GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, February 20, 2015

8:45 a.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Welcome New Members**
- **Designation Of Official Posting Location**
- **Election of Officers**
- **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. **Blue Mesa Vehicle Storage Facility - Colorado Department of Transportation (CDOT)**, represented by Joe Erjavec, Crestone Consultants, LLC, public hearing/no action. The application is for a 7--Bay Vehicle Storage Facility (VSF), a sand shed and storage yard for maintenance operations and housing of equipment required for maintenance of Highways 50 and 92. Road construction associated with the upcoming Blue Canyon Project requires relocation of the existing CDOT maintenance facility located further west on Highway 50. Also proposed is four builidng pads as an onsite option for staff housing. The site is located on a 35- acre parcel, located north of and adjacent to Highway 50, at mile marker (MM) 127, approximately 4 miles west of Blue Mesa dam, in part of Lots 33, 38 & Tract 38 (aka Tract 4), North of Highway 50, Section 1, Township 48 North, Range 5 West, NMPM. **Application # LUC-14-00026**
A work session will follow the public hearing/possible action

10:00 a.m. **Spadafora Water Storage Facility, Gunnison Energy LLC (GELLC)**, work session/no action. The application is for the construction and operation of a Centralized Exploration & Production Waste Management Facility, known as the Spadafora Water Storage Facilty, consisting of three water storage pits (each approximately 220,000 barrels (bbl) or 9,240,000 gallons) and pump station, on approximately 14-acres, to provide storage, reuse and disposal of produced water from GELLC's existing and future gas production wells. The site is located within the NW ¼ NE ¼ Section 20, Township 11 South, Range 90 West, 6th PM. Possible direction to staff **Application # OG-14-00004**

11:00 a.m. **David Baumgarten, County Attorney**, work session/no action, Planning Commission training, ex parte communication, sunshine law, etc.

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

DRAFT

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
February 20, 2015

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
Vice-Chairman- Jeremy Rubingh
Commissioner- A.J. Cattles
Commissioner-Jack Diani
Commissioner- Tom Venard
Alternate Commissioner- Molly Mugglestone
Alternate Commissioner- John Messner

Director of Community Development- Russ Forrest
Assistant Director of Community Development- Neal Starkebaum

Community Development Services Manager-Beth Baker
Others present as listed in text

With a quorum present Chairman Kent Fulton opened the February 20, 2015 , regular meeting of the Planning Commission.

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Moved by Rubingh seconded by Cattles to approve the February 6, 2015 mnutes, as presented. The motion passed unanimously.

8:46:01 AM **ELECTION OF OFFICERS:**

MOVED: by Diani, seconded by Cattles to appoint Commissioner Fulton as Chairman of the Gunnison County Planning Commission, for 2015. The motion passed unanimously.

MOVED: by Diani seconded by Cattles to appoint Commissioner Rubingh as Vice-Chairman of the Gunnison County Planning Commission, for 2015. The motion passed unanimously.

NOTICE POSTING LOCATIONS: **Moved**; by Rubingh, seconded by Cattles to designate the official meeting notice locations for 2015 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. When the courthouse is complete there will be a posting locaton at 200 E. Virginnia. The motion passed unanimously.

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9:01:04 AM **Blue Mesa Vehicle Storage Facility (CDOT);** The Gunnison County Planning Commission conducted a public hearing with no action. The application is for a 7--Bay Vehicle Storage Facility (VSF), a sand shed and storage yard for maintenance operations and housing of equipment required for maintenance of Highways 50 and 92. Road construction associated with the upcoming Blue Canyon Project requires relocation of the existing CDOT maintenance facility located further west on Highway 50. Also proposed is four builidng pads as an onsite option for staff housing. The site is located on a 35- acre parcel, located north of and adjacent to Highway 50, at mile marker (MM) 127, approximately 4 miles west of Blue Mesa dam, in part of Lots 33, 38 & Tract 38 (aka Tract 4), North of Highway 50, Section 1, Township 48 North, Range 5 West, NMPM.

With a quorum present Chairman Kent Fulton opened the public hearing.

