GUNNISON COUNTY PLANNING COMMISSION
AMENDED PRELIMINARY AGENDA: Friday, February 19, 2016

8:45 a.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Designation of Official Posting Location**
- **Election of Officers**
- **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. **Foxtrot Subdivision – Moon Ridge Ranch, LLC**, work session/no action, represented by Jenny Knox and David Leinsdorf, the application is for the subdivision of 13.23-acres into four single-family residential lots, ranging between 2.54 and 3.75-acres each. Water for each residence will be supplied by the Saddle Ridge Ranch Estates Water Company and wastewater will be treated by onsite wastewater treatment systems. Access to the parcels will be via Moon Ridge Lane and construction of a new road, Foxtrot Trail. The property is located approximately 1 mile north of the Town of Crested Butte, east of Gothic Road, west of and adjacent to Moon Ridge Subdivision. The parcel is located within the NW1/4SE1/4 Section 35, Township 13 South, Range 86 West, 6th P.M.
LUC-15-00039

10:30 a.m. **ADDED - Pepper Pesnell, Monson Creek Outfitters**, work session/no action, the applicant is proposing to change the use of the land from agricultural to commercial. The commercial use proposed is a relocation of an existing jeep/vehicle rental business that is currently located at 827 N. Main Street, in the City of Gunnison, and would include the construction of a 3,600 square foot pole barn structure in which to park the rental jeeps. The pole barn would also include approximately 300 square feet for storage and approximately 900 sq. ft. for the rental office and a small apartment for an employee to provide security and operate the jeep rental shop. A 12-space parking area would be constructed to provide parking for the employee and for customer parking. The business would operate seven days a week during the summer. Based upon recommendations from CDOT, the existing Flying E Subdivision access road will be relocated approximately 154 feet west of the current intersection, to align with the frontage road intersection, across Highway 135, to provide a safer and more functional intersection. The site is located on 1.3-acres, within a 14-acre parcel, west of and adjacent to Highway 135, approximately 1 mile north of the City of Gunnison, legally described as Lot 5 Flying E Ranch Subdivision. Site Visit will follow work session. The Flying E Ranch Subdivision, a 5-lot subdivision, was approved by the Board of County Commissioners on December 13, 1993, Clerk and Recorders Reception No. 447702. Lot 5 is identified on the subdivision plat as "agricultural land", as defined by the Land Use Resolution, until a change of use is approved by Gunnison County.
Site visit will follow work session.
LUC-15-00029

Adjourn

DRAFT

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
February 19, 2016
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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- John Messner
Commissioner- Jack Diani
Alternate Commissioner-Molly Mugglestone

Director of Community Development- Russ Forrest
Assistant Director of Community Development- Neal Starkebaum
Administrative Assistant- Rebecca Ricord

Others present as listed in text

Absent; Commissioner Tom Venard

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Call to order; determine quorum

With a quorum present Chairman Fulton opened the February 19, 2016, regular meeting of the Planning Commission.

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Approval of Minutes

Moved; by Diani seconded by Fulton to approve the Planning Commission meeting minutes dated January 15, 2016, as amended. The motion passed unanimously.

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Designation of Official Posting Location

Notices shall be posted at the Blackstocks Government Center on the bulletin board outside the planning commission meeting room and the Blackstocks Government Center designated advisory posting location and at 200 E. Virginia. **Moved;** by Rubingh and seconded by Diani to accept the posting locations. The motion passed unanimously.

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Election of Officers

Moved; by Diani, seconded by Mugglestone to nominate Kent Fulton as Chairman and Jeremy Rubingh as Vice-chairman. The motion passed unanimously.

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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.

None

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9:05:49 AM **Foxtrot Subdivision-Moon Ridge Ranch, LLC- LUC-15-00039:** The Gunnison County Planning Commission conducted a work session/no action.. The application is for the subdivision of 13.23-acres into four single-family residential lots, ranging between 2.54 and 3.75-acres each. The property is located approximately 1 mile north of the Town of Crested Butte, east of Gothic Road, west of and adjacent to Moon Ridge Subdivision. The parcel is located within the NW1/4SE1/4 Section 35, Township 13 South, Range 86 West, 6th P.M.

With a quorum present Chairman Fulton opened the work session.

Present representing the Planning Commission: Commissioners Fulton, Rubingh, Diani, Messner, Cattles and Mugglestone.

Present representing Staff: Assistant Director of Community Development Neal Starkebaum, and Administrative Assistant Rebecca Ricord.

Present representing the applicant: Jenny Knox and David Leinsdorf, engineer and surveyor Norman Whitehead and water specialist Joe Knox.

Whitehead explained the proposed subdivision. The applicant is proposing four home sites on the eastern side of the ridge. Access to the subdivision would be from Moon Ridge Lane. They have added cul-de-sacs instead of turn-arounds, in response to Crested Butte Fire Protection District. The water system is part of the Saddle Ridge water supply system. They use two water wells. They are proposing on-site waste water systems (OWTS), but up a notch or two from what the County requires for treatment. Public Works has agreed to the proposed subdivision access roads.

