

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: FRIDAY, September 18, 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.** **Brighton Hospitality Group, LLC - Tomichi Village Self Storage**, public hearing/possible action, request for a 94-unit commercial self-storage facility, located on 2-acres at the Inn at Tomichi Village, 1 mile east of the City of Gunnison, 41833 US Highway 50, within the S1/2SW1/4 Section 32, Township 50 North, Range 1 East, N.M.P.M.
LUC-15-00025
- 10:00 a.m.** **Pilgrim Communications/Tarpon Towers II, LLC**, public hearing/possible action, request to leave the existing 102-foot telecommunication tower in place, located at the KVLE radio facility, north of the City of Gunnison, 1445 Highway 135, within the NW1/4SW1/4 Section 25, Township 50 North, Range 1 West, N.M.P.M.
LUC-15-00027
- 10:30 a.m.** **Gunnison County Land Use Resolution amendments**, Staff, work session/no action, review of proposed *Land Use Resolutions* amendments, Section 9-101:Uses Secondary to a Primary Residence
- 11:00 a.m.** **Pillow Rock Financial, represented by Dylan Carson**, work session/no action, request for a private mountain bike trail, for the use of the owner and guests, located on Lot 33A, Trappers Crossing at Wildcat.
- *******Site Visit will follow work session**
- LUC-15-00020**

Adjourn

The applications can be viewed on gunnisoncounty.org,

link to <http://204.132.78.100/citizenaccess/>

- Public access
- Projects
- Application #
- **LUC-15-00025**
- **LUC-15-00027**
- **LUC-15-00020**
- Attachments

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
September 18, 2015

The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Kent Fulton	Director of Community Development- Russ Forrest
Vice-Chairman- Jeremy Rubingh	Assistant Director of Community Development- Neal Starkebaum
Commissioner- A.J. Cattles	Community Development Senior Planner-Cathie Pagano
Commissioner-Jack Diani	Community Development Services Manager-Beth Baker
Commissioner- Tom Venard	Others present as listed in text
Alternate Commissioner- Molly Mugglestone	

Absent; Commissioners John Messner and AJ Cattles

With a quorum present Chairman Fulton opened the September 18, 2015, regular meeting of the Planning Commission.

Fulton seated Mugglestone for the entire meeting.

Moved by Venard seconded by Diani to approve the planning commission meeting minutes dated September 4, 2015. The motion passed unanimously.

Tomichi Village Self Storage LUC-15-00025: The Gunnison County Planning Commission conducted a public hearing to review the request for a 94-unit commercial self-storage facility, located on 2-acres at the Inn at Tomichi Village, 1 mile east of the City of Gunnison, 41833 US Highway 50, within the S1/2SW1/4 Section 32, Township 50 North, Range 1 East, N.M.P.M.

With a quorum present Chairman Fulton opened the public hearing.

Community Development Services Manager-Beth Baker confirmed adequate public notice; the applicants submitted the certified mailing receipts and the notarized affidavit/ photograph of the property posted. The planning office had the notice published in the CB News and the Gunnison Country Times.

Present representing the Planning Commission- Fulton, Rubingh, Diani, Venard, and Mugglestone.

Present representing the County Staff- Assistant Director of Community Development- Neal Starkebaum, and Community Development Services Manager-Beth Baker.

Present representing the applicant- Robert Johnson, and Andrew Baldwin.

Baldwin is building the 94-storage units to make the property economically viable year round.

Applicant:

Johnson noted the engineer had developed a revised site plan creating the optimal drainage on the property. The drainage plan was changed to eliminate the chance of flooding in a high snow pack / melt year. The fire district is pleased with the new configuration. The landscaping plan will include 16 conifer trees for buffering. The signage will be on one of the buildings.

Staff Comments:

Starkebaum addressed the comments from the City of Gunnison, and comments from adjacent property owners Tom and Christy Murtaugh, noting their concerns with the project obstructing the view from their property.

Public Comments:

No verbal comments

Written comments as submitted and entered into the planning office file and the County online file

Johnson noted there had been a revision to the site plan. The lighting will be motion detection only. There will be a security access gate. It will be managed on site by the staff of the hotel.

