AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Request for Extension of Minor Impact Approval; Cr

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Crossbar Ranch LLC requests one three year extension of LUC-13-00007

Fiscal Impact:

Submitted by: Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 4/1/16

Reveiwed by: Discharge Date: 4/8/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/12/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5 minutes

Agenda Date: 4/19/2016

Revised April 2015

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org
Email: planning@gunnisoncounty.org

To: BOCC

From: Cathie Pagano

Date: April 1, 2016

Re: Crossbar Ranch LLC, LUC-13-00007

Crossbar Ranch, LLC, represented by Jennifer Barvitski, has requested an extension of the term of permit for LUC-13-00007. The original Land Use Change application approved a single family residence in excess of the maximum residential building size allowed by the LUR. I have attached the original decision document from the Planning Commission approving the request and the extension request from the Ms. Barvitski.

Staff finds that the extension request complies with Section 1-104: G.2. and recommends approval of the request. Section 1-104: G.5. allows for no more than one three year extension of any Land Use Change permit if it meets the noted criteria.

Please feel free to contact me with any questions. Thanks.

TO: **Planning Commission**

SUBJECT: **Planning Commission Decision**
Crossbar Ranch LLC

DATE: **June 21, 2013**

PREPARED BY: **Cathie Pagano, Planner**

APPLICANT: **Crossbar Ranch, LLC represented by Jennifer Barvitski**

At its regularly scheduled meeting, Commissioner Rubingh made a motion to approve the decision as amended, Commissioner Eskew seconded the motion. The motion passed unanimously.

PROJECT DESCRIPTION:
Crossbar Ranch, LLC represented by Jennifer Barvitski is requesting a 9,165 square foot addition to the existing 3,335 square foot primary residence and 1,000 square foot detached secondary residences, in excess of the maximum thresholds identified in Section 13-105: *Residential Building Sizes and Lot Coverages.* The applicant also may construct a 2,350 square foot detached garage in the future; however, the garage and any other proposed or existing accessory structures are not subject to the aggregate size thresholds of Section 13-105 because the subject parcel is an agricultural operation. *Section 13-105: B.2. Residences Associated with Agricultural, Commercial, or Industrial Operations*, states:

> *Residences associated with agricultural, commercial or industrial operations shall be subject to maximum structure size requirements of this Section. However, the size of accessory structures, the aggregate size of residences and accessory structures, the constraints on coverage and on building envelopes shall not apply to agricultural, commercial or industrial operations.*

The proposed addition to existing residence will make the residence approximately 12,500 square feet. The applicant states that approximately 3,500 square feet of the proposed addition will be located at least partially, if not fully, below ground. The above ground square footage will not exceed 10,000 square feet.

The subject parcel is located east of the City of Gunnison, north of Sargents on County Road 888 (Whitepine) at 3535 County Road 888. The parcel is legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M.

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

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

- June 7, 2013 Work session
- June 21, 2013 Site Visit and Public Hearing

SITE VISIT:
The Planning Commission conducted a site visit for this application on June 21, 2013. The Commission noted that the siting was appropriate and the aesthetic character of the proposed

addition was pleasing. They also noted that residence seemed a bit close to the existing trees on the parcel. The Commission said that the structure did not appear obtrusively visible.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on June 21, 2013. No public comments were received.

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent via electronic mail to the following agencies: Colorado Parks and Wildlife, Gunnison County Public Works, and the Gunnison County Wildlife Coordinator, Gunnison County Fire Protection District. Comments from the agencies and are noted in the applicable sections below.

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

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

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

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

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

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

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

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

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Not applicable, the subject parcel is not within a mapped geologic hazard area.

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

Section 11-106: *Protection of Wildlife Habitat Areas.*
The application was referred to Colorado Parks and Wildlife and the Gunnison County Wildlife Coordinator. An email, dated June 4, 2013, from Nick Gallowich, District Wildlife Manager – Gunnison East, noted that "we have concluded that the addition onto the present residence will not create any new significant impacts to the wildlife resource beyond the development impacts that have already occurred."

Jim Cochran, Gunnison County Wildlife Coordinator, submitted comments in a letter dated June 11, 2013*. [There are some discrepancies in the comments and I am awaiting revised comments]*

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

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

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

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

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

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

Section 12-103: *Road System*.
Applicable, a copy of the application was referred to Gunnison County Public Works. Allen Moores, Assistant Director, indicated that some minor improvements to the existing driveway are required. *[I am awaiting final comments from Public Works]*

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

Section 12-105: *Water Supply*.
There is an existing well that is proposed to serve the addition to the residence. Well permit No. 234114 has been issued to serve not more than three single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.

