

**8034 GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, September 15, 2017**

- 8:45 a.m.**
- **Call to order; determine quorum**
 - **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.** **Free Subdivision**, joint public hearing, request for the subdivision of 32.428-acres into two single-family lots: Lot 1, 5.898-acres (with existing cabin) and Lot 2, 26.53-acres (with three existing cabins) to settle a family estate. All of the cabins are served by exiting springs and pit privies. The property is located approximately 14 miles south of Highway 50, directly west of County Road #858 (Big Cimarron Road), adjacent to Silverjack Subdivision, situated on U.S. Government Lots 9, 10, 15 & 16, Section 5, Township 46 North, Range 6 West, N.M.P.M.
LUC-16-00040
- 9:30 a.m.** **Goddard – Church Lot Subdivision, Riverwalk Estates Subdivision**, joint public hearing, request to subdivide the Church Lot, Riverwalk Estates Subdivision, a 12.75-acre parcel, into two single-family lots. The lot was originally approved for a church, a residential parsonage, and an ancillary building, constrained by two building envelopes. Water and sewer service to the residences will be serviced by individual wells and connection to the North Gunnison Sewer District sewer system. The site is located on the Church Lot, Riverwalk Estates Subdivision, 1 mile north of the City of Gunnison, west of Highway 135
LUC –17-00023
- 10:00 a.m.** **Gunnison Secure Storage**, joint public hearing, request for a mixed use facility comprised of a 5,000 sq. ft. light industrial shop with two residential, deed restricted units, and a phased 250-unit self-storage complex. Subdivision of the 4.43-acre parcel into two lots, Lot 1 - .84-acres, with existing residence and Lot 2 – 3.64-acres. Water and sewer will be supplied by a central well and connection to the North Gunnison Sewer District sewer system. The property is located adjacent to and north of the City of Gunnison, east of Highway 135
LUC –17-00015
- Lunch**
- 2:00 p.m.** **Mountain Broadband Networks**, Site Visit, see below
- 4:00 p.m.** **Mountain Broadband Networks**, work session, request for a 32' wireless communication tower, providing service for the surrounding subdivisions of Eagles Rest and Little Bighorn, located at 90 Eagles Rest Drive, upper Big Cimarron area
LUC-17-00031
- Adjourn**

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
September 15, 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-Tom Venard 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 Molly Mugglestone

Seated for entire meeting: Commissioner Vince Rogalski

Seated for Gunnison Secure Storage: Commissioner Sarah Coleman

With a quorum present Chairman Fulton opened the September 15, 2017, regular meeting of the Planning Commission.

Free Subdivision - LUC-16-00040- The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. They reviewed the application for the subdivision of 32.428-acres into two single-family lots: Lot 1, 5.898-acres (with existing cabin) and Lot 2, 26.53-acres (with three existing cabins) to settle a family estate. All of the cabins are served by exiting springs and pit privies. The property is located approximately 14 miles south of Highway 50, directly west of County Road #858 (Big Cimarron Road), adjacent to Silverjack Subdivision, situated on U.S. Government Lots 9, 10, 15 & 16, Section 5, Township 46 North, Range 6 West, N.M.P.M.

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

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 public notice published in the Crested Butte News and the Gunnison Country Times.

Present representing Planning Commission: Kent Fulton, Jack Diani, AJ Cattles, Tom Venard, Sarah Coleman, and Vince Rogalski. Present representing the Board of County Commissioners: Jonathan Houck, and John Messner.

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

Present representing the application: owner James Free.

Free gave a brief explanation of the application. He is requesting a two lot subdivision; one lot to be 5.898 acres and one lot to be 26.53 acres.

Staff had no comments.

The Planning Commissioners and the Board of County Commissioners had no comments.

Shirley Bruck asked how the parcel has become 32.428 acres. She said the property had previously been described as 29 acres. Free said the property was resurveyed and ultimately determined to be 32.428 acres.

Coleman asked about the exiting pit privy. Starkebaum said it is grandfathered in.

Diani asked about grey water; Free said it is dumped on the ground. He added if there ever was consistently a large amount of grey water they would consider a system.

Fulton closed the joint public hearing.

Moved by Venard **seconded by** Rogalski (seated) to approve the recommendation of LUC-16-00040, the Free Subdivision, described as a subdivision of 32.428-acres into two single-family lots: Lot 1, 5.898-acres (with existing cabin) and Lot 2, 26.53-acres (with three existing cabins. All of the cabins are served by exiting springs and pit privies. The property is located approximately 14 miles south of Highway 50, directly west of County Road #858 (Big Cimarron Road), adjacent to Silverjack Subdivision, situated on U.S. Government, Lots 9, 10, 15 & 16, Section 5, Township 46 North, Range 6 West, N.M.P.M. The motion passed unanimously.

PROJECT SUMMARY:

- The applicant is requesting the subdivision of 32.428-acres into two single-family lots: Lot 1, 5.898-acres (with existing cabin) and Lot 2, 26.53-acres (with three existing cabins) to settle a family estate. All of the cabins are served by exiting springs and pit privies. Existing access is from Hampton Road, via County #858 (Big Cimarron Road). No covenants are proposed, and no changes to the existing developed property is contemplated. The existing cabins date back to the early/mid 20th century. The 32-acre legal parcel was created as a remainder tract, during the subdivision of Silverjack Subdivision, in 1973.

LOCATION:

The property is located approximately 14 miles south of Highway 50, directly west of County Road #858 (Big Cimarron Road), adjacent to Silverjack Subdivision. The property is legally described as being situated in U.S. Government Lots 9, 10, 15 & 16, Section 5, Township 46 North, Range 6 West, N.M.P.M.

SURROUNDING LAND USES:

West – developed residential lots within Silverjack Subdivision, ranging in size from 5 – 10 acres.

North – 165-acre tract, agricultural

East – 410-acre tract (across CR#858), agricultural

South – developed residential lots within Bearclaw Subdivision

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 Decision include, but are not limited to:
- Minor Impact Land Use Change Application
- Subdivision Plat – prepared by Del-Mont Consultants, Inc., November 14, 2016

MEETING DATES:

The Planning Commission held meetings on the following dates:

- January 6, 2017 Work Session
- September 15, 2017 Joint Public Hearing

SITE VISIT:

The Planning Commission determined that a site visit was not necessary.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on September 15, 2017. At that time, Shirley Bruck was present and asked about the acreage of the parcels. No written public comments were received.

