GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, July 10, 2015

10:15 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.

10:30 a.m. **Fialkoff,** public hearing/no action, request for 10,461 square foot single family residence greater than 10,000 square feet on a parcel legally described as Tracts 4 and 10, Roaring Judy Ranch, Phase II**.**
Work session/possible action will follow public hearing.
Application #LUC-15-00010

11:00 a.m. **Vista Business Park, Hal Hearne - Preliminary Plan,** joint public hearing/no action; request is for the subdivision of 28-acres into 13 lots, approximately 1.1 to 2.5 acres in size, to be developed as an industrial and commercial development, with ancillary residential use on some lots. The project is located approximately 4 miles east of the City of Gunnison, south of Highway 50, NW1/4SW1/4 & SW1/4NW1/4 Section 3, Township 49 North, Range 1 East, N.M.P.M.
Application #LUC-11-00035

Adjourn

DRAFT

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
July 10, 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:**

Commissioner- AJ Cattles
Commissioner-Jack Diani
Commissioner- Tom Venard
Alternate Commissioner- John Messner
Alternate Commissioner-Molly Muggleston

Director of Community Development- Russ Forrest
Community Development Services Manager-Beth Baker

Others present as listed in text

Absent; Commissioners- Kent Fulton and Jeremy Rubingh

****

With a quorum present A.J. Cattles opened the July 10, 2015, regular meeting of the Planning Commission.

****

Fialkoff - LUC-15-00010- The Gunnison County Planning Commission conducted a public hearing to review the request for 10,461 square foot single family residence greater than 10,000 square feet on a parcel legally described as Tracts 4 and 10, Roaring Judy Ranch, Phase II**.**

With a quorum present A.J Cattles opened the public hearing.

Manager of Administrative Services Beth Baker confirmed public notice; the planning department placed the notice in the Gunnison Country Times and the Crested Butte News, and the applicant submitted the proof of posting and the certified mailing receipts.

Commissioner Jack Diani recused himself.

Cattles seated Commissioners John Messner and Molly Mugglestone for the public hearing.

Present representing the Planning Commission: A.J. Cattles, Tom Venard, John Messner and Molly Mugglestone.

Present representing staff: Director of Community Development- Russ Forrest and Community Development Services Manager-Beth Baker.

Present representing the applicant; attorney David Leinsdorf, and architect Dan Murphy.

Murphy briefly explained the application. They are requesting 461 sq. ft., over the 10,000 sq. ft. maximum allowable square footage residential regulations. The owners have agreed to block off the completed 461 sq. ft. overage, if it is denied. The footprint will not change above ground, it is in the basement back area. There was a site visit conducted.

Staff comments- Forrest explained the key criteria is a finding of no obtrusive visibility. Staff has no issues with this project.

Review Body: Messner said based on the site visit, the additional 461 square feet did not change the look of the building, or increase its obtrusiveness.

Leinsdorf said he wished that the Commission would look at the impacts and have discretion and reduce the impact classification to administrative review.

Cattles closed the public hearing.

Work Session.

The Planning Commission reviewed the draft decision of approval.

Moved by Venard Seconded by Messner to approve LUC-15-00010 request for a 10,461 sq. ft. residence. The motion passed unanimously.

PROJECT DESCRIPTION:
The Fialkoffs are requesting construction of a 3,073 square foot addition to the existing 7,388 square foot primary residence (10,461 sq. ft. total), in excess of the maximum thresholds identified in Section 13-105: *Residential Building Sizes and Lot Coverages.* Building Permit, BP-14-000182 was issued October 27, 2014 for a portion of the proposed addition that will allow the construction of 2,612 square feet. The applicant asserts that the remaining square footage will be used as a basement.

The subject parcel is located 9 miles south of the Town of Crested Butte in the Roaring Judy Ranch development. The parcel is legally described as Tracts 4 and 10, Roaring Judy Ranch, Phase II, 310 No Name Road.

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact pursuant to *Section 6-102: C. Primary Residence 10,000 sq. ft. or Larger (amended).*

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

- June 5, 2015 Work session and site visit
- July 10, 2015 Public Hearing

SITE VISIT:
The Planning Commission conducted a site visit for this application on June 21, 2013. The Commission noted that the siting was appropriate and the aesthetic character of the proposed addition was pleasing. They also noted that residence seemed a bit close to the existing trees on the parcel. The Commission said that the structure did not appear obtrusively visible.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on July 10, 2015. Public comment included:

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent via electronic mail to the following agencies: Colorado Parks and Wildlife, Gunnison County Public Works, and Gunnison County Fire Protection District. No comments were received from any of the agencies.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*
Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable. No secondary uses are proposed as part of this application.

Section 9-200: *Special Residential Uses.*
Not applicable. No special residential uses are proposed as part of this application.

Section 9-300: *Commercial and Industrial Uses.*
Not applicable, no commercial industrial use is proposed as part of this application.

Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*
Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: ***Miscellaneous Uses and Activities.***
Not applicable. No miscellaneous uses or activities are proposed.

Section 10-102: ***Locational Standards for Residential Development.***
Not applicable, no residential development (subdivision or multi-family development) is proposed as part of this application.

Section 10-103: ***Residential Density.***
Not applicable, no residential development (subdivision or multi-family development) is proposed as part of this application.

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

Section 11-104: ***Development in Areas Subject to Geologic Hazards*****.**
Applicable, the subject parcel and proposed development are in an area of identified unstable slopes geologic hazards. A geotechnical report prepared by Buckhorn Geotech, dated September 9, 2014 was submitted with BP-14-00182.

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

Section 11-106: ***Protection of Wildlife Habitat Areas.***
The subject parcel is Gunnison Sage-grouse occupied habitat and was reviewed by the Gunnison County Wildlife Coordinator, Jim Cochran. Cochran noted in his review dated September 14, 2014,

> *There is no Tier 1 Gunnison Sage-grouse habitat on the parcel. Analysis of the proximity of Tier 1 habitat revealed that it is unlikely that activities on this parcel are likely to negatively impact Tier 1 habitat in the area.*
>
> *…The proposed project location, adding to the existing development, avoids additional and cumulative impacts to sage-grouse and their habitats. There is important habitat in this general area, therefore keeping new anthropogenic impacts within the current developed area is important in protecting that habitat.*
>
> *Based upon this analysis, a review of the data available, and the nature of the proposed activities, I find that the proposed activity will not adversely impact Gunnison Sage-grouse or their habitats.*

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

Section 11-108: ***Standards For Development On Ridgelines.***
Not applicable. The site is not located on a ridgeline.

Section 11-109: ***Development That Affects Agricultural Lands.***
Not applicable, the subject parcel will not directly affect agricultural lands.

Section 11-110: ***Development Of Land Beyond Snowplowed Access*****.**
Not applicable, the site is not located beyond snowplowed access.

Section 11-111: ***Development On Inholdings In The National Wilderness.***
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: ***Development On Property Above Timberline.***
Not applicable, the site is not located above timberline.

Section 12-103: ***Road System***.

Applicable, a copy of the application was referred to Gunnison County Public Works. Public Works reviewed the building permit application in 2014 and approved the existing access for the proposed addition.

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

Section 12-105: *Water Supply*.
There is an existing well that is proposed to serve the addition to the residence. Well permit No. 216348 has been issued to serve one single family residence, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, the existing residence is served by an individual sewage disposal system. The proposed addition may require an alteration permit to the existing system.

Section 12-107: *Fire Protection*.
The proposed development is located within the Gunnison Fire Protection District. The application was referred to the Gunnison Fire Protection District and no comments were received.

Section 13-103: *General Site Plan Standards And Lot Measurements.*
The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan, "Site & Landscaping Plan" prepared by Daniel J. Murphy, Architect, LLC and dated September 9, 2014, meets these criteria.

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

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the proposed single family residence square footage of 10,461 square feet exceeds the maximum threshold allowed without a Land Use Change permit.

G.1. *Finding of No Obtrusive Visibility Required for Approval*

G.1.a. *Minimize Visibility of Structure by Siting*

The application notes that square footage in excess of 10,000 square feet will be located underground and will not be visible.

G.1.b. *Minimize Visibility of Structure by Screening*

The existing residence and proposed addition are located on a sloped lot. The proposed addition will be graded to hide the basement addition. Coniferous trees are located behind (to the east) of the residence and provide background screening that minimizes the visibility of the entire structure.

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

All utilities to the residence will be buried underground.

G.2. *Obtrusive Visibility Shall Cause Denial*

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

Section 13-106: *Energy and Resource Conservation.*
Applicable, this section will be applied at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: *Open Space And Recreation Areas*
Not applicable, no requirement of open space is required for this application.

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

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

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

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

Section 13-113: ***Fencing***
Applicable, this section applies and any fencing proposed shall comply with this section.

Section 13-114: ***Exterior Lighting.***
Applicable, this section applies and any exterior lighting proposed shall comply with this section.

Section 13-115: ***Reclamation And Noxious Weed Control.***
A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: ***Grading And Erosion Control.***
Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: ***Drainage, Construction And Post-Construction Stormwater Runoff.***
Not applicable.

Section 13-118: ***Water Impoundments.***
Not applicable, this project does not propose a water impoundment.

Section 13-119: ***Standards to Ensure Compatible Uses.***
The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

Article 15: ***Right-to-Ranch Policy****.*
This section is not applicable; there are no agricultural lands that will be affected by the uses on the subject parcel.

FINDINGS:
The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.

2. The visibility of the single-family residence has been minimized by siting and utilization of existing topography to the shield the building.