Planning Commission Site Visit Observations:

- **Venard-** the site visit helped with visualizing where the storage units would actually sit on the site- the neighbor's view would not be as affected as he had thought.
- **Diani-** agreed with Venard. The trees used for visual buffering will also buffer noise from the highway
- **Rubingh-** agreed with Venard. The units will be behind the hotel and only minimally visible from the highway. The back units closest to Tomichi Heights will be in a depression and not very visible. He did not agree with the City comments. The impacts will be extremely minimal.
- **Mugglestone-** agreed with Rubingh. She considered the City's comments but she did not agree with them. The depression on the property will minimize the visual impacts. She appreciated the site visit and the site plan revisions.

Fulton closed the public hearing at 9:25 A.M.

The Planning Commission reviewed the draft decision of approval.

Moved by Rubingh seconded by Diani to approve LUC-15-00025- 94 Brighton Hospitality Group- Tomichi Village Storage Units as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The applicant is proposing a 94-unit mini storage facility, totaling approximately 19,872 square feet of buildings, located on 2-acres, on the western portion of the existing Inn at Tomichi Village property (9.3-acres). The buildings will be 10.5 feet in height, manufactured metal, painted beige, with dark brown metal roofing. The facility will require no water or wastewater treatment. Access will be via a short extension of the existing access through the Inn at Tomichi Village, from Highway 50. The facility will be accessible to clients 24-hours a day and will be managed by the staff at the Inn at Tomichi Village motel main office. The applicant has submitted a landscaping plan to provide buffering of the buildings from Tomichi Heights subdivision and the vacant property to the north and west.

LOCATION:

The site is located on 2-acres, in the western portion of a 9.3-acre parcel, north of and adjacent to Highway 50, approximately 1 mile east of the City of Gunnison, in the S1/2SW1/4 Section 32, Township 50 North, Range 1 East, N.M.P.M.; 41883 US Highway 50.

ADJACENT LAND USES:

The adjacent land to the north and west is a vacant 6.6-acre parcel. Residential lots, within Tomichi Heights subdivision, are located further to the north. The Inn at Tomichi Village motel is located directly east of the site. The parcel is adjacent to and parallel to Highway 50, on the south.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, and other submittal documents informing this Decision include, but are not limited to:

- Minor Impact Land Use Change Application and site plan
- "Landscaping Plan", prepared by Robert Johnson, submitted September 8, 2015
- "Site and Drainage Plan", prepared by Bob Williams, P.E., Williams Engineering, dated September 3, 2015
- "Site and Drainage Plan", prepared by Bob Williams, P.E., Williams Engineering, dated September 17, 2015, modifying the internal building layout, due to drainage considerations.

This review and Decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application; including all exhibits, references, testimony and documents as included therein.

REVIEW AGENCY REFERRAL COMMENTS:

The following entities or agencies provided referral comments.

City of Gunnison:

Greg Larson, Chair, Planning and Zoning Commission, letter of September 9, 2015:

"Please note that while the Three-Mile Plan identifies this site as an industrial use, the Planning and Zoning Commission believes the use is inappropriate for the highway corridor and does not comply LUR Section 10.4, Locational Standards for Non-residential Uses. The Planning and Zoning Commission does not support this proposed use."

Gunnison County Fire Protection District:

A referral was sent to Dennis Spritzer, GCFPD. No written comments have been received, but in a staff conversation with Dennis August 27, 2015, he noted that he had no concerns with the proposed development. He did request that the applicant provide the gate code for the security gate, upon completion.

Gunnison County Public Works Department:

Marlene Crosby, Gunnison County Public Works Director, via email September 15, 2015, provided the following comments:

"The Public Works Department has the following comments about this application:

There have been drainage issues in the past in this area after a heavy rain or during a rapid melt in the spring. Storm water will need to be monitored and if there is erosion it should be addressed immediately after the event;

The fence on the west boundary of the property needs to be repaired/rebuilt. In this section of fence there is an old wire gate which needs to be removed since there will be no access onto CR #72 from this parcel;

No paving is required. Gravel surfaces will help with storm water management;

Applicant will be required to obtain a Reclamation Permit from the Gunnison County Public Works Department."

Gunnison County Wildlife Conservation Coordinator:

Jim Cochran, County Wildlife Conservation Coordinator; memo of August 4, 2015, states:

"Based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison Sage-grouse or their habitats beyond that which has already occurred.

It is possible that off-site impacts may occur whenever human activities occur close to sage-grouse habitat. These impacts are addressed by permit conditions in order to avoid and/or minimize impacts to sage-grouse.