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

REVIEW AGENCY REFERRAL COMMENTS:

Comments were received from the following agencies:

Colorado Division of Water Resources –Megan Sullivan, P.E., Water Resource Engineer, letter of January 3, 2017 and July 26, 2017. Excerpts include:

We have reviewed the above referenced proposal to subdivide a 32.428 acre tract into two lots of 5.898 and 26.530 acres, according to a handwritten amendment dated December 9, 2016 in the referral materials. Lot 1 (5.898 acres) has an existing cabin, the Cow Camp Cabin, and Lot 2 (26.530 acres) has three existing cabins. According to information provided, water will be supplied by two springs and wastewater treatment will be provided by existing pit privies.

The two springs proposed as the water supply have been decreed as surface water rights by the Division 4 Water Court. The Cow Camp Spring has been decreed as a conditional water right in case no. 12CW126 for domestic use in one single family dwelling, stock watering, wildlife watering and fire protection uses. The decreed flow rate is 15 gallons per minute (0.033 cubic feet per second). The decreed appropriation date is October 6, 2012 and the adjudication date is 2012. As of the date of this letter, the water right has not been made absolute. The Getaway Spring was decreed by the Water Court in case no. 89CW175 as an absolute water right for domestic use in three cabins and for livestock watering and fire protection proposes. The decreed flow rate for this spring is also 15 gallons per minute. The decreed appropriation date is September 15, 1988 and the adjudication date is December 31, 1989. Both springs as surface water diversions are subject to administration in Colorado's Prior Appropriation water rights system.

No information was provided concerning the physical adequacy of the water supply. 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 provided. Furthermore, a review of our water rights diversion records found that there is no information on the actual flow rates of the springs. We recommend that the County request the applicant to provide the measured flow rates of the two springs. Should the actual flow rates of the springs be similar to the decreed flow rates, with sufficient storage the supply would be adequate for the weekend getaway type use of the cabins described in the referral materials. Water for the other decreed uses may not be available in dry years due to reduction in spring flows. Please note that the long term adequacy of any spring fed source may be subject to fluctuation due to hydrological and climatic trends.

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(l), that as long as the springs are operated in accordance with the terms and conditions of their respective court decrees, the proposed water supply will not cause material injury to decreed water rights. However, due to the lack of information on the actual flow rates of the springs, we are unable to comment on the physical adequacy of the water supply for the subdivision.

The applicant submitted a water supply report prepared by Gary Shellhorn, Hydrologist with Water Solutions LLC, on June 28, 2017, for the proposed Free Subdivision. The report indicates that the flows of two springs, the Cow Camp Spring and the Getaway Spring which are proposed as the water supply source for the two-lot subdivision, were measured on June 5, 2017. The average measured discharge of the Cow Camp Spring was 1.2 gallons per minute and the Getaway Spring produced an average outflow

of 10.7 gallons per minute. Mr. Shellhorn indicated that the Getaway Spring has provided water for the past 30 years for three rental cabins on Lots 1 and 2 and that there is an existing pipeline and storage tank. He also notes that the Cow Camp Spring does not currently have a pipeline system in place to supply the cabin on Lot 1. Since a gravity flow system would not be available due to topography, he recommends that the spring outlet be piped to a water tank of at least 500 gallon capacity so that a pressurized system could be developed to supply a single household. Based on the data collected, Mr. Shellhorn indicated that the proposed supply would be adequate to sustain a domestic supply for both lots.

Should the flow rates of the springs continue to be similar to the measured flow rates, with sufficient storage the supply would be adequate for the weekend getaway type use of the cabins described in the referral materials. Water for the other decreed uses may not be available in dry years due to reduction in spring flows. Please note that the long term adequacy of any spring fed source may be subject to fluctuation due to hydrological and climatic trends.”

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 does not meet the primary residential density standard. The proposed subdivision is not located within a municipal three-mile area.

Section 10-103: Residential Density.

No change to the residential density, as the residences are existing. Parcel sizes are compatible with existing residential development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.

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

The property contains a narrow floodplain on Big Cimarron Creek, according to County mapping. No impact to existing development.

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 not within Sage-grouse habitat. No additional impacts to wildlife, as the residences are existing.

Section 11-107: Protection of Water Quality.

No impact from existing residential uses.

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.

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

The property is a seasonal use.

Section 11-111: Development on Inholdings in the National Wilderness.

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

Section 11-112: Development on Property above Timberline.

Not applicable, the site is not located above timberline.

Section 12-103: Road System.

The proposed lots and existing cabins are accessed by existing driveways from Hampton Road. No comments were received from the County Public Works Department.

Section 12-104: Public Trails.

There is no public trail existing or proposed.

Section 12-105: Water Supply.

The water supply for the parcels are supplied by existing decreed springs. 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.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Existing pit privies on each lot provide for wastewater treatment.

Section 12-107: Fire Protection.

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

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.

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 is 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:

1. The Planning Commission has 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*.
2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
3. The Commission finds that the proposed residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
4. 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. 2016-00040 Free 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. 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.

3. 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.
4. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
5. 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.
6. 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.

Goddard – Church Lot Subdivision, Riverwalk Estates Subdivision- LUC –17-00023; The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. They reviewed the application to subdivide the Church Lot, Riverwalk Estates Subdivision, a 12.75-acre parcel, into two single-family lots. The lot was originally approved for a church, a residential parsonage, and an ancillary building, constrained by two building envelopes. Water and sewer service to the residences will be serviced by individual wells and connection to the North Gunnison Sewer District sewer system. The site is located on the Church Lot, Riverwalk Estates Subdivision, 1 mile north of the City of Gunnison, west of Highway 135

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

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 public notice published in the Crested Butte News and the Gunnison Country Times.

Present representing Planning Commission: Kent Fulton, Jack Diani, AJ Cattles, Tom Venard, Sarah Coleman, and Vince Rogalski. Present representing the Board of County Commissioners: Jonathan Houck, and John Messner.

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

Present representing the application: attorney David Leinsdorf.

Site Visit Observations;

- **Coleman**- appreciated being able to see the site
- **Cattles**- wanted to clarify the trail on the property
- **Diani, Venard & Rogalski** -agreed with Cattles
- **Fulton**- good to see the trail and where it goes, and the water issues

Leinsdorf explained the applicant is under contract to purchase the property. The subdivision covenants limit the use of the property to church purposes. Goddard will not purchase the property unless the use is changed to two residential lots. Each lot would have the same building envelopes as on the original plat. Leinsdorf said the applicant is not interested in allowing a dedicated trail link.

