GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, June 17, 2016
Crested Butte Town Council Chambers
Crested Butte Town Hall
507 Maroon Avenue, Crested Butte, CO

8:55 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. **Foxtrot Subdivision** - continued joint public hearing/no action, the application is for the subdivision of 13.23-acres into four single-family residential lots. 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

10:00 a.m. **John Nichols** - public hearing/possible action, the application is for an 18,800 square foot, two story, multi-tenant building, located on Lot 4, Riverland Industrial Park F#1
LUC-16-00014

11:00 a.m. **Paradise Campground and Rentals** - work session/no action, the application is for a primitive campground on approximately 4.6 acres of a 36-acre parcel. 31 campsites are proposed, along with a 120 square foot shed (used as office), kayak and ATV rentals available. The parcel is located at 18201 Hwy 133 within SW1/4 of Section 8, Township 12 South, Range 89 West, 6th p.m.
LUC-15-00026

Adjourn

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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
June 17, 2016
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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Crested Butte Town Council Chambers. **Present were:**

Chairman- Kent Fulton
Vice-Chairman- Jeremy Rubingh
Commissioner- A.J. Cattles
Commissioner-Jack Diani
Commissioner- Tom Venard
Alternate Commissioner- Molly Mugglestone
Alternate Commissioner- John Messner
BOCC- Paula Swenson
BOCC- Phil Chamberland
BOCC- Jonathan Houck

Director of Community Development- Russ Forrest
Assistant Director of Community Development- Neal Starkebaum
Community Development Senior Planner-Cathie Pagano
Community Development Services Manager-Beth Baker
Others present as listed in text

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With a quorum present Chairman Fulton opened the June 17, 2016, regular meeting of the Planning Commission.

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Moved by Rubingh seconded by Fulton to approve the Planning Commission meeting minutes dated May 20, 2016 as amended, the motion passed unanimously.

Moved by Venard seconded by Cattles to approve the Planning Commission meeting minutes dated June 3, 2016, as amended, the motion passed unanimously.

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Foxtrot Four Lot Subdivision- LUC-15-00039- The Planning Commission and Board of County Commissioners conducted a continued joint public hearing. They reviewed the application for the subdivision of 13.23-acres into four single-family residential lots. 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.

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

Present representing staff: Director of Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum, County Attorney David Baumgarten, and Community Development Services Manager Beth Baker.

Present representing the Board of County Commissioners; Commissioners Swenson, Houck and Chamberland.

Present representing the Gunnison County Planning Commission; Commissioners Fulton, Venard, Mugglestone, Diani, Messner, Cattles and Rubingh.

Present representing the applicant; attorney David Leinsdorf, engineer Norman Whitehead, and Jenny Knox.

Leinsdorf submitted two documents and referred to the *Gunnison County Land Resolution- Section 12-106; Sewage Disposal/Wastewater Treatment*. He noted there is not existing central sewer system availability at this time there is no easement; a 404 Wetlands permit would be required. He referred to *B-2 of Section 12-106* noting they are not regulated under the Town's Three-Mile Plan service area. He said under Colorado State statute one cannot impose an overly costly expense on a private land owner, if the public benefit is not substantial. He reiterated the Foxtrot submission is in compliance with *Section 12-106.* He added they are making some very minor changes to the lots on the south side of the development to avoid wetlands issues.

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Forrest said *Sections B-1 and B-2* address two different scenarios. He said when and if Cypress Equities' subdivision is approved and utilities are brought to within 400 ft. of the Foxtrot Subdivision it would be appropriate to connect to the central system.

Baumgarten pointed out the underlying issue is water quality, and it requires considering current conditions and reasonably anticipated future conditions. The purpose of the regulations is to avoid the proliferation of septic systems to the degree that it is technically and economically feasible. He added the authority to require septic systems or tying into a central system in unincorporated Gunnison County rests in the County.

Venard was concerned with community health in relation to water quality.

Rubingh asked Baumgarten about *Section 12-16 B-1;* Baumgarten reiterated the ultimate decision/ jurisdiction lies at the County level.

