GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: FRIDAY, August 7, 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 <u>not scheduled on the day's agenda.</u>

9:00 a.m. **Lakeside on the Colorado, Ltd. - Little Cimarron Creek Ranch Subdivision, represented by Bob Williams, P.E.,** joint public hearing/no action, site visit comments from Commission; request is for the subdivision of 66.27-acres into four single-family residential lots. Each lot would be served by an individual well and on-site wastewater system. Access to all of the parcels will be via a new road, to be constructed from the Little Cimarron Road (County Road 864). The property is located approximately 38 miles west of the City of Gunnison, approximately two miles south of State Highway 50, west of and adjacent to the Little Cimarron Road, within the W1/2 Section 35, Township 48 North, Range 6 West, N.M.P.M. **LUC-15-00017**

Work Session/no action, possible direction to staff

10:00 a.m. **Vista Business Park, Link, LLC, represented by Kendall Burgmeister**, work session/possible 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

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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
August 7, 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
Vice-Chairman- Jeremy Rubingh
Commissioner- A.J. Cattles
Commissioner-Jack Diani
Commissioner- Molly Mugglestone

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

Absent – Commissioners**-** Tom Venard and John Messner

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With a quorum present Chairman Kent Fulton opened the August 7, 2015, regular meeting of the Planning Commission.

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Moved by Diani seconded by Fulton to approve the planning commission meeting minutes dated June 5, 2015. The motion passed as presented.

Moved by Rubingh seconded Diani by to approve the planning commission meeting minutes dated June 19, 2015. The motion passed unanimously.

Moved by Diani seconded Fulton by to approve the planning commission meeting minutes dated July 10, 2015. The motion passed unanimously.

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Little Cimarron Creek Ranch Subdivision- LUC-15-00017: The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing/no action; with site visit comments from the Commission. They reviewed the request for the subdivision of 66.27-acres into four single-family residential lots. Each lot would be served by an individual well and on-site wastewater system. Access to all of the parcels will be via a new road, to be constructed from the Little Cimarron Road (County Road 864). The property is located approximately 38 miles west of the City of Gunnison, approximately two miles south of State Highway 50, west of and adjacent to the Little Cimarron Road, within the W1/2 Section 35, Township 48 North, Range 6 West, N.M.P.M.

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

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

Present representing the Planning Commission: Kent Fulton, Jeremy Rubingh, AJ Cattles, Jack Diani, and Molly Muggletstone. Present representing the BOCC: Paula Swenson, Phil Chamberland, and Jonathan Houck. Present representing the staff: Assistant Director of Community Development Neal Starkebaum and Planning Services Manager Beth Baker.

Present representing the applicant; Engineer Bob Williams

Site Visit Comments:

Diani the site visit made it much clearer what would actually happen on the residential parcels, were the building envelopes relative to Little Cimarron Rd. and the creek was good to see; to get a better idea of how it was laid out.

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Muggleston- Agreed with Diani- the envelopes were further down in elevation than she had expected and not visible from the road. It seems like it may be difficult to build the road as planned.

Williams explained the application. The parcel is approximately 67-acres in size and will be subdivided into four, 16/17-acre parcels. Agriculture is the present use; it is currently leased. The road is on a bench overlooking the property. A significant element is the Collier Ditch across the property. The slope is very steep entering into the site, with a natural bench. The entire hill is heavy sage brush. Wildlife Coordinator. Jim Cochran, recommended not developing in the meadow. They have mitigated all the wetlands issues. The Army Corps of Engineers has reviewed and approved the project. There will be a maximum of 60-trips per day. The building envelopes will not be visible from the road. It is heavy timbered along the ridge, and it cannot be cleared.

Williams noted they will allow houses from 1,500 to 3,000 sq. ft.; with no second homes. The road will require a variance from the County standards, because of the slope.

Swenson asked if further subdivision of lots would be allowed; Williams said they would not.

Starkebaum said there had been comments submitted by the Fire Marshall, Wildlife Coordinator, Public Works, Colorado Division of Water Resources and the EH Official.

Rubingh asked if the compatibility standards had been addressed; Starkebaum said it is one of the most critical aspects of the review and it is dependent on the site visit. The site visit is conducted so the Commission can see the overall neighborhood; and determine if the applicant has done a good job adhering to the County standards. Mugglestone agreed with Starkebaum and said she appreciated the applicants only subdividing the parcel into four lots. She appreciated the building envelopes are below the hill and not on the hill. Diani was impressed with the location of the building envelopes and because there was no visibility from the road. On the other side where they had decided not to develop would have impacted the sage grouse. The homes will be tucked away on the bench near the Little Cimarron Creek.

Team Murphy Realty owner Tom Murphy was pleased with proposed development.

John Dickens appreciated the county's thoroughness.

Starkebaum said they had requested development beyond snowplowed access. Director of Public Works, Marlene Crosby, did not have issues with private plowing because the snowmobile club already access this site. Montrose County plows to the County line.

Fulton closed the joint public hearing.at 9:30 AM.

Planning Commission directed staff to prepare a recommendation of approval to the BOCC, for the September 4, 2015 meeting.

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Vista Business Park: The Gunnison County Planning Commission conducted a work session to review the request 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 Chairman Kent Fulton opened the work session.

Present representing the Planning Commission: Kent Fulton, Jeremy Rubingh, AJ Cattles, Jack Diani, and Molly Muggletstone, Present representing staff: Senior Planner Cathie Pagano and Planning Services Manager Beth Baker.

Present representing the applicant; Hal Hearn, attorney Kendal Burgemeister, and engineer Norm Whitehead.

The applicants have requested a sign variance. Burgemeister noted the County's position is the variance is not warranted; Burgemeister disagreed. Following a discussion with Burgemeister, Hearn, County staff, and the Planning Commission, the Planning Commission agreed that no variance was appropriate.