Starkebaum said the lots would tie into the central sewer system, each one would have an individual water well.

Starkebaum noted the City of Gunnison had no objections.

Rogalski asked if the subdivision covenants had been amended to change the use of the property to two residential lots. Leinsdorf said a proposed amendment is in process. He suggested approval of the subdivision with the contingency that it would not be forwarded to the Board of County Commissioners, until the HOA has approved the amendment to the covenants.

Messner asked why they are requesting a two lot subdivision. Leinsdorf said by changing the use to two residential sites there will be less traffic and impacts to the subdivision, and it results in more buffering for the neighborhood.

Public Comment:

Tracy Lennard, president of the HOA thanked the Commission for the thorough review of the application. The board and association are in favor of the request.

Mike Nelson, resident of Riverwalk Estates said Goddard should allow an easement over the Polini ditch, ultimately resulting in continuation of the existing trail.

Ryan Pringle, member of the Church said they were going to build a church but this location was not ideal. They decided they could not afford to build.

Leinsdorf reiterated there is no nexus for a request, for a trail on another piece of property owned by Goddard. This subdivision will result in less impacts to the neighborhood than a church would.

Starkebaum said staff had discussed the trail with the County attorney. It is something the community desires, but there is no nexus. However, the county encourages the applicant to consider the request for the trail connection.

Fulton closed the joint public hearing.

Moved by Rogalski (seated) **seconded by** Cattles to approve the recommendation of LUC-17-00023 the Goddard/ Church Lot Subdivision in Riverwalk Estates Subdivision, described as subdivision of the Church Lot, Riverwalk Estates Subdivision, a 12.75-acre parcel, into two single-family lots. The lot was originally approved for a church, a residential parsonage, and an ancillary building, constrained by two building envelopes. Water and sewer service to the residences will be serviced by individual wells and connection to the North Gunnison Sewer District sewer system. The site is located on the Church Lot, Riverwalk Estates Subdivision, 1 mile north of the City of Gunnison, west of Highway 135, as amended. The motion passed unanimously.

PROJECT SUMMARY:

The applicant is requesting the subdivision of the Church Lot, Riverwalk Estates, a 12.75-acre parcel, into two single-family lots; which will become Lot 37- 7.759-acres and Lot 38 - 4.989 acres. The Church Lot was originally approved for a church, a residential parsonage and ancillary building, constrained by two building envelopes. Water and sewer service to the residences will be serviced by individual wells and connection to the North Gunnison Sewer District Sewer system. Kokanne Court will provide access to the lots. An amendment to the *Riverwalk Estates Declaration of Protective Covenants* will revise the permitted uses on the Church Lot, to allow for one single-family residence/lot. The replat and changes to the covenants are supported by the Riverwalk Estates Homeowners Association Board of Directors, letter of June 7, 2017, Jacob A. With.

LOCATION:

The property is located approximately two miles north of the City of Gunnison, west of Highway 135, within Riverwalk Estates. The property is legally described as Church Lot, Riverwalk Estates Subdivision.

BACKGROUND:

The Riverwalk Estates Subdivision was approved by the Board of County Commissioners on January 4, 2005, including 44 single family residential homesites ranging from 1.0-2.14 acres each, a 13+ acre site reserved for use as a church, a public walking trail easement along the Gunnison River, private internal trails for residents, and a public non-motorized trail easement along the south portion of the property. The plat is recorded in the Office of the Gunnison County Clerk and Recorder, Reception No. 555976, July 22, 2005.

The 13-acre parcel was donated to the Gunnison Church of Christ. The *Riverwalk Estates Declaration of Protective Covenants* allow for "...a new sanctuary, residence and an auxiliary building(s) planned in the future (all subject to County approval) on the building envelope on the southwest side of Riverwalk Estates, the Church will have the right to use their property along the Gunnison River to construct one or more gazebos, bench/rest or picnic areas for reflection, prayer and small gatherings.

The 2005 approval also included as a condition: There shall be no resubdivision of any parcel within this development. However, the change in use, from the use of a church and parsonage, supported by the Homeowners Association, will reduce traffic and make the property more harmonious with the existing residential neighborhood. There is no previous precedent set by an affirmative restriction on resubdivision of lots within a subdivision. The restriction was proffered by the applicant in 2004, and was not a condition of Gunnison County. Circumstances change over time and in this case the church was never built. It is therefore reasonable that the change in use, to add a residential lot, is compatible with the existing residential neighborhood and will have no adverse impacts to the subdivision, or the surrounding land uses.

COVENANTS:

The applicant is proposing changes to the *Riverwalk Estates Declaration of Protective Covenants* to reflect the subdivision and change in use on the Church Lot. Additionally, as part of this application and review, the Riverwalk Estates Association, vis-à-vis the applicant, is requesting two other changes to the covenants.

1. Permitting a secondary detached garage or shop on each lot.
2. Restricting the building height on front entry Lots 20, 21, 22, 23, 24, 25, 26, and 27 to 20 feet.

SURROUNDING LAND USES:

Adjacent parcels to the south and west are agricultural, and lots to the north and east are residential.

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 Decision include, but are not limited to:

- Minor Impact Land Use Change Application
- Subdivision Plat – prepared by NCW & Associates, June 7, 2017
- Jacob A. With - Riverwalk Estates HOA Board of Directors, letter of June 7, 2017
- Marlene Crosby, Public Works Director, letter of June 28, 2017
- Greg Larson, Chairperson, City of Gunnison Planning and Zoning Commission, letter of August 9, 2017

MEETING DATES:

The Planning Commission held meetings on the following dates:

- August 18, 2017 – Work session and Site Visit
- September 15, 2017 Joint Public Hearing

SITE VISIT:

The Planning Commission conducted a site visit on August 18, 2017. The Commissioners viewed the Church Lot, the access from Kokanne Court, the surrounding lots and neighborhood.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on September 15, 2017. At that time Tracy Lenard, Riverwalk Estates Subdivision HOA President noted the Association's support of the request. Mike Nelson, resident of Riverwalk Estates Subdivision, requested that Mr. Goddard provide the trail connection to CR 13. Ryan Pringle, from the Church of Christ, noted that the plans for a church on the property were unattainable.

