

**GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, June 2, 2017**

- 8:45 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. **McGuinness Subdivision, David and Tina McGuinness**, continued joint public hearing/possible action, request for the subdivision of 3.75-acres into three single-family lots: Lot 1, 1.75-acres (with existing residence); Lot 2, 1-acre; Lot 3, 1-acre. The property is located approximately 5 miles northeast of the City of Gunnison, north of and adjacent to County Road 10 and legally described as being within the NE1/4NE1/4 Section 19, Township 50 North, Range 1 East, N.M.P.M.

LUC-16-00042

10:00 a.m. **Crystal Meadows Resort – Outdoor Hospitality Solutions, LLC** public hearing/possible action, request is to restore & subsequently reopen and operate the Crystal Meadows Resort, including 23 RV sites, 40 dry campsites, 9 rental cabins and two residential homes, located on Lot 1, Crystal Meadows Resort Subdivision, ¼ mile south of the intersection of Highway 133 and Kebler Pass Road (CR 12).

LUC-17-00013

11:00 a.m. **Crested Butte Horse Park**, joint public hearing/possible action, request for the subdivision of a 73.25 acre parcel into two parcels; and the commercial development of a horse park and related buildings (approximately 40,000 square feet total) that will provide horseback riding lessons, riding facilities, horse clinics, horse competitions, training, equine centered vacations, horse camping, concierge services for guests, and horse boarding and training for the public. The property is located at 20601 Hwy 135 and legally described as a 6.1 acre tract in SW4SW4, Section 27 and a 66.1-acre tract in S2SE4 Section 28, Township 14 South, Range 85 West, 6th p.m. The parcel is on the west side of Highway 135 across from Cement Creek Road.

LUC-16-00005

Noon **Lunch**

1:00 p.m. **Public Service Company of Colorado**, continued public hearing/possible action, request is for the construction of a natural gas compressor station and associated compressor station facilities, east of the City of Gunnison, adjacent to Signal Peak Industrial Park to provide additional distribution capacity. In coordination with the Compressor Station Project PSCo is also proposing to replace a segment of the existing 6-inch Gunnison Upper Arkansas Lateral transmission pipeline located in the City of Gunnison and Gunnison County, located approximately one mile east of the City of Gunnison, south of Highway 50, and the upgraded pipeline will run along the south right of way on Highway 50, into the municipal limits of the City of Gunnison.

LUC-17-00009

Adjourn

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
June 2, 2017**

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

Chairman- Kent Fulton Vice-Chairman- Jack Diani Commissioner- AJ Cattles Commissioner-Molly Muggleston Alternate Commissioner- Sarah Coleman Alternate Commissioner- Vince Rogalski	Director of Community Development- Cathie Pagano Assistant Director- Neal Starkebaum Manager of Administrative Services- Beth Baker Others present as listed in text
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Absent; Commissioner Tom Venard

With a quorum present Chairman Fulton opened the June 2, 2017, regular meeting of the Planning Commission.

McGuinness Subdivision - LUC-16-00042; The Gunnison County Planning Commission and Board of County Commissioners conducted a continued joint public hearing/ possible action. They discussed the request for the subdivision of 3.75-acres into three single-family lots: Lot 1, 1.75-acres (with existing residence); Lot 2, 1-acre; Lot 3, 1-acre. The property is located approximately 5 miles northeast of the City of Gunnison, north of and adjacent to County Road 10 and legally described as being within the NE1/4NE1/4 Section 19, Township 50 North, Range 1 East, N.M.P.M.

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

Present representing the Planning Commission; Commissioners Fulton, Diani, Cattles, Mugglestone, Coleman, and Rogalski. Present representing the Board of County Commissioners; Houck, and Messner.

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

Present representing the application; Tina and David McGuinness.

Starkebaum noted he had met with the County Attorney to address concerns raised by Attorney Mike Dawson and they have been incorporated into the recommendation.

Tina McGuinness said they had spoken with the City of Gunnison and they did not have concerns. The City did want the culvert done correctly.

Tina McGuinness said they have enlisted attorney Marcus Lock to represent them. He had no additional comments.

Mike Dawson said the City said this does not comply with the City's Three Mile Plan and it must be addressed in recommendation. He pointed out the applicants should be required to tie on to the North Valley sewer line.

Starkebaum reiterated the City's Three Mile Plan is an advisory document not regulatory, and it has not been updated since 1996. The County regulations supersede the City. The applicant did speak with the City and a referral was sent to the City for comments; they did not object in the context of the Three Mile Plan.

Dawson said the regulations require the applicants to provide protective covenants or deed restrictions, and this has not been done. Starkebaum noted the final plat language includes fencing and domestic animals requirements on the plat.

Jack and Donna Barker asked McGuinness to delete the middle lot.

Houck said his concerns had been addressed.

Cattles asked where the pump station is; Starkebaum said at the base of the Cranor Hill Ski Area.

Coleman asked if they would have a second driveway; Tina McGuinness said two driveways is the preference, but they are O.K. using the existing driveway.

Diani asked if Public Works preferred a single driveway; Starkebaum said they will work with the applicant.

Mugglestone agreed the City's Three Mile Plan should be updated.

Donna Barker noted her concerns with the potential failure of the septic systems and the pollution of her well.

Messner said it comes down to neighborhood.

Dawson requested the public hearing be continued. Lock said the applicant would request the public hearing not be continued.

Fulton seated Coleman for the day.

Fulton closed the joint public hearing.

Moved by Cattles seconded by Diani to approve LUC-16-00042, the recommendation to the Board of County Commissioners; McGuinness Three Lot Subdivision. The motion passed unanimously

PROJECT SUMMARY:

The applicant is requesting the subdivision of 3.75-acres into three single-family lots: Lot 1, 1.75-acres (with existing residence); Lot 2, 1-acre; Lot 3, 1-acre. The new residences will be served by well and septic. An existing driveway access serves Lot 1. A new shared driveway access to Lots 2 & 3 is proposed to be constructed from County Road 10. No covenants are proposed for the development.

LOCATION:

The property is located approximately 5 miles northeast of the City of Gunnison, north of and adjacent to County Road 10. The property is legally described as being within the NE1/4NE1/4 Section 19, Township 50 North, Range 1 East, N.M.P.M.

SURROUNDING LAND USES:

West – Guerrieri Ranch – 440-acre tract; agricultural

North – Esty Ranch 445-acre tract; agricultural

East – 1.8-acre lot; Residential

Southeast – North Valley Subdivision; ranging from .14-acre to 10-acre lots

South – City of Gunnison 55-acre tract; Cranor Ski Area

IMPACT CLASSIFICATION: Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units.*

PLANS/REPORTS/SUBMITTALS:

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

- Minor Impact Review Application
- Brooke Vasquez, NRCS, Sage-grouse comments May 17, 2016
- Chris Parmeter, District Wildlife Manager, CPW, letter of February 17, 2017
- Greg Larson, Chairperson, City of Gunnison P & Z Commission, letter of February 22, 2017

- Well Permit #80656, CDWR, issued for two single family residences
- Megan Sullivan, P.E., Water Resource Engineer, letters of March 16 and April 14, 2017

MEETING DATES:

The Planning Commission held meetings on the following dates:

- March 17, 2017 Work Session
- May 19, 2017 Joint Public Hearing
- June 2, 2017 Continued Joint Public Hearing

SITE VISIT:

The Planning Commission determined that a site visit was not necessary, as they were familiar with the property and surrounding neighborhood.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on May 19, 2017 and continued to June 2, 2017. At that time, the following members of the public presented comments:

- Michael Dawson, representing Bar Slash Bar Ranch LLLP, adjacent landowners to the west, noting the issues with the Gunnison and Tomichi Valley Ditch Association, Ditch NO. 17, which traverses the subject property and objections to the development in his letter of May 18, 2017.
- Jack and Donna Barker, adjacent landowners to the east, noting their objections to the development.
- Jody Resser, area neighbor, noting that the density was appropriate.

Written Comments were received from:

- Michael Dawson, representing Bar Slash Bar Ranch LLLP, letter of May 18, 2017
- Jack and Donna Barker, undated letter

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:

Gunnison County Public Works: Marlene Crosby, Public Works Director, via email of March 22, 2017:

“When this project was in the early submittal stages I talked to Tina and Jim Kint talked to Mr. McGuinness. Our answer to both of them was that driveways were possible, but would not be inexpensive.

Our opinions have not changed, we can assist in locating suitable access points, but the construction will be expensive. It will include willow removal/management without impacting the integrity of the ditch bank and a large culvert. The best option if possible would be a shared driveways.”

City of Gunnison: Greg Larson, Chairperson, City Planning & Zoning Commission, letter of February 22, 2017 notes:

“Thank you for providing us the opportunity to comment on the land use change permit submitted by Tina McGuinness. Based on the Three Mile Map, the site is designated as rural residential (1 Unit/5-35 or more acres).

It is requested that any future driveway improvements on the O’Fallon Ditch be subject to review and approval by the City Public Works director, since the City possesses significant water rights from this ditch.

We appreciate the opportunity to review this application.”

Sage-Grouse Review: Brooke Vasquez, Wildlife Biologist, NRCS, letter of October 6, 2016, notes:

“The owner is proposing to subdivide the original 3.82± acre parcel into three lots, two 1± acre lots and one 1.82± acre lot with existing development. A single family residence is proposed on one of the 1±acre lots. The proposed activity is not within 0.6 miles of a Gunnison Sage-grouse lek. This parcel is not within Gunnison Sage-grouse Tier 1 habitat (score 15) as mapped using the 2012 Habitat Prioritization tool (Gunnison Basin Sage-grouse Strategic Committee 2012). The overall habitat score on this parcel is a low

of -19 to a high of 2. The parcel is located along County Road 10 and has existing development on the parcel and adjacent to the parcel.

Based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison Sage-grouse or their habitats beyond that which has already occurred.

Because Gunnison Sage-grouse are in the general area, I recommend that the following requirements/conservation actions be applied as conditions of all Gunnison County permits issued for projects on this parcel to protect Gunnison Sage-grouse and their habitats:

- 1) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution*, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
- 2) A Gunnison County Reclamation Permit is not recommended for activities on this parcel unless the surface disturbance is 10,000 sqft or more. If a Reclamation Permit is required, all disturbed areas should be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.
- 3) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weed-species. The Gunnison County Weed Management Program should be contacted (970- 641-4393) for additional information and technical assistance."

Colorado Division of Water Resources: Megan Sullivan, P.E., Water Resource Engineer, letters of March 16 and April 14, 2017. Excerpts include:

"We have reviewed the above referenced proposal to subdivide a 3.8 acre tract into three single family lots, where one lot will be 1.8 acres and the other two lots will be one acre each. An existing house served by an existing well is located on the proposed 1.8 acre lot. According to information provided, there are no plans to develop the middle one acre lot. The remaining one acre lot will have a single family residence and an accessory dwelling unit (referred in the submitted materials as a mother-in-law apartment) built above a detached garage. The two, one-acre lots will be served by a shared well.

The existing residence on the proposed 1.8 acre lot is currently served by an existing well, Well Permit No. 80655-F. According to our records, the well permit was issued on March 6, 2017 to use an existing well. Under this permit, use of groundwater from the well is limited to ordinary household purposes inside one (1) single family dwelling and the irrigation of not more than 10,890 square feet of home lawn and gardens. The well is to operate in accordance with the Upper Gunnison River Water Conservancy District's Augmentation Plan. The well was constructed on September 7, 1979 under Permit no. 109939 (now cancelled) to a depth of 30 feet. No information was provided on the installation of a permanent pump. Note, as required for non-exempt well permits such as Permit no. 80655-F, evidence of pump installation must be provided prior to the expiration of the permit. As no information was provided in the previous permit file as to if a pump had been installed, in order for the current permit, Permit No. 80655-F, to remain valid, evidence of pump installation must be received before the expiration date of March 6, 2018.