Burgemeister explained the changes made to the covenants.

The Planning Commission reviewed the draft recommendation.

Fulton seated Muggleston for the vote

Moved by Cattles seconded by Rubingh to approve the recommendation of Vista Business Park Preliminary Plan– LUC 11- 00035 to the BOCC, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

- Link, LLC has submitted a Preliminary Plan application for Vista Business Park, to subdivide a 28.07-acre parcel into thirteen lots, each approximately 1.1 to 2.6 acres in size, to be developed into an industrial and commercial park, with ancillary residential use on specific lots. Lots 1- 5 will be permitted to have industrial and commercial uses as specified in the Protective Covenants. Lots 7-12 are intended to be light industrial and/or commercial uses with ancillary residential uses allowed. Lot 6 is intended to be a buffer lot between the lighter industrial and commercial uses on Lots 7-12 and the heavier industrial and commercial uses on Lots 1-5. Lot 6 is not permitted to have a residence, nor are Lots 1-5. Uses and operations on Lots 6-12 are proposed to be contained wholly indoors with the exception of nurseries, employee parking, loading, unloading and storage. The impacts must be contained to the Lot and not produce more than a de minimis amount of, and in no event exceed Gunnison County standards, for noise, vibration, electrical or magnetic interference, glare, fumes, odors, dust, smoke, heat or waste. The
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- The parcel identified as "Outlot" on the Site Plan contains an existing residence and outbuildings that the current owner, W.K. Edwards will continue to own. The "outlot" will be subject to a lifetime lease granted to the current owner of the subject property. The developer will reserve a development right to add the outlot as the thirteenth lot upon the termination or expiration of the lifetime lease, in accordance with the Colorado Common Interest Ownership Act. The outlot will be subject to the same standards and restrictions as Lots 1-5. The existing residence may remain in place; at such time that the residence is removed no new residence shall be constructed or allowed on the Outlot, in compliance with the design and use standards for Lots 1-5 and Articles 5 and 6 of the Protective Covenants.
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- The applicant proposes that certain, defined uses be permitted without any additional Land Use Change permit. Section 3.1 of the draft Declaration of Protective Covenants ("Declaration") addresses the uses that can be developed on the lots, uses that can be made only after review and approval by the Association and the County, and uses that are expressly prohibited. It is the Applicant's desire to create a subdivision that will allow for a diverse mix of industrial and commercial activities. The applicant has not proposed an exhaustive list of permitted uses that are allowed on the lots but rather relies on the design standards of Article 5 of the Protective Covenants to create parameters for acceptable commercial and industrial uses.
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- The applicant has identified (Section 3.1.1.3 of the draft Protective Covenants) that the following uses are prohibited in the Vista Business Park development: asphalt or concrete batch plants, adult oriented uses (as defined in the Gunnison County *Land Use Resolution*); mining operations, except for concentration of ores, milling, evaporation, and other processing, construction and use of accessory office and storage buildings, and transportation, which shall be uses permitted after review; and, veterinary clinics and animal shelters.
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- The applicant has identified specific uses that are allowed after review by the Property Owner's Association and Gunnison County (i.e. an additional land use change permit is required):
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- The following mining operations: concentration of ores, milling, evaporation, and other processing, construction and use of accessory office and storage buildings, and transportation, upon compliance with *LUR* Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials*.
- Recreational vehicle parks and campgrounds, upon compliance with *LUR* Section 9-305: *Seasonal* Recreational *Vehicle Parks and Campgrounds*.
- Uses that require a variance from any provision of Article 5 or 6 of the Protective Covenants.
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- The covenants restrict retail sales in the development in Section 6.16 of the Covenants. No more than 33% of the floor area of any building shall be used for the retail sale of goods.
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- Marijuana cultivation, manufacturing, and/or testing facilities are expressly permitted so long as the same remain legal under Colorado law and Gunnison County regulations. Section 9-104: *Marijuana Cultivation, Manufacturing or Testing Facility* of the Gunnison County *Land Use Resolution* allows marijuana manufacturing and testing facilities in Gold Basin, Riverland or Signal Peak Industrial Parks. The location of marijuana manufacturing, testing, and/or cultivation facilities outside of those specific industrial park requires a Minor Impact Land Use Change permit, as identified in Section 9-104: G.2. Section 9-104: H. states that marijuana facilities and residential facilities cannot be collocated in the same structure. Any proposed marijuana facility in the Vista Business Park development shall be required to obtain a Minor Impact Land Use Change permit unless and until such time that the Gunnison County *Land Use Resolution* is amended. Any person may initiate an amendment to the *Land Use Resolution (LUR)*.

- The Covenants require that, "merchandise, supplies, equipment, or materials of any kind, shall be stored within a building, shed or screened area." Vehicles used as part of a commercial and/or industrial use shall also be parked indoors or in a screened parking area. The subdivision will also include dedicated open space (common property), as illustrated on the site plan included in the Preliminary Plan. Some of the open space will remain undisturbed. Other portions of the open space will be utilized for the construction of augmentation ponds necessary for the operation of the Water Court-approved plan for augmentation serving the subdivision. A portion of the open space along Highway 50 will be landscaped to provide a visual buffer. The open space may be utilized for snow storage and the installation of utilities, as needed.

The parcel is located approximately two miles east of the City of Gunnison within the City's Three Mile Plan area. The parcel is legally described as 28.07 acres in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., also known as 43950 Highway 50.