The following emails were received and entered into the record:
Patrick Plumley – September 15, 2017
Sherri Deetz and Mike Nelson – September 14, 2017
John Holder – September 9, 2017

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

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

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

Covenant restrictions allow no 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 the City of Gunnison's municipal three-mile area. The City of Gunnison has no concerns with the proposed subdivision. Letter from Greg Larson, Chairperson, City of Gunnison Planning and Zoning Commission, August 9, 2017.

Section 10-103: Residential Density.

One residence, on the 13-acre parcel, was approved as part of the original Riverwalk Estates subdivision. Parcel sizes are compatible with existing residential development in the neighborhood. The additional of one residential lot will result in no significant net adverse impacts to the neighborhood.

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

The building envelopes on the subject parcels are not located within the 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 mapped Sage-grouse habitat, however, there are no additional impacts, as the property is already within a County approved area for residential development.

Section 11-107: Protection of Water Quality.

Wetlands have been mapped on the subject property, but the building envelopes are located outside of the restrictive inner buffer.

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 located to the south of the subject lots, used for grazing, across the 100 foot trail easement. The building envelopes are in excess of 170' from the subdivision boundary. No additional impacts to the agricultural lands are indicated.

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

Not applicable. The subject property has year-round access.

Section 11-111: Development on Inholdings in the National Wilderness.

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

Section 11-112: *Development on Property above Timberline.*

Not applicable, the site is not located above timberline.

Section 12-103: *Road System.*

The proposed lots are accessed by the existing Kokanne Court road. No comments regarding the access were received from the County Public Works Department.

Section 12-104: *Public Trails.*

Not applicable. No trail is affected by this application.

Section 12-105: *Water Supply.*

Water will be supplied by individual wells. The applicant has submitted a letter from the Upper Gunnison Water Conservancy District, identifying availability of augmentation water, Frank Kugel, General Manager, July 11, 2017

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

The residences will be served by connection to the North Gunnison Sewer District central sewer system. Letter from Marlene Crosby, Public Works Director, June 28, 2017 notes that the District has the capacity and interest in serving the lots.

Section 12-107: *Fire Protection.*

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

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.*

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 is 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:

5. The Planning Commission has 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*.
6. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
7. The Commission finds that the proposed residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
8. 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. 2017-00023 Goddard – Church Lot Subdivision, be approved with the following conditions:

7. 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*.
8. The applicant shall provide a letter from the Riverwalk Estates HOA certifying the approval of the covenant amendments, prior to scheduling before the Board of County Commissioners.
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.

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.

Gunnison Secure Storage- LUC –17-00015; The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. They reviewed the application for a mixed use facility comprised of a 5,000 sq. ft. light industrial shop with two residential, deed restricted units, and a phased 250-unit self-storage complex. Subdivision of the 4.43-acre parcel into two lots, Lot 1 - .84-acres, with existing residence and Lot 2 – 3.64-acres. Water and sewer will be supplied by a central well and connection to the North Gunnison Sewer District sewer system. The property is located adjacent to and north of the City of Gunnison, east of Highway 135.

Commissioner Cattles recused himself. Fulton seated Commissioner Coleman.

Site Visit Observations:

- **Rogalski-** impressed with how the property lends itself to the proposed uses
- **Diani -** good to see the controlled access and connection to the central sewer system
- **Coleman** –property lends itself to the design
- **Fulton** – good to see the location of the light industrial uses and the distance from the adjacent residential area

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

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 public notice published in the Crested Butte News and the Gunnison Country Times.

Present representing Planning Commission: Kent Fulton, Jack Diani, Tom Venard, Sarah Coleman, and Vince Rogalski. Present representing the Board of County Commissioners: Jonathan Houck, and John Messner.

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

Present representing the application: applicant AJ Cattles and attorney Marcus Lock.

Cattles explained he is proposing a mixed use facility comprised of a 5,000 sq. ft. light industrial shop with two residential, deed restricted units, and a phased 250-unit self-storage complex, and subdivision of the 4.43-acre parcel into two lots, Lot 1 - .84-acres, with existing residence and Lot 2 – 3.64-acres.

Lock said there will be wells for water, and they will tie into the central sewer line. He explained the storage units will be in the back of the property, there will be fencing and landscaping to help to buffer for the highway visuals.

Cattles had asked the City to extend the water line to this property and they declined

Messner asked where the residential units would be; Cattles said they are attached to the shop the north side of the shop. It is a two story building.

Houck asked about the bike path which will cross the entry way to the property. Cattles said the bike path will be striped. The storage units increase traffic very little. They agreed to install signage for the bike path.

Starkebaum asked if the very large cottonwood tree could be saved. Cattles said they will do their best to save the tree, but they are not sure if it will be possible. Messner asked if the driveway could be granted a variance for a smaller driveway. Cattles said room for a car coming in and going out at the same time is important. Lock agreed to work with the county to investigate the possibility.

Fulton asked where the second well would be drilled. Cattles said the existing house has a well under it. The new well will be as far from the church property as possible: about 500 ft. back from the highway.

Messner asked if the City changed their stance, would Cattles connect to the water line; Cattles said no, not after the asphalt is installed.

Fulton asked about the hours. Cattles said he does not see the storage units hours being an issue, but the industrial units could be limited hours for outdoor usage. Lock added there is screening between the project and the residential units. It was noted there is no outdoor usage in light industrial areas

Diani asked if there would be electrical outlets in the storage units; Cattles said no, there will be motion sensor lighting above each unit. There will be a security camera on the gate, and an onsite manager.

Messner asked about the deed restriction; Cattles said the Director of Housing has approved the deed restriction.

Fulton closed the joint public hearing.

Moved by Diani seconded by Rogalski to approve LUC-17-00015- Gunnison Secure Storage; described as a mixed use facility comprised of a 5,000 sq. ft. light industrial shop with two residential, deed restricted units, and a phased 250-unit self-storage complex.

Moved by Rogalski seconded by Diani to approve the recommendation of LUC-17-00015 Gunnison Secure Storage; subdivision of the 4.43-acre parcel into two lots, Lot 1 - .84-acres, with existing residence and Lot 2 – 3.64-acres.