According to our records, Permit No. 80656-F was issued on March 6, 2017 to construct a new well. This well would be located on the one-acre lot with the proposed single family residence and accessory dwelling unit. For the purposes of well permitting, in the majority of cases an accessory dwelling unit that is independent of the primary residence in terms of use is considered to be the same as a single family dwelling. It appears for this proposal, that in terms of well permitting, this one-acre lot would have two (2) single family dwellings. Under Permit No. 80656- F, use of groundwater from the well is limited to ordinary household purposes inside two (2) single family dwellings and the irrigation of not more than 10,890 square feet of home lawn and gardens. The well is to operate in accordance with the Upper Gunnison River Water Conservancy District's Augmentation Plan.

As stated in CRS 30-28-133(3)(d), the subdivider is required to submit “Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed.” Typically adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. However, if there is a recent well test available in which water levels and a pumping rate are measured in intervals over the length of the test, a water resource report may not be necessary. Unfortunately, a review of our records did not reveal a well in the immediate vicinity with a pump installation report. There were, however, a few records further away with some information to indicate that those wells produced 15 gallons per minute after a two hour pump test. Because the existing well on the parcel was constructed in 1979 and now Permit No. 80655-F will require evidence of pump installation to remain valid, we recommend that a well test be performed on the well and the results provided to the County.

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant maintains well permits issued pursuant to C.R.S. § 37-90-137(2) and the plan for augmentation issued to Upper Gunnison River Water Conservancy District, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of said plan for augmentation. Provided the results of a well test for the existing well confirm the well has a sustained yield similar to the pump rates reported by other wells in the larger area and if the additional well on the parcel has a similar production rate, the water supply is expected to be physically adequate. Please note that the long term adequacy of any ground water source may be subject to fluctuation due to hydrological and climatic trends.”

“The applicant submitted a pump test conducted by Williams Drilling Company on March 29, 2017, for well Permit No. 80655-F. The report indicates that a two hour pump test was performed and according to the report, the well was drawn down less than one foot from the static water level of 3 foot 8 inches while pumping at twelve gallons per minute. After pumping stopped, the well recovered to the static water level within minutes. If the proposed additional well has a similar production rate and sufficient storage capacity, the water supply should be physically adequate.”

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

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

The applicant proposes to allow livestock on the property.

Section 10-102: Locational Standards for Residential Development.

The request meets the primary residential density standard. The proposed subdivision is located within a municipal three-mile area. See comments from City of Gunnison, letter of February 22, 2017.

Section 10-103: Residential Density.

The request proposes the subdivision of 3.75-acres into three single-family lots: Lot 1, 1.75-acres (with existing residence); Lot 2, 1-acre; Lot 3, 1-acre. The neighborhood consists of the area consisting of both agricultural and residential development along County Road 10 and within a quarter mile from the subject property. Multiple residential parcels are located in the neighborhood. The adjacent residential lot to the east is .78-acre. North Valley Subdivision is located across County Road 10 to the southeast, consisting of approximately 30+ residential homes; parcel sizes ranging in size from .14-acres to 10-acres. Several large ranch properties are located within the neighborhood.

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

The property contains no floodplain, according to County mapping.

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 property is in a low wildfire hazard area, according to County mapping.

Section 11-106: Protection of Wildlife Habitat Areas.

The property is within occupied Gunnison Sage-grouse habitat. A sage-grouse Habitat Site Specific Analysis Pre-Application review was conducted. See comments from Brooke Vasquez, Wildlife Biologist, NRCS, letter of May 17, 2016. No significant impacts to Sage-grouse were noted. See comments were received from the Chris Parmeter, District Wildlife Manager, CPW, letter of February 17, 2017. No significant impacts to wildlife were identified.

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

No water bodies are located on the property. Irrigation ditches are not defined as water bodies.

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

The property is not located on a ridgeline.

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

There are agricultural lands in the immediate area. The plat will contain required language addressing concerns with domestic animals, fencing and ditch maintenance, pursuant to Section 1-105. L.8.e. of the *Land Use Resolution*.

Section 11-110: *Development of Land beyond Snowplowed Access.*

The property is not 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.*

An existing driveway serves the existing residence on Lot 1. A new shared driveway access to Lots 2 & 3 is proposed to access from County Road 10. See comments from Marlene Crosby, Director, Gunnison County Public Works, via email on March 22, 2017.

Section 12-104: *Public Trails.*

There is no public trail existing or proposed.

Section 12-105: *Water Supply.*

The water supply for Lot 1 will supply the existing residence from the existing well. A new well will supply water to Lots 2 and 3. The applicant has submitted contracts from the Upper Gunnison Water Conservancy District, for augmentation water. The Colorado Division of Water Resources has issued Well Permit #80656-F, to supply two single family residences. Comments from Megan Sullivan, Water Resources Engineer, Colorado Division of Water Resources, note that the subdivision can be legally and physically served by the proposed water supply, letter of April 14, 2017.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*

Residences on Lots 2 and 3 will be served by new Onsite Wastewater Treatment systems. There is an existing septic system on Lot 1. Other residences in the neighborhood have existing permitted wastewater treatment systems.

Section 12-107: *Fire Protection.*

1. The property is within the Gunnison County Fire Protection District. No comments were received from the District.

2. 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.*

The building envelopes meet the setback requirements.

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

The subdivision plat identifies site-specific building envelopes on each lot. Minimum lot size complies with OWTS regulations. Building sizes are required to comply with the required maximum square footages at time of building permit application.

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

Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: Signs.

There are no signs proposed as part of the submitted application.

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

A minimum of two parking spaces is required for each single-family residence.

Section 13-111: Landscaping and Buffering.

Landscaping is not required for minor impact projects.

Section 13-112: Snow storage.

Adequate area is available for snow storage on each lot.

Section 13-113: Fencing

All new fencing shall comply with this Section.

Section 13-114: Exterior Lighting.

All new structures are required to comply with this section.

Section 13-115: Reclamation and Noxious Weed Control.

A reclamation permit may be required for driveway construction, home site clearing and berm construction.

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.

Construction activities are required to secure a Reclamation Permit from the Public Works Department.

Section 13-118: Water Impoundments.

Not applicable, this project does not propose a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.

The development is compatible with the existing residential and agricultural neighborhood.

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

This Section is applicable to all land use change permits.

FINDINGS:

The Commission finds that:

3. The Planning Commission classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.
4. The land use change complies with all applicable requirements of the *Gunnison County and Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
5. The property is within 400 feet of the North Valley pressurized sewer main.
6. The Commission finds that the proposed three-lot residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
7. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plans, exhibits, and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2016-00042 McGuinness Subdivision, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site 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. The applicant shall coordinate the construction of the County Road 10 driveway access with the Gunnison County Public Works Department and the City of Gunnison.
3. The applicant shall consult with the Gunnison County Public Works Department regarding the feasibility of sewer connection to the North Valley Subdivision sewer pump station.
4. The applicant shall comply with the following conditions for the protection of Gunnison Sage-grouse and Sage-grouse habitat:
 - 1) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution*, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
 - 2) A Gunnison County Reclamation Permit is not recommended for activities on this parcel unless the surface disturbance is 10,000 sq ft or more if a Reclamation Permit is required, all disturbed areas should be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.
 - 3) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weed-species. The Gunnison County Weed Management Program should be contacted (970- 641-4393) for additional information and technical assistance.
5. There is currently an assertion by the water rights holders in the Gunnison and Tomichi Valley Ditch Association, Ditch No. 17, which runs between County Road 10 and the applicant's property, that any crossing of the ditch must be with consent of all of the ditch owners.

6. Nothing in this approval is or shall be construed to be a determination by Gunnison County of the legal merits of the positions of either party.
7. Approval of this application is subject to constraints or allowances of any recorded or other legal easement, as may be determined by a Court, or otherwise agreed upon in written and recorded form by the applicant and the easement grantor. Approval of this application does not imply that the County has made any determination as to the validity of any claim regarding any easement.
8. In the alternative, the existing driveway from County Road 10, crossing the Gunnison and Tomichi Valley Ditch Association, Ditch No. 17, is approved as the access to Lots 2 and 3 McGuinness Subdivision.
9. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder. The applicant shall ensure that the plat will contain required language addressing concerns with domestic animals, fencing and ditch maintenance, pursuant to Section 1-105. L.8.e. of the *Land Use Resolution*.
10. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
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.
13. 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.

Crystal Meadows Resort- LUC-17-00013: The Gunnison County Planning Commission conducted a public hearing/ possible action. They discussed the request is to restore & subsequently reopen and operate the Crystal Meadows Resort, including 23 RV sites, 40 dry campsites, 9 rental cabins and two residential homes, located on Lot 1, Crystal Meadows Resort Subdivision, ¼ mile south of the intersection of Highway 133 and Kebler Pass Road (CR 12).

With a quorum present Chairman Fulton opened the public hearing.

Present representing the Planning Commission; Commissioners Fulton, Diani, Cattles, Mugglestone, Coleman, and Rogalski.

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

Present representing the application; Paul St. Ruth.

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

St. Ruth said they are a three person company. They have developed a resort in South America recently. He researched many areas to buy and run another camp ground, they decided on Crystal Meadows Resort.

Starkebaum noted the comments received.

Terry Commander resident of Somerset has been associated with the property in the past. She looks forward to working with the applicant.

Tom Glor supports the application.

The commissioners reviewed the draft decision.

Fulton closed the public hearing at 10:25 A.M.

Moved: by Mugglestone seconded by Diani to approve LUC-00013, Crystal Meadows Resort reopening, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

Outdoor Hospitality Solutions LLC, represented by Paul St. Ruth, as authorized by Bear Ranch, is proposing to reopen the Crystal Meadows Resort. The request is to restore & subsequently reopen and operate all historically used commercial aspects of the resort, including 23 RV sites, 40 dry campsites, 9 rental cabins and two residential homes. The resort will be a seasonal operation.

The use of the Resort includes the following:

23 RV Sites; sites 1 through 14 are 50A with water & sewer. The remaining 9 sites are 30A also with water and sewer. All RV sites are centrally located within the property. The sites are approximately 20ft wide by 80ft long.

40 “dry camp sites”. A dry site is one with no utility hook up and designed to be used by self-contained camping units such as smaller campers and tents.

The water supply for the Resort is by two permitted wells, adjudicated for the commercial use. Wastewater will be treated by the existing wastewater treatment systems.

LOCATION:

Crystal Meadows Resort is located on Lot 1, Crystal Meadows Resort Subdivision, located approximately ¼ mile south of the Highway 133/County Road 12 intersection.

ADJACENT LAND USES:

35-acre residential tracts and BLM public lands.

PLANS/REPORTS/SUBMITTALS:

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

- Minor Impact Land Use Change Application and exhibits, site plans and attachments.
- Steven Tuck, Water Commissioner – North Fork of the Gunnison, Colorado Division of Water Resources, email of April 25, 2017

This review and Decision 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.

REVIEW AGENCY REFERRAL COMMENTS:

The following entities or agencies provided referral comments.

Gunnison County Fire Protection District:

No written comments, but in a staff conversation with Dennis Spritzer, Fire Marshal, May 23, 2017, he noted that he had no concerns with the proposed development. Emergency response is from Paonia.

Gunnison County Public Works Department:

SITE VISIT:

The Commission members did not conduct a site visit, as all of the members noted that they were very familiar with the Resort location.

PUBLIC HEARING:

A public hearing was held on June 2, 2017; at that time:

- Terry Commander, Somerset, spoke in favor of the project.
- Tom Glor, Bear Ranch Manager, spoke in support of the project.