Therefore, the following requirements will be applied as conditions of all Gunnison County permits issued for projects on this parcel to protect Gunnison Sage-grouse.

- 1) 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.
- 2) 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.
- 3) A Reclamation Permit will be required for any site disturbance of 10,000 sq.ft. or more. That permit will contain specific reclamation conditions. Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. All reclamation activities, including seed application and final grading must be completed according to NRCS guidance on timing of reclamation plantings at this elevation and latitude.
- 4) If a Reclamation Permit is not required, disturbed areas shall be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.
- 5) 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.

SITE VISIT:

A site visit was held on September 4, 2015. The Commission members viewed the location of the proposed site and surrounding properties. Observations by the Commission are summarized as follows:

- The site is conducive to the proposed use. It is situated in a depression below the residential lots in Tomichi Heights.
- The views of Tenderfoot Mountain, to the south, from the residential lots in Tomichi Heights should not be impeded by the storage buildings.
- The buildings may actually provide some sound attenuation to the residents of Tomichi Heights, from the noise of traffic on Highway 50.

PUBLIC HEARING:

A public hearing was held on September 18, 2015; at that time, no public was present.

A letter was received from Thomas and Kristi Murtaugh, dated September 15, 2015, noting their concerns with the project.

MEETINGS WITH PLANNING COMMISSION:

September 4, 2015 – Work session

September 18, 2015 - Public Hearing

September 18, 2015 – Work session

COMPLIANCE WITH THE APPLICABLE STANDARDS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

Section 9-301: Commercial and Industrial Uses.

The applicant is proposing a commercial self-storage facility.

D. General Standards:

D.1: Non Residential Accessory Uses: The proposed use is not accessory to a residential use; nor is any new residential use proposed.

D.2: Food Service Requirements: No food service is proposed as part of this application.

D.3: Electrical Disturbances: No use of equipment that creates electrical disturbances is anticipated at the site.

D.4: Fire and Explosive Hazards: No materials or products that decompose by detonation are proposed to be stored at the site.

D.5. Glare and Heat: No glare or heat producing activities are anticipated or expected at the site.

D.6. Exterior Lighting: The exterior lighting shall be designed so that all direct rays and glare are confined to the subject parcel.

D.7. Odors: No odors are anticipated or expected.

D.8. Radioactivity: No radioactive materials are proposed to be stored on site.

D.9. Vibration: No activities that cause vibration are expected to occur along the property boundaries.

D.10. Noise: No significant noise is anticipated as a result of this application.

Section 10-102: Locational Residential Development:

Not applicable. No residences are proposed.

Section 10-103: Residential Density:

Not applicable. No residences are proposed.

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

The site meets the Primary Locational Standard. B.

1. The proposed site is adjacent to an incorporated municipality, that being the City of Gunnison, and meets the 1/6 contiguity for eligibility for annexation, pursuant to CRS 31-12-101.
2. The City of Gunnison comments, dated September 9, 2015, notes that the City of Gunnison's Three-Mile Plan identifies the site is for industrial use. See City of Gunnison comments.

Section: 11-102: Voluntary Best Management Practices

Voluntary; not mandated.

Section 11-103: *Development in Areas Subject to Flood Hazards.*

The site is not located within an area subject to flood hazards, according to County mapping.

Section 11-104: *Development in Areas Subject to Geologic Hazards.*

The subject parcel is not located within an area of geologic hazards, according to County mapping.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*

1. The subject parcel is in a low wildfire hazard area, according to County mapping.
- 2.

Section 11-106: *Protection of Wildlife Habitat Areas.*

Comments were received from Jim Cochran, County Wildlife Conservation Coordinator, memo of August 4, 2015. No impacts to Sage-grouse were indicated.

Section 11-107: *Protection of Water Quality.*

Not applicable. The site is not located within 125 feet of a water body.

Section 11-109: *Development That Affects Agricultural Lands.*

Not applicable. Adjacent lands are non-agricultural lands.

Section 12-103: *Road System.*

Access to the facility is via a driveway that will access through the Inn at Tomichi Village and will use the existing Highway 50 access for the Inn at Tomichi Village. The Gunnison County Public Works Department reviewed the proposed development and provided comments in an email from Marlene Crosby, Public Works Director, September 15, 2015.

Section 12-104: *Public Trails.*

Not applicable. No trails are proposed.

