

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, October 7, 2016

- 8:45 a.m.** • Call to order; determine quorum
 • Approval of Minutes
 • Unscheduled Citizens
- 9:00 a.m.** **Whetstone Industrial Park (formerly Slate River Industrial Park) - L & D Ranches, LLC-** Sketch Plan, continued joint public hearing/possible action, request to subdivide a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/ industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use. Located south of Riverland Industrial Park, west of Highway 135. The parcel is legally described as Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.
LUC-16-00013
- 10:00 a.m.** **Paradise Campground and Rentals** – continued public hearing/possible action, request for a primitive campground on approximately 4.6 acres of a 36-acre parcel. 31 campsites are proposed, along with a 200 square foot shed (used as office), kayak and ATV rentals available. The parcel is located at 18201 Highway 133, legally described as being within the SW1/4 of Section 8, Township 12 South, Range 89 West, 6th P.M.
LUC-15-00006
- 11:00 a.m.** **High Cimarron LLC** - work session/no action, request to utilize an existing caretaker’s residence as a commercial, short-term rental lodge. The lodge would be rented to groups as a way for them to gain exposure to and experience the Cimarron Mountain Club. The parcel is located at 1107 County Road 858 and is legally described as 212 acres in Section 31, Township 47 North, Range 6 West, NMPM.
LUC-16-00025

Adjourn

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
October 7, 2016

The Gunnison County Planning Commission conducted a regular meeting, in the Commissioner's Meeting Room in the Blackstocks Government Center. **Present were:**

Chairman- Kent Fulton	Director of Community Development-Cathie Pagano
Commissioner-Jack Diani	Assistant Director of Community Development –Neal Starkebaum
Commissioner- Jeremy Rubingh	Community Development Services Manager-Beth Baker
Commissioner-AJ Cattles	Others present as listed in text
Alternate Commissioner- Molly Mugglestone	
Alternate Commissioner- John Messner	

Absent; Commissioner Tom Venard

With a quorum present Chairman Fulton opened the October 7, 2016, regular meeting of the Planning Commission.

Fulton seated Messner for the day's application reviews and votes.

Moved by Diani seconded by Cattles to approve the Planning Commission meeting minutes dated September 2, 2016. The motion passed unanimously.

Whetstone Industrial Park (formerly Slate River Industrial Park) - L & D Ranches, LLC (LUC-16-00013) The Gunnison County Planning Commission and the Board of County Commissioners conducted a continued joint public hearing with possible action. The applicant is requesting a subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/ industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use. Located south of Riverland Industrial Park, west of Highway 135. The parcel is legally described as Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.

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

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

Present representing the Board of County Commissioners; Board Members Phil Chamberland, and Jonathan Houck.

Present representing the application; attorney Marcus Lock, engineer Tyler Harpel, and owner Bill Lacy.

Present representing staff; Assistant Director of Community Development Neal Starkebaum and Community Development Services Manager Beth Baker.

There were no comments from the public, commissioners, or board members. Board members Houck and Chamberland left the meeting before the review of the draft recommendation.

The Planning Commission reviewed the draft sketch plan recommendation.

Moved by Cattles seconded by Diani to approve the sketch plan recommendation (LUC-16-00013) as amended to the Board of County Commissioners; described as a subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/ industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use. The motion passed unanimously.

“...Compliance of the proposed land use change with these standards shall be determined broadly and conceptually during Sketch Plan review, in detail during Preliminary Plan review, and definitively during Final Plan Review. “

Section 7-102, Gunnison County Land Use Resolution

“A. SKETCH PLAN IS EXPLORATORY. Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.

“1. SKETCH PLAN DESIGN CONCEPTS GUIDED BY THIS RESOLUTION. Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution in order to be able to submit a plan that has addressed issues important to the County. It should be expected that the proposal will evolve during Sketch Plan review.

“2. ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED OR ACCEPTED AT SKETCH PLAN. To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required or accepted by the County.”

