AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Resolution; Adopting the Gunnison/Crested Butte Industrial Special Area, Special Area Regulations and Special Area Maps

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:
Board adoption of Gunnison/Crested Butte Industrial Special Area

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 6/24/2014 Certificate of Insurance Required Yes ○ No ●

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 6/24/2014

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 7/1/2014 Follow Up Agenda Date:

Revised April 2013

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 14 - __

A RESOLUTION
ADOPTING THE GUNNISON/CRESTED BUTTE
INDUSTRIAL SPECIAL AREA, SPECIAL AREA REGULATIONS
AND SPECIAL AREA MAPS

WHEREAS, the *Gunnison County Land Use Resolution* provides, at Section 1-110: *Process For Designating Special Areas*, a process by which the Board of County Commissioners of Gunnison County may designate particular geographical areas, basins, or other land areas as being uniquely subject to specialized land use regulations; and

WHEREAS, the Board of County Commissioners and the Planning Commission jointly held a public hearing on April 18, 2014, including extending the written comment portion of the public hearing to May 15, 2014, to receive public testimony concerning the proposed Special Area; and

WHEREAS, after a review of all information, documentation and testimony related to it, the Planning Commission did on May 16, 2014 forward a recommendation of unanimous approval of the request to the Board of County Commissioners; and

WHEREAS, the Board of Commissioners did, on June 3, 2014 receive and review the Planning Commission's recommendation, and considered the recommendation in evaluating the request, and intends to approve the request by the adoption in full of the Planning Commission's May 16, 2014 recommendation:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY that:

The *Gunnison/Crested Butte Industrial Special Area*, including the *Gunnison/Crested Butte Industrial Special Area Regulations*, attached, and the attached maps of the *Gunnison/Crested Butte Industrial Special Area*, identified as "Riverland Industrial Park – Special Area" and "Signal Peak Industrial Park – Special Area", is hereby adopted;

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and passed on this 17th day of June, 2014.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

ATTEST:

_____
Gunnison County Deputy County Clerk

GUNNISON - CRESTED BUTTE INDUSTRIAL SPECIAL AREA

ADOPTED
JUNE 17, 2014

SECTION 1: PURPOSES.

The Gunnison/Crested Butte Industrial Special Area is a discrete geographic area in which land development and land use is identified as being appropriate for industrial uses on lands adjacent to and compatible with the uses within the Signal Peak Industrial Park, east of Gunnison and the Riverland Industrial Park, south of Crested Butte. The general purpose of these *Regulations* is to identify areas determined to be appropriate for industrial uses and the following purposes will serve as basic goals for this designation.

A. GENERAL PURPOSES.

1. **PROMOTE HEALTH, SAFETY, GENERAL WELFARE AND THE ENVIRONMENT.** To promote the health, safety, and general welfare of the citizens of Gunnison County by giving reasonable consideration to the social, economic and environmental characteristics of the community and the compatibility of proposed land use changes with existing uses.

2. **SIMPLIFY THE LAND USE PLANNING AND REGULATORY REVIEW PROCESS.** To simplify, expedite and provide uniform application of the land use planning and regulatory review process.

3. **PROVIDE FOR ORDERLY USE OF LAND**. To plan for and regulate the use of land and to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights and without unnecessary time and expense by applicants or the public.

4. **EVALUATE CUMULATIVE IMPACTS**. To evaluate the combined impacts of two or more uses or activities, and repeated activities, in a discreet area or the whole of Gunnison County.

5. **REGULATE LAND USE BASED ON IMPACTS**. To regulate the use of land based on the impact of such use on surrounding areas and the community to eliminate, minimize, or mitigate conflicts among different land uses.

B. PURPOSES TO MANAGE AND GUIDE LAND DEVELOPMENT.

1. **PROMOTE A COMPACT DEVELOPMENT PATTERN.** To promote a compact development pattern that discourages sprawl, in which denser and more intense forms of development will occur contiguous to, or in close proximity to, existing population and development centers and public services. To encourage development patterns that will tend to minimize the cost of providing governmental and other services and will preserve open space.