Leinsdorf clarified there is not a conservation easement in the area because it has not been given to a qualified conservation organization. It's a conservation covenant which was completed with the County when Moon Ridge was developed and platted. Jenny Knox said it is preserved for open space. Leinsdorf explained it is an agricultural easement, used for grazing, and grazed every summer.

Leinsdorf explained the covenants of the Foxtrot Subdivision are similar to those of the Moonridge Subdivision. The average lot size will be 2.5 acres; allowing one single family residence, and a detached or attached garage; no additional structures will be allowed. There is a 2,500 sq. ft. minimum, and a maximum 5,000 sq. ft. for all buildings. The Foxtrot covenants state the garage must be at least 20% of the size of the residence, so it is proportionate to the size of the home and all vehicles will be out of site; 25% of exterior material must be different from the primary exterior material, to reduce the bulk, size and mass of the buildings. When a residence is constructed they are required to install and irrigate at least four, six-foot tall evergreens.

Joe Knox explained the water supply will be provided by the Saddle Ridge water company. There are two wells in the southwest corner. The water is pumped out to the side of the ridge to the treatment plant, it's treated and then there is a parallel line that cuts all the way back down. Joe Knox explained they have ten shares of the water company and they are going to utilize four shares to provide water to the tracts. There is no outside use of water allowed by the water decree and augmentation plan. That's stated in the decree, bylaws and covenants of the water company. The bylaws and water decree require individual septic systems. The system will be operated by the same licensed operator who operates the Crested Butte water supply treatment plant. There are two outstanding items; 1. When the water company applied for the augmentation plan and decree, they failed to get the two wells permitted. Joe Knox has conferred with a water engineer; Knox explained it was an oversight, the wells have been there a long time and have been used by many people, but they would get it done and the engineer said it shouldn't hold them up. 2. Providing a legally dependable water supply. The decree does that, but the actual availability or physical supply of water at the time that they submitted with the application lacked the report, they now have the report. They are working on getting a water quality report from their licensed operator. Joe Knox explained it will be a state of the art treatment facility and he has heard it is better or equal to the Town of Crested Butte's treatment facility.

Leinsdorf explained they have had discussions with the Division of Water Resources and are waiting for a water quality report from them. Starkebaum requested a copy of the water resource report. Starkebaum asked how they would irrigate the landscape required in the covenants. Joe Knox explained there is a ditch running along the outline and there are several turnouts and they will provide a way for the tracts to utilize the ditch. Leinsdorf suggested hauling water in. They continue to work on the specifics. Fulton asked how long they have to deviate the water and use the ditch; Joe Knox replied they can utilize it through the summer for watering purposes. They do not intend to change the decree, but if they do it will only be utilized for irrigation. Leinsdorf said this issue can be addressed in the covenants. Starkebaum requested this issue be clearly identified in the covenants.

Messner asked how many access points there are to the tracts; Joe Knox said there is one access road. Messner asked about the alternative water supply requirement from the Fire District. Jenny Knox explained the fire district said they could make an agreement with Three Valleys to tap into the dry hydrant there or use the pond. An agreement would have to be reached with Three Valleys Subdivision. Fulton noted his concern with the distance from the dry hydrants to the lots. Fulton asked if the Fire District has approved the distance. Joe Knox explained they will be meeting again to discuss the distance. Fulton wants a letter from the Fire Protection District approving the distance. Messner doesn't believe they need a letter because the Fire Protection District has a form they use which says if the applicant is compliant or not.

Joe Knox explained he met with the Division of Parks and Wildlife and Starkebaum stated they did not respond to Staff's formal request for comments.

Leinsdorf explained the applicant's position on the letter from the Town of Crested Butte. The Town cites its code section 13-1-280 as requiring the applicant to make an application. The applicant believes the Town misinterprets its own code because the code says the owner of any land outside of the Town's boundary may request in writing (which is optional not mandatory) water and or sewer service for such lands by means of the Town's systems. The applicant believes the citation of their code prevision is inappropriate and no connection is required. Leinsdorf explained they also quote the Inter-Governmental Agreement (IGA) which was entered into 20 years ago. The IGA provides- based on consultation with the designated service provider, who in this case is the Town of Crested Butte, Gunnison County may approve a development in a delineated service area without connection to the designated service provider. Leinsdorf stated that's its clear under the IGA no town or county entity surrenders its jurisdiction. The applicant believes since they are not in the Town of Crested Butte, the Town has no jurisdiction. Leinsdorf stated the applicant's view is if there is a line within 400 feet of Foxtrot Subdivision state law, the County regulations, and their covenants would require connection, but it is premature for them to connect. Leinsdorf met with Public Works and they are going to think about getting some kind of Agreement together but he hasn't seen it yet. The applicant's view is the County controls this issue.

The site visit will not occur until the joint public hearing with the BOCC in Crested Butte has occurred. The Board will conduct the site visit the same morning. The public hearing will be scheduled for thirty days out, once they have a scheduled opening in Crested Butte.