Section 7-103: B., Gunnison County Land Use Resolution

SKETCH PLAN – PROJECT SUMMARY:

The applicant requests subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use. Water is proposed to be supplied by a central water system and wastewater treatment will be provided by individual onsite wastewater treatment systems. Access will be via a new access road, via Buckley Drive, to State Highway 135. The applicant has voluntarily changed the name of the development to Whetstone Industrial Park, due to concern from the Fire District, to eliminate any confusion with another development of a similar name (Slate River Development).

PROPERTY LOCATION:

The parcel is legally described as Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.

SURROUNDING LAND USES:

Industrial, Vacant, Residential.

IMPACT CLASSIFICATION:

The application, by definition, is classified as a Major Impact Project, pursuant to Section 7-101: Projects Classified as Major Impact.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, and other submittal documents informing this Recommendation include, but are not limited to:

- Sketch Plan Application, including all exhibits and maps.

REFERRAL AGENCY COMMENTS:

- Ric Ems, Fire Chief/Marshal and Scott Wimmer, Fire Inspector, Crested Butte Fire Protection District, letter of June 29, 2016
- Brandon Diamond, District Wildlife Manger, CO Parks and Wildlife, letter of July 1, 2016
- Crystal Lambert, Environmental Health Official, memo dated July 7, 2016

This review and Sketch Plan Recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application; including all exhibits, references, testimony and documents as included therein.

MEETING DATES:

16 October 7 PC Meeting

16 November 18 PC Approved

The Planning Commission and/or Board of County Commissioners held meetings on the following dates:

- July 15, 2016 - Work Session
- September 2, 2016 - Joint Public Hearing/Site Visit
- October 7, 2016 - continued Joint Public Hearing

SITE VISIT:

The Planning Commission and Board of County Commissioners conducted a site visit on September 2, 2016, at which time the Commission and Board walked the property and viewed the neighborhood, proximity to the adjacent properties and the Slate River, the natural features on the land and the proposed location of the roads and lots.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on September 2, 2016 and continued to October 7, 2016. John Rozman was in favor of the project.

See approved minutes of September 2, 2016 and October 7, 2016.

Written Public Comments:

- Aaron J. Huckstep, Huckstep Law LLC, representing the Riverland Industrial Park Lot Owners Association, letter of August 31, 2016, noting concerns with the shared access to Highway 135, from Buckley Drive, and shared maintenance of the road. As well as concerns with residential units on the lots adjacent to Riverland Industrial Park.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:

Comments were received from the following agencies:

- **Colorado Parks and Wildlife** – Brandon Diamond, District Wildlife Manger, Colorado Parks and Wildlife, letter dated July 1, 2016:

"I have reviewed the Slate River Industrial Park&, Subdivision Sketch Plan application. My understanding is that L&D Ranches is requesting to subdivide 35 acres into 17 lots immediately south of the existing Riverland Industrial Park. This tract is essentially bounded on the west by the Slate River and on the east by Highway 135. The former Division of Wildlife commented on this parcel previously, at which time the former owner had submitted a land use change application (*previous letter attached, dated February 25, 2011*). A variety of wildlife may be encountered on or around this property; however, based on adjacent development and land use practices it is unlikely that the proposed development will greatly increase impacts to wildlife in the immediate area. That being said, it is important to point out that in recent years Colorado Parks and Wildlife (CPW) has responded to various complaints in the neighboring Industrial Park, which have primarily involved black bears.

The proposed subdivision is located within a CPW mapped black bear human conflict area. The Slate River will always provide a movement corridor for local wildlife, including black bears. Although the development's emphasis appears to be industrial, light industrial, and commercial, there is reference to "ancillary housing" as well. Black bears are perhaps the most significant wildlife concern with this development, and planned conflict mitigation should be a priority. The adjacent communities of Crested Butte and Mt. Crested Butte have a history of human/bear conflicts. Both towns host "resident," bears, which will check trash cans and dumpsters nightly in search of an easy meal. The resulting conflict are directly linked to the communities' management of outside pet food, bird feeders, and the careless storage of household and commercial (food service) waste. To avoid human/bear encounters, the storage and handling of trash should be given a high priority. Colorado Parks and Wildlife's "Living with Wildlife in Bear Country" brochure provides guidance on proper trash management and other tips to avoid creating a "nuisance bear". The use of bear-proof trash containers has proven to be the safest and most effective way to avoid human/bear conflicts. Although feeding birds is legal, it is known to attract bears and other wildlife which often results in conflict with people.