Crested Butte Town Manager Bill Crank noted the document being discussed was not received in time for the Town Council to review and make comments. He added he personally had met with the County attorney, the County planning staff and the applicant's attorney concerning this issue. He said on the surface it seems to be a minor issue; but the Town does not agree. The Town is concerned this gives the County authority to determine if their fees are reasonable. He was also concerned the comment letter submitted to the County by the Town had not been responded to.

Messner stated the underlying ultimate issue is protecting water quality. He asked Crank what bothered him about the staff recommendation; Crank pointed out paragraph B in the proposed agreement says the County will determine if the Town's fee structure is reasonable.

Following a lengthy discussion, the ultimate issue remained the issue of the County determining if the City's fees are reasonable. Houck suggested differentiating between the cost of connection, and the usage fees, etc. Crank agreed this could be a tenable compromise. Leinsdorf said he will have to consult with his client. Starkebaum clarified this would be the cost of infrastructure, the pipes going to get the lots; the actual physical costs, inherent with physical connection. Baumgarten added it is not a consideration of the usage fees the Town would charge; the Board would not be in charge of the water usage fees the Town charges.

The commissioners directed Staff to prepare a draft recommendation for the next meeting on Foxtrot Subdivision.

Fulton continued the joint public hearing to July 15, 2016 at 2:00 P.M., in the Crested Butte Town Hall.

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John Nichols 18,000 sq. ft. commercial structure-LUC-16-00014; The Planning Commission conducted a public hearing/possible action, the application is for an 18,800 square foot, two story, multi-tenant building, located on Lot 4, Riverland Industrial Park F#1.

With a quorum present Chairman Fulton opened the public hearing.

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

Present representing staff: Director of Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum, and Community Development Services Manager Beth Baker.

Present representing the Gunnison County Planning Commission; Commissioners Fulton, Venard, Mugglestone, Diani, Messner, Cattles and Rubingh.

Present representing the applicant: John Nichols.
Nichols gave a brief description of the proposed project. He has proposed a two story 18,800 sq. ft. multi-tenant building. The uses would be varied and could include marijuana cultivation.

Rubingh asked Starkebaum about the water issues. Starkebaum explained the Board exempted Riverland from the water suppression requirements related to fire suppression; there have been facility upgrades, and additional water storage added. Starkebaum added the Riverland Board has reviewed and approved the proposed structure.

The PC reviewed the draft decision.

Moved by ; Rubingh seconded by Cattles to approve LUC-16-00014, an 18,800 square foot, two story, multi-tenant building, located on Lot 4, Riverland Industrial Park F#1., as amended. The motion passed unanimously.

PROJECT DESCRIPTION:
John Nichols has submitted a land use application for the construction of an 18,800 square foot, two story, multi-tenant facility. The applicant indicates that the proposed uses include indoor vehicle parking, storage and possible marijuana growing operations. (Marijuana growing operations will require a separate land use change permit and license) This, as shown on a site plan, is titled "Site Plan - Lot 4 Riverland", prepared by NWS & Associates, Inc. submitted with the application, dated May 26, 2006 and architectural renderings, titled "Proposed Building for Lot 4, Riverland Industrial Park" prepared by Cinnamon Mountain Architecture, Inc., dated April 27, 2016.

LOCATION:
Lot 4, Riverland Industrial Park, Filing No. 1; located south of the Town of Crested Butte, west of Highway 135.

WATER:
The project will be served by the Riverland Industrial Park central water system.

WASTEWATER:
Wastewater from the project is proposed to be treated by an individual sewage disposal system, subject to compliance with the *Gunnison County Onsite Wastewater Regulations.*

ACCESS:
Roads within Riverland Industrial Park are private.

PROPERTY OWNERS ASSOCIATION APPROVAL:
Danny D'Aquilla, President, Riverland Lot Owners' Association, in a letter dated May 5, 2016, states that the Association approves the plans for Lot 4.

COMPLIANCE WITH COUNTY LAND USE REGULATIONS:
This land use change application is partially exempted from the requirements of the *2001 Gunnison County Land Use Resolution*, pursuant to *Section 1-106 Partially Exempted Land Use Changes*. There are no unmitigable conflicts with County land use standards, so long as the structures and uses are maintained in compliance with the Declaration of Protective Covenants for Riverland Industrial Park and the *Gunnison County ISDS Regulations*.