Pepper Pesnell, Monson Creek Outfitters- LUC-15-00029: The Gunnison County Planning Commission conducted a work session/no action. The applicant is proposing to change the use of the land from agricultural to commercial. The commercial use proposed is a relocation of an existing jeep/vehicle rental business that is currently located at 827 N. Main Street, in the City of Gunnison, and would include the construction of a 3,600 square foot pole barn structure in which to park the rental jeeps. The pole barn would also include approximately 300 square feet for storage and approximately 900 sq. ft. for the rental office and a small apartment for an employee to provide security and operate the jeep rental shop. A 12-space parking area would be constructed to provide parking for the employee and for customer parking. The business would operate seven days a week during the summer. Based upon recommendations from CDOT, the existing Flying E Subdivision access road will be relocated approximately 154 feet west of the current intersection, to align with the frontage road intersection, across Highway 135, to provide a safer and more functional intersection. The site is located on 1.3-acres, within a 14-acre parcel, west of and adjacent to Highway 135, approximately 1 mile north of the City of Gunnison, legally described as Lot 5 Flying E Ranch Subdivision. Site Visit will follow work session. The Flying E Ranch Subdivision, a 5-lot subdivision, was approved by the Board of County Commissioners on December 13, 1993, Clerk and Recorders Reception No. 447702. Lot 5 is identified on the subdivision plat as "agricultural land", as defined by the Land Use Resolution, until a change of use is approved by Gunnison County.

With a quorum present Chairman Fulton opened the work session.

Present representing the Planning Commission: Fulton, Rubingh, Diani, Messner, Cattles and Mugglestone.

Present representing Staff: Assistant Director Neal Starkebaum, and Administrative Assistant Rebecca Ricord.

Present representing the applicant: Pepper Pesnell.

Pesnell explained his application. He wants to move the jeep operation now located in the City limits to the unincorporated County on Highway 135. He would be using 1.3 acres of the 14 acre parcel. The location will most likely be seasonally used. Pesnell has agreed to make the access to the lot safer. He has agreements from all affected neighbors. Pesnell will move the access to the lot 154 feet to the south and get rid of the existing easement. Fulton asked about the building location when the access is moved. Pesnell explained when he moves the access to the lot he may have to move the building twenty feet or less straight back.

Starkebaum explained the Planning office has received comments from Jim Cochran, Wildlife Coordinator, he noted no specific concerns, just the standard conditions regarding Sage-grouse. Starkebaum stated they have previously been working with the City of Gunnison, because the location is within the three-mile plan. Steve Westbay, City Community Development Director, was present for the meeting. The City has not submitted comments yet. Westbay stated they received a referral in December and their primary issue will be associated sales tax that will not be collected by the City. Pessnell stated he would be willing to pay City taxes, if there were provisions to allow it. Westbay explained the City wants to protect its sales tax base. He also said as the City and the County talk about the three-mile plan in the future,

they need to coordinate the corridor uses. Starkebaum said there is no provision of payment of sales tax for retail projects outside the City limits. Starkebaum explained a referral comment request had been sent to the City and Westbay has agreed to put this on a City agenda.

Starkebaum explained CDOT had requested the access point on the west side of Highway 135 be changed because of the dangerous intersection; and the applicant is willing to realign the intersection. Rubingh asked if the parking lot would have to be moved when the building is moved. Pesnell said it wouldn't have to be moved. Fulton asked about the apartment and where it is located on the structure. Pesnell explained it would be fused by an employee; it is on the south end of the building. Pesnell explained the office would be adjacent to the living area. Rubingh asked about other commercial uses in the general area. Pesnell explained said there is a vet clinic, radio towers, Amerigas, and a storage facility. Rubingh asked about the signage proposed. Starkebaum explained the County would allow a maximum 50 sq. ft. sign, solely to show the business name; banners will not be permitted.

Starkebaum explained staff looked at the potential for the connection of central sewer and the comments received from Public Works indicates the closest line is on the opposite side of Highway 135. It is somewhat infeasible and cost prohibitive. It is an existing subdivided lot so the applicant has the ability to get a well permit; no central water outside of the City limits. Staff has requested comments from Gunnison County Fire Protection District, but no comments have been submitted yet.

Pesnell explained they require the vehicles be washed before they are returned to them. Fulton asked if there would be any mechanical services on site, and if they have the proper drainage in the units to contain hazardous materials and not let them just run into the ground. Pesnell explained they do oil changes; the oil is captured and disposed of. There are no provisions in the LUR regarding hazardous materials. Pesnell explained the radiator fluid is taken to his ranch in Doyleville and burned; he has also taken oil to Napa Auto parts store to have it disposed of. Fulton asked about a septic system being required; Starkebaum said they are installing an on-site waste water treatment system. Pesnell said he has been approved to drill a well.

The public hearing will be conducted on, May 20, 2016.

Site Visit

Present representing the County Staff- Director of Community Development-Neal Starkebaum.

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

No minutes were taken.

Work session closed.

END OF DAY DISCUSSION;

Fulton adjourned the meeting at 12:00 PM.

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/S/ Rebecca Ricord
Community Development Department Services Manager
Gunnison County Community Development Department

DRAFT