It is important to point out that as the Gunnison basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of

available habitat, the effects of "minimal impact" projects such as this are cumulative, and should be considered as such. We strongly encourage the applicant to advise potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts. Thank you for the opportunity to comment on this land use change."

- **Crested Butte Fire Protection District** –Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, dated June 29, 2016, provided comments pertaining to the Fire District requirements.
"The Fire Division of the Crested Butte Fire Protection District (CBFPD) has received the application packet you sent on June 6, 2016. After reviewing the proposal for compliance with adopted codes, ordinances and resolutions, we have the following comments.
 1. CBFPD strongly recommends renaming the project to avoid confusion with other areas and roads using Slate River.
 2. Roads A and B shall comply with Gunnison County Road and Bridge Standards and the Crested Butte Fire Protection District Subdivision Standards and Guidelines Policy. Note: Applicant proposes only one access point. Per CBFPD Standards and Guidelines Policy, section 201 C, state, "All developments are encouraged to provide two or more points of dedicated access on primary roads that permit adequately separated ingress/egress." CBFPD looks forward to reviewing detailed plan and profiles of said roads.
 3. Approved temporary and permanent street signs and approved building premises ID shall be required during construction and for final approval.
 4. Driveway access from the main road(s) to the building footprint shall be reviewed and approved on a case-by-case basis.
 5. Application notes that all buildings shall be required to have installed automatic fire suppression systems. The Water Supply Plan prepared by Tyler Martineau, P.E. cites the 2009 *International Fire Code* Appendix B. Please note that the 2003 *International Fire Code* is currently adopted by Gunnison County within the boundaries of the CBFPD. Appendix B section 105.2 Buildings other than one- and two-family dwellings, state, "The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1. Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the *International Fire Code*...The resulting fire flow shall not be less than 1,500 gallons per minute (gpm) for the prescribed duration as specified in Table B 105.1." Further, Mr. Martineau uses an example of a 5,000 sq. ft. wood structure [Type V construction]. Per Appendix B, Table 105.1, such a structure would require 2,000 gpm for duration of two hours. Given an approved reduction for an automatic sprinkler system not less than 1,500 gpm, the resulting stored water is 180,000 gallons plus commercial and domestic usage.
 6. Regarding Exhibit I-4 Utility development Layout sheet 2 of 4, additional fire hydrants shall be required per 2003 IFC Appendix C taking into account Roads A and B are dead- end roads.
 7. The application notes building construction as required by fire protection standards of the applicable building or fire code. CBFPD requires compliance with Colorado State Forest Service pamphlet #6.302 in areas of moderate wildfire hazard and strongly recommends adherence to the National Fire Protection Association (NFPA) "Fire Wise" construction program. Such recommendations include but are not limited to, defensible space, non-combustible roof materials, spark arrestors on chimney caps and approved chimney shrouds, etc.
 8. All natural gas and propane gas service shall be approved prior to installation.
 9. All underground excavation contractors installing fire mains and fire service water lines shall have on file at CBFPD offices a copy of Colorado State Certification for underground contractors. Plans for said fire mains and fire service water lines shall be submitted, reviewed and approved prior to installation."
- **Gunnison County Environmental Health Office** - Crystal Lambert, Environmental Health Official, provided comments in a letter dated July 7, 2016.
"The Environmental Health Office has received a request to review the application for the Slate Rive Industrial Park Land Use Change. The applicants are proposing 17 parcels for the purpose of mixed industrial, residential, and

commercial uses. The applicants are proposing that wastewater treatment will be provided by On-site Wastewater Treatment Systems (OWTS).