Writing Comments

- Kay Tennison, Somerset, wrote in support of the project, email of May 31, 2017.

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

MEETINGS WITH PLANNING COMMISSION:

May 19, 2017 - Work session

June 2, 2017 – Public Hearing

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

Section 9-301: *Commercial and Industrial Uses.*

D. General Standards:

D.1: Non Residential Accessory Uses: Not applicable.

D.2: Food Service Requirements: Not applicable.

D.3: Electrical Disturbances: No use of equipment that creates electrical disturbances is anticipated at the site.

D.4: Fire and Explosive Hazards: Not applicable.

D.5. Glare and Heat: No glare or heat producing activities are anticipated or expected at the site.

D.6. Exterior Lighting: The exterior lighting shall be designed so that all direct rays and glare are confined to the subject parcel.

D.7. Odors: No odors are anticipated or expected.

D.8. Radioactivity: No radioactive materials are proposed to be stored on site.

D.9. Vibration: No activities that cause vibration are expected to occur along the property boundaries.

D.10. Noise: Not applicable.

Section 10-102: *Locational Residential Development:*

Not applicable. No additional residences are proposed.

Section 10-103: *Residential Density:*

Not applicable. This is an existing development. No additional residences are proposed.

Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development*

Not applicable. This is an existing development.

Section: 11-102: *Voluntary Best Management Practices*

Voluntary; not mandated.

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

The resort is not located within an area subject to flood hazards, according to County mapping.

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

The subject parcel is not located within an area of geologic hazards, according to County mapping.

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

The subject parcel is in a low wildfire hazard area, according to County mapping.

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

No additional impacts to wildlife are anticipated, as the development is existing and no additional development is proposed at this time.

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

Not applicable. The site is not located within 125 feet of a water body.

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

Not applicable. Adjacent lands are non-agricultural lands.

Section 12-103: *Road System.*

Access to the resort is via an existing access road that will access from County Road 12 (Kebler Pass).

Section 12-104: *Public Trails.*

Not applicable. No trails are proposed.

Section 12-105: *Water Supply.*

The use will be served by a two wells. Permit #2496F serves the residential portion of the subject property. Permit #2495F serves the commercial side of the subject property. Water treatment will be required, pursuant to CDPH&E regulations. Email from Steven Tuck, Water Commissioner, CWCD, April 25, 2017, notes: "This well permit is for municipal use, which would include all uses, including commercial. There is an augmentation plan tied to this well. The plan has to have replacement water, which has been the Mary Kay Pond No.2."

Section 12-106: *Sewage Disposal/Wastewater Treatment.*

Wastewater is handled under a Colorado CDPH&E permit, which is on "administrative extension" with the state, a letter showing this extension is included in the application. Operations of the system will continue to be overseen by a state licensed Operator in Responsible Charge (ORC). The system has a permitted capacity sufficient for the commercial aspect of the property." The permitted 3500gpd Permit No COX-621017 serves the RV sites, cabins and restaurant building.

An existing County permitted residential septic system serves the log and crew house.

Section 12-107: *Fire Protection.*

A referral was sent to Dennis Spritzer, GCFPD. No written comments were received, however, in a staff conversation on May 23, 2017, Mr. Spritzer indicated he had no concerns with the reopening of the resort.

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

The proposed location complies with property line setback requirements. Site Plan submitted with application.

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

Not applicable. No installation of solid-fuel burning devices is contemplated in this application.

Section 13-108: *Open Space and Recreation Areas*

Not applicable. No open space is required for this use.

Section 13-109: *Signs.*

Signs, if required, are subject to this Section.

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

The site provides sufficient off-road parking and loading.

Section 13-111: Landscaping and Buffering.

The mature and substantial existing landscaping is sufficient for the reestablishment of the proposed uses.

Section 13-112: Snow storage.

Sufficient area is available for snow storage, even though the use is a seasonal operation.

Section 13-113: Fencing

No fencing is proposed.

Section 13-114: Exterior Lighting.

All exterior lighting shall comply with this Section.

Section 13-115: Reclamation and Noxious Weed Control.

The applicant is required to control noxious weeds.

Section 13-116: Grading and Erosion Control.

No construction is contemplated in the application.

Section 13-117: Drainage, Construction and Post-Construction Stormwater Runoff.

No construction is contemplated in the application.

Section 13-118: Standards to Ensure Compatible Uses.

No change to the existing development on the parcel is proposed and will not adversely affect the character of the neighborhood.

FINDINGS:

The Commission finds that:

1. This application is a Minor Impact Project.
2. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. 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*.
3. 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 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, and including provision of a public hearing, and having reached the above cited Findings, classifies LUC No. 2017-00013, Crystal Meadows Resort as a Minor Impact Project, approves the Land Use Change Permit with the following conditions, and that said approval shall be memorialized by recordation of a Minor Impact Certificate with the Gunnison County Clerk and Recorder:

1. 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. 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. The applicant shall provide the Community Development Department with any permits, or updated existing permits, from the Colorado Department of Public Health and Environment.
3. 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.
4. 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.

Crested Butte Horse Park-LUC-16-00005; The Gunnison County Planning Commission and Board of County Commissioners conducted a continued joint public hearing. They discussed the request for the subdivision of a 73.25 acre parcel into two parcels; and the commercial development of a horse park and related buildings (approximately 40,000 square feet total) that will provide horseback riding lessons, riding facilities, horse clinics, horse competitions, training, equine centered vacations, concierge services for guests, and horse boarding and training for the public. The property is located at 20601 Hwy 135 and legally described as a 6.1 acre tract in SW4SW4, Section 27 and a 66.1-acre tract in S2SE4 Section 28, Township 14 South, Range 85 West, 6th p.m. The parcel is on the west side of Highway 135 across from Cement Creek Road.

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

Fulton said public comments may be made, and limited them to three minutes each.

Present representing the Planning Commission; Commissioners Fulton, Diani, Cattles, Mugglestone, Coleman, and Rogalski. Present Representing the Board of County Commissioners: Chamberland, Houck and Messner.

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

Present representing the application; Heath Hansons, Jim Starr, and engineer Bob Williams

Pagano noted several documents submitted; drainage plans, and letters of comments received since the last meeting.

Hansons said Williams Engineering has done the drainage systems engineering. Bob Williams explained the design. He illustrated the drainage area, where the water comes onto the site from off site. It is a fairly small drainage area. They used the County's criteria for calculations. He illustrated the drainage patterns.

He showed the engineering aspects of dealing with the runoff. They have developed eight drainage zones, two are off site.

Chamberland asked how long the two drainage ponds will take to drain; Williams said approximately two days.

Bob Niccoli was concerned with the map provided. He noted there is an irrigation ditch that goes along the site. He will be reconstructing his ditch and this will cause a lot more runoff.

Williams said the water will not sheet flow across the project.

John Gallowich asked about the berm; Williams said they are the major interceptors. The berm was extended by three to four ft. to prevent water from getting onto Gallowich's property.

Jack Silver attorney for Gallowich asked about the percolation and if a soils test had been conducted. He asked Williams if the berms go far enough to prevent flow onto the neighbor's property; Williams said yes. He asked if the Gist property is affected by the water; Williams said no. Silver asked what the capacity of the two ponds is; Williams said 134,000 gallons and 60,000 gallons. They are using two ponds for better water control.

Muggleston asked about the letter submitted by Water Resource Solutions and the difference in his plan. Williams explained the letter referred to water augmentation regulations and we are not dealing with water augmentation. The County does not require a drainage report.

Austin Rueschhoff attorney for Gallowich asked if possible pollutants in the runoff were a consideration of what will be in the runoff; Williams said that was considered, but historically this is a ranching area.

Attorney Sliver requested the engineering calculations be given to Gallowich. Hansons said he did not want the calculations shared.

Niccoli what will happen with the additional water that he will create; Williams said historically the water has been there. Niccoli said that ground was irrigated historically and he will not make a new deal.

Krista Hildebrandt asked if Williams had walked the property. She said drainage is a key issue and it needs to be directed to the historical ditches and canals. It looks like it is being honored.

Pagano noted there were elevation corrections on the newest submitted drainage plan. It did not impact the drainage, it did impact roads and that was redesigned.

Fulton seated Rogalski.

Mugglestone left the meeting at 12:00 P.M

Fulton closed joint public hearing at 12:10 P.M.

Moved by Rogalski seconded by Cattles to approve the recommendation to the Board of County Commissioners of LUC-16-00005, the subdivision of a 73.25 acre parcel into two parcels; and the commercial development of a horse park and related buildings (approximately 40,000 square feet total, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The applicants Kirstin Atkins and Heath Hansens, have submitted a Land Use Change permit, as amended, for the development of a facility named Crested Butte Horse Park (CBHP). The applicants currently own two adjacent parcels, each greater than 35-acres for a combined size of 73.25 acres. The applicants propose, by this application, to reconfigure the parcels into one 11.08-acre parcel and one 62.21-acre parcel, because the applicants intend to develop a parcel less than 35-acres it is classified as a subdivision of land reviewed by Gunnison County. The applicant proposes to phase the development of the parcels in five phases, as shown on the "Crested Butte Horse Park, Phasing Plan," dated February 8, 2017. The 11.08-acre parcel is proposed, by this application, to be residential use allowing a single-family residence and secondary residence for employee housing. The 62.12-acre parcel is proposed for commercial and residential use; the proposed commercial use is for an equestrian park.

11.08-Acre Parcel

The applicant has proposes the following covenants for the 11.08-acre parcel:

1. The property is residential, with allowances for purchaser's horses.
2. The primary residence shall be no larger than 3,000 square feet.
3. There shall be no more than five bathrooms in the primary residence.
4. Any accessory building/barn (including secondary residence) shall be no larger than 2,500 square feet.
5. There shall be no more than 2.5 bathrooms in the accessory building/barn.

6. Access to the parcel will be part of the CB Horse Park access permit; there shall be no additional access off of Highway 135.
7. There shall be no more than four horses on the parcel.
8. There shall be no horseback riding facilities (arena/round pens).
9. The purchaser shall not be allowed to compete with services offered at the CB Horse Park (boarding, lessons, events, etc.).

The 11.08-acre parcel will be served by the CBHP water supply system and an onsite wastewater treatment system.

62.21-Acre Parcel

The Land Use Change application requests the development of an equestrian facility on the 62.12-acre parcel which will provide horseback riding lessons, riding facilities, horse clinics, horse competitions, concierge services for guests, and horse boarding and training for the public. A variety of buildings are proposed for construction on the 62.12-acre parcel to support the equestrian facility. CBHP will provide instruction to students with horses owned by CBHP and to students on their own personal horses. Horse boarding will be provided. Shed pens with open runs will be constructed, along with eleven horse stalls attached to the indoor riding arena. CBHP will offer memberships to the public including boarder, non-boarder, guest and daily memberships which will allow the public to use the facility whether or not they board a horse at CBHP. Horse training will be available for clients who have young horses or horses in need of behavior correction. Specialized training for horses in riding trails, trail challenges, extreme trail competitions and cowboy dressage will also be available. The CBHP will hold horse competitions, clinics and shows at the proposed facility.