PROJECT DESCRIPTION:

The applicant is proposing a mixed use facility comprised of up to a 5,000 sq. ft. light industrial shop with two residential, deed restricted units and a maximum 250 unit, phased self-storage complex. The 4.43-acre parcel will be subdivided into two lots; Lot 1 with existing residence is .84 acres and Lot 2 with self-storage units and light industrial shops is 3.64 acres. Water supply will be by central well and augmentation water from the Upper Gunnison River Water Conservancy District and sewer by connection to the North Gunnison Sewer District sewer system. The complex will be secured by gated access and an onsite manager.

LOCATION:

The site is located on 4.430 acres, adjacent to the City of Gunnison's Northern boundary, in the SE4SW4, Section 25 Township 50 North, Range 1 West NMPM at, 1012 Highway 135.

ADJACENT LAND USES:

The adjacent land to the north is Rocky Mountain Christian Ministries and the electrical substation. Residential lots, within Rock Creek subdivision, are located to the south. Moderate density single family homes and county road 13 are west of the site. The parcel is adjacent to Highway 135, on the east.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:

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

- Minor Impact Land Use Change Application and site plan.
- “Estimated Trip Generation Report”, prepared by Gerald Burgress, P.E., SGM dated June 1, 2017.
- “Water Supply Plan”, prepared by Gerald Burgress, P.E., SGM dated July 6, 2017
- “CDOT Permit”, dated August 29, 2017.
- “Upper Gunnison Water Agreement”, prepared by Colorado Division of Water Resources, dated August 15, 2017.
- “Gunnison Secure Storage Phasing”, prepared by AJ Cattles Big C Builders, dated September 7, 2017.
- “Building Elevations and Color”, prepared by AJ Cattles Big C Builders, dated September 7, 2017.
- “Exterior Lighting Plan”, prepared by AJ Cattles Big C Builders, dated September 7, 2017.
- “Sage Grouse Site Analysis”, prepared by Brooke Vasquez Gunnison Conservation District, dated September 7, 2017.
- “Residential Housing Restrictive Covenant”, prepared by Jennifer Kermode, Executive Director of Gunnison Valley Regional Housing Authority and Jacob A. With, Law of the Rockies, received September 12, 2017.
- “Notice of Lien and Memorandum of Acceptance of Residential Housing Restrictive Covenant and Notice of Lien”, prepared by Jennifer Kermode, Executive Director of Gunnison Valley Regional Housing Authority and Jacob A. With, Law of the Rockies, received September 12, 2017.
- “Sewer Easement Draft”, prepared for SGM by Robert E. Brandeberry, Colorado PLS, dated July 7, 2017.

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

REVIEW AGENCY REFERRAL COMMENTS:

The following entities or agencies provided referral comments.

City of Gunnison:

Greg Larson, Chair, Planning and Zoning Commission, letter of July 26, 2017:

“While this property is designated as moderate density residential (1-6 units/acres) and is located within the Urban Growth Boundary, the proximity to the electrical substation and other adjacent uses in this unincorporated area, this land is considered appropriate.”

Colorado Division of Water Resources:

Megan Sullivan, Colorado Division of Water Resources, letter dated August 3rd, 2017

“Although the existing residence has a well, augmentation will also be needed for the existing single family residence and the existing well will also have to obtain and maintain a well permit.”

A water plan assessment was completed and additional augmentation water was purchased from the Upper Gunnison River Water Conservancy District in compliance with Colorado Division of Water Resources.

Gunnison County Fire Protection District:

A referral was sent to Dennis Spritzer, GCFPD. No written comments have been received, but in a phone message on August 2, 2017, Dennis Spritzer City of Gunnison Fire Marshal stated, “That we have reviewed the proposal and have no concerns”.

Gunnison County Public Works Department:

In an email on August 3, 2017 Public Works Director Marlene Crosby stated, "The Public Works Department submits the following comments:

1. The access is off of the State Highway, so we have no access concerns;
2. The internal road system meets, or exceeds our Standards;
3. The application states that the residence will be served by the North Gunnison Sewer Division, if there is an office and/or bathroom in the shop area my assumption is that it will be connected as well;
4. Proof of an easement from the lateral on Clark Boulevard to the property will be required;
5. Since this is a commercial property, pursuant to the Wastewater Treatment Agreement between the City and the County, the City would need to approve the connection. If there are not going to be any retail sales it should not be a problem. The concern was loss of sales tax to the City."

Colorado Parks and Wildlife:

In an email on August 1, 2017, Brandon Diamond stated,

"Thank you for the opportunity to review this project. Based on the level of human development that currently exists in that area, CPW does not anticipate any significant wildlife impacts and will not be submitting a formal comment. With that said, if there are any specific issues that you would like to discuss further, please don't hesitate to contact us."

SITE VISIT:

A site visit was held on August 18, 2017. The Commission members viewed the location of the proposed site and surrounding properties. Observations by the Commission are summarized as follows:

The site is conducive to the proposed use with the surrounding electrical substation and similar building construction of Rocky Mountain Christian Ministries.

The two deed restricted residential units will assist in the providing needed workforce housing.

The storage buildings will be well screened since they will be constructed on the back half of the parcel. The project will have fencing, well established row of willows on the south boundary line and new trees screening on the north.

JOINT PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on September 15, 2017. All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation. At that time, no public was present and one public comment was received by the Commission.

MEETINGS WITH PLANNING COMMISSION:

August 18, 2017 – Work session and site visit

September 15, 2017 – Joint 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 commercial self-storage facility and four light industrial shops.

E: Design Standards for Light Industrial Uses.

1:Maximum Aggregate Building Size: Maximum aggregate building size shall be not greater than 5,000 square feet, except that when an employee or owner residence is included, the maximum may increase to 5,850 square feet. Shop buildings will be light industrial and will not exceed 5,000 sq.ft.: There will be up to 4 shops and hours of operation will be from 7am- 7pm.

E.1a: Residence in Light Industrial Shop Shall be Subordinate To The Light Industrial Use Building. The two residential units will be subordinate to the four light industrial shops. The purpose of the units is light industrial.

E.1b: Limited to 850 Square Feet. Please see compliance exemption under Section 9-600: *Essential Housing.*

E.1c: Adequate Parking. This project complies because there is adequate parking to serve both the light industrial use and the residence, pursuant to Section 13-110: *Off-Road Parking and Loading*.

E.1d: Adequate Water Supply And Wastewater Treatment System. This project is compliant because the residential uses are structurally integrated within the same building as the light industrial uses and are legally and physically served by the same water and wastewater treatment systems that serve the light industrial shops.