Mixed uses on a parcel can present challenges for the on-site treatment of wastewater. Typical industrial site inventories can include heavy equipment, placement of unusual items such as steel shipping containers, pallets of material, rack storage, etc. and the important soil treatment area (leach field) buried beneath the ground can be lost in the equipment and material, potentially sustaining damage. Fencing or landscaping to identify the boundaries of a soil treatment area could be an effective method for protecting the wastewater treatment system to help ensure that it remains in working order.

It is important that only “domestic wastewater” can be put in an OWTS. All industrial wastewater, including floor drains, must be permitted as a CLV injection well and obtain approval through the EPA.

After review, it does appear that each proposed parcel would be able to accommodate an OWTS in accordance with the regulations, which would be a requirement at the time of application for individual parcel development.”

- **Gunnison County Public Works Department** – Marlene Crosby, Public Works Director, noted to staff that she has no comments.
- **Town of Crested Butte** – No comments were received.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

Section 9-100: *Uses Secondary to a Primary Residence.*

Not applicable. No primary residences 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 applicant has identified that commercial and industrial uses will be allowed in the development. All commercial and industrial uses shall comply with the standards of this Section.

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 9-508: *Keeping of Livestock not on an Agricultural Operation.*

Not applicable.

Section 10-102: *Locational Standards for Residential Development.*

Not applicable, the residential component proposed as part of the subdivision is accessory to a primary commercial or industrial use on each lot. No primary use of the lots for a residence is permitted.

Section 10-103: *Residential Density.*

Not applicable, the residential component proposed as part of the subdivision is accessory to a primary commercial or industrial use on each lot. No primary use of the lots for a residence is permitted.

Section 10-104: *Locational Standards for Commercial, Industrial, and other Non-Residential Uses.*

The property is located within the Gunnison – Crested Butte Industrial Special Area, pursuant to Board Resolution 2014-15, adopted July 1, 2014. The Gunnison/Crested Butte Industrial Special Area is a discrete geographic area in which land development and

land use is identified as being appropriate for industrial uses on lands adjacent to and compatible with the uses within the Signal Peak Industrial Park, east of Gunnison and the Riverland Industrial Park area, south of Crested Butte.

Section 11-103: *Development in Areas Subject to Flood Hazards.*

The Slate River has a mapped FEMA 100-year flood plain. Information from SGM shows the location of the 100-year flood plain does not affect development of the subject property. All developable portions of the lots are on a bench above the Slate River and out of the 100-year floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards.*

The property is not within a geologic hazard area, according to County mapping.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*

The subject property is within an area mapped as low wildfire hazard, as identified by County mapping.

Section 11-106: *Protection of Wildlife Habitat Areas.*

The subject parcel is not within Gunnison Sage-grouse occupied habitat.

Comments were received from Brandon Diamond, District Wildlife Manger, letter of July 1, 2016, Colorado Parks and Wildlife, noting concerns regarding potential human-wildlife conflicts.

Section 11-107: *Protection of Water Quality.*

All development is required to maintain a minimum 25-foot setback from the Slate River. A water quality protection plan, in compliance with this Section, shall be required at Preliminary Plan application.

Section 11-108: *Standards for Development on Ridgelines.*

The property is not located on a ridgeline.

Section 11-109: *Development that Affects Agricultural Lands.*

Not applicable. No agricultural land is adjacent to the development.

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.*

The applicant has identified the general location of the roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan. The applicant has documented legal access to Highway 135. A copy of the application was referred to Gunnison County Public Works and Colorado Department of Transportation (CDOT). Gunnison County Public Works has no comments, and no comments were received from CDOT. A traffic study and engineered plans for the roads will be required at Preliminary Plan application.

Section 12-104: *Public Trails.*

No new public trails are contemplated in this application for the East Parcel.