2. **ENSURE ADEQUATE FACILITIES.** To ensure that development provides, and is served by, adequate transportation, water supply, wastewater treatment, other utilities and public services, schools, open space, parks, trails, and similar facilities, and to provide for phased development based on location and capacity of such services and facilities. To ensure that present residents do not have to subsidize land use changes that involve growth or development. To avoid land use changes requiring significant expenditures of public funds for schools, roads, health, police, and fire, or other purposes.

3. **ENCOURAGE INDUSTRIAL DEVELOPMENT NEAR EXISTING SIMILAR, COMPATIBLE USES**. To encourage land uses that are designed, constructed and maintained that are located near or adjacent to existing, similar, compatible industrial uses.

C. PURPOSES TO PROMOTE THE ECONOMIC WELL BEING OF THE COMMUNITY.

1. **PROTECT AND ENHANCE ECONOMY.** To protect and enhance the economic strength of the private and governmental sectors of Gunnison County in a manner that is compatible with this *Resolution*.

2. **ENCOURAGE ECONOMIC DIVERSITY.** To encourage, strengthen and promote greater economic diversity in the County, to broaden employment opportunities and reduce seasonal employment fluctuation in a manner that will not endanger or detract from the existing economy.

D. PURPOSES TO PROTECT ENVIRONMENTAL RESOURCES.

1. **MAINTAIN ENVIRONMENTAL QUALITY.** Recognizing the irreplaceable character of the environment and its importance to the quality of life in Gunnison County, to ensure that land use changes do not degrade or threaten the existing high quality of the environment in the County.

2. **PRESERVE QUALITY AND QUANTITY OF WATER RESOURCES.** Recognizing that the essence of Gunnison County's ability to survive and prosper is the availability of a consistent and clean source of water, the County intends to preserve and protect the quality and quantity of water resources in Gunnison County.

3. **PRESERVE WILDLIFE HABITAT.** To protect and preserve lands from land use activities and patterns of development that would cause significant net adverse effects to sensitive wildlife habitat and to discourage land uses that will impair or destroy such habitats, or their utilization by wildlife species, or that would endanger a wildlife species. It is the intent of this *Resolution* that private landowners do not lose reasonable use of their land or, when appropriate, receive fair compensation because of owning sensitive wildlife habitat.

4. **AIR QUALITY.** To protect and preserve the air quality from development that would cause significant net adverse effects.

SECTION 2: APPLICABILITY.

These *Regulations* shall apply to the development of new uses, expansion of existing uses and change of the use of land or structures within the Industrial Special Area, identified in Exhibits A & B.

SECTION 3: PERMITS REQUIRED

ISSUANCE OF PERMITS. Unless otherwise expressly excepted, no person shall engage in, cause, or allow any land use change as defined in Article 2*: Definitions* of the *Gunnison County Land Use Resolution* upon land owned, controlled, occupied, or used by that person in the unincorporated area of Gunnison County, unless that person has first obtained a Land Use Change Permit pursuant to the *Gunnison County Land Use Resolution*.

SECTION 4: RELATIONSHIP TO THE GUNNISON COUNTY LAND USE RESOLUTION.

A. COMPLIANCE WITH THE GUNNISON COUNTY LAND USE RESOLUTION. Development within the Industrial Special Area shall follow the requirements of the *Gunnison County Land Use Resolution*, except that development within the special area shall be exempt from the following Section:

1. Section 10-104: **LOCATIONAL STANDARDS FOR COMMERCIAL, INDUSTRIAL AND OTHER NON-RESIDENTIAL DEVELOPMENT**.

B. DEFINITIONS. Terms not otherwise defined within these *Regulations* shall be defined pursuant to Section 2-102: *Definitions*, of the *Gunnison County Land Use Resolution*.

C. CONSTRUCTION AND WORD USAGE. Construction and word usage shall be interpreted pursuant to Section 1-111: *Construction and Word Usage*, of the *Gunnison County Land Use Resolution*.

D. INTERPRETATIONS. The Gunnison County Community Development Director shall have authority to interpret these *Regulations*, and shall do so in the same manner provided pursuant to Section 1-114: *Interpretations*, of the *Gunnison County Land Use Resolution*.