Section 12-105: *Water Supply.*

Not applicable. No water use is required for the self-storage facility. Water for the landscaping will be provided via an existing commercial well.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*

Not applicable. No wastewater treatment is required.

Section 12-107: *Fire Protection.*

A referral was sent to Dennis Spritzer, GCFPD. No written comments have been received, but in a staff conversation with Dennis on August 27, 2015, he noted that he had no concerns with the proposed development. He did request that the applicant provide the gate code for the security gate, upon completion.

a.

b. **Section 13-103: *General Site Plan Standards and Lot Measurements.***

The proposed location complies with property line setback requirements. Site Plan submitted with application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*

Not applicable. No installation of solid-fuel burning devices is contemplated in this application.

Section 13-108: *Open Space and Recreation Areas*

Not applicable. No open space is required for this use.

Section 13-109: *Signs.*

The only sign requested is one wall mounted identification sign. The applicant is required to obtain a sign permit in compliance with this Section.

Section 13-110: *Off-Road Parking and Loading.*

The site provides sufficient off-road parking and loading.

Section 13-111: *Landscaping and Buffering.*

The applicant provided a landscaping plan, prepared by Robert Johnson, submitted on September 8, 2015. The plan shows 16 – 10' Douglas fir trees will be planted on the north and west perimeter of the site. The applicant will provide water to the trees via a drip system from an existing well, located on the southwest corner of the property.

Section 13-112: *Snow storage.*

Sufficient area is available for snow storage.

Section 13-113: *Fencing*

No security fencing is proposed, other than a security gate that will be constructed at the access entrance. The applicant indicates that the existing barbed wire fencing located on the perimeter of the site will remain in place.

Section 13-114: *Exterior Lighting.*

The applicant proposes to install the minimum necessary lighting to provide security lighting for the operation of the self-storage facility. Fully shielded, motion detection, security lighting will be installed on the buildings.

Section 13-115: *Reclamation and Noxious Weed Control.*

A Reclamation Permit is required and the applicant is required to control noxious weeds.

Section 13-116: *Grading and Erosion Control.*

The site is fairly level, which will minimize the amount of site grading required. Stormwater and erosion control should be monitored. See comments from Marlene Crosby, Gunnison County Public Works Director, via email September 15, 2015.

Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff.*

Bob Williams, P.E. provided a stamped drainage plan, dated September 17, 2015, noting that the new storage units will not affect historic drainage patterns.

Section 13-118: *Standards to Ensure Compatible Uses.*

The self-storage facility has been designed in a manner that will not adversely affect the character of nearby residential areas.

- The closest residences in Tomichi Heights subdivision are approximately 350 feet away.
- The elevation of the site is approximately 15-20 feet lower than the closest residence to the north, in Tomichi Heights. The buildings are low profile, being 10.5 feet in height. This will place the top of the buildings below eye level and should not impede any line of sight for views to the south.
- Activities associated with a self-storage facility should not contribute significant noise or other off-site impacts. Most of the internal activity associated with the self-storage facility is screened from the residential properties to the north, by virtue of the orientation of the buildings.
- The buildings are painted neutral colors, or earth tones, intended to blend with the surroundings and existing vegetation.
- The existing improvements and site topography will create partial, if not full screening, of the storage buildings from the Highway 50 corridor. For westbound traffic, the Inn at Tomichi Village motel buildings will block most of the views of the storage buildings. For eastbound traffic, the site is approximately 20 feet higher in elevation than the highway and the closest storage building is 220 feet north of the highway. Due to these factors, any visibility of the storage buildings from Highway 50 will be of short duration to the traveling public. The posted speed limit on this section of Highway 50 is 65 m.p.h.

FINDINGS:

The Commission finds that:

1. This application is a Minor Impact Project.
2. The self-storage facility is compatible with the existing neighborhood and the proposed development has been designed in a manner that will not adversely affect the character of nearby residential areas:
 - The closest residences in Tomichi Heights subdivision are approximately 350 feet away.
 - The elevation of the site is approximately 15-20 feet lower than the closest residence to the north, in Tomichi Heights. The buildings are low profile, being 10.5 feet in height. This will place the top of buildings below eye level and should not impede the line of sight for views to the south.
 - Activities associated with a self-storage facility should not contribute significant noise or other off-site impacts. Most of the internal activity associated with the self-storage facility is screened from the residential properties to the north, by virtue of the orientation of the buildings.
 - The buildings are painted neutral colors, or earth tones, intended to blend with the surroundings and existing vegetation.
 - The existing improvements and the site topography will create partial, if not full screening, of the storage buildings from the Highway 50 corridor. For westbound traffic, the Inn at Tomichi Village motel buildings will block most of the views of the buildings. For eastbound traffic, the site is approximately 20 feet higher in elevation than the highway and the closest storage building is 220 feet north of the highway. Due to these factors, any visibility of the

storage buildings from Highway 50 will be of short duration to the traveling public. The posted speed limit on this section of Highway 50 is 65 m.p.h.

