GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, April 22, 2016
Meeting will be held in the Crested Butte Town Council Chambers
Crested Butte Town Hall
507 Maroon Avenue, Crested Butte, CO

8:00 a.m. **Planning Commission will leave from Blackstock**

8:45 a.m. **Call to order; determine quorum**
Leave for Site Visit

9:00 a.m. **Foxtrot Subdivision – Moon Ridge Ranch, LLC**, site visit/no action, will meet on Moon Ridge Lane

10:00 a.m. Work session will follow public hearing, possible direction to staff
LUC-15-00039

Adjourn

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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
April 22, 2016

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The Gunnison County Planning Commission conducted a regular meeting, in the Crested Butte Town Hall, in the Town Council Chambers, located at 507 Maroon Avenue, **Present were:**

Chairman- Kent Fulton
Commissioner-Tom Venard
Commissioner- A.J. Cattles
Alternate Commissioner-Molly Mugglestone
BOCC- Phil Chamberland
BOCC- Jonathan Houck

Assistant Director of Community Development- Neal Starkebaum
Community Development Services Manager-Beth Baker

Others present as listed in text

Absent; Commissioners Jeremy Rubingh, John Messner, and Jack Diani, and BOCC member Paula Swenson

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With a quorum present Chairman Fulton opened the April 22, 2016, regular meeting of the Planning Commission. The Planning Commissioners and BOCC members then traveled to the proposed Foxtrot Subdivision site, to conduct a site visit.

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Foxtrot Subdivision – Moon Ridge Ranch, LLC, The Planning Commission and BOCC members conducted a site visit with no action. . No minutes were taken at the site visit.

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Foxtrot Subdivision – Moon Ridge Ranch, LLC, The Gunnison County Planning Commission and the Gunnison County Board of County Commissioners conducted a joint public hearing with no action. The applicant was 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. The property is located approximately one 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.

Present representing Planning Commission: Kent Fulton, Tom Venard, A.J. Cattles and Molly Mugglestone.

Present representing Board of County Commissioners (BOCC); Phil Chamberland and Johnathan Houck.

Present representing County Staff; Assistant Director of Community Development Neal Starkebaum, and Community Development Service Manager Beth Baker.

Present representing Foxtrot Subdivision; Attorney David Leinsdorf, Applicant's representatives Jenny and Joe Knox, and engineer Norman Whitehead.

Planning Commission and BOCC Site Visit Comments
Fulton- There is good water diversion
Cattles- Appreciated the placement of the home sites and minimal visual impacts
Venard- Agreed with Cattles
Mugglestone- Agreed with Cattles
Houck – It was good to see the layout and he had no further comments
Chamberland- The layout fits the neighborhood context and they did a good job staying away from the wetlands

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

Community Development Service Manager Beth Baker confirmed adequate public notice: the Planning Office had the notice published in the Crested Butte News and the Gunnison Country Times and the applicant submitted the proof of posting and the certified mailing receipts.

Engineer Norman Whitehead said they are proposing four lots placed along the west side of the property, and adjacent to the bike path. The home sizes and building envelopes are similar to those in the adjacent Moon Ridge subdivision. They were able to use Moon Ridge to provide better access for the Fire Department. The four lots will be using Advantex waste water treatment systems, which have been preapproved by the State.

Applicant's representative Joe Knox said they will use Saddle Ridge wells number five and seven to provide the water for the four lots. They will utilize four water taps. The water lines are in, so they will use feeder lines. The State has signed off on the water supply plans. He addressed the Fire Protection Districts issues, noting they will put in a cul-de-sac for turning the fire trucks around and the driveways will be used too. They will utilize the Moon Ridge dry hydrant for an alternate fire suppression water supply. The Moon Ridge dry hydrant could provide 200,000 gallons of water. Each residence owner will install sprinklers for fire suppression; they will each have individual water tanks for fire suppression.

Applicant's attorney David Leinsdorf explained the design parameters. Each lot is approximately 2.5 acres in size. They allow only one single family residence on each lot, each residence is limited to 2,500 sq. ft., of which 1,500 sq. ft. must be on the first floor. The garage must be at least 500 sq. ft., and 25% of the exterior siding must be different from the majority of the siding. There is a limit of 5,000 sq. ft. for all structures on the parcel.

Applicant's representative Jenny Knox noted the owner had donated a 90-acre conservation easement and the Nordic Center Trail is on the easement. She had also contributed 56% of the original property. She added there is wildlife on the property and they will make efforts to keep them there. They will continue to graze cattle.

Questions from the Board and Commission

Chamberland asked about the sewer easement relocation; Whitehead said Moon Ridge had an easement for a proposed sewer line that was never installed and they will be using that area.

Mugglestone raised her concerns about cumulative impacts in the Colorado Parks and Wildlife (CPW) comment letter; Fulton explained this review is only concerned with the Foxtrot four lot subdivision being proposed. Starkebaum added this area is very developed and will continue to develop.

Assistant Director of Community Development Neal Starkebaum said the planning department had received referral comments and several public comments. Betty Barkman had noted her concerns with interrupting the Elk migration corridor.