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

- "Site Plan, Boundaries and Easements," prepared by NCW & Associates, Inc. dated March 31, 2015.
- "Site Plan, Water Quality, Grading and Drainage," prepared by NCW & Associates, Inc. dated March 31, 2015.
- "Site Plan, Erosion Control and Reclamation," prepared by NCW & Associates, Inc. dated March 31, 2015.
- "Site Plan, Landscaping," prepared by NCW & Associates, Inc. dated March 31, 2015.
- "Utility Plan," prepared by NCW & Associates, Inc. dated March 31, 2015.
- "Plan and Profiles, Vista Drive," prepared by NCW & Associates, Inc. dated March 31, 2015.
- "Plan and Profiles, Vista Drive and Vader Lane," prepared by NCW & Associates, Inc. dated March 31, 2015.
- "Vista Business Center Traffic Analysis," prepared by NCW & Associates, Inc. dated April 27, 2015.

IMPACT CLASSIFICATION:
The project, by definition, is a Major Impact pursuant to Section 7-101:A.

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

- April 3, 2015 Work Session
- May 1, 2015 Work Session and Site Visit
- July 10, 2015 Joint Public Hearing
- August 7, 2015 Work Session

SITE VISIT:
The Planning Commission conducted a site visit on May 1, 2015 and noted the topography of the site and adjacent uses.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on July 24, 2015. The following comments were received:

- Ramon Reed, said that he supported the project but was disappointed that the residential and light industrial uses were reduced. He also encouraged the applicant to consider making the exterior lighting as minimal as possible.

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent, by certified mail and hand delivery to review agencies for comments. A referral was sent to the Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Wildlife Coordinator, City of Gunnison, Colorado Department of Transportation, Colorado Division of Water Resources, Colorado Division of Parks and Wildlife, Gunnison Fire Protection District.

City of Gunnison: The subject property is located within three miles of the City of Gunnison. Greg Larson, Chair of the City Planning and Zoning Commission, in a letter dated March 18, 2015, comments noted that, "Based on the existing Three-Mile Map, the property is designated as Rural Residential (1 unit per 5-35 or more acres) and is located outside the Urban Growth Boundary…The proposed industrial use in not contemplated by the Three-Mile Plan…The Planning and Zoning Commission absolutely opposes any proposed uses in this subdivision that would permit retail sales.…the City Planning and Zoning Commission urges the development of a highway landscape buffer to mitigate visual impacts. The open space/buffer width appears to be approximately 100 feet between Highway 50 and proposed building envelopes…The City also strongly encourages the County to address stormwater management and water quality concerns that are associated with industrial uses. Water quality Best Management Practices should be employed to mitigate possible water quality degradation."

Gunnison County Environmental Health: In a memo dated March 24, 2015 from Crystal Lambert, Gunnison County Building and Environmental Health Official, Lambert noted, "The Gunnison County On-Site Wastewater Treatment System (OWTS) Regulations require that any OWTS that will serve a commercial or industrial use be:

1. Designed by a professional engineer
2. Receive only such biodegradable wastes for treatment as are compatible with those biological treatment processes that occur within a septic tank.
3. Receive authorization by rule or class V underground injection permit from the United States Environmental Protection Agency.

All of the applications for OWTS within the proposed Vista Business Park will need to meet the requirements of the Gunnison County OWTS Regulations, including the above numbered items, before an OWTS could be approved…With preparation and planning it is feasible that the parcels proposed in the Vista Business Park Land Use Change application may be able to each receive approval for OWTS."

Gunnison County Wildlife Coordinator: Jim Cochran, stated in an email dated February 26, 2015 that he reviewed the proposal in 2012 and that review remains unchanged. That review noted, "The overall habitat score for this parcel is -30 primarily due to existing impacts. The highly developed industrial and residential setting makes this property a logical candidate for this type of development and is much preferable to development of a 'new' area within Gunnison Sage-grouse habitat. I therefore find that, based upon information available to me, this proposal, if approved will not impact Gunnison Sage-grouse or their habitats beyond that which has already occurred. Further, from a Gunnison Sage-grouse perspective, I recommend approval of the proposal."

Gunnison County Fire Protection District: In an email dated April 30, 2015, Dennis Spritzer, Fire Marshal, said, "I have no problem with the ingress/egress for Vista Park as long as the County road specs are followed. Hal has stated he will install a dry hydrant at the pond for fire protection. This hydrant will need to be accessible year round."

Colorado Division of Water Resources: In a letter dated March 27, 2015, Megan Sullivan, P.E. Water Resource Engineer, stated:

> *…This area of Tomichi Creek is over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells within the subdivision. The applicant has obtained a decree including a plan for augmentation in Case No. 12CW114 for the planned subdivision. However, well permits issued pursuant to said decreed plan for augmentation have not been issued, and will be required. Under the augmentation plan, the wells supplying the water for the subdivision will be used on the thirteen lots for domestic use inside thirteen single family dwellings, indoor light industrial and commercial use at thirteen businesses, irrigation of 1,200 square feet of lawn and landscaping on each of the thirteen lots, irrigation 10,200*

square feet of trees, initially as a nursery and subsequently dispersed throughout the property, and watering of four head of livestock.

…The report indicates that a 24 hr pump test was performed to determine the production capacity of the well and help determine the aquifer's response to pumping at a continuous rate…The test indicates that the well is capable of producing 50 gpm without significant risk of aquifer depletion. Provided the well continues to perform in a similar manner, this well should provide an adequate supply for a number of the proposed lots. If the additional existing and proposed wells have a similar production rate, the water supply should be physically adequate.

…it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains the well permits issued pursuant to CRS 37-90-137(2) and the plan for augmentation decreed in Case No. 12CW114, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of said plan for augmentation. Provided the sustained well yield of each of the proposed wells is similar to Permit no. 294241, the proposed water supply is expected to be physically adequate.