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

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

5. All utilities to the proposed single-family residence will be buried.

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

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

DECISION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC-15-00010 be classified as a Minor Impact, and be approved with the following conditions:

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

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

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

4. The total square footage of the single family residence shall not exceed 10,461 square feet, as measured by the Gunnison County Building Office.

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

6. 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.

7. Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.

8. Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.

9. 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 Management Program should be contacted (970-641-4393) for additional information and technical assistance.

10. 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*.

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

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) 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.

DRAFT

****

Vista Business Park- LUC-11-00035; The Gunnison County Planning Commission and the Board of County Commissioners conducted a joint public hearing to discuss the request is for the subdivision of 28-acres into 13 lots, approximately 1.1 to 2.5 acres in size, to be developed as an industrial and commercial development, with ancillary residential use on some lots. The project is located approximately 4 miles east of the City of Gunnison, south of Highway 50, NW1/4SW1/4 & SW1/4NW1/4 Section 3, Township 49 North, Range 1 East, N.M.P.M.

With a quorum present A.J. Cattles opened the joint public hearing.

Cattles seated Messner and Mugglestone.

Manager of Administrative Services Beth Baker confirmed public notice; the planning department placed the notice in the Gunnison Country Times and the Crested Butte News, and the applicant submitted the proof of posting and the certified mailing receipts.

Present representing the Planning Commission: A.J. Cattles, Jack Diani, Tom Venard, John Messner and Molly Mugglestone.

Present representing the Board of County Commissioners: Paula Swenson, Phil Chamberland and Jonathan Houck

Present representing staff: Director of Community Development- Russ Forrest and Community Development Services Manager-Beth Baker.

Present representing the application; Hal Hearn, engineer Norm Whitehead, and attorney Kendall Burgemeister.

Burgemeister provided a brief description of the application. This an application for an industrial park subdivision, a 20-acre parcel, between Signal Peak One and Two, Bratton's gravel pit, and Highway 50. Hearn views this as an ideal location, and the County has included this in the Signal Peak Industrial area.

Hearn explained he had tried to create a place for small businesses and individuals to have a live /work situation. The initial plan had 12 lots with each lot having industrial and residential uses; it has been modified to phase the project. On the west side the lots will be solely industrial lots subject to the covenants, there are smaller parcels restricted to a lighter industrial use. The lots allowing ancillary residential uses will have limits on hours of operation and confine uses to indoors to be more compatible with residential uses. There are several lots with no industrial uses.

Hearn noted the lot in the North West corner is in a life estate for Bill Edwards. He said the site has a decreed water right. There will be an augmentation pond on site to provide water augmentation if needed. Each lot owner will have an individual well. Septic systems are feasible per the County Environmental Health official.

The access onto Highway 50 is exclusively from the east side off of Vader Lane. CDOT will issue a permit for an additional access when the owner installs a right acceleration/ deceleration turn lane. Hearn is asking to post a bond for the construction.

Burgemeister explained the covenants have been amended since the sketch plan approval. The changes are fairly minor, and based upon input from Planning Commission and Staff. The lot purchaser's will be required to illustrate how their proposed use complies with the covenants.

They eliminated the 600 square foot minimum. They modified the restrictions on retail sales. The City would rather see no retail sales; staff recommended some limitations. Thirty-three percent of the total space can be retail. They clarified they want the impacts of the industrial uses to be confined within the lot, but not so much that it is not reasonable.

Staff-
Forrest said it is in the Signal Peak Industrial area; identified by the County for industrial uses. The sketch plan was approved in 2012. Staff is requesting feedback concerning the changes to the covenants. No significant impact to Sage-grouse has been identified.

Review Body-

Messner asked about retails sales within the City's Three Mile Plan area. Swenson, Chamberland and Houck agreed retail sales is not encouraged, but they can support the way it has been presented.

Venard asked if a winery or distillery could have a tasting room; Burgemeister said yes, if it did not take over 33% of the space.

Swenson said she appreciated the layout of heavy industrial to light industrial, but she was concerned that all the industrial traffic will have to pass the residential parcels.

Chamberland asked if the internal road would be paved or not; Hearn said it would be gravel and will be sprayed with mag chloride. The association could, in the future, pave the road.

Messner asked if a RV Park would be allowed; Burgemiester said they have reserved the right, but it is probably unlikely.

Public Comment-
Ramon Reed said he supported the Preliminary Plan, but was disappointed that the industrial use with residential was minimized. He encouraged the applicant to consider the lighting allowed- to be minimal as it could be very distracting if not done properly.

Applicants Response- Hearn noted that the covenants and County each has lighting criteria. It seems to be covered well as it exists. Chamberland noted the LUR requires fully shielded cutoff lighting fixtures.

Messner wanted a copy of the amended covenants to review, before the next work session.

Staff Response- No other responses.

Cattles closed the Joint Public Hearing at 11:50 A.M.

The Commission directed staff to draft a recommendation of approval to the BOCC; final covenants are required.

****

Cattles adjourned the meeting at 12:00 PM.

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

DRAFT