E.1e: Structurally Integrated. This project complies because the residential units will be structurally integrated on the north side of the light industrial shops.

E.1f: Complies With Deed Restrictions or Protective Covenants. There are no deed restrictions or protective covenants applicable to the parcel on which the light industrial use is located.

E.1g: Kitchen and Sewage Disposal Facilities. Each residential unit will contain their own full kitchen and sanitation facilities.

E.1h: Complies With Applicable Codes. This project is compliant to applicable building code, adopted and amended by Gunnison County, and the requirements of the applicable fire protection district.

E.2: Operation Contained Within Buildings: The light industrial operations will be wholly contained within the buildings and shall not produce any offensive noise, vibration, electrical or magnetic interference, glare, fumes odors, smoke, dust, heat or waste at or beyond the property boundaries. A fence will be constructed on the perimeter of the storage area and will buffer the existing single family residence and surrounding residences along with existing and additional trees and willows to further mitigate any visibility. The operation, as described will comply with the standards.

Section 9-600: Essential Housing:

There will be two deed restricted units built on the north side of the light industrial shops that will not exceed 1,000 sq. ft. each. Pursuant to Section 9-604:A6 *Incentives to Provide Essential Housing: Modified Development Standards*, design criteria can be waived to incentivize the development of workforce housing provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare. In Section 9-301:E1b *Design Standards For Light Industrial Uses: Limited to 850 Sq. Ft.*, the floor area of the integrated residence shall be no larger than 850 sq. ft. Section 9-301 *Design Standards For Light Industrial Uses* was adopted with no changes to the Section 9-604 *Incentives to Provide Essential Housing: Modified Development Standards* that would allow for waivers or modifications of the square footage. The Director of Community Development, Cathie Pagano has made the interpretation that Section 9-301:E is applicable to Section 9-604. Planning Commission is approving proposed modification of the increased square footage from 850 to 1,000 sq. ft. for each deed restricted unit and they will not have an internal access. The residential uses will be structurally integrated within the same building as the light industrial uses and will be legally and physically served by the same water and wastewater treatment systems that serve the light industrial shops. Each residential unit will contain their own full kitchen and sanitation facilities. Currently, the applicant has contacted Ms. Jennifer Kermode, Executive Director of Gunnison Valley Regional Housing Authority, and is finalizing a deed restriction limiting occupancy to: 1) individuals with an income that does not exceed 180% of the AMI, 2) individuals that have their primary residence in Gunnison County, and 3) work a minimum of 30 hours per week from a business operating in and serving Gunnison County. Please see the attached documents, "Residential Housing Restrictive Covenant" and "Notice of Lien and Memorandum of Acceptance of Residential Housing Restrictive Covenant and Notice of Lien", prepared by Jennifer Kermode, Executive Director of Gunnison Valley Regional Housing Authority and Jacob A. With, Law of the Rockies, received on September 12, 2017.

Section 10-102: Locational Residential Development:

The project is adjacent to an existing population center and will connect to central wastewater treatment and is within the City of Gunnison's three mile plan. See comments from Greg Larson in Section 10-103.

Section 10-103: Residential Density:

A letter dated July 26, 2017 from Greg Larson, Chairperson of the City of Gunnison Planning and Zoning Commission, states that "While this property is designated as moderate density residential (1-6

units/acres) and is located within the Urban Growth Boundary, the proximity to the electrical substation and other adjacent uses in this unincorporated area, this land is considered appropriate.”

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

The site meets the Primary Locational Standard. B.

1. The site does meet the Primary Locational Standard, as it is located within a municipal three-mile plan area. See City of Gunnison comments.

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

Voluntary; not mandated.

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

The site 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.*

The proposed project is in sage grouse occupied habitat according to County mapping. In an email dated August 1, 2017 from Brandon Diamond from Colorado Parks and Wildlife he states, “Based on the level of human development that currently exists in that area, CPW does not anticipate any significant wildlife impacts.”

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 facility is via a gated access road from Highway 135 and shall comply with standards of this section. A commercial CDOT highway access permit has been issued. A Gunnison County access permit shall also be required. In an email on August 3rd, 2017 from Marlene Crosby, PW Director she said, “The access is off of the State Highway, so we have no access concerns; and the internal road system meets, or exceeds our Standards.”

Section 12-104: *Public Trails.*

Not applicable. No trails are proposed.

Section 12-105: *Water Supply.*

The water supply plan prepared by Gerald Burgress P.E., SGM dated July 5, 2017, included a Groundwater Resource Evaluation prepared by Mesahydrologic, LLC predicted “at least 20 to 40 gpm should be obtainable from a 80-100 ft. deep well. A minimum of 20 gpm well can be obtained on this site and could produce up to 28,000 gallons of water per day if needed. Peak day calculations for this proposal would equate to 7,125 gallons needed.” This project complies because average combined daily demands of residential, commercial/light industrial and irrigation are 2,375 gallons and supply calculations for this proposed well could produce up to 28,000 gallons of water per day if needed. Appropriate augmentation water has also been purchased from the Upper Gunnison River Water Conservancy District.

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

This project will connect to the North Gunnison Sewer District system, with an easement running parallel to Highway 135 from the Clark Boulevard lateral line across Rocky Mountain Christian Ministries to the proposed

project. Please see the attached drafted document "Sewer Easement Draft", prepared for SGM by Robert E. Brandeberry, Colorado PLS, dated July 7, 2017. The applicant is currently working on finalizing the agreement.

Section 12-107: *Fire Protection.*

A referral was sent to Dennis Spritzer, GCFPD. No written comments have been received. In a phone message from Dennis Spritzer on August 2, 2017 he stated, "That we have reviewed the project and have no concerns." He did request that the applicant provide the gate code for the security gate, upon completion.

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

The site plan submitted with the application complies with the setback requirements of this section.

Section 13-106: *Energy and Resource Conservation.*

Applicable to the residential units of the proposed project.

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

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

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

Not applicable.

Section 13-109: *Signs.*

The applicant is required to obtain a sign permit in compliance with 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 use complies with standards of this section, as shown on the site plan submitted. Existing and additional trees and fencing are including in the site plan. A significant buffer of willows extends most of the southern property line however it appears to originate mostly from the adjacent City of Gunnison ditch. If this natural buffer is destroyed or removed then the applicant shall replace with a new buffer.

Section 13-112: *Snow storage.*

Snow storage is provided on site.

