TO:	**Planning Commission**
SUBJECT:	**Planning Commission Draft Decision** **Paradise Campground** **LUC-15-00026**
DATE:	**October 7, 2016**
PREPARED BY:	**Cathie Pagano, Senior Planner**
APPLICANT:	**Keith Geffre represented by Richard Spencer**

PROJECT DESCRIPTION:
The applicant is proposing the development of a primitive campground on five acres or less (total parcel size is 36 acres) including:

- 31 recreational vehicle/tent spots are proposed
- ATV and kayak rentals
- An office

Power will be provided to individual sites along with porta potties for waste disposal, no water will be provided on-site. The campground will be open seasonally from _____ to _____. The application includes the use of two parcels that are currently under separate ownership. The applicant has received notarized consent from both owners (Geffre and CDOT) to pursue this application. The applicant is pursuing a boundary line adjustment with CDOT to include excess highway right of way as part of the Geffre parcel. Neither the boundary line adjustment nor the conveyance of the CDOT parcel has been completed at this time.

The applicant has identified two phases for the project to accommodate the CDOT parcel in the future. Phase 1 includes the development of the access road and seven campsites. Phase 2 includes twenty four additional campsites, parking area, office, porta-potties and trash station.

There are two existing residences on the parcel that will remain.

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact pursuant to *Section 6-102: H. New Commercial, Industrial 5,000 sq. ft. or five acres or less.*

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

- June 17, 2016 Work Session
- July 1, 2016 Site Visit
- July 15, 2016 Public Hearing
- September 2, 2016 Continued Public Hearing
- October 7, 2016 Continued Public Hearing and Work Session

SITE VISIT:
The Planning Commission conducted a site visit on July 1, 2016. The Commission noted the sites natural features, access point, location of neighbors and other features.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on July 15th and continued the public hearing to allow for comments from the Colorado Department of Transportation on September 2 and October 7, 2016. A letter from John and Libby Riger, neighboring property owners, was included in the public record.

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, Gunnison County Environmental Health, and Ragged Mountain Fire Protection District. Agency comments are noted in appropriate section 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.*
Applicable, the proposed use is a commercial and the standards of this Section apply.

Exterior lighting requirements shall apply to the proposed use, as identified in this Section. All exterior lighting shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare. None of the other standards of this section are applicable to this proposal.

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 10-104: Locational Standards for Commercial, Industrial or Other Non-Residential Uses.
Applicable, the applicant has submitted a written explanation of compliance with the standards of this Section. The alternative locational standards apply. The subject property is well-suited to the proposed campground use. It is near public lands, trails and has easy access from Highway 133. The topography will allow the applicant to blend the campground in with the natural vegetation. The specific area that the campground is proposed is an area with established recreational use and camping. The applicant has stated that existing camp sites fill quickly and there is additional need for campground sites. The applicant has demonstrated that the proposed use is compatible with the existing area because of the existing recreation and access to trails and public lands. No significant net adverse effect is expected to occur as a result of this use. The campground is primitive. All waste will be hauled off site and bear-proof trash containers will be provided. No campsites will be within 50 feet of the ordinary high water mark of the water body. All roads and campsites will consist of road base.

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 proposed development is not in an area of geologic hazard, according to Gunnison County mapping.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, the proposed development is in an area of high wildfire hazard, according to Gunnison County mapping. A copy of the application was sent to the Gunnison Fire Protection District and the Ragged Mountain Fire Protection District, no comments were received from either District. The property owner is required to sign and notarize an acknowledgement and disclaimer of the wildfire hazard at the site.

Section 11-106: *Protection of Wildlife Habitat Areas.*
Applicable, the development is subject to the standards of this Section. Andrew Taylor, District Wildlife Manager for Colorado Parks and Wildlife submitted comments in a letter dated June 22, 2016. Taylor notes:

> *The proposed location would have minimal adverse effects on wildlife…We encourage the County to require the proponents to provide bear resistant refuse containers on the site for the campground. In addition, we strongly encourage the County and the proponents to prohibit all feeding of birds, including hummingbirds with liquid feeders in the campground area. Many of the bear conflicts we encounter in campgrounds each year are due to the calorie content of hummingbird feeders and it is easier to avoid these conflicts than it is to deal with them after they have occurred.*

The applicant has agreed to install bear resistant refuse containers.

Section 11-107: *Protection of Water Quality*.
Applicable, proposed development is within 125 feet of a water body. The applicant has submitted a water quality protection plan identifying protection measures for the water body.

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. In an email dated September 19, 2016, Public Works Director, Marlene Crosby, stated her approval for the road plans submitted that were dated July 1, 2016 and stamped by Thomas C. Anderson, P.E.

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

Section 12-105: *Water Supply*.
Not applicable, no water supply is proposed nor required for this use. Guests of the campground will provide their own water.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, the applicant has proposed the installation of porta-potties. A copy of the application was sent to Crystal Lambert, Building and Environmental Health Official. No comments were received.

Section 12-107: *Fire Protection*.
The proposed development is located within the Gunnison Fire Protection District but is served by the Ragged Mountain Fire District. A referral was sent to both agencies 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 prepared by Wilmore & Company, dated April 20, 2016 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.*
Not applicable, there are two residences on the parcel, in compliance with this Section and no additional residential development is proposed.

Section 13-106: *Energy and Resource Conservation.*
Not applicable, no residential development is proposed as part of this 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.*
Applicable, a sign is proposed as part of this application and included within the description. The applicant has proposed a sign near the entrance of the campground. The sign will be 50 square feet and no more than 15 feet high.

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 existing landscaping on the parcel will be maintained and cleaned up.

Section 13-112: *Snow storage*.
Not applicable, the campground will not be open in winter and therefore no snow storage is required to be identified on the plan.

Section 13-113: *Fencing*
Applicable, no new fencing has been requested in the application. Colorado's Fence-out laws apply and the applicant noted that they are aware of this in the application.

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 greater than 10,000 square feet.

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.***
Applicable, a commercial or industrial use is required to comply with the standards of this Section, including the submittal of a letter from a Colorado licensed engineer certifying that the projects complies with the standards of this Section.

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. The project's location in an existing industrial park ensures compatibility of uses.

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

3. The applicant has agreed to install bear-resistant refuse containers.

4. The applicant is working with the Colorado Department of Transportation to purchase an adjacent parcel (Phase 2). The purchase has not been completed at this time. This approval document includes approval of Phase 2, if and when it is purchased by Geffre and a boundary line adjustment is completed.

5. 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-15-00026 be classified as a Minor Impact, and be approved with the following conditions:

1. 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*.

2. Bear-resistant refuse containers shall be installed at the campground. No bird feeders shall be allowed.

3. Porta-potties shall be regularly emptied, maintained and cleaned.

4. A boundary line adjustment application shall be required to include the CDOT parcel as part of Geffre parcel.

5. The applicant shall submit a cost estimate from a Colorado licensed engineer outlining all of the costs for development of the road and infrastructure.

6. The applicant shall submit certification from a Colorado licensed engineer that the proposed development complies with the standards of Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff* prior to the recordation of the Minor Impact Certificate of approval for this project.

7. The Development Improvement Agreement shall be fully executed prior to the recordation of the Minor Impact Certificate.

8. The applicant shall comply with all applicable local, State and Federal requirements and regulations.

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

10. 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.

11. 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.

12. 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.