The following buildings are proposed:

- Temporary Office, approximately 900 square feet in size.
- Indoor Arena, approximately 30,500 square feet in size and an additional 1,500 square foot residence (as depicted on "Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens," dated February 9, 2016).
- Ten shed pens with open runs on the southeast portion of the parcel, totaling approximately 2,880 square feet (Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens, dated February 9, 2016).
- Three shed pens with open runs on the north-central portion of the parcel, adjacent to the outdoor arena, totaling approximately 6,400 square feet (2,112 square feet per shed pen)
- Hay Shed, 7,500 square feet in size
- Compost facility up to approximately 1,200 square feet in size
- Picnic pavilion, 2,400 square feet in size
- Temporary barn for special events approximately 2,000 square feet in size

Outdoor facilities include:

- Outdoor arena and two round pens
- Five Horse turnouts
- Competitive trail course
- Trails
- Parking areas

Amendments to the application include but are not limited to:

The initial Land Use Change application did include tent and recreational vehicle camping opportunities. A portion of the subject parcel may be constrained by a covenant on the parcel set forth by White Buffalo Trading Company in 1995 which states:

- A. *No trailer, mobile home, basement dwelling, nor any other structure of a temporary nature may be erected or occupied on the above described Real Property for use as a permanent or temporary dwelling.*

- B. No abandoned vehicles (described as any vehicle or motor vehicle left outside of an enclosed structure and non-operative for a period of nine consecutive months) shall be permitted or located on the above described Real Property.*

There is a dispute over the covenant and its intention and applicability between the applicant and adjoining property owners. The County recognizes that this covenant is disputed. Kirsten Atkins, in an email dated May 9, 2017, amended the Land Use Change application, "We are writing to withdraw the camping portion of our proposal from the application by the Crested Butte Horse Park. We will not proceed with the camping at this time but reserve the right to bring it before the Planning Commission at a later date." This recommendation of approval is not a predeterminant of any future Land Use Change application on the subject parcels.

Property Description

The parcels are located at 20601 Hwy 135, legally described as a 6.1 acre tract in SW4SW4, Section 27 and a 66.1-acre tract in S2SE4 Section 28, Township 14 South, Range 85 West, 6th p.m. The parcel is on the west side of Highway 135 across from Cement Creek Road. The eastern half of the parcel is mostly dry and flat with sagebrush predominately vegetating the landscape. The western portion is a sloped area that is mostly dry with sagebrush. There is an irrigation ditch on the proposed 11.08-acre parcel that is noted on the proposed plat. The current Highway 135 access will be closed and a new Highway 135 access will be developed on the southeast corner of the parcel, in compliance with CDOT requirements.

PLANS/REPORTS/SUBMITTALS:

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

- Boundary Line Adjustment Plat, dated February 25, 2016 and prepared by All County Survey.
- Crested Butte Horse Park, Landscaping Plan, dated September 15, 2016 and prepared by Sprout Studio
- Crested Butte Horse Park, Master Plan, dated January 4, 2016 and prepared by Sprout Studio
- Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens, dated February 9, 2016.
- Preliminary Overall Grading Plan and Drainage Plan, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Plan and Profile Main Road, STA 1 + 100-13+00, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Plan and Profile Main road, 13+00-20+00 and Roundabout, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Plan and Profile Main Road STA20+00-END, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Arena Area Plan and Grading, dated April 6, 2017 and prepared by Williams Engineering.
- Auxiliary Turn Lane Assessment, Transportation Impact Study for Crested Butte Horse Park, Crested Butte, Colorado, dated May 25, 2016 and revised June 29, 2016, July 13, 2016, and April 28, 2017, prepared by McDowell Engineering, LLC.
- Crested Butte Horse Park Phasing Plan, dated February 8, 2017

IMPACT CLASSIFICATION:

The project, by definition is initially classified as a Major Impact pursuant to Section 7-101:A. The applicant requested the project be reduced to a Minor Impact classification.

The applicant addressed Section 3-111: B.1. *Additional Criteria* in Article 5 of their application materials and how the proposal comported with those criteria including:

- No additional turn lanes required on Highway 135 for proposed use
- Clients are encouraged to use the nearby RTA bus stop for transit
- CBHP will have four employees placing a minor demand on the school systems
- Additional public utilities including water and wastewater are not utilized for this proposal
- CBHP will implement preventative measures to minimize the risk of fire including storage of hay and wood shavings, installation of a fire suppression (sprinkler) system in the indoor arena, installation of

underground water storage cisterns for fire suppression and design of roads and buildings in compliance with Crested Butte Fire Protection District standards

- No foreseeable need for additional police services
- CBHP has prepared an emergency operations plan and met with representatives from Emergency Services to address safety and emergency response
- Limited impacts of noise because any amplified sound will be contained within the indoor arena and/or amplified sound at the outdoor arena will be limited to daylight hours—there will not be amplified sound used outside after dark.
- Odor from manure storage will be abated through the use of the Aerated Static Pile Composting system
- The parcel is a flat parcel adjacent to Hwy 135 and rises in elevation to the west toward Red Mountain. Impacts to the environment are expected to be minor.

At the December 2, 2016 Planning Commission meeting the Commissioners found that the application did comply with the additional impact criteria and reduced the impact classification from Major to Minor Impact. This recommendation hereby affirms that reduction in impact classification.

MEETING DATES:

Work Session	November 18, 2016
Work Session	December 2, 2016
Site Visit	December 2, 2016
Work Session	December 16, 2016
Work Session	January 20, 2017
Public Hearing	February 17, 2017
Public Hearing	March 3, 2017
Public Hearing	March 17, 2017
Public Hearing	May 12, 2017
Public Hearing	June 2, 2017

REVIEW AGENCY COMMENTS:

A copy of the application was sent to the following referral agencies for review and comment: Gunnison County Public Works, Gunnison County Environmental Health Official, Crested Butte Fire Protection District, Colorado Division of Parks and Wildlife, Colorado Department of Transportation, and Colorado Division of Water Resources.

CO Division of Water Resources, comments from Megan Sullivan, P.E. in a letter dated November 10, 2016 include but are not limited to:

...The end result would be an 11.08 acre Parcel 1A on which the applicant is proposing two residential units, a primary residence and an accessory residence/barn, and a 62.17 acre parcel 1B on which the equestrian center would be located which also would include a single family equivalent unit (a two bedroom apartment) in the indoor arena to be used for employee housing. The water for the entire property, equestrian center and residences, is to be supplied by CBHP water system, the source of which appears to be a well or wells. Sewage disposal is to be through on site waste water treatment systems (OSWWTS).

The applicant has currently contracted with the Upper Gunnison Water Conservancy District (UGWCD) for the purchase of 10.5 acre-feet of augmentation water to replace depletions associated with the operation of an existing well for Crested Butte Horse Park. The uses allowed under the UGWCD contract are ordinary household purposes inside three single family dwellings, the irrigation of 6.54 acres (285,000 square feet) of lawn and garden, the watering of 60 head of livestock, and drinking and sanitary purposes for the equestrian center...

...Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation issued to

Upper Gunnison River Water Conservancy District, for all wells in the subdivision and operates the wells in accordance with terms and conditions of said plan for augmentation. Provided the sustained well yield of the well(s) continues to be similar to results of the June 16, 2016 pump test, the proposed water supply is expected to be physically adequate for domestic purposes....

Follow-up comments from Megan Sullivan, P.E. in a letter dated May 24, 2017 include but are not limited to:

The CBHP application (receipt no. 3675784) for a well permit to operate an existing well, drilled as a monitoring well under permit no. 300767, as the water supply for the equestrian center and subdivision was denied on May 17, 2017 (denial file no. 14772-AD). The basis of the denial is statutory. Pursuant to C.R.S. 37-90-137(2), the State Engineer may not issue a well permit if the well is within 600 feet of another well. This requirement is not necessary if the State Engineer, after a hearing, finds that circumstances in a particular instance so warrant that a permit may be issued without regard to the 600 foot limitation. The hearing process was initiated, however, the applicant did not make an appearance at the setting conference and the Hearing Officer remanded the application to the Staff of the State Engineer for consideration of denial of the Application under C.R.S. 37 90 137(2)(b)(1)(B) and dismissed the case. Since the hearing was dismissed and the location of the well is within 600 feet of another well, the application was denied.

Because the application (receipt no. 3675784) to use the existing well was denied, in order to obtain a new well permit for the existing well or a well permit for a new well, a new application must be made. In either case, the statutory requirement of 600 foot spacing would still have to be met. We would not be able to issue a permit to use the existing well without a hearing since the well is within 600 feet of another well. However, if the applicant applies to construct a new well that would be located more than 600 feet from another production well, a hearing on 600 foot spacing would not be required. That being said, any well used to supply the equestrian center and subdivision would have to operate under an approved plan for augmentation. The applicant currently has a contract with the Upper Gunnison Water Conservancy District (UGWCD) for the purchase of 10.5 acre-feet of augmentation water to replace depletions associated with the operation of a well for Crested Butte Horse Park. An application for a new well permit would have to reflect the same uses and amounts as those provided in the contract with UGWCD.

Finally, if the applicant applies for and obtains a new well permit to operate the existing well (currently permitted as a monitoring well, permit no. 300767) to supply the equestrian center and subdivision, my comments in the November 10, 2016 letter remain the same. However, I understand that the applicant may change the proposal to not use the existing well but instead construct a new well in a different location on the property. If this is the case, I would note that as stated in CRS 30-28-133(3)(d), the subdivider is required to submit "Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. A report of this nature was not previously submitted, however a report was provided on a well pump test performed on the existing well in June of 2016. According to that report, the well was pumped a maximum of 40 gpm with a maximum drawdown of 1 foot. A note on the report indicated the recovery time for the well was 15 minutes. If the sustained well yield of a proposed new well is similar to results of the June 16, 2016 pump test on the existing well, that hypothetical proposed water supply is likely to be physically adequate for domestic purposes. Please note that the long term adequacy of any ground water source may be subject to fluctuation due to hydrological and climatic trends.

Crested Butte Fire Protection District, comments from Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief, Fire Marshal in four separate letters dated April 1, 2016; July 24, 2016; August 19, 2016; and January 6, 2017 include but are not limited to:

April 1, 2016: Comments noted specifics on access, water supply, water storage requirements for fire suppression, and fire protection systems.

July 24, 2016: Comments stated that access is approved.

August 19, 2016: Comments noted receipt of the packet for the proposed land use change.

January 6, 2017:

...After reviewing your proposal for compliance with adopted codes and ordinances, we have the following comments:

- 1. Size and location of cisterns and water wells shall be specified prior to construction. One water source with the capability for fire district connection shall be available for District use prior to storing combustible materials onsite.*
- 2. No smoking, open flames or ignition sources shall be allowed within 50 feet of the hay shed. 50 feet of clear parking, storage or hazardous activities shall be maintained.*
- 3. Fire extinguishers shall be required throughout your project, especially during construction. Specify type, size and location to be determined.*
- 4. Regarding the proposed Flight for Life landing zone. CBFPD responding personnel will determine the best landing zone for emergency helicopter response and will be incident specific.*
- 5. Full hook up parking areas shall be reviewed for compliance with NFPA 1194 (RV facilities).*

Colorado Parks and Wildlife, comments from Brandon Diamond, Area Wildlife Manager, in a letter dated November 10, 2016 include but are not limited to:

...A variety of wildlife may be encountered on the property throughout the year including mule deer and elk, black bears, mountain lions, raptors, coyotes, red fox, and a variety of migratory songbirds and small mammals.

I have met with project proponents previously, at which time we discussed several wildlife issues of concern. Based on the adjacent development and land use practices it is unlikely that the Horse Park will greatly increase the impacts to wildlife in the immediate area. However, Colorado Parks and Wildlife (CPW) recommend that two species be given specific consideration during the planning and development phases: black bear and elk.

Comments stated specific mitigations to avoid bear conflicts include storage of horse feeds and trash storage. Diamond stated that bear proof trash containers should be utilized, along with food storage containers or secure sheds for food storage and horse feed.

Diamond stated that elk find areas of refuge on private land where they are disturbed less frequently.