Section 13-113: *Fencing.*

The use complies with standards of this section, as shown on the site plan submitted as part of this application.

Section 13-114: *Exterior Lighting.*

The use complies with standards of this section, as shown on the "exterior lighting plan" prepared by Big C Builders on September 7, 2017. The applicant has designed and planned for all direct rays to be confined and shielded to the internal access road of the site; protecting adjacent properties from glare.

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

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

Section 13-116: *Grading and Erosion Control.*

Not applicable.

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

The use complies with standards of this section, as shown on the stamped “Gunnison Secure Storage Drainage Report”, prepared by Gerald Burgress, P.E., SGM dated September 28, 2017.

Section 13-119: Standards to Ensure Compatible Uses.

The self-storage, light industrial shops and deed restricted residential units have been designed in a manner that will not adversely affect the character of nearby areas.

- The closest residences in Rock Creek subdivision are approximately 100 feet away.
- Activities associated with the light industrial shops and self-storage facility should not contribute significant noise or other off-site impacts. Most of the internal activity associated with the self-storage facility is screened from the residential properties to the north, by virtue of the orientation of the buildings, and a perimeter fence as well as additional tree placement.
- The existing improvements and site topography will create partial, if not full screening, of the storage buildings from the Highway 135 corridor. For northbound traffic, the existing residence adjacent to Highway 135 and a thick row of willows the length of the parcel on south property line will block most of the views of the light industrial shops and storage buildings. For southbound traffic the internal activity associated with the self-storage facility is screened from the north, due to the orientation of the buildings, by a perimeter fence as well as additional tree placement. Due to these factors, any visibility of the storage buildings from Highway 135 will be of short duration to the traveling public. The posted speed limit on this section of Highway 55 m.p.h.
- Little impact is anticipated to the surrounding residential area since it is adjacent to the City of Gunnison, adjacent to a church building of similar construction and design to the proposed light industrial shops and storage units as well as the nearby Rec Center. Adjacent landowners have indicated their support at this juncture. The existing and proposed additional screening of plants and fencing should adequately protect any residential developments in the community. The storage units are not anticipated to generate noise or otherwise have any impact since they are not visited frequently.

PC RECOMMENDATION FOR SUBDIVISION

FINDINGS FOR SUBDIVISION:

The Commission finds that:

9. 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*.
10. 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*.
11. The property is within 400 feet of the North Gunnison Sewer District sewer system, and any uses requiring wastewater treatment will connect to the North Gunnison Sewer District sewer system.
12. A water plan assessment has been completed and additional augmentation water was purchased from the Upper Gunnison River Water Conservancy District in compliance with Colorado Division of Water Resources.
13. A fence will be constructed at the perimeter of the storage area and light industrial shops along with existing and additional trees and will shield and buffer the existing single family residence and the surrounding residential neighborhood.
14. The Commission finds that the proposed two-lot subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
15. 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 FOR SUBDIVISION:

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. 2017-00015 Gunnison Secure Storage Subdivision, be approved with the following conditions:

14. 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*.
15. The applicant shall comply with the following conditions for the protection of Gunnison Sage-grouse and Sage-grouse habitat:
 - 1) A Gunnison County Reclamation Permit is not recommended for activities on this parcel unless the surface disturbance is 10,000 sqft or more. That permit will contain specific reclamation conditions.
 - 2) For activities not requiring a Reclamation Permit, disturbed areas must 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.
 - 4) 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.
16. 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*.
17. 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.
18. 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.
19. 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.
20. 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.

PC DECISION FOR MINOR IMPACT OF LIGHT INDUSTRIAL AND COMMERCIAL USE FACILITY

FINDINGS FOR LIGHT INDUSTRIAL AND COMMERCIAL USE FACILITY:

The Commission finds that:

1. 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 K, New Commercial, Industrial on Five Acres or Less*.
2. The self-storage facility is 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.
3. The closest residences in Rock Creek subdivision are approximately 100 feet away.
4. Activities associated with a self-storage facility should not contribute significant noise or other off-site impacts due to most of the internal activity associated with the self-storage facility is screened from the surrounding residential properties.
5. Uses within the shop buildings will be light industrial and will not exceed 5,000 sq.ft. with separate parking locations specific to the four shops. No covenants are proposed. A fence will be constructed on the perimeter of the storage area and will provide buffering to the existing single family residence and surrounding residences, along with existing and additional trees and willows to further mitigate any visibility.
6. There will be two deed restricted units built on the north side of the light industrial shops that will not exceed 1,000 sq. ft. each. Pursuant to Section 9-604:A6 *Incentives to Provide Essential Housing: Modified Development Standards*, design criteria can be waived to incentivize the development of workforce housing provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare. In Section 9-301:E1b *Design Standards For Light Industrial Uses: Limited to 850 Sq. Ft.*, the floor area of the integrated residence shall be no larger than 850 sq. ft. Section 9-301 *Design Standards For Light Industrial Uses* was adopted with no changes to the Section 9-604 *Incentives to Provide Essential Housing: Modified Development Standards* that would allow for waivers or modifications of the square footage. The Director of Community Development, Cathie Pagano has made the interpretation that Section 9-301:E is applicable to Section 9-604. Planning Commission is approving proposed modification of the increased square footage from 850 to 1,000 sq. ft. for each deed restricted unit and they will not have an internal access. The residential uses will be structurally integrated within the same building as the light industrial uses and will be legally and physically served by the same water and wastewater treatment systems that serve the light industrial shops. Each residential unit will contain their own full kitchen and sanitation facilities. Currently, the applicant has contacted Ms. Jennifer Kermode, Executive Director of Gunnison Valley Regional Housing Authority, and is finalizing a deed restriction limiting occupancy to: 1) individuals with an income that does not exceed 180% of the AMI, 2) individuals that have their primary residence in Gunnison County, and 3) work a minimum of 30 hours per week from a business operating in and serving Gunnison County. Please see the attached documents, "Residential Housing Restrictive Covenant" and "Notice of Lien and Memorandum of Acceptance of Residential Housing Restrictive Covenant and Notice of Lien", prepared by Jennifer Kermode, Executive Director of Gunnison Valley Regional Housing Authority and Jacob A. With, Law of the Rockies, received on September 12, 2017.
7. The site meets the Primary Locational Standard, as it is located within a municipal three-mile plan area.
8. A CDOT highway access permit has been issued. A Gunnison County access permit shall also be required. Access to the facility is via a gated access road and shall comply with County standards.
9. A water plan assessment has been completed and additional augmentation water was purchased from the Upper Gunnison River Water Conservancy District in compliance with Colorado Division of Water Resources for two domestic wells.