RECLAMATION:
A reclamation permit must be obtained from the Gunnison County Public Works Department for any newly disturbed areas.

LANDSCAPING:
Landscaping is required by the Covenants; each lot is required to have a minimum of 15 trees with a minimum average height of five feet within 18 months of being issued a building permit. Landscaping is shown on the site plan. In addition to the existing landscaping on the lot, the Riverland POA requires three six-foot evergreens, six 1.5" caliper aspens. A landscaping improvements agreement will be required prior to the issuance of any building or septic permits.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on June 17, 2016. At that time no members of the public were present.

COMPLIANCE WITH COUNTY LAND USE POLICIES:

This land use change request is partially exempted from the requirements of the *Gunnison County Land Use Resolution*, pursuant to *Section 1-106 Partially Exempted Land Use Changes*. Compliance to the maximum extent feasible with provisions of Section 1-105: Sections Necessary for the Immediate Preservation of Public Health and Safety is required. There are no unmitigable conflicts with County land use standards, so long as the structure is constructed and maintained in compliance with the *Declaration of Protective Covenants for Riverland Industrial Park, 2009 International Building Codes* and the *Gunnison County OWTS Regulations*.

SECTION 11-103: *Development in Areas Subject to Flood Hazards.*
The parcel is not located in an area subject to flood hazards.

SECTION 11-104: *Development in Areas Subject to Geologic Hazards.*
The parcel is not located in an area subject to geologic hazards.

SECTION 12-107: *Protection of Water Quality*.
Not applicable. No water bodies are within 125' of the site.

SECTION 12-105: *Water Supply*.
This use will be served by the Riverland Industrial Park central water system.

SECTION 12-106: *Sewage Disposal/Wastewater Treatment.*
Wastewater from the new development is proposed to be treated by an individual sewage disposal system, subject to compliance with the *Gunnison County Individual Sewage Disposal System Regulations.*

SECTION 12-107: *Fire Protection*.
The lot is located within the Crested Butte Fire Protection District. The District will review the building plans at submittal of building permit application.

SECTION 11-209: D: *Domestic Animal Controls*; and *Section 5-206*: F.1.b.(6.): *Domestic Animal Controls*.
Applicable.

SECTION 13-107: *Installation of Solid Fuel-Burning Devices.*
Installation of any solid-fuel burning devices shall comply with the current regulations for solid fuel-burning devices.

SECTION 13-114: *Exterior Lighting*.
The applicant submitted a lighting plan, as shown on the architectural renderings, prepared by Todd Carroll Design, dated 10/25/2006. All lighting fixtures are required to be full cut-off.

ADDITIONAL SECTION APPLICABLE TO PARTIALLY EXEMPTED COMMERCIAL, INDUSTRIAL OR OTHER NON-RESIDENTIAL LAND USE CHANGES. In addition to complying with the requirements listed at 1 through 9, above, new construction of, or expansion to, commercial, industrial or other non-residential land use changes that are partially exempted from this *Resolution* by Section 1-106: *Partially Exempted Land Use Changes,* shall comply to the maximum extent feasible with Section 5-303: *Road System*.

SECTION 12-103: *Road System*.
The applicant has legal access to State Highway 135. There is an existing access onto Buckley Drive.

FINDINGS:
The Gunnison County Planning Commission, based on the facts set forth in this Decision and on the material facts represented by the applicant, whether or not repeated herein, finds that:

1. The Riverland Lot Owners Association has reviewed and approved of the proposed use, subject to their conditions identified in the letter, Danny D'Aquilla, President, Riverland Lot Owners' Association, dated May 5, 2016.

2. This land use change permit is in compliance with *Section 1-105 Sections Necessary for Immediate Preservation of Public Health and Safety of the Gunnison County Land Use Resolution.*

3. Use of individual lots must comply with the *Declaration of Protective Covenants* for Riverland Industrial Park,

including, but not limited to, compliance with those provisions which may affect employees, parking, the hours of operation, provision of landscaping, snow storage and other aesthetic and public health and welfare concerns.