Present representing the Planning Commission; Kent Fulton, Jeremy Rubingh, AJ Cattles, Tom Venard, Jack Diani, Molly Mugglestone, and John Messner.

Present representing County staff; Director of Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum, County AttornPlanning Services Manager Beth Baker.

Present representing the applicant: Crestone Consultants- Joe Erjavec, CDOT respresentative -Happy Harrington.

Baker confirmed adequate public notice; the applicants submitted proof of posting and the certified mailing receipts and the staff had the notice published in the Crested Butte News and the Gunnison County Times.

Applcant

Erjavec gave a brief overview of the project request. This would be located on a 35-acre parcel located west of Blue Mesa, North of Highway 50, between Highway 50 and the Black Canyon.

They propose to install a 4,000 sq. ft. sand shed and 8,000 sq ft, seven vehicle bay storage facility. There will be four housing pads; three pads for permanat housing and one for temporay housing. A portion of the gravel road will be paved, and a portion left the gravel surface.

The elevations of the building were presented to the audience. There will be a shed style roof which will shed snow to the north. There will be clear story windows on the south side. They will use natural colors to blend with the landscape.

Harrington described the proposed landscaping. Their intent is to buffer the neighbors view of the facility, using native trees and shrubbery.

Commission

Diani asked how large the trees will be; Harrington said they would be planted at less than 10 ft tall. Diani asked if more trees could be added for mitigation.

Rubingh was concerned with the truck headlights shining in the adjacent neighbors windows.

Venard asked if there were another site better suited for the driveway; Erjavec said this site has a good drop in elevation and there could more mitigation done if needed.

Cattles said the sloping grade will not be much mitigation. Harringon offered to work with the neighbors to mitigate lighting when the site is completed.

Rubingh asked if this is a smilar building to the one south of Crested Buttes; Starkebaum said yes, it is the county shop, and it contains four or five bays.

Staff

No comments at this time.

The commissioners put their site visit observations in the record;

- Cattles- the only major concern were the lights shinning into the adjacent neighbors windows
- Diani, Rubingh, Venard, and Fulton agreed with Cattles

Public

Adjacent neighbor David Yaklin asked if the access to the building could be moved over and come in a different way. Fulton said no, because of a wetland issue.

Yaklin asked if this application would change the zoning of the property; Starkebaum said there is no zoning, it is all site specific requests throough the County Land Use Change process.

Vera VanLue said she had sold the property to CDOT. She was concerned about the grazing leases that had been on this property prior to the sale. Following a brief discussion the commissioners told VanLue that the grazing leases could only be discussed between CDOT and herself, it is civil matter. Forrest agreed the grazing leases are out of the Commission's perview.

VanLue was concerned with the type of trees to be planted; Harrington said they will ues the same plants that are native to the site.

Adjacent neighbor Theresa Yaklin said the biggest issue was the trucks headlights in her windows.

Venard recommended the neighbors get together with CDOT to discuss the grazing leases and fencing. Harrington stated she could not speak to what CDOT will need to do with fencing in the future; a guarantee can't be made today.

Fulton closed the public hearing at 10:45 A.M.

Work session with possible action-

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

Present representing the Planning Commission; Kent Fulton, Jeremy Rubingh, AJ Cattles, Tom Venard, Jack Diani, Molly Mugglestone, and John Messner.

Present representing County staff; Director of Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum, Planning Services Manager Beth Baker.

Present representing the applicant: Crestone Consultants- Joe Erjavec, CDOT respresentative -Happy Harrington.

The commissioners reviewed the draft decision of approval.

Moved by Rubingh seconded by Cattles to approve LLUC-14-00026 as amended. The motion passed unanimously.

PROJECT DESCRIPTION:
The Colorado Department of Transportation (CDOT) is requesting a land use change permit to construct a 7--Bay Vehicle Storage Facility (VSF), a sand shed and storage yard for operations and housing of equipment required for maintenance of Highways 50 and 92. Road construction associated with an upcoming *CDOT Blue Canyon Project* requires relocation of the existing CDOT maintenance facility located further west on Highway 50. The existing sand dome on Blue Mesa Pass will also be removed as a part of that project and a new sand shed incorporated into this facility.