Colorado Division of Parks and Wildlife: Comments from Jeff Oulton, Acting Area Wildlife Manager, dated April 10, 2012, notes that the "proposed project to subdivide the parcel should not create any major impacts to wildlife beyond those that already exist at the site with one exception. Gunnison's prairie dogs are present on the property and are a candidate for listing under the Federal Endangered Species Act…Should it be deemed necessary to have the prairie dogs removed from this sit, CPW requests prior notification and opportunity to relocate, conduct research, or use these animals for other conservation needs. If the above actions are not feasible, it is understood that it may be necessary for the applicant to conduct lethal control to remove the Gunnison prairie dogs from the site.

CPW also agrees with recommendations made by Gunnison County Wildlife Coordinator concerning the control of pets, specifically dogs and cats, and requests compliance to help minimize any negative impacts to wildlife due to increased interaction."

Colorado Department of Transportation: In an email dated July 9, 2015, Dan Roussin, Permit Unit Manager said, "CDOT has reviewed the traffic study for Vista Business Park on SH 50. We are in agreement with the traffic study. The study indicates that the developer will build a right turn deceleration lane once they have 8 lots developed (sold). CDOT recommends that Gunnison County make this a conditions of the land-use approval.

CDOT has accepted the traffic study and will write a permit for 8 lots and then a new access permit will be required for the additional 4 lots. I anticipate the access permit (8 lots) will out in the next 2 weeks."

Gunnison County Public Works: In an email dated March 25, 2015, Marlene Crosby, Public Works Director, noted, "Page 7 of the Plan Set shows the existing portion of Vader land and the proposed Vista Drive. Both are identified as Rural Local road sections. A Rural Local requires 12' lanes and 3' shoulders. The shoulders on the drawing are labeled 4%. If that is intended to be 4' then the road classification is better suited to the Commercial/Industrial Collector standard which is for heavy duty traffic, and specifically for Industrial park roads.

Both the Rural local and the Commercial/Industrial classification allow for paved or gravel surfaces. Based on the type of traffic and the combined commercial/residential use I would suggest that paving be required. At the very least, there should be a requirement for dust mitigation. The individual lots will be required to have an Access permit when they apply for a permit of any type."

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

Section 7-102: *Standards of Approval for Major Impact Projects.*
Applicable, the land use change shall comply with all applicable standards of this Section. The proposed land use change is compatible with the community character of the existing land uses in the development area and does not adversely impact the future development of the area. In 2012 the Gunnison County Board of Commissioners determined that the subject parcel is appropriate for industrial uses in Resolution No. 15, 2014.

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.*
Applicable, the applicant has identified uses allowed without a Land Use Change permit; uses that require an additional Land Use Change permit; and uses that are prohibited.

Section 6.8 of the Protective Covenants identifies design standards for development in the subdivision. The standards of Section 6.8 are in compliance with this Section 9-300 of the LUR.

The applicant proposes that certain, defined uses be permitted without any additional Land Use Change permit. Section 3.1 of the draft Declaration of Protective Covenants ("Declaration") addresses the uses that can be developed on the lots, uses that can be made only after review and approval by the Association and the County, and uses that are expressly prohibited. It is the Applicant's desire to create a subdivision that will allow for a diverse mix of industrial and commercial activities. The applicant has not proposed an exhaustive list of permitted uses that are allowed on the lots but rather relies on the design standards of Article 5 of the Protective Covenants to create parameters for acceptable commercial and industrial uses.

The applicant has identified (Section 3.1.1.3 of the draft Protective Covenants) that the following uses are prohibited in the Vista Business Park development: asphalt or concrete batch plants, adult oriented uses (as defined in the Gunnison County *Land Use Resolution*); mining operations, except for concentration of ores, milling, evaporation, and other processing, construction and use of accessory office and storage buildings, and transportation, which shall be uses permitted after review; and, veterinary clinics and animal shelters.

The applicant has identified specific uses that are allowed after review by the Property Owner's Association and Gunnison County (i.e. an additional land use change permit is required):

- The following mining operations: concentration of ores, milling, evaporation, and other processing, construction and use of accessory office and storage buildings, and transportation, upon compliance with *LUR* Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials*.
- Recreational vehicle parks and campgrounds, upon compliance with *LUR* Section 9-305: *Seasonal* Recreational *Vehicle Parks and Campgrounds*.
- Uses that require a variance from any provision of Article 5 or 6 of the Protective Covenants.

The covenants restrict retail sales in the development in Section 6.16 of the Covenants. No more than 33% of the floor area of any building shall be used for the retail sale of goods.

Marijuana cultivation, manufacturing, and/or testing facilities are expressly permitted so long as the same remain legal under Colorado law and Gunnison County regulations. Section 9-104: *Marijuana Cultivation, Manufacturing or Testing Facility* of the Gunnison County *Land Use Resolution* allows marijuana manufacturing and testing facilities in Gold Basin, Riverland or Signal Peak Industrial Parks. The location of marijuana manufacturing, testing, and/or cultivation facilities outside of those specific industrial park requires a Minor Impact Land Use Change permit, as identified in Section 9-104: G.2. Section 9-104: H. states that marijuana facilities and residential facilities cannot be collocated in the same structure. Any proposed marijuana facility in the Vista Business Park development shall be required to obtain a Minor Impact Land Use Change permit unless and until such time that the Gunnison County *Land Use Resolution* is amended. Any person may initiate an amendment to the *Land Use Resolution (LUR)*.

The Covenants require that, "merchandise, supplies, equipment, or materials of any kind, shall be stored within a building, shed or screened area." Vehicles used as part of a commercial and/or industrial use shall also be parked indoors or in a screened parking area. The subdivision will also include dedicated open space (common property), as illustrated on the site plan included in the Preliminary Plan. Some of the open space will remain undisturbed. Other portions of the open space will be utilized for the construction of augmentation ponds necessary for the operation of the Water Court-approved plan for augmentation serving the subdivision. A portion of the open space along Highway 50 will be landscaped to provide a visual buffer. The open space may be utilized for snow storage and the installation of utilities, as needed.

Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*

Applicable, the proposed development may allow some uses, as defined in this Section. The applicant has identified (Section 3.1.1.3 of the draft Protective Covenants) that the following uses are prohibited in the Vista Business Park development: asphalt or concrete batch plants, mining operations, except for concentration of ores, milling, evaporation, and other processing, construction and use of accessory office and storage buildings, and transportation, which shall be uses permitted after review.

The applicant has identified specific uses that are allowed after review by the Property Owner's Association and Gunnison County (i.e. an additional land use change permit is required):

- The following mining operations: concentration of ores, milling, evaporation, and other processing, construction and use of accessory office and storage buildings, and transportation, upon compliance with *LUR* Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials*.

No specific uses are approved for exploration, extraction and/or processing of minerals and construction materials at this time. A Land Use Change permit shall be required for any use proposed that is defined in this Section.

Section 9-500: *Miscellaneous Uses and Activities.*
Not applicable, no miscellaneous uses or activities are proposed as part of this application. Any future uses, as defined by this Section, are required to comply with the standards of this Section and an additional Land Use Change permit may be required. The proposed Protective Covenants state, "No temporary structure, mobile home, modular home, trailer, trailer house, travel trailer or recreational vehicle shall be permitted on any Lot at any time, except that a small temporary structure or trailer not to exceed 400 square feet, and approved by the ARB, may be allowed during construction. Such temporary structure or trailer shall be removed before any Building on the Lot is occupied or used."

The Protective Covenants state, "The only satellite dishes allowed are small dishes associated with Direct TV, Dish Network or similar providers. These dishes shall be located in a non-prominent portion of the Building, shall be hidden from view as much as possible, and shall be the same color as the wall seen behind the satellite dish or antenna or some other neutral color."

No attached or freestanding wireless communications devices are proposed as part of this application. Any future use may require a Land Use Change permit.

Section 6.13.3 of the proposed Protective Covenants does not allow horses or livestock in the proposed development.

Section 6.14 of the proposed Protective Covenants prohibits camping.

Section 10-102: *Locational Standards for Residential Development.*
Not applicable, the residential development proposed as part of the subdivision is accessory to the primary use of commercial or industrial for each lot. The proposed development is within the City of Gunnison Three Mile Plan area.

Section 10-103: *Residential Density.*
Not applicable, the residential development proposed as part of the subdivision is accessory to the primary use of commercial or industrial for each lot. The proposed development is within the City of Gunnison Three Mile Plan area.

Section 10-104: *Locational Standards for Commercial, Industrial, and other Non-Residential Uses.*
Applicable, the proposed development is within the City of Gunnison Three Mile Plan area and is reviewed under the primary locational standards. A copy of the application was referred to the City of Gunnison, whose comments are noted above. The City of Gunnison Three Mile Plan does not contemplate an industrial use in this location and the Plan identifies it as a location appropriate for rural residential use (one unit per 5-35 acres). The City has expressed their opposition to any retail sales at the proposed subdivision. The Planning Commission and Board of County Commissioners considered this during the joint public hearing. The applicant has proposed that no more than 33% of the floor area of any building shall be used for the retail sale of goods. The covenants restrict retail sales in the development in Section 6.16 of the Covenants stating:

> *No more than 33% of the floor area of any Building shall be used for the retail sale of goods. The sale of goods processed, fabricated, altered, manufactured, grown, cultivated, or to which value was otherwise added on the Lot or by the business operated on the Lot at a jobsite shall not count against this limitation. Relatedly, the sale of goods in a manner that is incidental and ancillary to the provision of a service (e.g. the sale of motor oil in conjunction with*

performing an oil change) shall not count against this limitation. Floor space used for the storage of goods that is not open to the public shall not count against this limitation. This limitation shall not apply to outside areas that may be used to store products that, by their nature (such as trees, bushes, and other plants), must be stored and displayed outside. The purpose of this limitation is to preclude the use of a Lot for high volume pure retail establishments such as department stores, grocery stores, and convenience stores.

Both the Planning Commission and the Board of County Commissioners found this to be an acceptable compromise and noted that due to the lack of industrial area available in the City it is unreasonable to require no retail sales to occur in the proposed development.

Section 11-103: *Development In Areas Subject to Flood Hazards*.
Applicable, portions of the subject parcel are within the 100-year floodplain. The location of the floodplain is delineated on the "Site Plan, Water Quality, Grading and Drainage," prepared by NCW & Associates, Inc. dated March 31, 2015. The proposed development activities and building envelope locations are outside of the 100-year floodplain. A portion of the open space is located within the 100-year floodplain.

As a condition of approval of a proposed land use change permit within the floodplain, the landowner shall sign the "Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of this Property," which shall be included on the Final Plat for subdivision and/or within the applicable recorded document that approves the Land Use Change permit.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Not applicable, the subject parcel is not in an area of geologic hazards.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, the subject parcel is in an area of low wildfire hazard. A copy of the application was referred to Gunnison Fire Protection District (District) for review and comment. The District did request that a dry hydrant be installed at the subject parcel; the applicant has indicated that he is willing to comply with that recommendation.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The application was referred to the Division of Parks and Wildlife (DPW) and no comments were received. The application was also referred to the Gunnison County Wildlife Coordinator, his comments are noted above and found that no impacts to the Gunnison Sage-grouse are expected to occur with this development beyond what has already occurred.

The applicant contacted the U.S. Fish and Wildlife Service and received a letter dated December 2, 2014 from Kurt Broderdorp, Acting Western Colorado Supervisor, stating: "You have inquired whether you might need an incidental take permit from the U.S. Fish and Wildlife Service (Service) for this project. Your project area is greater than 0.6 mile from an active Gunnison Sage-grouse lek, is essentially surrounded by existing disturbance and does not currently support sagebrush or functional Gunnison Sage-grouse seasonal habitats. No incidental take permit for this project is necessary."