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

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

Section 13-103: *General Site Plan Standards And Lot Measurements.*
The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan, "Alvarez Main Residence," prepared by Jennifer M. Barvitski, Architect, LLC and dated April 26, 2013, meets these criteria.

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

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the proposed single family residence square footage of 12,500 square feet exceeds the maximum threshold allowed without a Land Use Change permit.

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

G.1.a. ***Minimize Visibility of Structure by Siting***
The application notes that design of the addition would be built into the topography of the existing hillside. The existing home and proposed addition are set back approximately three-quarters of a mile from County Road 888. Approximately 1,750 square feet of the addition is proposed below grade; and, approximately 1,750 square feet of the addition is proposed to be partially below grade.
G.1.b. ***Minimize Visibility of Structure by Screening***
On the south side of the addition is an existing large ridge covered with a dense evergreen and pine forest. This blocks the view of the existing residence and proposed addition completely from the south and southeast. On the north side of the addition is a large grove of evergreens and pines, which blocks the view of the existing home and the proposed addition almost completely from the north and northeast. The west side is not visible from any roads. The residence is not visible from any other parcel.

Grading and the addition of soils on the east side of the residence will create topography that is more gradual and will also hide parts of the addition located below grade. The applicant also proposes to use architectural techniques to make the home less obtrusive. Exterior materials will blend with the surrounding site and will consist of barn wood siding, log siding, stone, reclaimed log and square timbers, wood shake shingle roofs and rusted metal roofs.
G.1.c. ***Location of Utilities Underground***
All utilities to the residence will be buried underground.
G.2. ***Obtrusive Visibility Shall Cause Denial***
The structure is not obtrusively visible from outside of the subject parcel.

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

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

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

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

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

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

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

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

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

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

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

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

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

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

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

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

FINDINGS:
The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.

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

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

4. The proposed single-family residence will not be obtrusively visible from County Road 888 or any of the adjoining parcels.

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

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

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

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

DECISION:
The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC-13-00007 be classified as a Minor Impact, and be approved with the following conditions:

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

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

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

4. The total square footage of the single family residence shall not exceed 12,500 square feet, as measured by the Gunnison County Building Office.

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

6. 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*.

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

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.

10. 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.

JMB
Architect, LLC

March 29, 2016

Cathie Pagano
Gunnison County Community Development Department
Blackstock Government Center
221 N. Wisconsin, Ste. D
Gunnison, CO 81230

RE: Cross Bar Ranch Main House:
Request for Extension of Minor Impact Approval:
Certification #6, series 2013, Permit # 13-00007

Dear Mrs. Pagano,

I would like to request an extension of the Minor Impact Approval for the Cross Bar Ranch, LLC for a Single Family Residence In Excess of the Maximum Residential Building Size that was approved by the Planning Commission in 2013.

The following addresses the required list of extension compliances per Section 1-104: G: 2: a-h of the Gunnison County LUR.

a. No Public Detriment Will Occur: Extending this approval will not cause any detriment to the Public.

b. Compliance to Date with Conditions of Original Permit: Since the design of the Addition to the Main House (the Single Family Residence referenced in the Minor Impact Approval) has not been finalized, no permits have been requested and construction has not begun, there are not any required performance conditions that need to be met in order for an extension to be granted.

c. Benefits Received by County: There are no required benefits such as impact fees, or land dedications that need to be received by the County.

d. Needs of the Applicant & County: The needs of the applicant and the County will not be harmed by an extension of the original approval.

e. Progress in Pursuing Completion of Development: The Architectural Design of the Main House Addition has been in advancement for the past few years as well as other design and construction projects on the Cross Bar Ranch have taken precedent, such as design and construction for additional workers' housing.

f. No Conflict Between Development or Regulations: There is not substantial conflict or change in the development. Only insignificant changes in the design have occurred predominately resulting in a decrease in the square footage of the addition to the existing home.

g. Changes in Circumstances: N/A

h. Proposed Changes in the Development: Only insignificant changes in the design have occurred predominately resulting in a decrease in the square footage of the addition to the existing home.

Thank you for your time and help on this request.

Please call or e-mail with any questions.

Sincerely,

Jennifer Barvitski

Jennifer M. Barvitski, Architect, LLC
PO Box 23
Gunnison, CO 81230
970-641-6297