Also proposed is the construction of four housing pads as an onsite option for housing CDOT staff, who would work at the facility. Three of the pads will be available for employees who may wish to place a mobile home at the facility. The fourth pad will be available to a seasonal (temporary) employee that allows for an RV to be parked on the pad. The temporary employee pad will not be provided with water service. No permanent residential structures are planned for the site.

The VSF and sand shed will be constructed as a single, pre-engineered metal building with shed style roofs and will include a 2-bay, indoor concrete masonry unit (CMU) wash bay for washing trucks after storm events, which will include a reuse system for recycling of the water. The proposed VSF is contained within an 8000 square foot footprint, with approximately 7,000 square feet of the building dedicated to interior vehicle/equipment storage and 1000 square feet within a two story office component, in the east end of the building, for office space, staff break room, storage and restrooms. The sand shed will comprise approximately 4,000 square feet. The colors of the building have been selected to complement the natural surroundings. The site will include a paved storage yard in which two road de-icing storage tanks will be located, and a bulk fuel area, provided with secondary containment. The VSF/Sand Shed and yard will be consolidated on the southern end of the parcel, adjacent to Hwy 50 to minimize impacts to adjacent neighbors/residences and allow for ease of access to Highway 50. The housing pads will be separated from the VSF and located further north on the property, away from the primary view from Highway 50. The existing access road will be realigned and built to CDOT access standards.

The site will provide a centralized CDOT maintenance facility that will provide for the safety of the traveling public on Highways 50 and 92.

IMPACT CLASSIFICATION: The project was initially identified as a Major Impact, pursuant to Section 7-101: Projects Classified as Major Impact, B. New Commercial, Industrial Larger than 5000 sq. ft. or five acres, as there is no impact classification for an institutional/government project. The applicant requested a reduction in the impact classification to Minor Impact Review based upon the size and scale of the project and the use of the parcel. The project is not a commercial or industrial use, but is an institutional State government facility that will provide a service to the traveling public, for highway maintenance and snowplowing.

After a review of the additional criteria found in Section 3-111: Classification of Impact B. Criteria for Classifying Impact, the Planning Commission finds that the proposed development will provide an important and necessary service to the traveling public for safe and clear highways, with limited demand on public services. The impacts on the area and environmental are expected to be minor as defined and regulated by Article 11 and the impacts will be minor when considered in conjunction with existing and proposed land use in the impact area. This is a consolidated and centralized location for road maintenance for Highways 50 and 92, with minimal impact on existing and proposed development in the area. The project is therefore classified as a Minor Impact Review Project.

LOCATION:
The site is located on a 35.11 acre parcel, north of and adjacent to Highway 50, at mile marker (MM) 127, approximately 4 miles west of Blue Mesa dam, in part of Lots 33, 38 & Tract 38 (aka Tract 4), North of Highway 50, Section 1, Township 48 North, Range 5 West, NMPM.

SURROUNDING LAND USES:
Private lands and National Park Service lands. An existing residence is located on the parcel to the west of the proposed facility.

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

- Copy of application
- Comments from Crystal Lambert, Gunnison County Environmental Health Official, January 6, 2015
- Comments from Marlene Crosby, Gunnison County Public Works Director, January 14, 2015
- Comments from Dennis Spritzer, Gunnison County Fire Protection District, December 12, 2014
- Comments from Lucas Martin, District Wildlife Manager, Colorado Parks and Wildlife, January 27, 2015
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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.

PLANNING COMMISSION MEETING DATES:
The Planning Commission held meetings on the subject project on the following dates:

- January 23, 2015 - Work Session/Site Visit
- February 20, 2015 - Public Hearing/Work Session

SITE VISIT:

The Planning Commission performed a site visit on January 23, 2015. Commissioner's comments from the site visit: Identification of possible impacts to the adjacent property owner's house, from headlights shining in the direction of the house, from traffic entering and exiting the facility.