SECTION 5: AMENDMENT AND TERMINATION.

A. TERM. Unless earlier terminated, or extended, in accordance with this provision, and subject to any limitations set forth in this provision, these *Regulations* shall continue in full force and effect for a period of 20 years from the date of their initial approval by the Board. However, unless there shall be recorded in Gunnison County within one year before the end of such 20 year period an instrument directing the extension of these *Regulations* and approved by the Board these *Regulations* will terminate as set forth in this Section.

1. **TERMINATION AND MODIFICATION.** These *Regulations*, and any provision contained herein, may be terminated, extended, modified or amended as to all or a portion of the Industrial Special Area upon approval by the Board.

B. AMENDMENT. The following process shall apply to an application to amend these *Regulations*:

1. INITIATION. An amendment to these may be initiated by any of the following:

a. BOARD MOTION. The Board may initiate an amendment by motion directing the Community Development Director to submit a proposed amendment and report to the Planning Commission for review and for further action pursuant to this Section.

b. PLANNING COMMISSION INITIATIVE. The Planning Commission may initiate an amendment by submitting a written recommendation for proposed amendment to the Board.

c. COMMUNITY DVELOPMENT DIRECTOR. The Community Development Director may initiate an amendment by submitting a written recommendation for proposed amendment directly to the Board, or by first submitting it to the Planning Commission for review and recommendation to the Board.

d. RESIDENT OR PROPERTY OWNER. An amendment may be initiated by any resident or property owner of the County, by the submittal of an application to the Community Development Department.

2. SUBMITTAL OF DRAFT AMENDMENT LANGUAGE. Any initiative or application for amendment shall be submitted to the Community Development Department, and shall include at a minimum the following:

a. IDENTIFICATION OF APPLICANT, IF RESIDENT- OR PROPERTY OWNER-INITIATED. The applicant's name, address, and telephone number. If the applicant is to be represented by an agent, a notarized letter signed by the applicant shall also be submitted, authorizing the agent to represent the applicant and stating the representative's name, address, and phone number.

b. PRECISE WORDING. The precise wording of the proposed amendment, and the Section in which it is proposed to occur.

c. RATIONALE FOR PROPOSED AMENDMENT. A concise statement of the purpose and need for the proposed amendment.

1. COMMUNITY DEVELOPMENT DEPARTMENT'S REVIEW. The Community Development Department shall review the application for completeness for compliance with this Section.

2. PLANNING COMMISSION REVIEW. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the Community Development Department's report. The Planning Commission shall review the application, considering the standards of this, and shall make a recommendation to the Board to approve, approve with modifications, or deny the proposed amendment.

3. BOARD PUBLIC HEARING. The Planning Commission's recommendations shall be forwarded to the Board, together with a complete copy of the application and a copy of the Community Development Department's review. Should it deem to be in the best public interest, the Board may conduct a public hearing, providing public notice a minimum of 15 days prior to the date of hearing, and otherwise pursuant to Sections 4-112: *Notice of Public Hearing*, and 4-113: *Conduct of Public Hearing,* of the *Gunnison County Land Use Resolution*.

4. BOARD REVIEW AND ACTION. The Board shall consider the application, any relevant support materials, the Planning Commission's recommendation, as applicable, public testimony and evidence given at a public hearing, and compliance of the application with these *Regulations.* Following closure of the public hearing, the Board may, by written resolution, adopt the amendments, adopt the amendments with modifications, or deny the amendments. Such resolution shall include findings that address the review following:

(a.) REVIEW STANDARDS. The decision to amend the text of the *Resolution* is at the legislative discretion of the Board and is not controlled by any one factor. The Board shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study or deny it:

(1.) CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY. Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;

(2.) CHANGED CONDITIONS. Changed conditions, including the economy of Gunnison County;

(3.) **EFFECT ON THE NATURAL ENVIRONMENT**. Effect of the proposed amendment on the natural environment;

(4.) **COMMUNITY NEEDS**. Community needs;

(5.) **DEVELOPMENT PATTERN**. Development pattern;

(6.) **CHANGES IN APPLICABLE LAW**. Changes in applicable law;