3. Gunnison County Wildlife Conservation Coordinator Jim Cochran; provided comments in a memo of August 4, 2015, indicating no on-site impacts to Sage-Grouse, but due to potential off-site impacts, identified recommended conditions of approval to minimize impacts to the Gunnison Sage-grouse.
4. The Planning Commission determines that the landscaping proposed is appropriate for this use and provides sufficient buffering of the massing of the storage buildings.
5. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
6. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and including provision of a public hearing, and having reached the above cited Findings, classifies LUC No. 2015-27, Tomichi Village Self Storage as a Minor Impact Project, approves the Land Use Change Permit with the following conditions, and that said approval shall be memorialized by recordation of a Minor Impact Certificate with the Gunnison County Clerk and Recorder:

3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
4. A Landscaping Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the landscaping, identified in the *Landscaping Plan* – prepared by Robert Johnson, submitted September 8, 2015. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
5. A performance bond, letter of credit or other means of surety acceptable to the Board of County Commissioners be required to cover the cost of the landscaping, as identified on identified on the landscaping plan, plus 25 percent; such cost estimate as provided by the applicant, and that said surety is retained by Gunnison County.
6. The applicant shall provide the security gate access code to the Gunnison County Fire Protection District, after the gate has been installed.
7. The following requirements will be applied as conditions of all Gunnison County permits issued for projects on this parcel to protect Gunnison Sage-grouse:
 - 1) 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.
 - 2) 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.
 - 3) A Reclamation Permit will be required for any site disturbance of 10,000 sq.ft. or more. That permit will contain specific reclamation conditions. Disturbed areas shall be reseeded with an approved seed mix.

CPW and/or NRCS are available to help identify an appropriate seed mix. All reclamation activities, including seed application and final grading must be completed according to NRCS guidance on timing of reclamation plantings at this elevation and latitude.

4) If a Reclamation Permit is not required, disturbed areas shall be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.

5) 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/CDAGLayoutTheGunnisonCountyWeedManagementProgram> should be contacted (970-641-4393) for additional information and technical assistance.

8. 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.

9. 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.

Tarpon Towers II, LLC (LUC-15-00027): The Gunnison County Planning Commission conducted a public hearing to review the application to leave the existing 102-foot telecommunication tower in place, located at the KVLE radio facility, north of the City of Gunnison, 1445 Highway 135, within the NW1/4SW1/4 Section 25, Township 50 North, Range 1 West, N.M.P.M.

With a quorum present Chairman Fulton opened the public hearing.

Community Development Services Manager-Beth Baker confirmed adequate public notice; the applicants submitted the certified mailing receipts, the notarized affidavit of posting and the photograph of the property posted. The planning office had the notice posted in the CB News and the Gunnison Country Times.

Present representing the Planning Commission- Fulton, Rubingh, Diani, Venard, and Mugglestone.

Present representing the County Staff- Assistant Director of Community Development- Neal Starkebaum, and Community Development Services Manager-Beth Baker.

Present representing the applicant on the phone- Wesley Hood.

Applicant:

Hood explained they had gotten a land use approval to replace this tower previously. When they were lowering the second tower it was at 42 % load: it can support carriers in the area. They see demand in the near future to support this tower. It is now safe and meets all standards and requirements.

Staff Comments:

Starkebaum addressed the City of Gunnison's comments, and comments from adjacent property owners John and Mary Gregory. Starkebaum also said the applicant had submitted a tower structure analysis prepared by an engineer.

Hood addressed the Gregory's concern with the structural integrity. He noted that even if the tower would fall it would fall within the property boundaries.

Public Comments:

No verbal comments

Written comments as submitted and entered into the planning office file and the County online file

Fulton closed the public hearing at 10:10 AM.