Public Comments

Steve Glazer encouraged the commissioners to keep the larger picture in mind, when it comes to the cumulative impacts of allowing individual septic systems, rather than tying on to Town's wastewater collection line. He said the Town's wastewater treatment plant has adequate capacity and the Commission should consider having the four proposed lots tie on to the system, rather than allow individual septic systems. Glazer noted he had participated in the planning process conducted by the County and the wastewater treatment providers known as the 201 study. The results of the planning process was to make it clear when a development was determined to have potential detrimental cumulative impacts, the development request would be denied. The strategy is to avoid the possible cumulative negative impacts. He said in the past the County had an application for a development in the Crystal River Valley. The County required a study to determine if there was a potential for negative cumulative impacts of the wastewater, including nutrients. It was determined there was potential negative impacts, and the application was denied, because there was no opportunity to remedy the situation. He said in this application's case there is a remedy; tying onto the Town's wastewater treatment lines. He added once a cumulative impact is identified it is likely already too late to remedy the problem. He said if there were a cumulative impact increasing the nutrient levels on the Slate River, the Town could be required to spend millions of dollars to upgrade their wastewater treatment plant, to reduce the nutrients. He said one can't deny that there are more lots plated for development in the area, and they will increase cumulative impacts.

Chamberland asked Glazer about his liability concerns; Glazer said there is potential liability for Crested Butte that would require them to upgrade their system at a very high cost. He recommended the proposed lots be required to tie on to the Crested Butte wastewater treatment plant, and allow no individual septic systems.

Town of Crested Butte Mayor Glenn Michel said Town Council had directed him to ask the applicant to connect to the Crested Butte wastewater treatment plant, under the terms of the Inter-Governmental Agreement (IGA.) He added the Town would work with the applicant. The town intends to enforce the IGA to protect the water quality. He said the Town's interests are similar to County's interests and an amicable solution can be found.

John Hess reiterated the concerns with the individual septic systems potential cumulative impacts and encouraged the applicants to tie into the Town's wastewater treatment plant. He noted the Town has signed an agreement with the developers of the proposed Slate River development, this would bring sewer lines close to the Foxtrot development. He also encouraged the Commission to impose a fee in lieu to help pay for schools and parks. He asked if the trail agreements were permeant or would have to be renewed year to year.

Interim Town Manager Bill Crank said the Town has no objection to the Foxtrot development. He noted the Town wastewater treatment plant line may come within 400 feet of Foxtrot and said at that time the lots should be required to tie on to the system. He said the IGA is now in play. The Town is trying to work out the issue with the applicant. He added attorney Leinsdorf has submitted comments to the effect that On-site Wastewater Treatment Systems (OWTS) can be approved. Crank said the County should require the Foxtrot lot owners to tie into the Town wastewater treatment system, if the line comes to within 400 ft. of the new development. He suggested the County approve the development with the condition of requiring future connection because of the IGA. He asked for staff's opinion of the relevance of the IGA.

Applicant's comments

Leinsdorf, addressing the IGA, noted the parties to the IGA have a lot of homework to do to implement the issue. He said if the sewer line was installed it could negatively impact the high quality wetlands. He reiterated the Advantex systems are highly efficient.

Whitehead explained the Advantex system has been approved by the State for all levels of wastewater treatment. The Advantex system which is installed close to the Taylor River has been approved for discharge into the Taylor River. The proposed septic systems are far enough apart and 500 ft. from any ground water from Washington Gulch. Fulton asked if there had been any failure of these systems; Whitehead replied, not to his knowledge.

John Hess asked about the maintenance of the Advantex systems. Whitehead explained the systems are monitored with a computer to identify issues. The systems can be monitored over the internet. Leinsdorf added the HOA is required to enforce maintenance of the systems. Hess asked what if the HOA decides not to enforce. Starkebaum said the new County On-Site Waster Water System (OWTS) regulations give the County authority to require inspections. Whitehead added the screens are inspected once a year.

Cattles asked if the Town had a time frame for the sewer line extension; Town Planner Michael Yerman said the Town has an agreement with the proposed Slate River Development. The Town is requesting if Slate River development extends the line to within 400 ft. of Foxtrot tying into the line would be required at that time. He noted the applicant has not applied to the service provider- the Town requests they do so. Leinsdorf pointed out the wording is "may" request connection not "shall" request.

Cattles suggested a requirement in the decision to echo exactly what the covenants say. He said the Advantex systems have improved immensely.

Crested Butte Director of Public Works Rodney Due said the McCormick Ranch project seven lots did tie on to the Town's wastewater treatment plant. There is a precedence for cooperation of tying onto the wastewater treatment system.

Joe Knox pointed out the McCormick Ranch water table is inches from the surface. They needed and asked to be involved with bringing the wastewater treatment lines to McCormick Ranch. Foxtrot is much different and they do not need it.

Due reiterated when the service collection line comes within 400 ft. of the subdivision they are required to tie on. Crank suggested the County insert a condition requiring connection. Leinsdorf said the issues are 400 ft. and also "if it is feasible." He said there could be damage to the wetlands, if the wastewater treatment lines are installed. He said there is no condition in the *Gunnison County Land Use Resolution* (LUR) compelling the applicant to discuss tying into the system with the provider at this time.

Glazer asked if there is a definition of feasible; Fulton said no. Glazer encouraged inserting a definition. Glazer asked about the impact fees for schools and parks; County Manager Matthew Bernie explained there are no regulations in the LUR at this time and they could not be applied retroactively to this application. Chamberland reiterated it is not in the LUR at this time. Glazer recommended adding it.

Fulton continued the joint public hearing to, May 20, 2016, at 2:00 PM. It will be conducted in Crested Butte Town Hall.

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Fulton adjourned the meeting at 11:15 A.M.

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

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