Salt. A variety of mineral will likely be stored on the property and will be made available to equines throughout the year. Salt is a powerful attractant to elk and other wildlife, and we strongly recommend that every effort is made to avoid having salt and/or mineral supplements available to wildlife. CPW has had issues with private landowners in the surrounding area putting out salt for wildlife. In Colorado, intentionally putting salt out to attract wildlife is illegal.

Hay. Hay storage facilities that are elk proof would minimize the potential for future conflict with elk. Even small groups of elk can consume significant amounts of hay in a short period of time, and create unnecessary burden for private landowners. CPW strongly encourages Horse Park managers to create secure hay storage facilities, eliminating potential for conflict with elk.

Artificially seeded rangeland. Any future efforts to enhance or modify grazing pasture/horse turn-outs should consider the potential to attract elk. To the north of the proposed Horse Park, conflicts with elk grazing on private land have escalated following conversion of native range to alfalfa. Elk, like most herbivores, will seek out the most succulent and nutritious forage available, which is something private land owners should consider prior to rangeland conversion.

Hunting. CPW has, and will continue to use hunting as the primary tool for managing big game populations. Hunting is deeply ingrained in the culture of Gunnison County, and is unquestionably an economic driver locally. CPW respectfully requests that private landowners continue to consider

regulated hunting on their lands. We recognize that in semi-developed areas, hunting must be conducted in a thoughtful, controlled manner, where public safety is first and foremost. In developments adjacent to the proposed Horse Park, strict prohibitions of hunting have led to unintended consequences such as conflict with neighboring agricultural operations, public discourse, and an inability by CPW to manage large herds of elk on private land refuges. We are not advocating for unlimited, intense hunting pressure; we are only asking that hunting remain a potential management option moving forward.

...CPW would encourage Horse Park managers to consider wildlife when planning new fence construction...We recommend that fence construction, whether of wire, wood, electric, or synthetic, be wildlife friendly (not exceed 42 inches in height, and not restrict movement of deer or elk)....

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 future employees and/or potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts.

Colorado Department of Transportation, comments from Dan Roussin, Region 3 Permit Manager in an email dated May 12, 2017 include but are not limited to:

CDOT has reviewed the updated traffic assessment and we are in agreement with the study. The revised study does not change any of the conclusions regarding the need for auxiliary lanes or the design hour volume. Some of the turn lane volumes changed slightly, but they are all still well below any of the auxiliary lane thresholds. The revised report does include more discussion about the traffic during special events. This is good, but it does not affect the access permit requirements of the existing permit.

An email dated March 31, 2017:

I hope to be more clear on SH 135 Crested Butte Horse Park (CBHP) access permit. CDOT has issued an access permit (#316089) for this project. The access permit volume was for 25 DHV. The 25 DHV on the permit was derived by the traffic study done by McDowell Engineering July 2016 study which looked at the typical day. DHV stands for Design Hourly Volume. Design Hourly Volume means an hourly traffic volume determined for use in the geometric design of highway. It is the 30th highest hour volume experienced in a one year period for that access. DHV is the same as peak hour volume. The access permit doesn't look at special events because the event is less than 30 times a year and we looked at DHV (30th highest volume experience at the access in one year). Special Events would not qualify with this access permit. Therefore, the county will need to review it with the applicant, CSP, and CDOT. CDOT can provide input once we get a better understanding what is CBHP special events in terms of traffic volume.

Special event review should be done by County's land-use process and with Colorado State Patrol (CSP) recommendation, and CDOT review of any special event traffic control to the highway. At this time, CDOT doesn't specially know the full extent of the special events. The study was general about special events. CDOT would recommend the county to work with the applicant's traffic engineer to come up with parameters in what is needed when there is a typical special event. The county will need to be the lead on this with the recommendation from CSP and CDOT.

Work with the applicant's traffic engineer and once you have a plan, please submit it to CDOT, and we will review it and provide specific comments on the plan. I hope this answers your questions on how we came up with the traffic numbers and what the access permit allows.

Gunnison County Environmental Health, comments from Crystal Lambert, Building and Environmental Health Official, in a letter dated November 16, 2016 include but are not limited to:

On parcel 2, the applicant is proposing commercial and residential uses.

The Gunnison County OWTS Regulations require that any OWTS that will serve a commercial use be:

- 1. Designed by a professional engineer.*
- 2. Receive only such biodegradable wastes for treatment as are compatible with those biological treatment processes that occur within a septic tank.*
- 3. Receive authorization by rule or a class V underground injection permit from the United States Environmental Protection Agency.*

With preparation and conscientious planning it is feasible that the parcels proposed in the Crested Butte Horse Park Land Use Change application may be able to each receive approval for OWT systems.

Gunnison County Public Works, comments from Marlene Crosby, Public Works Director, in an email dated November 14, 2016 include but are not limited to:

When I first reviewed the site plan I was concerned about the size of the parking spaces, but after reading the complete application the sizes seem reasonable compared to other RV parking sites and horse trailer parking sites at the Fred Field Center.

They are proposing 24' wide roads which meet our Standards. Access to HW #135 will be controlled by CDOT. The only concern that I might raise is whether or not dust will be an issue, not only for their operation, but also for their neighbors.

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

Section 6-103: Standards of Approval for Minor Impact Projects.

This Section is applicable, the proposed land use change complies with all applicable requirements of the Gunnison County *Land Use Resolution*. The proposed land use change is compatible with the character of existing land uses in the area and does not adversely impact the future development of the surrounding area. The proposed residential and commercial uses are similar in character and size to existing land uses in the area. The residential parcel is approximately 11.08-acres and is greater than two adjacent residential parcels and smaller than adjacent 35-acre parcels. The proposed commercial use will have features similar to the adjacent parcel to the south which includes a large indoor horse arena (for private use). The equine facility is compatible with and similar to the agricultural and ranching character of the East River Valley. There was testimony at the public hearing stating the need for an equestrian facility and its compatibility with agricultural history of the community.

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

This Section is applicable, any secondary uses proposed on the 11.08-acre parcel shall comply with this Section. A primary residence, secondary residence, and barn/accessory building are the only structures contemplated on the 11.08-acre parcel.

Section 9-200: Special Residential Uses.

This Section is not applicable. No special residential uses are proposed as part of this application.

Section 9-300: Commercial and Industrial Uses.

This Section is applicable, the proposed commercial use is required to comply with the applicable standards of this Section.

- 1. NON-RESIDENTIAL ACCESSORY USES.** Applicable, the applicant proposes an office and support areas relative to the commercial use.
- 2. FOOD SERVICE REQUIREMENTS.** Not applicable, no food service is proposed.

3. **ELECTRICAL DISTURBANCES.** Not applicable, no electrical disturbances are proposed or expected.
4. **FIRE AND EXPLOSIVE HAZARDS.** Not applicable, no fire and explosive hazards are proposed or expected.
5. **GLARE AND HEAT.** Not applicable, no glare or heat from commercial operations are proposed or expected.
6. **EXTERIOR LIGHTING.** Applicable, whenever exterior lighting is installed in commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 13-114: *Exterior Lighting*.
7. **ODORS.** Applicable, the applicant proposes to control odor from manure piles through the utilization of an Aerated Static Pile composting facility that does not release volatile organic compounds (VOC) that contribute to odor. They will also clean pasture areas to eliminate manure piles, odor and water quality impacts.
8. **RADIOACTIVITY.** Not applicable, no radioactivity is proposed or expected.
9. **VIBRATION.** Not applicable, no vibration is expected or proposed.
10. **NOISE.** Applicable, the commercial use shall be conducted so that any noise produced is not objectionable because of intermittence, beat frequency, or shrillness regardless of db(A) measurement. Sound levels of noise radiating 25 or more feet beyond the subject property boundary in excess of the db(A) established for the following time periods and uses may be considered a public nuisance as listed in Table 2: *Maximum Permissible Noise Levels for Commercial and Industrial Uses*. Noise will be mitigated through the installation of an earth berm. The applicant has also stated that amplified sound will be contained within the indoor arena and any amplified sound utilized outside will not be allowed after dark.

Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*

This Section is not applicable, no mineral or construction material exploration, extraction and/or processing is proposed as part of this application.

Section 9-500: *Miscellaneous Uses and Activities.*

This Section is applicable, the applicant is proposing to hold recurring events and construct a temporary office at the 62.21-acre parcel. The events contemplated in the project description of this proposal will not require a separate special event permit for each event. The applicant has agreed to contact emergency services personnel and local law enforcement each year to notify them of the event calendar at CBHP and provide a copy of the CBHP safety plan. The temporary office shall obtain the applicable building permits prior to construction and/or installation.

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

This Section is applicable, the existing parcels of land are configured as two parcels, each larger than 35-acres. Because the applicant seeks to create two parcels, one which is 62.21-acres and the second which is 11.08-acres the County has reviewed that configuration as a subdivision for the creation of a parcel less than 35-acres. The subject parcels are not adjacent to a population center nor are they within a municipal three mile plan area. The subdivision of the parcels with one parcel less than 35-acres and one parcel larger than 35-acres limits impacts to the neighborhood. The number of residential units proposed include a primary and secondary residence on the 11.08-acre parcel and a primary residence on the 62.21-acre parcel.

Section 10-103: *Residential Density.*

This Section is applicable, the proposed lot size and lot density is substantially similar to neighborhood parcels. The neighborhood includes parcels greater than 35-acres and several parcels substantially smaller than 35-acres (1.5-7-acres). The proposed density and configuration of the parcels is similar because the existing density of the parcel would allow for residential development on two 35-acre parcels.

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

This Section is applicable, the alternative locational standards apply to this proposal because the parcel is not adjacent to an incorporated municipality nor is within a municipal three mile plan area. The applicant has stated that the location is necessary due to the size of the parcel needed for an equestrian operation and covenants that

may be associated with other parcels closer to a municipality. The location is well-suited to the specific use because the size enables the applicant to have ample room to graze horses, area for equestrian facilities, horse trailer parking, and proper buffering for neighbors. The applicant stated that there are no other known parcels which provide the size, flat terrain, and easy and nearby access needed for the proposed use. The public has submitted comments that there is a need for a public horse boarding facility and equestrian center for training and instruction.

The applicant states that the proposed use is compatible with uses established in the impact area. Adjacent and nearby uses include residential and agricultural. The applicant has stated that the proposed use is similar to other agricultural uses in appearance. An adjacent parcel to the south also has an indoor equestrian arena.

No significant net adverse effect is expected due to mitigation and project design measures that the applicant has submitted as part of this application including but not limited to: noise control, odor mitigation, dust control, berming, landscaping and road design.

Section 11-102: *Voluntary Best Management Practices.*

Applicants are encouraged to utilize best management practices described in this Section. The applicant described their plan to implement best management practices in Article 5 of the application. The applicant describes practices to produce optimum vegetation, reduce sedimentation load, minimize soil erosion, and control water loss.

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

This Section is not applicable, the subject parcel is not within the mapped 100-year floodplain.

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

This Section is applicable, the upper portion of the subject parcel is in an area of geologic hazards mapped as unstable slopes. The lower (east) portion of the parcel is not in an area of geologic hazards and the development of structures has been limited to the portion of the parcel not in a geologic hazard.

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

This Section is applicable, the subject parcel is in an area of low wildfire hazard. A copy of the application was referred to Crested Butte Fire Protection District (CBFPD) whose comments are noted above. The applicant has stated their intention to install a fire suppression system in the indoor arena, along with onsite water storage, in compliance with CBFPD standards.

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

This Section is applicable, the application was referred to the Division of Parks and Wildlife (CPW) and their comments are noted above. The applicant has stated their intention to install bear proof trash containers and are storing hay in an enclosed facility. Any fencing shall be in compliance with CPW Wildlife Friendly fencing recommendations. The applicant has stated that fencing will not be installed on the sloped, western portion of the parcel to allow for wildlife migration. The applicant shall comply with the recommendations from CPW.