Section 11-107: *Protection of Water Quality*.
Applicable, the proposed development is within 125 feet of a water body. A wetlands delineation has been prepared by Colorado Land & Water Specialists, LLC and the location of the wetlands, floodplain, and water quality protection plan are identified on "Site Plan, Water Quality, Grading and Drainage," and "Site Plan, Erosion Control and Reclamation," prepared by NCW & Associates, Inc. dated March 31, 2015. The applicant has proposed building envelopes in compliance with this Section that meet the inner restrictive buffer requirements. Building envelopes are located outside of the inner restrictive buffer and variable outer buffer and Section 6.10 of the Protective Covenants includes provisions regarding hazardous materials.

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 and the Colorado Department of Transportation. Comments from both are noted above. A traffic study was completed by NCW & Associates, Inc. dated April 27, 2015. The traffic study found that

> *…applying the State Highway Access Code criteria, a left turn deceleration lane is not required to be constructed and/or striped at the existing location of the Vader Lane access. At full build out of Vista Business Center and with the existing uses on Vader Lane, the left turns into the site during the AM Peak Hour (Design hour) are not projected to exceed 10 vehicles per hour….The projected right turn in volume is 23 the A.M. and 15 in P.M. This is below the threshold of 25. A right turn deceleration lane is not warranted. A left turn out acceleration lane is not necessary. The line of sight is 1184' and the minimum sight distance 1105'. The peak traffic volume on Highway 135 is around 1:00 p.m. which does not coincide with the peak hour for the VBC site. A left turn out acceleration lane is not required*.

A turn lane analysis memo from CDOT dated July 8, 2015 from Kent Harbert was also received. CDOT is requiring a right turn deceleration lane to be installed after the sale of the eighth lot in the proposed development. This condition shall be incorporated into the Development Improvements Agreement. The terms and condition of the review are:

1. *The earthwork for the right turn deceleration shall be completed with the initial development of the property, as proposed.*
2. *Right of way shall be granted for the future right-turn deceleration lane. The edge of the right of way shall be a minimum of 10 feet from the toe of fill.*
3. *The developer shall set up an escrow account, as proposed, for the future paving of the right turn deceleration lane. The escrow account shall be owned and administered by Gunnison County. The terms and conditions of the escrow account shall be subject to the review and approval by CDOT, but CDOT cannot be a party to the account or any agreement attached to it.*
4. *The developer's design consultant shall submit construction plans for the right turn deceleration lane with the initial development. Upon approval of the plans by CDOT they will not be subject to changes in the design standards for a period of 20 years.*

The Certification of Driveway Availability is included in Exhibit J of the Preliminary Plan application.

A 15- foot wide pedestrian and drainage easement is located within the right of way for Vista Drive, in accordance with LUR 12-103.K. Additionally, a 30 foot wide easement on the boundary between lots 6 and 7, and on the boundary between lots 5-7 and the platted open space on the south side of the Property, has been reserved to provide lot owners with non-motorized access to the platted common area open space on the south side of the Property.

The road will follow the natural contours of the land, and will be constructed approximately 1 foot above the existing grade. No cuts will be required.

Gunnison County Public Works Director has recommended that the road be paved and that dust mitigation be required. Exhibit G includes notes detailing the dust control plan. The contractor will be responsible for providing a water truck and for obtaining a sufficient water supply to maintain dust control and provide the required compaction. The contractor will be required to stop surface work if the winds exceed 25 miles per hour. The limits of construction will be staked to minimize the disturbance of existing vegetated areas.

The County shall not give final approval to a Land Use Change permit until the County has received a copy of the Highway Access permit.

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

Section 12-105: *Water Supply*.
The applicant proposes that water for commercial, industrial, domestic and landscape irrigation uses will be delivered to each lot through a series of wells, pursuant to the 12CW114 Decree, as amended by the 15CW3021 Decree. Each of Lots 1-12 will be served by a well in the VBC Well Field. Lot 13 will be served by the Vader Domestic Well and / or Dan Vader Stockwater Well. Each Lot Owner will be responsible for the cost of permitting and installing the well to serve its Lot. By purchasing a Lot, each Lot Owner waives any objection to the default 600 foot well spacing requirement of the Colorado Division of Water Resources.

Evidence that a final court decree for the amended decree is required at Final Plan. Comments from the Division of Water Resources are noted above and state that the Division finds that the development has a legal and physically adequate supply of water.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, the applicant is proposed that On-site Wastewater Treatment Systems be installed for each lot in the development. Gunnison County Environmental Health comments are noted above and note that it is feasible to install OWTS in the proposed development.

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 their comments are noted above. The Fire Marshal has requested the installation of a dry hydrant at the site which the applicant has agreed to do.

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 prepared by NCW & Associates, titled, "Site Plan, Boundaries and Easements," dated March 31, 2015.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
This section applies; the proposed improvements meet the commercial and industrial setback requirements. The proposed development complies with all setback requirements adjacent to other parcels. The setbacks between the proposed lots comply with the 15-foot setback required between adjacent commercial and industrial uses.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the submitted protective covenants restrict the maximum residential building size to 2,500 square feet.

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*
Applicable, the proposed development is within the City of Gunnison Three-Mile Plan, however there are no adopted standards in the Intergovernmental Agreement for open space, therefore the county standards apply. Commercial and industrial uses that are classified as Major Impact projects shall provide open space by including landscaping elements and setbacks from property lines. The applicant has proposed landscaping and buffering along the northern property boundary with Highway 50 and a portion of open space is identified on the southern portion of the parcel.