PUBLIC HEARING:

A public hearing was held on February 20, 2015. At that time, several adjacent property owners were in attendance.
David Yaklin, adjacent property owner, was concerned with headlights shining on his house, from traffic associated with the facility.
Vera VanLew, adjacent property owner, was concerned with her agricultural lease and moving cattle across the CDOT property.
Theresa Yaklin, adjacent property owner, was also concerned with the headlights issue.

REVIEW AGENCY COMMENTS:
A copy of the application was distributed to the following agencies, with a request for comments: Colorado Parks and Wildlife, Gunnison County Fire Protection District, Gunnison County Environmental Health Office and the Gunnison County Public Works Department. Comments were received from the following agencies:

Gunnison County Fire Protection District:

- Comments were received from Dennis Spritzer, Gunnison County Fire Protection District, December 12, 2014, via email, in which he notes that he has been working with the applicant and has no fire related issues.

Gunnison County Public Works Department:
Comments were received from Marlene Crosby, Director, GC Public Works, January 14, 2015, via email, in which she notes that no County road is impacted by the land use change. The access road is being built to a CDOT standard, which is higher than County standards.

Gunnison County Environmental Health Office:
Comments received from Crystal Lambert, Environmental Health Official, January 6, 2015 memo, in which she notes that the installation of an on-site wastewater treatment system to accommodate the residential units and the vehicle storage facility is feasible.

Colorado Parks and Wildlife:
Lucas Martin, District Wildlife Manager, CPW, email of January 27, 2015, notes no impacts from the project to wildlife in the area.

APPLICABLE STANDARDS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 10-102: *Locational Residential Development.*
Not applicable. No residential lots are proposed by the application.

Section 10-103: *Residential Density.*
Not applicable. No residential lots are proposed by the application.

Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development.*

A. APPLICABILITY. This Section shall apply to all proposed commercial, industrial and other non-residential land use changes except for the following:

2. PUBLIC FACILITIES OR UTILITIES. Essential public facilities including fire protection, emergency medical service or law enforcement facilities and utilities shall be exempt, if the decision-making body finds:

a. ESSENTIAL TO PUBLIC WELFARE. That the proposed facilities or utilities are essential to public health, safety and welfare; and

By definition, this is a Public Facility. The proposed Blue Mesa VSF is essential to the public health, safety and welfare of the traveling public on Highways 50 and 92.

b. ALTERNATIVE SITE UNAVAILABLE OR NOT SATISFACTORY. That suitable alternative sites that meet the standards of this Section are not available, or would not provide a location adequate to provide the necessary services.

There are no suitable or satisfactory alternative sites that would provide a centralized location adequate to provide the necessary services for maintenance of Highways 50 and 92.

As an essential Public Facility, this project is exempt from the Locational Standards.

Section: 11-102: *Voluntary Best Management Practices.*
Voluntary; not mandated. The applicant is encouraged to utilize these practices during construction, as appropriate.

Section 11-103: *Development in Areas Subject to Flood Hazards.*
Not applicable. County maps indicate that the site is not located within an area subject to flood hazards.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
County maps indicate that the site is not located within an area subject to geologic hazards.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*
The site is in an area of low wildfire hazards, as mapped by the County. Comments were received from the Gunnison County Fire Protection District, Dennis Spritzer, Fire Marshall, email of December 12, 2014, in which he notes that he has been working with the Applicant and has no fire related issues.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The site is not within occupied Gunnison Sage-grouse habitat, as mapped by the County. Lucas Martin, District Wildlife Manager, CPW, email of January 27, 2015, notes no impacts from the project to wildlife in the area.

Section 11-107: *Protection of Water Quality*.
Not applicable. An isolated, pocket wetland, identified as a PEMB (Palustrine Saturated Emergents) is located in the southeast corner of the parcel, approximately 100 feet from the site, outside of the applicable water body buffer setbacks.

Section 11-108: Development on Ridgelines.
Not applicable. The site is not on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*
Not applicable. No agricultural lands are affected by the request. Occasional, seasonal grazing has occurred in the past on this parcel and on adjacent lands. The facility will not affect any historical use.

Section 11-110: ***Development of Land Beyond Snowplowed Access***
Not applicable. The site is not beyond snowplowed access.