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

This Section is not applicable, there are no water bodies, as defined by the Gunnison County *Land Use Resolution*, on the subject parcel.

Section 11-108: *Standards For Development On Ridgelines.*

This Section is not applicable. The site is not located on a ridgeline.

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

This Section is applicable, the parcel is adjacent to agricultural lands. Impacts to agricultural shall be minimized or eliminated. There is an irrigation ditch on the 11.08-acre parcel and the draft "Atkins Minor Impact Subdivision Plat," has shown the required 25-foot setback from the ditch bank. The applicant has also included language on the plat regarding fence-out requirements, domestic animal controls and irrigation ditch maintenance. The proposed access road is not adjacent to an agricultural operation and therefore should have no impact on an agricultural operation.

Section 11-110: Development Of Land Beyond Snowplowed Access.

This Section is not applicable, the site is not located beyond snowplowed access.

Section 11-111: Development On Inholdings In The National Wilderness.

This Section is not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: Development On Property Above Timberline.

This Section is not applicable, the site is not located above timberline.

Section 12-103: Road System.

This Section is applicable, a copy of the application was referred to Gunnison County Public Works and the Colorado Department of Transportation. The applicant submitted a traffic study, "Auxiliary Turn Lane Assessment, Transportation Impact Study, for Crested Butte Horse Park, Crested Butte, Colorado," dated May 25, 2016 and revised June 29, 2016 and April 28, 2017, prepared by McDowell Engineering. The applicant proposes a single access point on the south end of the 11.08-acre parcel that will be utilized for both parcels. The current, existing access will be closed. CBHP has received an Access Permit No. 316089 from the Colorado Department of Transportation, dated February 13, 2017.

The report from McDowell Engineering concluded:

Based upon the above operations, the applicant's Horse Park facility can expect 158 vehicle trips per day, or 206 passenger car equivalent vehicle trips per day. The morning peak traffic hour is anticipated to occur at 10:00am as guests arrive. The site access can anticipate 16 incoming and 9 outgoing Passenger Car Equivalent vehicle trips during the morning peak hour. The evening peak hour is anticipated at 2:00pm as some guests depart. The site access can anticipate 13 incoming and 11 outgoing Passenger Car Equivalent vehicle trips during the afternoon peak hour. Table 1 contains the "passenger car equivalent" calculations to account for the impact of larger vehicles. Per the applicant, this is a generous approximation of the potential operations on the site and represents a conservative traffic impact for the scope of the project that may be approved.

State Highway Access Permits:

A new State Highway Access Permit will be required for the proposed site access to SH 135. The access will be permitted for typical operations and not for special events.

Auxiliary Turn Lanes:

The traffic volumes generated by this development are not anticipated to require the construction of auxiliary turn lanes on SH 135. Based upon review of the proposed operations, SH 135 characteristics, and traffic forecasts; there are not any foreseen safety or operational reasons to recommend auxiliary lanes or other highway improvements.

Access Construction:

The site access has adequate sight distance in both directions that exceeds the 935' requirement in Table 4-2 of the Access Code. This sight distance is measured from a point 10 feet back from the edge of the roadway. There are no horizontal or vertical deflections in SH 135 that would prevent this sight distance from the Crested Butte Horse Park access.

The proposed access shall be constructed per Section 4 of the Access Code. Gunnison County regulations will also apply.

Special Events:

The applicant shall notify the Colorado State Patrol in advance of special events. The applicant shall provide temporary traffic control on Highway 135 for events with over

50 vehicles. The traffic control signage shall comply with CDOT's Standard Plan S-630-

1. Refer to Table 4.

There was public comment regarding the safety of the access and the need for auxiliary turn lanes on Highway 135 for accessing the parcel. Comment specifically stated concerns related to traffic volume related to special events (horse shows, competitions, etc.) that the applicant proposes. The applicant submitted a revised traffic study which included updated traffic counts based on anticipated customer, staff and residential use at the parcels. The revised study (as noted above) concluded that no additional auxiliary turn lanes are required.

Dan Roussin, CDOT Permit Unit Manager, reaffirmed, in an email dated May 12, 2017, that, "CDOT has reviewed the updated traffic assessment and we are in agreement with the study. The revised study does not change any of the conclusions regarding the need for auxiliary lanes or the design hour volume. Some of the turn lane volumes changed slightly, but they are all still well below any of the auxiliary lane thresholds. The revised report does include more discussion about the traffic during special events. This is good, but it does not affect the access permit requirements of the existing permit."

As CDOT indicated in their comments, dated March 31, 2017, special events are not necessarily included in the review of traffic counts. At the recommendation of CDOT and the Gunnison County Undersheriff Randy Barnes, staff contacted Captain Laurie Hadley, Local Commander for Gunnison/Montrose at the Colorado State Patrol office. As described in an email to the Planning Commission from Cathie Pagano on April 10, 2017, in a phone conversation between Captain Hadley and Cathie Pagano on April 10, 2017, Pagano stated:

I spoke with Captain Hadley at the Colorado State Patrol office this afternoon regarding the Crested Butte Horse Park project. I explained the application to her and let her know that CDOT had suggested we contact CSP regarding the "special events" (competitions, shows, etc.) that are proposed at the horse park. I told her that the neighbors have expressed concerns related to traffic, safety and the need for turn lanes and/or accel/decel lanes. Captain Hadley said they have a close working relationship with CDOT and would like to see how the first year of operations go to determine if any changes or improvements are required. Hadley said similar concerns were expressed when the I-Bar ranch was approved and they have not had issues with traffic safety at that site.

I told her that the applicant has offered to submit a safety plan and events calendar each year to CSP, the Sheriff, Fire District and emergency services so that they'd be apprised of events. Captain Hadley felt that would be useful tool for her department in planning and monitoring traffic and safety. She did not see a need to change the current CDOT access permit, specifically as it relates to special events.

Staff also reached out to Undersheriff Randy Barnes on April 26, 2017 for comments on traffic related to special events. Barnes responded in an email dated April 28, 2017, "Being that this is going to affect mostly the state highway I have no concerns."

The applicant has agreed to submit a special events calendar and safety to plan to law enforcement and emergency services personnel on an annual basis.

Section 12-104: Public Trails.

This Section is not applicable, there is no public trail existing or proposed on this site. The applicant is proposing the development of trails for the commercial equestrian operation that will be located on the western portion of the parcel and are identified on the "Master Plan" prepared by Sprout Studio.

Section 12-105: Water Supply.

This Section is applicable, a copy of the application was referred to the Colorado Division of Water Resources, comments from Megan Sullivan, P.E. are noted above. The applicant initially drilled a monitoring well less than 600 feet from a neighboring well; the State engineer may not issue a well permit if the well is within 600 feet of another well. As noted in the above comments the application was denied because the applicant did not attend the hearing. Hansens stated at the Planning Commission public hearing that he would abandon the existing monitoring well and re-drill a new well outside of the 600 foot setback requirement.

The relocation of the well does not substantively affect the State's opinion that the "that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation issued to Upper Gunnison

River Water Conservancy District, for all wells in the subdivision and operates the wells in accordance with terms and conditions of said plan for augmentation.” Sullivan states in the May 24th letter that, “if the sustained well yield of the proposed new well is similar to results of the June 16, 2016 pump test on the existing well, that hypothetical proposed water supply is likely to be physically adequate for domestic purposes.”

The applicant has contracted (Contract No. ASP16-185A) with the Upper Gunnison River Water Conservancy District for 10.5 acre-feet of augmentation water. The applicant has stated that they will drill one well which will provide the water supply for both parcels.

Section 12-106: Sewage Disposal/Wastewater Treatment.

This Section is applicable, the applicant is proposes that On-site Wastewater Treatment Systems be installed for each parcel. Gunnison County Environmental Health Crystal Lambert stated (see comments above) that it is feasible to install OWTS in the proposed development. The applicant has noted that they have contracted with Williams Engineering to design the onsite wastewater treatment systems.

Section 12-107: Fire Protection.

This Section is applicable, the proposed development is located within the Crested Butte Fire Protection District and their comments have been identified above. The applicant has stated that they will install a fire suppression system in the indoor arena, along with cisterns for water storage to supply the suppression system. The applicant stated in Article 5, page 19 of their application that they will be taking several steps to minimize the risk of fire on the property including storing the hay in a roofed structure that is located away from other buildings on the parcel. The CBFDP has noted in their above comments, conditions that are required to be met prior to construction of the buildings.

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

This Section is applicable, the applicant submitted, “Crested Butte Horse Park, Master Plan, dated December 13, 2016 and prepared by Sprout Studio.” The site plan for this proposed development meets the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site.

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

This Section is applicable, the applicant submitted, “Crested Butte Horse Park, Master Plan, dated December 13, 2016 and prepared by Sprout Studio.” The proposed improvements meet the commercial and residential setback requirements. The proposed development complies with all setback requirements adjacent to other parcels.

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

This Section is applicable, the applicant has proposed a primary and secondary residence on 11.08-acre parcel and a primary residence on the 62.21-acre parcel. The applicant stated that the residential unit on the 11.08-acre parcel shall be no larger than 3,000 square feet; the secondary residence along with garage shall be no larger than 2,500 square feet. The employee housing unit on the 62.21-acre parcel is proposed to be approximately 1,500 square feet.

Section 13-106: Energy and Resource Conservation.

This Section is applicable, this section will be applied at the time of building permit application.

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

This Section is applicable and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: Open Space And Recreation Areas

This Section is applicable, a commercial use is required to provide open space by including landscaping elements and setbacks from property lines. The applicant has submitted a “Landscape Plan” prepared by Sprout Studio and dated September 15, 2016. The landscape plan includes the installation of 130 trees and 390 shrubs, along with berms along the eastern property line of the parcel to mitigate impacts to the Gallowich, Fore and Doll parcels and Highway 135. The applicant stated that they will maintain 49.47 acres (on the 62.21-acre parcel) as open space for pasturing of horses and horse riding trails.

Section 13-109: Signs.

This Section is applicable, the applicant has submitted a design for a sign for the proposed equestrian facility. The sign is 40 square feet and will be located near the entrance to the parcel from Highway 135. A second sign, 28 square feet in size, is also proposed at the entrance to the 62.21-acre parcel. Section. 13-109: E. 16.b. of the Gunnison County *Land Use Resolution* allows only one sign per commercial use. The applicant is seeking a variance from this Section. The second sign is within the subdivision and will not be visible to the public from the public roadway, there is no harm to public safety and there is a need to notify the customers of the rules and regulations of the facility. The applicant has not created his own hardship, there is a need to identify the business from the Highway and also provide information to customers within the parcel.

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

This Section is applicable, individual parcels and uses are required to comply with this Section. **The applicant has depicted multiple parking locations on the “Master Plan.” There are parking areas for passenger vehicles and horse trailers, along with designated overflow parking areas. Appendix Table 3 of the LUR requires one parking space per five stall for a stable or one parking space per four stalls for a riding school. The applicant has 70 horse stalls on the parcel and has sufficient parking to accommodate customers and staff, in compliance with this Section.**

Section 13-111: Landscaping And Buffering.

This Section is applicable, the applicant has submitted a “Landscape Plan” prepared by Sprout Studio and dated September 15, 2016. The landscape plan includes the installation of 130 trees and 390 shrubs, along with the installation of a berm landscaped with trees, shrubs and grass seed mix as described on the Landscape Plan. The landscaping has been designed in a manner to reduce noise and visual impacts between the subject parcel and the adjacent property owners to the northeast.

Section 13-112: Snow storage.

This Section is applicable, there is adequate room for snow storage on the parcel. Gunnison County Public Works has not identified any concerns related to snow storage.