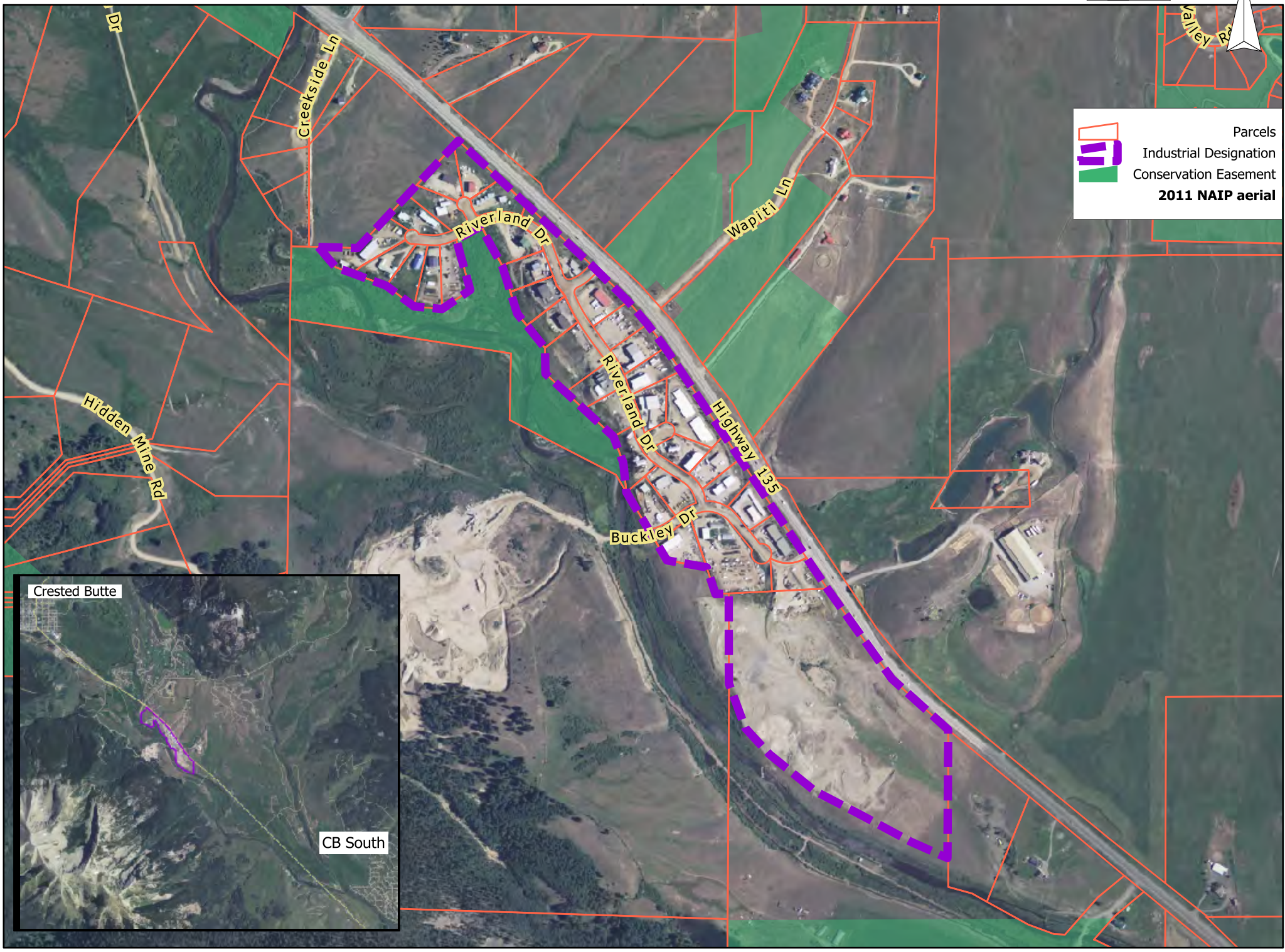
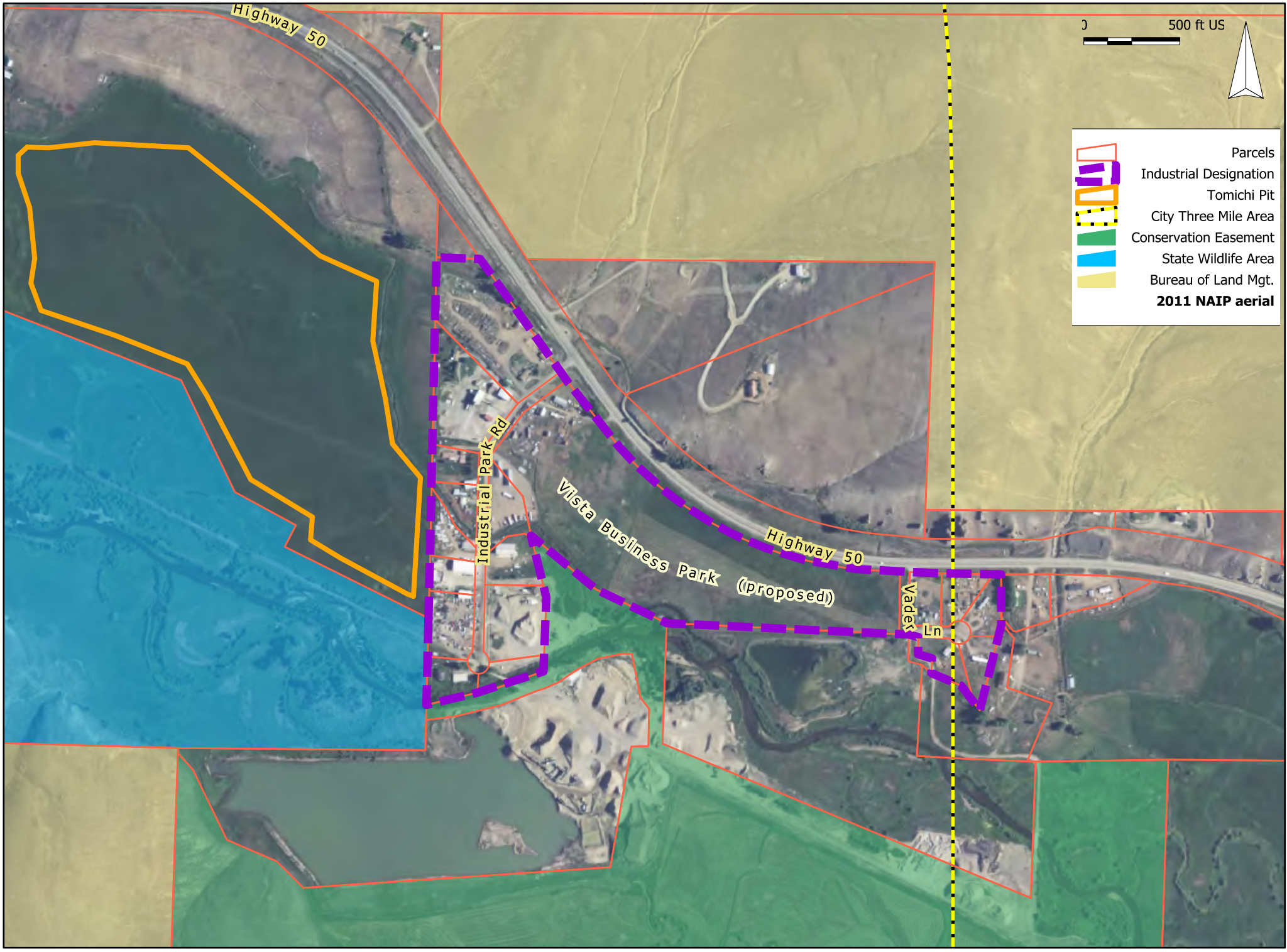
(7.) **PUBLIC HEALTH, SAFETY AND WELFARE**. Public health, safety and welfare;

(8.) **COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY.** Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

SECTION 6: NO PRECEDENT SET BY THIS DESIGNATION.

Neither the designation nor these *Regulations*, procedures or approvals hereunder shall be construed as a precedent for any other action.

Riverland Industrial Park - Special Area



Signal Peak Industrial Park - Special Area