The Planning Commission reviewed the draft decision of approval for LUC-15-00027, Tarpon Towers II, LLC.

Moved by Diani seconded by Venard to approve LUC-15-00027- Tarpon Towers II, LLC, request to leave the existing 102-foot telecommunication tower in place. The motion passed unanimously.

PROJECT DESCRIPTION:

Pilgrim Communications/Tarpon Towers, represented by Wesley Hood, has submitted a land use change permit application to retain the existing 102' telecommunications tower. Land Use Change Permit LUC #13-00023, approved by the Planning Commission on December 6, 2013, permitted the installation of a new 200' telecommunications tower. The, existing 200 foot tower was planned to be removed. Since that time, the owner has reduced the height of the old, existing tower to 102 feet, and is now requesting approval to allow the existing tower remain on site to provide additional telecommunication service. This would allow existing, as well as additional antennas to be located on the tower in the future.

IMPACT CLASSIFICATION: This request is classified as a Minor Impact, pursuant to *Section 6-102: N. Freestanding Wireless Telecommunication Structures* of the Gunnison County *Land Use Resolution*. Construction and siting of a freestanding structure, building, pole, tower or antenna that provides wireless telecommunications services requires compliance with *Section 9-505: Freestanding Wireless Telecommunication Structures*.

LOCATION:

The site is located at 1445 Highway 135, 1.2–acres, in the NW/4SW/4 Section 25, T50N, R1W, N.M.P.M, which is approximately 1.5 miles north of the City of Gunnison, west of Highway 135.

SURROUNDING LAND USES:

Residential

BACKGROUND: The Board of County Commissioners approved LUC#1978-70, on May 1, 1978, Mountain Valley Broadcasting Corporation, for the construction of a 200' FM radio tower and building for a residence and broadcast station.

PLANS/REPORTS/SUBMITTALS:

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

- Copy of Minor Impact application
- "Tower Structural Analysis", stamped by Leo L. Roberts, Professional Engineer, dated October 24, 2015

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

PLANNING COMMISSION MEETING DATES:

The Planning Commission held meetings on the subject project on the following dates:

- September 4, 2015 - Work Session
- September 18, 2015 - Public Hearing
- September 18, 2015 - Work Session

SITE VISIT:

The Planning Commission determined that a site visit was not necessary, as the members were familiar with the tower and its location.

PUBLIC HEARING:

A public hearing was held on September 18, 2015. At that

REVIEW AGENCY COMMENTS:

A copy of the application was distributed to the following agencies: City of Gunnison, Colorado. Comments were received from the following agencies:

City Of Gunnison:

Comments were received from the City of Gunnison, dated September 11, 2015. The City has no objections to the request.

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

Divisions 9-100, 9-200, 9-300 and 9-400 are not applicable, as none of the standards addressed within those Divisions are proposed or affected by this application.

Section 9-505: Freestanding Wireless Telecommunication Structures.

B. General Standards.

1. Safety Setback.

The tower meets the free-fall radius of 102' and is well within the property lines.

2. Design.

The design of the tower is a steel triangular, lattice tower, with tensioned guyed wires attached to concrete anchors.

3. Height.

The pre-existing 200' tower has been reduced to 102'.

4. Buffering.

An existing six foot fence, with latticed fabric provides buffering at the base of the tower. Additionally, the applicant indicates that due to the lower height, the tower does not have to be painted red and white, per FAA regulations. To buffer the tower, the applicant will paint the tower a neutral, sand color, to assist in visually blending the tower into the background.

5. Exterior Lighting.

No security or other lighting is proposed. Federal Aviation Administration lighting is not required.

6. Access Roads.

No new access roads are proposed; the site will be accessed from the existing driveway.

7. Design Safety.

The applicant submitted a "Tower Structural Analysis", stamped by Leo L. Roberts, Professional Engineer, dated October 24, 2015, noting that the structural members are satisfactory.

8. Utilities Shall Be Located Underground.

Existing utilities will be replaced.

Section 10-102: *Locational Residential Development.*

Not applicable. No residences are proposed by the application.

Section 10-103: *Residential Density.*

Not applicable. No residences are proposed by the application.

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

The Primary Locational Standard applies, as the proposed project is located the City of Gunnison's municipal three-mile plan area. Comments were received from the City of Gunnison, dated September 9, 2015.

Section: 11-102: *Voluntary Best Management Practices.*

Voluntary; not mandated. The applicant is encouraged to utilize these practices during construction, as appropriate.