Section 13-113: Fencing

This Section is applicable, this section applies and any fencing proposed shall comply with this section and the recommendations of Colorado Parks and Wildlife that wildlife friendly fencing be utilized, as described in their comments above. The applicant has depicted the locations of fences and corrals on the “Master Plan,” and does not intend to fence the upper (west) portion of the parcel to allow for wildlife migration.

Section 13-114: Exterior Lighting.

This Section is applicable, this section applies and any exterior lighting proposed shall comply with this section. Additionally, commercial uses are required to comply with the exterior lighting requirements of Section 9-301: D.6. *Exterior Lighting.*

Section 13-115: Reclamation And Noxious Weed Control.

This Section is applicable, the applicant has submitted a “Weed Management Plan” prepared by Jon Mugglestone, Gunnison County Weed Coordinator, describing control of noxious weeds and reclamation of disturbed areas. The applicant has submitted a reclamation permit to the County and reclamation of disturbed areas will be included in the Development Improvements Agreement.

Section 13-116: Grading And Erosion Control.

This Section is applicable, a grading plan prepared by Williams Engineering and dated April 5, 2017 was submitted in compliance with this Section. The applicant shall comply with the standards of this Section.

Section 13-117: Drainage, Construction And Post-Construction Stormwater Runoff.

This Section is applicable, a grading and drainage prepared by Williams Engineering and dated April 5, 2017 was submitted in compliance with this Section. Adjacent property owners have noted concerns related to drainage patterns. The applicant submitted a stormwater management plan in Article 12 of the application. The

applicant stated in a response dated May 26, 2017 that states: “our retention ponds will be planted with grass to help prevent the intrusion of invasive species. The CBHP will be monitoring and cleaning the culverts in October and again when the snow clears in the beginning of May. Cleaning the culverts will assure flow of water out of the retention ponds.” The applicant has obtained a Stormwater Discharge permit from the State of Colorado dated August 31, 2016

Section 13-118: *Water Impoundments.*

This Section is not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

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

This Section is applicable, the proposed development has been designed in a manner to ensure compatible uses. The applicant has included best management practices to produce optimum vegetation, reduce sedimentation load, minimize soil erosion, and control water loss. Measures to control dust, reduce illumination from vehicles and exterior lighting, landscaping elements to create a buffer, and odor control measures for manure. The applicant has demonstrated in the application methods to eliminate, minimize and/or mitigate impacts to adjoining lands through the above measures.

Additional compatibility requirements described in this Section that have been included in this application are:

- Noise will be mitigated through the installation of an earth berm, along the eastern property line adjacent to the Gallowich, Fore and Doll parcels. The applicant has also stated that amplified sound will be contained within the indoor arena and any amplified sound utilized outside will not be allowed after dark.
- Lighting impacts to adjacent properties will be mitigated through the installation of the berm to prevent headlights from shining in or on to the Gallowich, Fore and Doll parcels. Exterior lighting is required to be confined to the site.
- The applicant has submitted a landscaping plan proposing the installation of the landscape berm, 130 trees and 390 shrubs.
- The applicant proposes to control odor from manure piles through the utilization of an Aerated Static Pile composting facility that does not release volatile organic compounds (VOC) that contribute to odor. They will also clean pasture areas to eliminate manure piles, odor and water quality impacts.
- The applicant has developed a dust control plan that includes the screening and storage of graded dirt during construction in the southwest corner of the 11.08-acre parcel to reduce the impact of dust along with reseeding of disturbed areas. During operations the applicant will water the outdoor arena on an as needed basis to limit the impact of dust from riding activities.

Article 15: *Right-to-Ranch Policy.*

This Section is applicable, the applicant shall comply with the standards of this Section. The applicant has included language on the plat regarding fence-out requirements, domestic animal controls and irrigation ditch maintenance. The proposed access road is not adjacent to an agricultural operation and therefore should have no impact on an agricultural operation.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. This application was initially classified as a Major Impact. The Planning Commission reviewed the additional impact criteria in Section 3-111: B. Criteria for Classifying Impact and found that reducing the impact classification to a Minor Impact met the criteria of that Section. This recommendation hereby affirms that reduction in impact classification.
2. The applicant owns two parcels of land each greater than 35-acres and seeks to reconfigure the two parcels to create one 62.21-acre parcel and one 11.08-acre parcel, necessitating a subdivision review by Gunnison County.
3. The applicant has contracted (Contract No. ASP16-185A) with the Upper Gunnison River Water Conservancy District for 10.5 acre-feet of augmentation water.
4. The sign request and variance are approved.

5. The density and lot size of the proposed lots are substantially similar to other lots in the neighborhood.
6. The applicant has submitted a request to include two signs on the parcel.
7. The applicant has removed the camping component from the application in an email dated May 9, 2017.
8. Equestrian events at the subject parcel include but are not limited to horse competitions and shows.
9. The proposed use is compatible with the agricultural and equestrian community character of the Gunnison Valley and that the use is also compatible with neighboring uses which include a similar sized equestrian arena, agricultural and residential uses. The applicant has included mitigation measures to address concerns related to noise, drainage, dust, visual impacts.
10. The applicant has obtained a Stormwater Discharge permit from the State of Colorado dated August 31, 2016
11. Best management practices to produce optimum vegetation, reduce sedimentation load, minimize soil erosion, and control water loss have been included within the application.
12. A dust control plan has been submitted.
13. The applicant has stated that they will install a fire suppression system and underground water storage tanks to supply that suppression system, in compliance with Crested Butte Fire Protection District standards.
14. The applicant has submitted covenants for the single-family residence on the 11.08-acre parcel including a size limitation of 3,000 square feet for the primary residence and 2,500 square feet for the accessory building which may include a secondary residence.
15. The draft plat includes language relative to Colorado's fence-out requirements, irrigation ditch maintenance and domestic animal control for protection of agricultural operations.
16. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-16-00005 be classified as a Minor Impact Final Plan and be approved with the following conditions:

1. The proposed temporary office shall comply with Section 9-500 and with any applicable building code requirements.
2. Separate special event permit(s) shall not be required. The equestrian events have been contemplated and reviewed as part of this application.
3. At the time of building permit application for any of the structures on the parcels, all requirements set forth by the Crested Butte Fire Protection District shall be met.
4. A Class V Underground Injection Well or authorization by rule shall be obtained from the U.S. Environmental Protection Agency prior to issuance of an Onsite Wastewater Treatment System permit.
5. All exterior lighting shall comply with Sections 9-301: D.6. and 13-114 of the Gunnison County *Land Use Resolution*.
6. A well permit shall be obtained prior to issuance of any building permits and/or construction of any residential unit(s) in compliance with all requirements of the Colorado Division of Water Resources.
7. Dust control measures as described in the application including screening, storage and watering of materials shall be utilized during construction and the commercial operation.
8. The recommendations of the Colorado Parks and Wildlife shall be adhered to including but not limited to:
 - 1) Bear-proof trash containers and secure storage for horse feed be installed and utilized on the subject parcels.
 - 2) Salt shall not be used to attract wildlife
 - 3) Elk proof hay storage
 - 4) Any fencing installed shall be wildlife friendly (not exceed 42 inches in height and not restrict movement of deer and elk).
9. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney and Board of County Commissioners, shall be executed by the Board of County Commissioners, prior to recordation of the final plat, addressing the infrastructure improvements defined in the following plans:
 - Boundary Line Adjustment Plat, dated February 25, 2016 and prepared by All County Survey.

- Crested Butte Horse Park, Landscaping Plan, dated September 15, 2016 and prepared by Sprout Studio
 - Crested Butte Horse Park, Master Plan, dated December 13, 2016 and prepared by Sprout Studio
 - Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens, dated February 9, 2016.
 - Preliminary Overall Grading Plan and Drainage Plan, dated June 2, 2017 and prepared by Williams Engineering.
 - Preliminary Plan and Profile Main Road, STA 1 + 100-13+00, dated June 2, 2017 and prepared by Williams Engineering.
 - Preliminary Plan and Profile Main road, 13+00-20+00 and Roundabout, dated June 2, 2017 and prepared by Williams Engineering.
 - Preliminary Plan and Profile Main Road STA20+00-END, dated June 2, 2017 and prepared by Williams Engineering.
 - Preliminary Arena Area Plan and Grading, dated April 6, 2017 and prepared by Williams Engineering.
 - Auxiliary Turn Lane Assessment, Transportation Impact Study for Crested Butte Horse Park, Crested Butte, Colorado, dated May 25, 2016 and revised June 29, 2016, July 13, 2016, and April 28, 2017, prepared by McDowell Engineering, LLC.
 - Crested Butte Horse Park Phasing Plan, dated February 8, 2017
10. That a cost estimate, stamped by a Colorado-licensed engineer, for all proposed infrastructure improvements and phases be submitted prior to review by the Gunnison County Board of Commissioners.
 11. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent.
 12. A calendar of events and safety plan shall be submitted to Law enforcement officials (CO State Patrol and Gunnison County Sheriff) and emergency services personnel on an annual basis.
 13. Temporary traffic control on Highway 135 shall be provided for events with greater 50 vehicles.
 14. The retention and drainage facilities shall be regularly inspected and maintained as described by the applicant in a response dated May 26, 2017.
 15. The equestrian operation shall be maintained in a manner that complies with all local, State and Federal requirements including but not limited to traffic thresholds and water permitted for watering livestock.
 16. The final covenants shall include language that amendment or termination of the protective covenants or restriction is subject to approval by Gunnison County.
 17. 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*.
 18. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
 19. 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.
 20. 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.
 21. 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.

Public Service Company of Colorado- LUC-17-00009: The Gunnison County Planning Commission conducted a continued public hearing/ possible action. They discussed the request for the construction of a natural gas compressor station and associated compressor station facilities, east of the City of Gunnison, adjacent to Signal Peak Industrial Park to provide additional distribution capacity. In coordination with the Compressor Station Project PSCo is also proposing to replace a segment of the existing 6-inch Gunnison Upper Arkansas Lateral transmission pipeline located in the City of Gunnison and Gunnison County, located approximately one

mile east of the City of Gunnison, south of Highway 50, and the upgraded pipeline will run along the south right of way on Highway 50, into the municipal limits of the City of Gunnison.

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

Present representing the Planning Commission; Commissioners Fulton, Diani, Cattles, Mugglestone, Coleman, and Rogalski

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

Present representing the application; Jason Mauch.

Starkebaum noted no additional public comments have been received.

The commissioners reviewed the draft decision.

Fulton closed the public hearing at 1:15 P.M.

Moved by Rogalski seconded by Fulton to approve LUC-17-00009, Public Service Co. of Colorado construction of a natural gas compressor station and associated compressor station facilities and a segment of pipeline. The motion passed unanimously. .

PROJECT DESCRIPTION:

PSCo is proposing to construct a natural gas compressor station and associated compressor station facilities, east of the City of Gunnison, adjacent to Signal Peak Industrial Park. In coordination with the Compressor Station Project, PSCo is also proposing to replace a segment of the existing 6-inch Gunnison Upper Arkansas Lateral transmission pipeline located in the City of Gunnison and Gunnison County.

The Compressor Station Project will increase the throughput of PSCo's existing 6-inch Gunnison Upper Arkansas Lateral transmission pipeline that serves Atmos Energy, a local distribution company, thereby providing additional capacity for the future needs of Atmos Energy's customers. Atmos Energy has requested additional capacity to support customer growth within its service area.

The Compressor Station will consist of a compressor unit enclosed in a pre-engineered steel building, with additional insulation package for sound attenuation and temperature protection, along with associated facilities at the station (e.g., a motor control building containing electrical controls for the station). The compressor unit will primarily operate only on the coldest days during the peak winter heating months (December–February) to meet peak natural gas demand requirements.