The Landscaping Plan calls for the planting of 12 spruce trees, 37 cottonwood trees, and 21 shrubs in the locations depicted on the Landscaping Plan. The landscaping is designed primarily to create a visual buffer from Highway 50. The majority of this landscaping is located on common area Open Space. However, some of the landscaping will be located on landscaping easements along the perimeters of lots 1 and 12 in order to maximize the visual buffering of the Property from Highway 50.

Section 13-109: *Signs.*
The applicant has submitted a design for a business cluster sign at the intersection of the Vader Lane and Highway 50. One cluster sign at each access to a development is allowed. Section 13-109: K. allows a maximum area of 70 square

feet and no greater than 16 feet above the natural grade. The proposed sign is 18'9" tall and is 138 square feet (not including bracing or the base structure). The portion of the sign that says "Vista Business Park" is 55 square feet. The applicant proposes to locate the sign inside the current fenced area on the northeast corner of the parcel; this area is below the grade of Highway 50. The applicant has requested a variance from the maximum size and height standards of this Section. Section 13-109: M.4. Criteria for Board Decision identify the following standards for approval of a variance and the applicant has responded to each of those standards in attached Exhibit A:

a. ***HARDSHIP NOT SELF-IMPOSED.*** *That the hardship has not been created by the applicant, or his/her predecessor;*

b. ***NO HARM TO PUBLIC SAFETY.*** *That there is no detriment to the public health, safety and welfare;*

c. ***DEMONSTRATION OF NEED.*** *That there exists a clear and reasonable need for the sign at the proposed location;*

d. ***CONSISTENCY WITH NEIGHBORHOOD****. That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location;*

e. ***COMPLIANCE WITH ALL OTHER STANDARDS****. That the location, character and format of the proposed sign are not in conflict with the purposes of this Section, or of this Resolution.*

f. ***PUBLIC BENEFIT OUTWEIGHS IMPACTS****. That the benefits that the sign would provide to the public and county visitors would outweigh any adverse aesthetic or other impacts caused by the proposed sign.*

The applicant has not demonstrated a clear and reasonable need for the variance and finds that hardship is self-imposed. All of the signs referenced in Exhibit A are located in the City of Gunnison (except the Inn at Tomichi Village which predated the current sign regulations). Additionally, all of the signs referred to in Exhibit A refer to signs that advertise retail type businesses rather than industrial uses. The portion of the proposed sign that says "Vista Business Park" is approximately 55 square feet. The intent of the cluster sign is to identify businesses not to provide "billboard" type advertisement. The character of the businesses that are anticipated to locate in the development are not such that a passerby may see the sign and decide to stop and shop—the scope of retail is limited. Each business will also be allowed an individual 50 square foot sign at the entrance to their business from the internal development road. There are no signs on Highway 50 at the Signal Peak Industrial Park and the proposed sign is not consistent the rural character of the location. There are no public benefits associated with the larger sign. Staff recommends that the variance be denied with respect to the size of the sign. However, due to the existing topography of the site staff recommends that the applicant be permitted a variance to increase the height of the sign to the proposed 22 feet.

Section 13-110: ***Off-Road Parking And Loading.***
Applicable, individual parcels and uses are required to comply with this Section**. The Protective Covenants require a minimum of six parking spaces per lot and that the parking area be screened.**

Section 13-111: ***Landscaping And Buffering.***
Applicable, the Landscaping Plan calls for the planting of 12 spruce trees, 37 cottonwood trees, and 21 shrubs in the locations depicted on the Landscaping Plan. The landscaping is designed primarily to create a visual buffer from Highway 50. The majority of this landscaping is located on common area Open Space. However, some of the landscaping will be located on landscaping easements along the perimeters of lots 3, 4, and 12 in order to maximize the visual buffering of the Property from Highway 50.

Section 13-112: ***Snow storage****.*
Applicable, Section 5.21 of the Protective Covenants require, "Adequate snow storage areas shall be provided along all interior driveways, parking areas, service yards, and storage areas so as to permit removal of snow without damaging screening, landscaping, and other plantings within the Lot," and compliance with this Section.

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. Additionally, commercial and industrial uses are required to comply with the exterior lighting requirements of Section 9-301: D.6. *Exterior Lighting.* Section 5.10 of the Protective Covenants identifies exterior lighting requirements in compliance with this Section.

Section 13-115: ***Reclamation And Noxious Weed Control.***
Applicable, an Earthmoving Site Revegetation and Noxious Weed Control Plan is attached in the Preliminary Plan, Exhibit M. The Plan references a map titled "Erosion Control and Reclamation Plan," which was prepared by NCW & Associates, Inc., and which is attached as Exhibit G. The Plan is incorporated into the Declaration at paragraph 5.15.

Section 13-116: ***Grading And Erosion Control.***
A grading and erosion control plan was included in the Preliminary Plan application titled, "Site Plan, Water Quality, Grading and Drainage," and "Site Plan, Erosion Control and Reclamation," prepared by NCW & Associates, Inc. dated March 31, 2015. The applicant shall comply with the standards of this Section.

Section 13-117: ***Drainage, Construction And Post-Construction Stormwater Runoff.***
A grading and erosion control plan was included in the Preliminary Plan application titled, "Site Plan, Water Quality, Grading and Drainage," and "Site Plan, Erosion Control and Reclamation," prepared by NCW & Associates, Inc. dated March 31, 2015. The applicant shall comply with the standards of this Section.