4. 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. Any use other than that allowed by the *Declaration of Protective Covenants* for Riverland Industrial Park 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.*

5. 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 and evaluated this application and having reached the above Findings, determines that LUC #2016-14, Lot 4, Riverland Industrial Park, Filing No. 1, John Nichols, is approved with the following conditions and that approval be memorialized by a recorded Certificate of Minor Impact Approval, including the language of these conditions and notations:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted as shown on a site plan, titled "Site Plan - Lot 4 Riverland", prepared by NWS & Associates, Inc. submitted with the application, dated May 26, 2006 and architectural renderings, titled "Proposed Building for Lot 4, Riverland Industrial Park" prepared by Cinnamon Mountain Architecture, Inc., dated April 27, 2016. 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. Uses on this lot shall comply with the *Declaration of Protective Covenants for Riverland Industrial Park*.

3. A cost estimate for the landscaping stock, and labor for installation of the landscaping, and referencing the site plan, titled "Site Plan - Lot 4 Riverland", prepared by NWS & Associates, Inc. dated May 26, 2006, including three six-foot evergreens and six 1.5" caliper aspens, shall be submitted, for preparation of a Landscaping Development Improvements Agreement by the Gunnison County Attorney's office, which shall be executed by the Board of County Commissioners. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.

4. 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.

5. That a performance bond, letter of credit or other means of surety acceptable to the County, shall be submitted to cover costs of the landscaping, including stock and labor for installation, plus 25 percent and that said surety be retained by the County for a period of time to ensure the survival of the landscaping. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.

6. 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.

7. Approval of this permit is not effective until the Certificate of Minor Impact Approval is recorded with the Gunnison County Clerk and Recorder.

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Paradise Campground and Rentals– LUC-15-00026; The Planning Commission conducted a work session/no action. They reviewed the application for a primitive campground on approximately 4.6 acres of a 36-acre parcel. 31 campsites are proposed, along with a 120 square foot shed (used as office), kayak and ATV rentals available. The parcel is located at 18201 Hwy 133 within SW1/4 of Section 8, Township 12 South, Range 89 West, 6th p.m.

With a quorum present Chairman Fulton opened the work session.

Present representing staff: Assistant Director of Community Development Neal Starkebaum, Senior Planner Cathie Pagano, and Community Development Services Manager Beth Baker.

Present representing the Gunnison County Planning Commission; Commissioners Fulton, Venard, Mugglestone, Diani, Messner, Cattles and Rubingh.

Present representing the application- Keith Geffre and Rick Spencer.

Spencer explained they are proposing a 4.6- acre campground, primitive in nature, with no electricity or plumbing, and keeping the natural landscaping. He said the road in the campground will be a double loop configuration. It will be a seasonal campground, using port-o-potties that will be professionally maintained. They are attempting to purchase a parcel from the Department of Transportation. The purchase could double the sites that they can have. The campground will be 100 ft. away from any water. Their personal home is on the adjacent property. There are two other campgrounds in the vicinity. They have spoken to some of the neighbors. The creek bed will be maintained. They will not be building any buildings except a storage shed.

Pagano noted CDOT and the applicant are pursuing a boundary line adjustment. She added CDOT has not commented on the application yet. A traffic study has not been conducted and they have not submitted an engineered road design yet. Public Works will need that information to proceed.

Messner asked if there is potable water; Spencer said there is potable water, but they are not offering potable water, only offering a bathroom.

Venard asked how close the nearest potable water and dump station is; Spencer said Paonia is about 30 minutes from the site.

Diani asked if they would supply fire wood; Spencer said they have discussed it.

Cattles asked what they were doing for fuel storage; they have two tanks but have not used them yet.

Starkebuam said the fire districts are concerned with containment; secondary containment would be required.

A site visit will be conducted July 1, 2016 at 9 A.M. The Public Hearing will be conducted July 15 at 1:00 P.M., in the Crested Butte Town Hall.

The commissioners directed staff to prepare a draft decision for the July 15th meeting.

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Fulton adjourned the meeting at 11:45 AM.

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

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