Section 12-105: *Water Supply.*

The Sketch Plan contemplates that the water supply for the development will be provided by a central water distribution system, supplied by two wells. A report was prepared by Mr. Martineau, P.E., Water Resource Engineer, Exhibit V-1, addressing the adequacy of the water supply. Gunnison County will determine, based upon test results required to be submitted as part of the Preliminary Plan application, whether, pursuant to Section 12-105: G.8., additional well testing will be required during January or February to ensure that a year-round, consistent supply of water will be available to this development.

Kendall K. Burgemeister, Esq, provided an attorney's opinion concerning the legality of the water supply, contained in Exhibit V-4.

Section 12-106: Sewage Disposal/Wastewater Treatment.

On-site wastewater treatment systems are proposed for each lot. Each lot is a minimum of 1-acre, compliant for minimum parcel size for installation of OWTS.

Crystal Lambert, Environmental Health Official, provided comments in a letter dated July 7, 2016.

Section 12-107: Fire Protection.

The property is served by the Crested Butte Fire Protection District. Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, letter of June 29, 2016 provided comments pertaining to the Fire District requirements. The applicant will address compliance with those comments and the District fire protection requirements in the Preliminary Plan application.

Section 13-103: General Site Plan Standards and Lot Measurements.

The site plan for the subdivision complies with the standards of this Section.

Section 13-104: Setbacks from Property Lines and Road Rights-of-Way.

Development of the individual lots will be required to meet the requisite setbacks.

Section 13-105: Residential Building Sizes and Lot Coverages.

The proposed covenants will address accessory residential components of the development.

Section 13-106: Energy and Resource Conservation.

All structures to be constructed within the development will be subject to the standards of this Section at the time of building permit application.

Section 13-107: Installation of Solid Fuel-Burning Devices

Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

Section 13-108: Open Space and Recreation Areas

The application is required to comply with Section 13-108: F.1 and 2. through the inclusion of landscaping elements and property line setbacks and the inclusion of a minimum 30% open space. The applicant has identified open space areas on the site plan, totaling 37% of the development, including a 6-acre open space parcel and pond, buffering existing residential property to the south.

Section 13-109: Signs.

Signs proposed as part of individual industrial/commercial uses are required to comply with this Section. Sign elements as allowed by this section may be proposed within the Preliminary Plan.

Section 13-110: Off-Road Parking and Loading.

Compliance with this Section is required at time of building permit issuance. The covenants will include additional restrictions on parking.

Section 13-111: Landscaping and Buffering.

A conceptual plan for landscaping has been submitted. As a Major Impact Project, this proposal is required to include a landscaping plan in the Preliminary Plan submittal. Initial landscape concepts have been included in the Sketch Plan, showing

that open space will be maintained in native vegetation. Additional landscaping area, with berming and trees are shown on the open space tract adjacent to Highway 135. Berming, buffering and a detailed landscaping plan, including the type and location of plantings, planting schedule and a plan for maintenance, in compliance with this Section, will be required at Preliminary Plan application.

Section 13-112: *Snow storage.*

The applicant is required to include language in the covenants identifying the Homeowners Association as the responsible entity for snow removal and become familiar with the requirements of this Section. Specific site design for snow storage is required at Preliminary Plan.

Section 13-113: *Fencing*

All new fencing shall comply with this Section. Any specific fencing requirements will be addressed in the covenants at Preliminary Plan.

Section 13-114: *Exterior Lighting.*

All new structures are required to comply with this section, requiring fully shielded fixtures. Specific lighting requirements will be addressed in the covenants at Preliminary Plan.

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

The applicant has acknowledged that an Earthmoving Site Revegetation and Noxious Weed Control Plan, prepared in compliance with this Section, shall be required at Preliminary Plan.

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.*

The applicant indicates that the layout of the lots and road are intended to minimize potential erosion and sedimentation. The Preliminary Plan will include an engineered drainage and stormwater management plan.

Section 13-118: *Water Impoundments.*

Not applicable. The potential augmentation pond, noted in the application, would not qualify as a water impoundment.