Section 11-111: ***Development on Inholdings in the National Wilderness***
Not applicable. The site is not within the National Wilderness.

Section 11-112: ***Development on Property Above Timberline.***
Not applicable. The site is not located above timberline.

Section 12-103: ***Road System***.
A new access road will be constructed from Highway 50 to serve the facility. Comments were received from Marlene Crosby, Director, GC Public Works, January 14, 2015, via email, in which she notes that no County road is impacted by the land use change. The access road is being built to a CDOT standard, which is higher than County standards.

Section 12-104: ***Public Trails***.
Not applicable. There are no public trails associated with this use.

Section 12-105: ***Water Supply*****.**
The water supply for the VSF building and the three housing pads will be provided by a central well. Exempt Domestic Well Permit #293936 has been issued by the Colorado Division of Water Resources. The vehicle wash bays will utilize a water recycling system and waste water from snow melt and floor drains will be reclaimed, processed and reused.

Section 12-106: ***Sewage Disposal/Wastewater Treatment.***
The facility and residential pads will be served by on-site wastewater treatment. Comments received from Crystal Lambert, Environmental Health Official, January 6, 2015, note that the installation of an on-site wastewater treatment system to accommodate the residential units and the vehicle storage facility is feasible.

Section 12-107: ***Fire Protection*****.**
The property is located within and served by the Gunnison County Fire Protection District. Comments were received from the Gunnison County Fire Protection District, Dennis Spritzer, Fire Marshall, email of December 12, 2014, in which he notes that he has been working with the applicant and has no fire related issues.

Section 13-103: ***General Site Plan Standards And Lot Measurements.***
The facility complies with this Section.

Section 13-103: ***General Site Plan Standards and Lot Measurements***
The facility complies with this Section.
Section 13-104: ***Setbacks from Property Lines and Road Rights-of-Way.***
The proposed structure meets the property line setbacks.

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
Not applicable. No permament residences are proposed in this application.

Section 13-106: ***Energy and Resource Conservation.***
Not applicable. No structures are proposed in this application that are subject to the standards of this Section.

Section 13-107: ***Installation of Solid Fuel-Burning Devices***
Not applicable. No installation of solid fuel-burning devices is contemplated by the application.

Section 13-108: ***Open Space and Recreation Areas***
Not applicable. No open space is required.

Section 13-109: ***Signs.***
Identification of the facility is permitted, with compliance of this Section, as applicable.

Section 13-110: ***Off-Road Parking and Loading.***
Sufficient parking is provided on site, as identified in the application.

Section 13-111: ***Landscaping and Buffering.***
The applicant has proposed additional landscaping, utilizing native species, to be incorporated into the site, to provide buffering of the storage yard from Highway 50 and along the access road. This is identified on the Landscaping Plan, submitted with the application.

Section 13-112: ***Snow storage****.*
Sufficient area for snow storage is provided on site, as identified in the application.

Section 13-113: ***Fencing***
A six foot fence chain link fence will provide enclosure of the VSF building and yard. Three strand barbless perimeter fencing on the western and eastern boundaries, connecting with the existing woven wire fence adjacent to Highway 50.

Section 13-114: ***Exterior Lighting.***
All fixtures will be full cut off, and the light pole will use a backlight control option that prevents illumination of the night sky, adverse impacts to neighboring properties, and interference to the night vision of drivers.

Section 13-115: ***Reclamation And Noxious Weed Control.***
A reclamation permit will be required by Gunnison County Public Works, as applicable.

Section 13-116: ***Grading and Erosion Control.***
The grading and erosion control plan has been designed by a licensed professional engineer, in compliance with this Section.

Section 13-117: ***Drainage, Construction and Post-Construction Stormwater Runoff.***
The drainage and stormwater plan has been designed by a licensed professional engineer, in compliance with this Section.

Section 13-119: ***Standards to Ensure Compatible Uses*****.**
The proposed use will not result in significant net adverse impact to adjacent lands and has been design to be compatible with surrounding land uses.

FINDINGS:

The Commission finds that:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. 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. This application is classified as a Minor Impact Project pursuant to Section 3-111: Classification of Impact B. Criteria for Classifying Impact.

