GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: FRIDAY, May 15, 2015

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 not scheduled on the day's agenda.

9:00 a.m. **High Cimarron LLC,** work session/ possible action request for the construction of a road to provide access to eight 35-acre privately owned tracts, a 20-acres lake & nine ponds, and four HOA parcels ranging in size from 35-acres to 80-acres. Located in Sections 22,27,28,33,34 & 35, T47N, R7W, in Gunnison County, entering the property from County Road 858. **LUC-14-00028**

Can be viewed on Gunnison County.org , link to
http://204.132.78.100/citizenaccess/
LUC-14-00028

Click on Projects- **Click** on Application #- Use application # **LUC-14-00028**- **Click** on Attachments to view any document in file.

Adjourn

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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
May 15, 2015
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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-John Messner
Commissioner- Tom Venard
Commissioner-Jack Diani

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

Absent; Commissioner A.J. Cattles and Molly Mugglestone and Jeremy Rubingh.

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With a quorum present Chairman Kent Fulton opened the May 15, 2015, regular meeting of the Planning Commission.

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Moved by Venard seconded by Diani to approve the April 3, 2015 PC meeting minutes. The motion passed unanimously.

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High Cimarron LLC; The Gunnison County Planning Commission conducted a continued public hearing to further review the request for the construction of a road to provide access to eight 35-acre privately owned tracts, a 20-acres lake & nine ponds, and four HOA parcels ranging in size from 35-acres to 80-acres. Located in Sections 22,27,28,33,34 & 35, T47N, R7W, in Gunnison County, entering the property from County Road 858.

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

Fulton seated Commissioner John Messner for the continued public hearing and work session.

Present representing staff Russ Forrest, Director of Community Development, and Beth Baker, Administrative Service Manager.

Present representing the Planning Commission; Kent Fulton, Jack Diani, John Messner, and Tom Venard

Present via phone representing the applicant; Jim Aronstein.

No public was present and no written comment was received since the last meeting/ public hearing.

Fulton closed the public hearing.

The Planning Commission reviewed the draft decision of approval of LUC-14-00028.

Moved by; Venard seconded by Diani to approve LUC-14-00028- High Cimarron LLC, as amended. The motion passed unanimously.

1. DECISION:

The purpose of this memorandum is to document the decision by the Planning Commission on May 15, 2015 regarding High Cimarron LLC Minor Impact Land Use Change application. At its regular meeting of May 15, 2015, the Planning Commission unanimously approved the Minor Impact Change Application referenced as High Cimarron LLC/ LUC 14-00028 with a motion by Venard and a second by Diani.

2. PROJECT DESCRIPTION:

The applicant is proposing the creation of 8 private lots that will range in size from 35 to 204 acres in Gunnison County. No single structure shall be more than 10,000 square feet and the cumulative square footage for each lot shall be no more than 12,500 sq. ft. There will also only be one residential dwelling unit per lot.

The property adjoins the boundary for Montrose County and 4 residential lots will also be created in Montrose County. An existing road was upgraded and relocated (.56 miles of a 6 mile road) recently as the result of a debris flow incident. This new road has triggered the need for a Minor Impact Review. Other proposed components of the project include:

- Approximately 6 miles of existing (but improved) gravel road of which .56 miles is newly constructed road;
- A 20 acre pre-existing lake and nine ponds;
- A 35 acre entry parcel fronting on County Road 858 that will be owned by the HOA and include a caretaker's residence and an equipment barn that have previously been permitted and currently exist and four parking sheds;
- 600 sq. ft. fishing cabin and 360 sq. ft. boat shed (US Govt. Lot 9);
- Up to a 10,800 sq. ft. equipment barn and horse corral (High Park Association Parcel);
- Up to a 8000 sq. ft. non-residential day lodge for HOA use and an existing yurt (Association Lodge Parcel);
- Guest cabin up to 3000 sq. ft. on HOA land (Association Lodge Parcel);
- Snow Cat Skiing for residents of the project; and
- Mountain Bike Trail.

No commercial use is proposed for the project and no membership system to accommodate access for non-property owners (guests of property owners could access the site) is proposed.

3. IMPACT CLASSIFICATION:

Minor Impact; pursuant to *Section 6-102: Projects Classified as Minor Impact Projects. Q. General Road Cutting or Construction, Gunnison County Land Use Resolution*. In addition, Section 10-104 Locational Standards for Commercial Industrial and Other Non-Residential Development apply since there are Non Residential Structures proposed in the project.