Section 13-119: *Standards to Ensure Compatible Uses.*

The proposal shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas. The Gunnison/Crested Butte Industrial Special Area is a discrete geographic area in which land development and land use is identified as being appropriate for industrial uses on lands adjacent to and compatible with the uses within the Riverland Industrial Park. Design standards and limitations on the uses are generally identified in the draft covenants. Protective covenants, including design standards and limitations on uses to address compatibility, are required to be submitted at Preliminary Plan.

Section 15-103: *Right-to-Ranch Policy.*

This Section is applicable to all land use change permits.

FINDINGS:

The Commission finds that:

1. The submitted Sketch Plan applies to all of the 35-acres proposed for development.
2. Section 4-504: A., of the Gunnison County Land Use Resolution prescribes that, "...Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant..." and that detailed engineering plans and other overly detailed information shall not be required or accepted by the County."

3. This application, by definition, is classified as a Major Impact Project.

4. Pursuant to Division 7-200: Sketch Plan for Major Impact Projects of the *Land Use Resolution*:

This Sketch Plan application is generally consistent with the standards and requirements of the Resolution, pursuant to Division 7-200: Sketch Plan for Major Impact Projects, i.e., compliance of the proposed land use change with the standards of the Resolution are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the Resolution within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-703 A., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

5. The Commission discussed combining Preliminary and Final plans and finds that it would be appropriate for this development, based upon the design, size, and lack of public concerns/comments, noted by the lack of public attendance at the public hearings.

6. The Planning Commission has expressed concern regarding compatible uses and siting within the development. It has been noted that some heavy industrial uses may not be appropriate adjacent to other "lighter" industrial or commercial uses, with accessory residences.

7. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process.

8. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this Resolution, then the application shall be denied at the Preliminary or Final Plan review stage.

9. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

10. 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.

11. 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.

12. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony has reached the above Findings and recommends to the Board of County Commissioners that LUC-2016-00013, L & D Ranches LLC, Whetstone Industrial Park is classified as a Major Impact Project and that the Sketch Plan be approved with the following conditions:

1. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the

Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.

2. The applicant may submit a combined Preliminary/Final Plan application. If a combined Preliminary/Final Plan application is submitted, the applicant shall include Final Plan application submittal requirements, consistent with *Section 7-401: Final Plan Application for Major Impact Projects*.
3. The following are specifically identified as Preliminary Plan application submittal items of particular attention:
 - Analysis of the visibility of the development from Highway 135 and mitigation through buffering, berming and/or landscaping.
 - Segregation/limitations of types of uses, including segregation/limitations on accessory residential use, within the development.
 - Protection of water quality of the Slate River.
 - Response to the Riverland Industrial Park Lot Owners Association comment letter of August 31, 2016, as appropriate.
 - Compliance with the Crested Butte Fire Protection District requirements.
 - Level of commercial/retail permitted within the development.
 - What level of county land use review will be required for varying uses.
4. Submittal of a traffic study in compliance with Section 12-103: E. is required as part of the Preliminary Plan application.
5. Gunnison County will determine, based upon test results required to be submitted as part of the Preliminary Plan application, whether, pursuant to Section 12-105: G.8., additional well testing will be required during January or February to ensure that a year-round, consistent supply of water will be available to this development.
6. The applicant shall be required to submit and actively pursue the completion of a Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.
7. 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.
8. 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.
9. 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.

Paradise Campground and Rentals (LUC-15-00006) - The Gunnison County Planning Commission conducted a continued public hearing with possible action. The applicant is requesting a primitive campground on approximately 4.6 acres of a 36-acre parcel. 31 campsites are proposed, along with a 200 square foot shed (used as office), kayak and ATV rentals. The parcel is located at 18201 Highway 133, legally described as being within the SW1/4 of Section 8, Township 12 South, Range 89 West, 6th P.M.

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

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

Present representing the application; Richard Spencer and Keith Geffre.

Present representing staff; Director of Community Development Cathie Pagano and Administrative Services Manager Beth Baker.