Section 11-103: *Development in Areas Subject to Flood Hazards.*

Not applicable. County maps indicate that the site is not located within an area subject to flood hazards.

Section 11-104: *Development in Areas Subject to Geologic Hazards.*

County maps indicate that the site is not located within an area subject to geologic hazards.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*

Not applicable. The site is in an area of low wildfire hazards.

Section 11-106: *Protection of Wildlife Habitat Areas.*

Not applicable. This is an existing tower. No new or additional impacts to Gunnison Sage-grouse or wildlife.

Section 11-107: Protection of Water Quality.

Not applicable. The site is not near a water body.

Section 11-108: Development on Ridgelines.

Not applicable. The site is not on a ridgeline.

Section 11-109: Development That Affects Agricultural Lands.

Not applicable. No agricultural lands are affected by the request.

Section 11-110: Development of Land Beyond Snowplowed Access

Not applicable. The site is not beyond snowplowed access.

Section 11-111: Development on Inholdings in the National Wilderness

Not applicable. The site is not within the National Wilderness.

Section 11-112: Development on Property Above Timberline.

Not applicable. The site is not located above timberline.

Section 12-103: Road System.

No new access roads are proposed; the site will be accessed from the existing driveway.

Section 12-104: Public Trails.

Not applicable. There are no public trails associated with this use.

Section 12-105: Water Supply.

Not applicable. No water is proposed nor required for the proposed use.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Not applicable. No sewage disposal is required for this use.

Section 12-107: Fire Protection.

The property is located within the Gunnison Fire Protection District.

Section 13-103: General Site Plan Standards And Lot Measurements.

Not applicable.

Section 13-103: General Site Plan Standards and Lot Measurements

Not applicable. No building lots are proposed in this application.

Section 13-104: Setbacks from Property Lines and Road Rights-of-Way.

The proposed tower meets the property line setbacks.

Section 13-105: Residential Building Sizes and Lot Coverages.

Not applicable. No residences are proposed in this application.

Section 13-106: Energy and Resource Conservation.

Not applicable. No structures are proposed in this application that are subject to the standards of this Section.

Section 13-107: Installation of Solid Fuel-Burning Devices

Not applicable. No installation of solid fuel-burning devices is contemplated by the application.

Section 13-108: Open Space and Recreation Areas

Not applicable. No open space is required.

Section 13-109: Signs.

Not applicable. There are no signs proposed as part of the application.

Section 13-110: Off-Road Parking and Loading.

- Not applicable. No off-road parking is required.

Section 13-111: *Landscaping and Buffering.*

A six foot fence, with latticed fabric, is existing at the base of the tower and the perimeter of the equipment building, to provide buffering.

Section 13-112: *Snow storage.*

Not applicable. No snow storage is required.

Section 13-113: *Fencing*

An existing six foot fence is located at the base of the tower.

Section 13-114: *Exterior Lighting.*

No lighting is proposed, and the applicant indicates that no mandated Federal Aviation Administration lighting is required.

Section 13-115: *Reclamation And Noxious Weed Control.*

No site disturbance. The tower is existing.

Section 13-116: *Grading and Erosion Control.*

No site disturbance. The tower is existing.

Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff.*

No site disturbance. The tower is existing.

Section 13-119: *Standards to Ensure Compatible Uses.*

The proposed use will not result in significant net adverse impact to adjacent lands.

FINDINGS:

The Commission finds that:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. *This application is classified as a Minor Impact Project pursuant to Section 6-102: N. Freestanding Wireless Telecommunication Structures of the Gunnison County Land Use Resolution and Section 9-505: Freestanding Wireless Telecommunication Structures.*
3. The replacement tower complies with the standards found in Section 9-505: Freestanding Wireless Telecommunication Structures. B. General Standards.
4. The applicant described an ongoing demand for additional telecommunication services in the County, which will entail increasing demand for additional antennas. Currently, the existing tower has a 42% load capacity for antennas. Retaining the existing tower, with the loading available for additional antenna may minimize the potential for new cell towers on a different site.
5. The applicant indicates that due to the lower height, the tower does not have to comply with FAA regulation regarding required paint color. The tower is currently painted navigational red and white. The applicant indicates that they will repaint the tower a neutral, sand color.
6. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and including provision of a public hearing, and having reached the above cited Findings, hereby determines that LUC #2015-27, Pilgrim Communications/Tarpon Towers, is classified as a Minor Impact Project, is approved with the following conditions, and that such approval be memorialized by recordation of a Certificate of Minor Impact with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. The applicant shall repaint the tower a neutral, sand color, within 30 days of the recordation of the Certificate of Minor Impact.
3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
4. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
5. Approval is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

Gunnison County Land Use Resolution amendment: The Gunnison County Planning Commission conducted a work session/no action, to review proposed *Land Use Resolutions* amendments, to Section 9-101:Uses Secondary to a Primary Residence.

