously.

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 33 (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 33 (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, 2014Work 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, no public was present and no public comments were received by the Commission.

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."

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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=11740840487 33&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 THE *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 8A from County Road 33 (Camino Del Rio), October 26, 2001, Reception No. 515388 Gunnison County Clerk and Recorder. Access to Lot 8b will be via a driveway from a private road, commonly known as Cottonwood Road, also known as Montbello Drive. 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.

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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:

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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.

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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.

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David Baumgarten, County Attorney: The Gunnison County Planning Commission conducted a work session with no action. They discussed ex parte' communications, the Sunshine Law, and legal liabilities in a training session with the Gunnison County Attorney, David Baumgarten.

No minutes were taken during the training session.

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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.

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

Applicant's representative's consultant Bob Hurford, and Director of Sonrise Mountain Ranch Matt McGee were present for the work session.

Planner Cathie Pagano and Director of Community Development Russ Forrest was present for the work session.

Hurford noted he had submitted an aerial map of the site to the commissioners for their review. He discussed the roads, culverts, pond, future home sites, etc. on the map. He discussed possibly combining leach fields for home sites two and three. The sagebrush and grassy slopes were shown as examples of the terrain.

Fulton asked about the current septic system; Hurford said there is a septic system which was installed in the 1970s, they do not have the exact location of the system. They will be replacing that system.

McGee discussed the phasing schedule. He explained they would not be building all the homes at once; from date of approval they would submit application for the third residence within five years of the land use approval. They intend to build the first residence this year, the second residence in three years, and the third residence in year five. Pagano explained they will also have an opportunity to extend the approval for an additional year.

Pagano said the variance for the septic systems could be done concurrently now, or when they build the second and third residence they could apply for the septic system at that time.

Eskew noted when the snowpack is off the site the commissioners will conduct a site visit.

Pagano said there is a 15 day notice requirement prior to the public hearing requirement. The dates in May could either be May 2 or May 16, 2014.

Fulton closed the work session at 12:00 P.M.

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Planning Commission and staff; The Gunnison County Planning Commission and staff conducted a work session with no action. They discussed Planning Commission training – Handbook, bylaws, etc.

No minutes were taken during the work session.

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Fulton adjourned the meeting at 2:15 P.M.

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

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