10. This project will connect to the North Gunnison Sewer District system, with an easement running parallel to Highway 135 from the Clark Boulevard lateral line across Rocky Mountain Christian Ministries to the proposed project. The applicant is currently working on finalizing the agreement.
11. The self-storage, light industrial shops and deed restricted residential units have been designed in a manner that will not adversely affect the character of nearby areas.
12. The existing improvements and site topography will create partial, if not full screening, of the storage buildings from the Highway 135 corridor. For northbound traffic, the existing residence adjacent to Highway 135 and a thick row of willows the length of the parcel on south property line will block most of the views of the light industrial shops and storage buildings. For southbound traffic the internal activity associated with the self-storage facility is screened from the north, due to the orientation of the buildings, by a parameter fence as well as additional tree placement. Due to these factors, any visibility of the storage buildings from Highway 135 will be of short duration to the traveling public. The posted speed limit on this section of Highway 55 m.p.h. The use complies with standards of this section, as shown on the site plan submitted. Existing and additional trees and fencing are including in the site plan. A significant buffer of willows extends most of the southern property line however it appears to originate mostly from the adjacent City of Gunnison ditch. If this natural buffer is destroyed or removed then the applicant shall replace with a new buffer.
13. Gunnison Conservation District Wildlife Biologist Brooke Vasquez provided comments in a site analysis prepared September 7, 2017 indicating no on-site impacts to Sage-Grouse, but due to potential off-site impacts, identified recommended conditions of approval to minimize impacts to the Gunnison Sage-grouse.
14. The Planning Commission determines that the landscaping proposed is appropriate for this use and provides sufficient buffering of the aggregate improvements purposed.
15. 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*.
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.

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. 2017-15, Gunnison Secure Storage 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. A Development Improvements Agreement shall be executed by the applicant and Gunnison County, including identified infrastructure costs, subject to review and approval by the Gunnison County Attorney, referencing the infrastructure plans, to include: constructing the asphalt access road and

parking areas, two additional 8 foot spruce trees and the installation of utilities as rendered within plans identified in the “Documents Informing this Review and Action.”

3. The Development Improvements Agreement shall require the applicant to provide to the County a guarantee of financial security, acceptable to the County, in an amount established by the Board based on no less than 125 percent of the estimated cost of the project, and payable on demand to the County. Said surety shall be retained by the County to a date acceptable to the County to certify completion of improvements.
4. Approval of the Commercial Minor Impact application is contingent upon Board of County Commissioners approval of the subdivision.
5. The applicant shall provide a final, executed sewer easement agreement subject to the approval of Gunnison County prior to the recordation of the Certificate of Minor Impact.
6. Subject to review and approval by the County Attorney, the “Residential Housing Restrictive Covenant” and the “Notice of Lien and Memorandum of Acceptance of Residential Housing Restrictive Covenant and Notice of Lien” for Gunnison Secure Storage workforce housing, shall be recorded with the Gunnison County Clerk and Recorder. Certificate of Minor Impact shall not be recorded until this condition is completed.
7. The applicant shall submit a drainage report and certification pursuant to Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff* prior to the recordation of the Certificate of Minor Impact.
8. The applicant shall coordinate the construction of the Highway 135 driveway access with the Gunnison County Public Works Department and the City of Gunnison.
9. A Certificate of Occupancy for the commercial and light industrial elements of Phase One shall not be issued unless and until a Certificate of Occupancy has been issued for the Essential Housing units.
10. If the natural buffer of willows along the southern property line is destroyed or removed then the applicant shall replace with a new buffer.
11. The applicant shall provide the security gate access code to the Gunnison County Fire Protection District, after the gate has been installed.
12. Normal business hours for the light industrial shops shall be limited from 7am to 7pm.
13. 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) A Gunnison County Reclamation Permit is not recommended for activities on this parcel unless the surface disturbance is 10,000 sqft or more. That permit will contain specific reclamation conditions.
 - 2) Disturbed areas must 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.

- 4) 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.

14. 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.

15. 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.

Mountain Broadband Networks- LUC-17-00031; The Gunnison County Planning Commission conducted a work session and site visit. They reviewed the request for a 32' wireless communication tower, providing service for the surrounding subdivisions of Eagles Rest and Little Bighorn, located at 90 Eagles Rest Drive, upper Big Cimarron area.

There were no minutes kept for the site visit.

Site Visit Comments:

- **Cattles-** would be nice if it could be moved up to the trees, but the line of sight probably wouldn't work.
- **Rogalski-** would be good to dress up the tower, and it looked taller than 32 ft.
- **Diani-** good to see it, and addressing safety issues in the area was appreciated
- **Venard-** agreed with Diani
- **Coleman-** Appreciated the opportunity to go out there, and it looked taller than 32 ft.
- **Fulton-** looks taller than 32 ft., and it is very visible

With a quorum present Chairman Fulton opened the work session.

Present representing Planning Commission: Kent Fulton, Jack Diani, AJ Cattles, Tom Venard, Sarah Coleman, and Vince Rogalski.

Present representing staff: Planner Rachel Sabbato and Manager of Administrative Services Beth Baker.

Present representing the application: applicant Rob McAtee, and neighboring owner Don Stephens property owner.

Stephens confirmed the tower is 32 ft. tall.

Sabbato said the setbacks have been met. There is no exterior lighting except the power indicator. There is an access agreement with the BLM.

Venard asked about the ALS survivor in the area. Stephens said he is in Eagle Rest, this tower is critical to his survival.

Coleman asked about the service radius. McAfee said it is good to a maximum of ten miles on flat ground. This one is approximately six miles. Wireless is in the area and this is phone and computer compatible. McAfee explained the tower would provide services for fire, and police departments. They can service 75 households, there are about 12 households in the area. They will be trying to get the signal to Silver Jack Reservoir.

Coleman asked about the landscaping buffering. Stephens said they have seeded with mountain grasses and wildflower seeds in wood chips, by next spring they should be growing.

Fulton appreciated the help with health and safety. Diani agreed.

The commissioners directed staff to schedule a public hearing for November 3, 2017 and prepare a draft decision of approval.

Fulton closed the work session.

Fulton adjourned the meeting at 4:40 P.M.

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