With a quorum present Chairman Fulton opened the work session.

Present representing the Planning Commission- Fulton, Rubingh, Diani, Venard, and Mugglestone.

Present representing the County Staff- Director of Community Development-Russ Forrest, Assistant Director of Community Development- Neal Starkebaum, Senior Planner- Cathie Pagano, and Community Development Services Manager-Beth Baker.

Starkebaum and Pagano explained the proposed amendment to Section 9-101, of the *Gunnison County Land Use Resolution*. Starkebaum said this section was identified as an area of priority. The purpose is to clarify and make this section less ambiguous. The standards have not made substantive impacts and don't make sense most of the time.

There was a brief Planning Commission discussion and the matter will be discussed again at another work session.

Pillow Rock Financial- Private Mountain Bike Trail (LUC-15-00020): The Gunnison County Planning Commission conducted a work session/no action. They reviewed the request for a private mountain bike trail, for the use of the owner and guests, located on Lot 33A, Trappers Crossing at Wildcat.

With a quorum present Chairman Fulton opened the work session.

Present representing the Planning Commission- Fulton, Rubingh, Diani, Venard, and Mugglestone.

Present representing the County Staff- Director of Community Development-Russ Forrest, and Community Development Services Manager-Beth Baker.

Present representing the applicant- Dylan Carson, and Erik Bjornstad.

Carson explained that in 2014 the owner hired Spectrum Trail Design to design a multi-purpose trail on lot 33A. He pointed out the location of the trail on a map. He noted the potential for needing a Gunnison County land use change was

brought to their attention by the HOA ; when the trail was built Pillow Rock was not aware a land use change was required. They have since submitted a land use change application.

Carson noted Spectrum Trail Design has designed and installed hundreds of miles of trails in the US. They started building the trail September- 2014, until snow fall that year. They built an approximate one-mile loop on Lot 33A; applying the International Mountain Biking Association standards. The Gunnison County Trails Commission suggests using these standards. The overriding principle is to prevent and control erosion. It was designed to avoid wetlands and trees. They used a rolling grade. He reiterated best practices were employed to avoid cutting down trees and preserving the scenery.

Carson itemized the *Gunnison County Land Use Regulation* standards and how this application met those standards. He added the owner is primarily considering private use for the owner, guests and family, but is also considering creating a public easement and donating the land to a public trust.

Carson said the trail is near a stream, but they have avoided any impacts to the wetlands. He said the trail doesn't deter from the tranquility of the HOA. He said they have not imposed any net adverse impacts to the adjacent properties. There are no motorized vehicles allowed on the trail.

Staff recommended making the trail more inaccessible from the Green Lake Trail. Carson said the owner is considering this option, but they are also considering making it entirely available. He noted if the trail is public and the land is donated to a land trust- then the connector could be public. This private trail is consistent with creating mountain biking opportunities.

Attorney David Leinsdorf representing the HOA explained this trail is a potential "attractive nuisance."

Rubingh noted the HOA had submitted written comments. He asked how the exact area of disturbance was calculated; Carson said SGM engineering did the calculations.

Venard noted this is a private development on private property.

Diani asked if this was designed as a connector trail; Carson said there has been an effort to discourage that.

Mugglestone agreed the use by the public is an issue.

Leinsdorf speaking on behalf of the HOA said the trail it is not private it is public, and there are many people are using it. This is a private property area, and this trail will exacerbate trespass issues.

The public hearing will be conducted on October 16, 2015 at 9:00 A.M.

Fulton closed the work session.

Mugglestone left the Planning Commission meeting following the work session and did not attend the site visit.

Site Visit

Present representing the County Staff- Director of Community Development-Russ Forrest.

Present representing the Planning Commission- Fulton, Rubingh, Diani, and Venard.

No minutes were taken.

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