Section 13-118: ***Water Impoundments.***
Not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

Section 13-119: ***Standards to Ensure Compatible Uses.***
Applicable, the proposed development has been designed in a manner to ensure compatible uses. The adjacent uses include Signal Peak Industrial Park Filing 1 and 2 which includes commercial, industrial and some residential uses. The Board of County Commissioners identified the subject parcel in the 2012 Land Use Analysis as an appropriate location for industrial development. The design of the development including hours of operation, location of uses and residences will not adversely affect the character or tranquility of nearby residential or public 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 application, by definition, is classified as a Major Impact.
2. The Gunnison County Board of Commissioners identified the subject parcel as an area appropriate for industrial development in the 2012 Land Use Analysis, Resolution No. 15, 2014.
3. The proposed development is not located adjacent to a municipality but is within the City of Gunnison Three Mile Plan area.
4. Gunnison County and the City of Gunnison have an Intergovernmental Agreement for the Three Mile Plan area.
5. Lots 1, 2, 3, 4, and 5 shall be permitted to have industrial and commercial uses as identified in the Protective Covenants. Lots 6, 7, 8, 9, 10, 11, and 12 are subject to additional restrictions in Section 6.17 of the Covenants to ensure compatibility with residential land uses. Residential uses are allowed only on Lots 7-12.
6. The parcel identified as "Outlot" contains an existing residence and outbuildings. The developer reserves a development right to add the outlot as the thirteenth lot upon the termination or expiration of the lifetime lease. The Outlot shall be permitted to have the same uses and restrictions as Lots 1-5.
7. The Protective Covenants identifies that the following uses are prohibited in the development: asphalt or concrete batch plants; adult oriented uses; mining operations; and veterinary clinics and animal shelters.
8. The Protective Covenants allow the following uses after the approval of a site specific Land use Change permit for the proposed use: concentration of ores, milling, evaporation, and other processing, construction and use of accessory office and storage buildings, and transportation; recreational vehicles parks and campgrounds; any use that requires a variance from any provision of Article 5 or 6 of the Protective Covenants.
9. Marijuana cultivation, manufacturing and/or testing facilities are permitted by the Protective Covenants. Section 9-104 of the Gunnison County *Land Use Resolution* only allows the development of those facilities after a Minor Impact Land Use Change permit unless the use is in Gold Basin, Signal Peak or Riverland Industrial Parks.
10. Portions of the subject parcel are in the 100-year floodplain.
11. Gunnison County Wildlife Coordinator and the Colorado Parks and Wildlife have reviewed the application relative to Gunnison Sage-grouse impacts and found that there will be no additional impacts to the bird from the proposed development.

12. CDOT requires a right turn deceleration lane be installed on Highway 50 into Vader Lane after the sale of the eight lot in the development.
13. A CDOT access permit is required.
14. The applicant has amended the water court decree to allow for the development of individual wells on each proposed lot. The final court decree has not been issued at this time.
15. Gunnison County Fire Protection District has requested that a dry hydrant be installed at the development.
16. The landscaping plan is in compliance with Gunnison County standards and also mitigates visual impacts from the proposed development to Highway 50 traffic.
17. The applicant has requested a variance to Section 13-109: Signs relative to the size and height of the proposed sign. The request is attached as Exhibit A.
18. The proposed sign in Exhibit A is 138 square feet and 22 feet high. The applicant has not demonstrated that the hardship is not self-imposed, nor that there is a need nor that it is consistent with the neighborhood, relative to the proposed area of the sign. With respect to the height the applicant has demonstrated that there is a hardship due to the topography at the site.
19. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-11-00035 be classified as a Major Impact Preliminary Plan, and that the Preliminary Plan be approved with the following conditions:

1. Any property owner that submits a building permit application shall be required to submit a detailed narrative to Gunnison County Community Development describing how they comply with Article 5 and 6 of the Protective Covenants and are a permitted use (use that does not require an additional Land Use Change permit).
2. A Land Use Change permit shall be required for any use that includes the concentration of ores, milling, evaporation and other processing.
3. A Land Use Change permit shall be required if a proposed use in the development requires a variance from any provision of Article 5 or 6.
4. No specific uses are contemplated or approved for extraction, exploration and/or processing of minerals and construction materials.
5. Any proposed marijuana facility in Vista Business Park shall be subject to the standards of Section 9-104 of the Gunnison County *Land Use Resolution* and shall be required to obtain a Minor Impact Land Use Change permit unless and until such time that an amendment is made to the Gunnison county Land Use Resolution allowing the development of marijuana facilities with an Administrative Review Land Use Change permit.
6. Retail sales, in compliance with Section 6.16 of the Protective Covenants are allowed in the proposed development.
7. The landowner shall sign and notarize the "Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of this Property," which shall be included on the Final Plat for subdivision.
8. The Development Improvements Agreement shall include a provision requiring bonding for the right turn deceleration lane.
9. A CDOT Highway Access permit is required to be submitted with the Final Plan application.
10. Evidence that a final court decree has been approved shall be submitted at Final Plan.
11. A dry hydrant, in compliance with the standards of Gunnison County Fire Protection District shall be installed.
12. The landscaping shall be installed as described in the Landscaping Plan. It shall also be included as part of the Development Improvements Agreement.
13. The variance request for a sign area greater than 70 square feet is denied. A sign 70 square feet or less, consistent with the design submitted is approved.
14. The variance request for a sign greater than 16 feet tall (approximately 22 feet in height) is approved.
15. Approval of the Preliminary Plan shall not constitute approval of the Major Impact Project, or permission to proceed with construction of any aspect of the Land Use Change. Approval shall only constitute authorization for the applicant to submit a Final Plan, in accordance with the representations made by the applicant and in response to any conditions placed on the Preliminary Plan by the Board.
16. The applicant shall be required to submit the Final Plan application within 12 months after the date of the approval of the Preliminary Plan. Failure to submit a complete Final Plan application within this time period shall render the Preliminary Plan approval null and void, and require the applicant to begin the Preliminary Plan review process again.

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17. 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*.
18. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
19. 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.
20. 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.
21. 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 12:00 P.M.

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

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