4. LOCATION:

High Cimarron LLC. Located in Sections 22, 27,28, 33, 34 & 35, T47N, R7W, in Gunnison County adjacent to County Road 858.

5. APPLICATION/PLANS/REPORTS/REFERAL COMMENT:

All Plans, reports, letters and other submittal documents informing this decision can be found at:

- http:/204.132.78.100/citizenaccess/
- Click Public Access
- Click Project
- Click Application Number
- Use Application Number **LUC-14-00028 (exactly)**
- Click on file to open it
- Click Attachments Tab

Additional information may be provided to the Planning Commission via oral testimony and could be provided in writing to the Planning Commission on May 15, 2015.

6. **REFERRAL COMMENTS:**

Referrals to the BLM, Gunnison Fire Protection District, Colorado Parks and Wildlife, Montrose County, Delta Montrose Electric Association, and Gunnison County Public Works Department were made. Comments were received by Gunnison Fire Protection District, Colorado Parks and Wildlife, Delta Montrose Electrical Association and SGM on behalf of the Gunnison County Public Works Department.

7. MEETING REGARDING THIS APPLICATION

SITE VISIT:

The Planning Commission conducted a site visit to the property on April 11, 2015 and viewed the proposed alignment of the road and the locations for non-residential structures.

WORK SESSIONS:

A work sessionswas held on: March 20, 2015.

PUBLIC HEARING:

The Gunnison County Planning Commission conducted a public hearing May 1, 2015 and continued the hearing until May 15, 2015.

8. **COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:***

The applicable standards are found in Attachment 1 with the appropriate references to the Gunnison County Land Use Resolution.

9. FINDINGS:

The Gunnison County Planning Commission finds that:

1. The application will not result in any commercial activity and that the proposed residential lots are larger than 35 acres.

2. The application is defined as a Minor Impact; pursuant to *Section 6-102: Projects Classified as Minor Impact Projects. Q. General Road Cutting or Construction, Gunnison County Land Use Resolution*.

3. The six mile private road was built without County review and approval and in 2014 was realigned as the result of a debris flow incident.

4. On July 30, 2014 the County conducted a site visit with the applicant and SGM to review the damage to the road and the completed realignment of the road. Subsequent to that site visit, the road and the debris flow that occurred on it has been reviewed and documented by the Consultants engineers, SGM on behalf of Gunnison County, and the Colorado Geological Survey.

5. This road will provide the primary access to the projects residents and emergency providers. A secondary access is provided over property owned by Youth with a Mission.

6. The six mile private road referenced in the application will be privately maintained and repaired as necessary by the developer and then the applicable Home Owners Association, once established, will ensure safe access for residents and guests and to allow emergency access when rubber tired vehicles are utilizing the road. County road maintenance is not provided to this property. This approval shall not be interpreted to imply, nor shall it obligate the County to maintain, repair, or provide snowplowing in the future. All maintenance, road repairs, dust control and snowplowing shall be the responsibility of the property owners(s).

7. The Planning Commission has received and considered testimony during the public hearing regarding this application.

8. The Planning Commission had received input and considered the comments of the applicant, its consultants, Colorado Geological Survey, SGM Engineering on behalf of Gunnison County Geological Survey, Colorado Parks and Wildlife, and Delta Montrose Electric Association.

9. The Planning Commission has reviewed and is informed by all the documentation submitted to the County and included within the Community Development Departments file relative to this application; including all exhibits, references and documents as submitted with this application and by public comment at a public hearing, both written and oral.

10. The application complies with the applicable standards of the *Gunnison County Land Use Resolution*, and complies with *Section 6-103: Standards for Approval of Minor Impact Projects*.

11. Gunnison County Community Development Staff recommends approval of the application with the conditions specified below.

12. 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.

13. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) except as approved or required as part of this Permit, relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

DECISION:

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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, including public comment at a public hearing and having reached the above cited findings, classifies LUC # 14-00028, High Cimarron LLC, as a Minor Impact Project and is hereby approved with the following conditions:

1. That this approval be memorialized within a Certificate of Minor Impact and recorded within the Office of the Gunnison County Clerk and Recorder. Approval shall not be final until recordation of the Certificate of Minor Impact is recorded within the Office of the Gunnison County Clerk and Recorder.