3. The applicant has mitigated potential impacts by virtue of the design of the site, limitations on the use and incorporation of landscaping to buffer the storage yard.

4. Public testimony and Planning Commission observations from the site visit identified a potential impact to the residents of the house (Mr. and Mrs. Yaklin) on the adjacent property to the west, from headlights associated with traffic entering and exiting the facility.

5. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. 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.*

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.

DECISION:

The Gunnison County Planning Commission, having reviewed 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, and including provision of a public hearing, and having reached the above cited Findings, hereby determines that LUC #2014-26, Colorado Department of Transportation, Blue Mesa Vehicle Storage Facility, is classified as a Minor Impact Project, is approved with the following conditions, and that such approval be memorialized by recordation of a Certificate of Minor Impact with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site 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. The applicant has agreed to work with the Yaklins to cooperatively identify both the location of and type of appropriate landscaping to be installed, to help ameliorate the light from the headlights of traffic entering and exiting the facility.

3. 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.

4. 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.

5. Approval 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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10:11:33 AM **Spadafora Water Storage Facility, Gunnison Energy LLC;** The Gunnison County Planning Commission conducted a work session with no action. The application is for the construction and operation of a Centralized Exploration & Production Waste Management Facility, known as the Spadafora Water Storage Facilty, consisting of three water storage pits (each approximately 220,000 barrels (bbl) or 9,240,000 gallons) and pump station, on approximately 14-acres, to provide storage, reuse and disposal of produced water from GELLC's existing and future gas production wells. The site is located within the NW ¼ NE ¼ Section 20, Township 11 South, Range 90 West, 6th PM.

Commissioner Rubingh had previously recused himself from the review of this application.

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

Present representing the Planning Commission; Kent Fulton, AJ Cattles, Tom Venard, Jack Diani, Molly Mugglestone, and John Messner.

Present representing County staff; Director of Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum, County Attorney David Baumgarten, and Planning Services Manager Beth Baker.

Present representing Gunnison Energy LLC; Brad Robinson, and with Weston Solutions -Ken Miller.

Responding to some of the letters of concern, Robinson said there was not toxic sludge, and most wells have no toxins; the ones that do have toxins are under the maximums allowed.

Fulton asked Robinson to explain an issue concerning higher levels of contamination, in 2011. Robinson explained this had occurred when closing a pit. Water was removed and some left to evaporate. The evaporation caused higher contamination levels. The liner ripped and spilled during the closing of the pit.

There was a brief discussion concerning a comprehensive drilling plan. Starkebaum noted that the regulations do not require an applicant to provide a comprehensive drilling plan. There will be a condition in the decision of approval that will address the applicant and commission meeting periodically to discuss the use and status of the Spadafora facility. Robinson agreed this is a good idea, because the future is unpredictable, but he understands the community does want to know the future plans.

Baumgarten explained there was a section left blank in the County Oil and Regulations which was meant to address cumulative impacts, at a later date.

The commissioners directed staff to prepare a draft decision of approval for the next work session with the applicants.

The Commission will conduct a work session on March 6, 2015.

10:39:16 AM **David Baumgarten, County Attorney;** work session/no action, Planning Commission training, ex parte communication, sunshine law, etc.

Moved by Cattles, seconded by Diani for the Planning Commission to go into executive session with County Attorney David Baumgarten, Director of Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum for the purpose of discussing ex parte communication, the sunshine law, and personel liablity. The motion passed unanimously.

The Commission went into executive session at 10:40 A.M. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney; that I represent the Gunnison County Planning Commission; that I attended all of the above referenced executive session; that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____ _____

David Baumgarten
Gunnison County Attorney

CHAIRPERSON STATEMENT REGARDING EXECUTIVE SESSION

Pursuant to C.R.S. 24-6-402(4)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Planning Commission; that I attended all of the above referenced executive session; and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____ _____

/S/ Kent Fulton, Chairperson
Gunnison County Planning Commission

The Commission came out of executive session at 11:55 A.M.

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Fulton adjourned the meeting at 12:00 P.M.

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

DRAFT