The compressor station site will consist of a fenced area approximately 185 feet by 400 feet that will be cleared and excavated to construct the main compressor building, motor control building, aboveground gas valve set and other related underground piping and facilities. Access to the compressor station site will be from a private drive from Industrial Park Road and an additional emergency access through the existing haul road on the Tomichi Materials property.

A 6-foot-high chain-link fence with a 1-foot-high three-strand barbed wire outrigger will surround the facilities to provide security and deter trespassing near the facility. The compressor station will be unmanned, but remotely monitored 24/7 by gas control personnel from the PSCo operations center. No proposed water wells and septic systems are included in this Project, as the facility will be an unmanned. However, the facility will be periodically visited by area gas operations personnel to perform routine maintenance and check on equipment.

The applicant has obtained perpetual non-exclusive easements with the affected landowners for the compressor station and pipeline alignment.

LOCATION:

The Compressor Station will be located approximately one mile east of the City of Gunnison, south of Highway 50, and the upgraded pipeline will run along the south right of way on Highway 50, into the municipal limits of the City of Gunnison, in the S1/4NE1/4 Section 4, Township 49 North, Range 1 East, N.M.P.M.; 41883 US Highway 50.

ADJACENT LAND USES:

The adjacent land to the west and east are industrial uses.

PLANS/REPORTS/SUBMITTALS:

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

- Minor Impact Land Use Change Application and exhibits, site plans and attachments
- Xcel Energy Gunnison Compressor Station Floodplain Analysis, Tetra Tech, April 20, 2017
- Gunnison Valley Partners Permanent Gas Easement document
- Donna R. Bratton Permanent Gas Easement document

This review and Decision 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.

REVIEW AGENCY REFERRAL COMMENTS:

The following entities or agencies provided referral comments.

Gunnison County Fire Protection District:

No written comments have been received, but in a staff conversation with Dennis Spritzer, Fire Marshal, April 6, 2017, he noted that he had no concerns with the proposed development.

Gunnison County Wildlife Conservation Coordinator:

Brooke Vasquez, Wildlife Biologist, NRCS; memo of April 13, 2017, states:

1. "Based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison sage-grouse or their habitats.
2. Because there are Gunnison sage-grouse in the general area, I recommend the following requirements be applied as a condition of all Gunnison County permits issued for these projects to protect Gunnison sage-grouse:
3. A Gunnison County Reclamation Permit is not recommended for these projects unless the surface disturbance is 10,000 sq. ft. or more. That permit will contain specific reclamation conditions. Disturbed areas must be reseeded with an approved seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.
4. Property owners/Rights of Way holders must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weed-species. The Gunnison County Weed Management Program should be contacted (970- 641-4393) for additional information and technical assistance.
5. Per Section 11-106 G.3.d.1. of the Gunnison County Land Use Resolution, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
6. Additional Notes:
7. To help protect Gunnison sage-grouse habitat, it is recommended that all disturbed areas be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix."

SITE VISIT:

The Commission members did not hold a site visit, as all of the members were very familiar with the proposed location.

PUBLIC HEARING:

A public hearing was held on May 19, 2017 and continued to June 2, 2017; at that time the following members of the public were present:

- Dave Cappellucci, who lives close to the west end of the pipeline, within the City of Gunnison, asked about the San Juan Street distribution facility.
- Lee Ann Mick asked exactly where the station will be exactly, as it relates to Signal Peak Industrial Park.
- Aaron MacLennan – noted his concerns with potential noise from the compressor station.
- Shan Hays – asked about how the exhaust was ported from the compressor station.

Written comments:

- Shan Hays, letter of May 18, 2017

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

MEETINGS WITH PLANNING COMMISSION:

April, 21, 2017 – Work session

May 19, 2017 - Public Hearing

June 2, 2017 – Continued public hearing

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

Section 9-301: Commercial and Industrial Uses.

The applicant is proposing a natural gas compressor facility and installation of a 6” pipeline in a new alignment.

D. General Standards:

D.1: Non Residential Accessory Uses: Not applicable.

D.2: Food Service Requirements: Not applicable.

D.3: Electrical Disturbances: No use of equipment that creates electrical disturbances is anticipated at the site.

D.4: Fire and Explosive Hazards: No materials or products that decompose by detonation are proposed to be stored at the site. While natural gas is a potential fire and explosive hazard, multiple safety systems are built into the facility, including an emergency shut down system that can detect abnormal conditions such as unanticipated pressure drop or natural gas leakage, isolation units and ongoing maintenance and integrity testing.

D.5. Glare and Heat: No glare or heat producing activities are anticipated or expected at the site.

D.6. Exterior Lighting: The exterior lighting shall be designed so that all direct rays and glare are confined to the subject parcel.

D.7. Odors: No odors are anticipated or expected.

D.8. Radioactivity: No radioactive materials are proposed to be stored on site.

D.9. Vibration: No activities that cause vibration are expected to occur along the property boundaries.

D.10. Noise: No significant noise will be generated by the compressor facility. The applicant has provided documentation that the compressor facility includes mitigation to minimize noise, mainly by having the compressor engine located within an enclosed, insulated building. Any noise generated from the facility will be below the applicable decibel levels identified in the Land Use Resolution.

Section 10-102: Locational Residential Development:

Not applicable. No residences are proposed.

Section 10-103: Residential Density:

Not applicable. No residences are proposed.

Section 10-104: Locational Standards for Commercial, Industrial and Other Non-Residential Development

Public Service Company is a public utility. The compressor station is essential to the public welfare to ensure a continued adequate supply of natural gas for the distribution area and the location provides a suitable site, mitigated by virtue of the location, and is therefore exempt from *Section 10-104: Locational Standards for Commercial, Industrial and Other Non-Residential Development*.

Section: 11-102: *Voluntary Best Management Practices*

Voluntary; not mandated.

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

The compressor facility is not located within an area subject to flood hazards, according to County mapping and according to the Tomichi Creek floodplain analysis, submitted with the application.

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

The subject parcel is not located within an area of geologic hazards, according to County mapping.

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

The subject parcel is in a low wildfire hazard area, according to County mapping.

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

Comments were received from Brooke Vasquez, Wildlife Biologist, NRCS; memo of April 13, 2017. No on-site impacts to Sage-grouse were identified.

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

Not applicable. The site is not located within 125 feet of a water body.

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

Not applicable. Adjacent lands are non-agricultural lands.

Section 12-103: *Road System.*

Access to the compressor station site will be from a private drive from Industrial Park Road and an additional emergency access through the existing haul road on the Tomichi Materials property.

Section 12-104: *Public Trails.*

Not applicable. No trails are proposed.

Section 12-105: *Water Supply.*

Not applicable. No water use is required for the facility.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*

Not applicable. No wastewater treatment is required.

Section 12-107: *Fire Protection.*

A referral was sent to Dennis Spritzer, GCFPD. No written comments have been received, but in a staff conversation with Dennis on May 23, 2017, he noted that he had no concerns with the proposed development.

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

The proposed location complies with property line setback requirements. Site Plan submitted with application.

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

Not applicable. No installation of solid-fuel burning devices is contemplated in this application.

Section 13-108: *Open Space and Recreation Areas*

Not applicable. No open space is required for this use.

Section 13-109: *Signs.*

Signs, if required, are subject to this Section.

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

The site provides sufficient off-road parking and loading.

Section 13-111: Landscaping and Buffering.

The existing landscaping will be utilized.

Section 13-112: Snow storage.

Sufficient area is available for snow storage.

Section 13-113: Fencing

Security fencing is proposed.

Section 13-114: Exterior Lighting.

The applicant proposes to install the minimum necessary lighting to provide security lighting for the operation of the facility.

Section 13-115: Reclamation and Noxious Weed Control.

A Reclamation Permit is required and the applicant is required to control noxious weeds.

Section 13-116: Grading and Erosion Control.

The site for the compressor station is fairly level, which will minimize the amount of site grading required.

Section 13-117: Drainage, Construction and Post-Construction Storm water Runoff.

The applicant shall prepare a storm water plan for the Colorado Department of Public Health and Environment.

Section 13-118: Standards to Ensure Compatible Uses.

The facility has been designed in a manner that will not adversely affect the character of nearby residential areas.

- The closest residence is approximately one-quarter of a mile away.
- The applicant has provided documentation that the compressor facility includes mitigation to minimize noise, primarily by having the compressor engine located within an enclosed, insulated building. Noise generated from the facility will be below the maximum decibel levels identified in the Land Use Resolution.
- The facility is within an existing gravel pit operation and adjacent to Signal Peak Industrial Park.
- The facility will only require occasional maintenance, limiting the amount of activity at the site.
- The building will be painted a neutral color, or earth tone, intended to blend with the surroundings.
- Any visibility of the facility from Highway 50 will be of short duration to the traveling public. The posted speed limit on this section of Highway 50 is 65 m.p.h.
- The existing site topography will create buffering of the facility from the Highway 50 corridor.

FINDINGS:

The Commission finds that:

1. This application is a Minor Impact Project.
2. The facility is designed to be compatible with the existing neighborhood and the proposed development has been designed in a manner that will not adversely affect the character of nearby residential areas:
 - The closest residence is approximately one-quarter of a mile away.
 - The applicant has provided documentation that the compressor facility will include mitigation to minimize noise, primarily by having the compressor engine located within an enclosed, insulated building. Any noise generated from the facility will be below the applicable decibel levels identified in the Land Use Resolution.
 - The facility is within an existing gravel pit operation and adjacent to Signal Peak Industrial Park.
 - The facility will only require occasional maintenance, limiting the amount of activity at the site.

- The building will be painted a neutral color, or earth tone, intended to blend with the surroundings.
 - Any visibility of the facility from Highway 50 will be of short duration to the traveling public. The posted speed limit on this section of Highway 50 is 65 m.p.h.
 - The existing site topography will create buffering of the facility from the Highway 50 corridor.
3. Public Service Company is a public utility. The compressor station is essential to the public welfare to ensure a continued adequate supply of natural gas for the distribution area and the location provides a suitable site, mitigated by virtue of the location, and is therefore exempt from *Section 10-104: Locational Standards for Commercial, Industrial and Other Non-Residential Development*.
 4. Brooke Vasquez, Wildlife Biologist, NRCS; memo of April 13, 2017, indicating no on-site adverse impacts to Gunnison Sage-Grouse, but to address any potential off-site impacts, identified recommended conditions of approval to minimize impacts to the Gunnison Sage-grouse.
 5. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. 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*.
 6. 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 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, and including provision of a public hearing, and having reached the above cited Findings, classifies LUC No. 2017-00009, Public Service of Colorado as a Minor Impact Project, approves the Land Use Change Permit with the following conditions, and that said approval shall be memorialized by recordation of a Minor Impact Certificate with the Gunnison County Clerk and Recorder:

1. 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. 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. The following requirements will be applied as conditions of all Gunnison County permits issued for projects on this parcel to protect Gunnison Sage-grouse:
 - 1) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution*, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.
 - 2) Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.
 - 3) A Reclamation Permit will be required for any site disturbance of 10,000 sq.ft. or more. That permit will contain specific reclamation conditions. Disturbed areas shall be reseeded with an

approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. All reclamation activities, including seed application and final grading must be completed according to NRCS guidance on timing of reclamation plantings at this elevation and latitude.

- 4) If a Reclamation Permit is not required, disturbed areas shall be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.
- 5) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado

Noxious Weed list: <http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main/CDAGLayout> The Gunnison County Weed Management Program should be contacted (970-641-4393) for additional information and technical assistance.

3. 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.
4. 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.

Fulton adjourned the meeting at 1: 25 P.M.

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