2. The approval granted by this Decision is subject to the approval by the Board of County Commissioners of the requested waiver to the *Gunnison County Standards and Specifications for Road and Bridge Construction*, for the private access road.

3. The Applicant's engineers, Colorado Geological Survey and SGM have provided technical opinions regarding the associated debris flow risk and opinions on how to prevent/mitigate future debris flow conditions on the road. The applicant agrees to take full responsibility for the road and to maintain an alternative access through the Youth with a Mission property. In addition, the following conditions shall be fulfilled prior to the issuance of building permit on the project :

    a. A letter from a qualified engineer specifically responding to the Colorado Geological Survey's letter is provided to the Gunnison County Community Development Department.
    b. A letter from the developer is provided to the Gunnison County Community Development Department assuming responsibility for maintaining and repairing the road to provide safe access for residents and guests and to allow emergency access when rubber tired vehicles are utilizing the road.
    c. The applicant's consultants and Gunnison County Public Works or its representative will determine and agree on the appropriate location of survey pens to be located on the road for the purpose of measuring movement in the Road in the area of the debris flow.
    d. On an annual basis for 10 years from the approval of this application the developer and then the applicable Home Owners Association will send the Gunnison County Public Works Department a report prepared by a certified land surveyor documenting any horizontal or vertical movement of the pens. The Homeowners Association can be required to provide a future report of road movement if the County provides written notice to the Association.
    e. Approval of this application shall not be final unless and until the applicant has provided and executed in a covenant, running with the subject land and binding all owners of land and the applicable homeowner's association, that: a. such owners and association shall fund and perform road maintenance to the reasonable satisfaction of Gunnison County to maintain safe access to and the use of the road; b. which road maintenance shall be at the sole cost of the owners and association and not create any fiscal obligation on Gunnison County.

    Such covenant shall be enforceable by Gunnison County in its sole discretion in law or equity – including the remedy of specific performance – with costs and attorney's fees paid of the owners and association. Such covenant shall not be amended or repealed without the prior written consent of Gunnison County in its reasonable discretion.

4. The Applicant shall implement the recommended Mitigation Techniques in the "Snow Safety Analysis and Plan for Access Road" as long as the private access road is used for winter access.

5. The applicant has represented that the Home Owners Association covenants and documents will preclude commercial activity, as defined by the Gunnison County Land Use Resolution, within the project. The Developer or Homeowners Association shall provide the Gunnison County Community Development Department a copy of the approved documents and future amendments within 60 days of approval and then subsequent amendment(s).

6. The applicant shall provide a dry hydrant on the project site in a location approved by the Gunnison Fire Protection District prior to the issuance of any building permits for the project. A written approval from the Gunnison Fire District that this condition has been met will adequately address this condition of approval.

7. The following conditions are required based on the March 16, 2015 letter, referenced as "Impact Avoidance and

Minimization Recommendations" from the Colorado Parks and Wildlife:

A. Road construction shall be prohibited from May 1 to June 15 of each year except for road repairs required to make existing roads passable or to provide routine maintenance.

B. Building construction shall be prohibited from May 1 to June 15th of each year except for the excavation or pouring of foundations, interior finish work or construction that produces minimal noise.

C. Off road riding in motorized vehicles shall be prohibited from May 1 to June 15 of each year.

D. Wildlife friendly covenants shall be created and adopted for the project that requires: the use of bear proof trash containers; limits fencing types to those that are wildlife friendly as defined by the Colorado Parks and Wildlife; and requires landscaping practices that minimizes conflicts with mule deer and elk foraging.

8. A Storm water Discharge Plan shall be submitted for the entire road to the State prior to the issuance of any building permits for the project.

9. The applicant shall obtain any required permits from State or Federal agencies and provide the Community Development Department with a copy of any required permit.

10. All maintenance, road repair, dust control and snowplowing of the road shall be the responsibility of the property owner(s).

11. Approval of this Land Use Change Permit implies no approval of any building sites or building permits, reclamation permits, individual sewage disposal permits, driveway permits or any other permits required by any other agency.

12. 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.

13. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative), except as required and approved as part of this Permit, relied on herein to mitigate a possible conflict, shall require a new or amended land use change permit.

14. 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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Fulton adjourned the meeting at 9:30 A.M.

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

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