Fulton noted there had been a traffic study and CDOT approval that had been submitted.

Pagano said CDOT signed off on everything but had not done the final approval. The engineer has submitted comments to verify the county drainage standards had been met.

Spencer said they have decided providing electricity to each site would be a benefit to the project. It was noted there are county lighting standards which must be complied with.

Rubingh asked about ATVs on the property. Fulton explained according to the CDOT regulations any ATV must be trailered to cross the highway.

Diani pointed out there was confusion with the total number of camping sites. Following a brief discussion it was determined there would be 15 sites in each of the two phases, for a total of 30 sites.

The commissioners discussed the commercial use of the existing cabin. Geffre said he is considering renting the existing cabin on a long term basis, rather than a short term rental.

There were no public comments.

The Planning Commission reviewed the draft decision.

Moved by Rubingh seconded by Messner to approve LUC-15-00006, as amended; described as a primitive campground on approximately 4.6 acres of a 36-acre parcel. 30 campsites, a 200 square foot shed (used as office), and kayak and ATV rentals.

PROJECT DESCRIPTION:

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

- 30 recreational vehicle/tent spots are proposed
- ATV and kayak rentals
- A 200 square foot portable building that will be used as 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 March to December. 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 camphouse identified on the site plan is existing but will not be used at this time for the commercial use.

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 fifteen campsites, parking area, office, porta-potties and trash station. Phase 2 includes fifteen additional campsites, parking area, office, porta-potties and trash station. (Office in Phase two deleted.)

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. (deleted)**

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. Off-Highway Vehicles shall not be permitted, per CDOT regulations, to drive on State Highways, including Highway 133.
6. The Camphouse identified on the site plan will not be used as part of the commercial use at this time. Any future commercial use of the building shall require an Administrative Review Land Use Change permit.
7. 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 reclamation permit shall be submitted for road cutting and/or construction, homesite clearing and berm construction greater than 10,000 square feet.
7. The applicant shall submit a copy of the Highway access permit from CDOT prior to recordation of the Minor Impact Certificate.
8. The applicant is required to comply with Section 13-114: Exterior Lighting and the commercial exterior lighting standards.
9. The Development Improvement Agreement shall be fully executed prior to the recordation of the Minor Impact Certificate.
10. The applicant shall comply with all applicable local, State and Federal requirements and regulations.
11. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
12. 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.

13. 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.
14. 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.

High Cimarron LLC (LUC-16-00025) - The Gunnison County Planning Commission conducted a work session with no action. The applicant is requesting to utilize an existing caretaker's residence as a commercial, short-term rental lodge. The lodge would be rented to groups as a way for them to gain exposure to and experience the Cimarron Mountain Club. The parcel is located at 1107 County Road 858 and is legally described as 212 acres in Section 31, Township 47 North, Range 6 West, NMPM.

With a quorum present Chairman Kent Fulton opened the work session.

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

Present representing the application; Jim Aronstein

Present representing staff; Director of Community Development Cathie Pagano and Administrative Services Manager Beth Baker.

Applicant's representative Jim Aronstein gave a brief description of the application. He said this would be permission to use the existing caretaker house for guests on an occasional basis. He said because of the extreme distance from everywhere it is hard to get people out to take a look at the property. They need a way to have people take a look and stay on the property when considering purchasing a site. It is a marketing issue. It will be similar to a RBO (rental by owner.)

Messner asked if the commissioners could consider downgrading this to an administrative review; Pagano said yes.

Aronstein said it would be used three to four days maximum at a time. They now have an approval to construct a lodge and a guest house. Once all the lots are sold and the lodge is built they may not use the caretaker house for guests.

Pagano explained the criteria for reducing the impact to administrative review. There was a consensus of the Planning Commission that this application's impact classification could be reduced from a minor impact to an administrative review. This application will not be reviewed again by the Planning Commission. It will be reviewed by staff.

Fulton adjourned the meeting at 11:10 AM.

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

