

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, November 3, 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.** **Mountain Broadband Networks**, public hearing, 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
- 9:30 a.m.** **Rocky Mountain Biological Lab**, work session, request to host weddings and conference/workshops in Gothic, as well as expand winter use in Gothic to increase structured education programs and research. North Pole Basin improvements would permit up to 3,000 square feet of new construction, spread across six structures, to expand research and education programming. Schofield Park improvements would permit construction of up to 2,500 square feet of new construction, spread across two structures (one existing) limited to only research and education.
LUC-17-00026

Adjourn

The applications can be viewed on gunnisoncounty.org, link to <http://204.132.78.100/citizenaccess/>

- Public access
- Projects
- Application #
- **LUC-17-00026, LUC-17-00031**
- Attachments

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
November 3, 2017**

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

Chairman- Kent Fulton Commissioner- AJ Cattles Alternate Commissioner- Sarah Coleman Alternate Commissioner- Vince Rogalski	Assistant Director- Neal Starkebaum Planner- Rachel Sabbato Manager of Administrative Services- Beth Baker Others present as listed in text
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Absent: Commissioners Molly Mugglestone, Tom Venard and Jack Diani.

With a quorum present Chairman Fulton opened the November 3, 2017, regular meeting of the Planning Commission.

Fulton seated Rogalski for the entire day.

Moved by Rogalski seconded by Cattles to approve the Planning Commission Meeting minutes, dated October 20, 2017, as amended. The motion passed unanimously.

Unscheduled Citizens

Sam Lumb was concerned with the insufficient amount of time allotted for public comment at the Brush Creek Road work session, conducted October 20, 2017. He suggested, in order to present a balance of interests, possibly allowing the applicants to speak for 45 minutes and the public to speak for 15 minutes each hour.

Bob Pannier agreed with Lumb that scheduling a public comment period each hour would provide the public opportunity to voice their concerns.

Mountain Broadband Networks (LUC-17-00031): The Gunnison County Planning Commission conducted a public hearing to review 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

With a quorum present Chairman Fulton opened the public hearing

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

Present representing the Commission: Commissioners Fulton, Cattles, Rogalski, and Coleman.

Present representing the application: Robert McAtee.

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

McAtee presented a brief description of the application. He is installing a communication tower to service the Eagles Rest and Little Bighorn subdivisions. He is considering attempting to tie in Silver Jack subdivision too. They might apply to add two additional towers at a later date.

Sabbato said the height of the tower has been clarified, it is 39 ft. tall.

Commissioners' comments/questions:

None.

Public comments/questions:

None.

Applicants' response:

None.

The commissioners reviewed the draft decision.

Moved by Rogalski **seconded by** Fulton to approve LUC-17-00031, 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, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The applicant has constructed a wireless communication tower and is proposing to provide service for the surrounding subdivisions of Eagles Rest and Little Bighorn. The tower is located on Leland Paris' residential property via a lease agreement with Mountain Broadband Networks. The tower is 32 feet tall and is anchored into a cement pad and secured by four guy-wires. Mounted to the top of the tower is a 7 foot adjustable telescopic lightning rod making the tower height 39 feet in total. Electric is supplied through a conduit from an existing building on site.

LOCATION:

The site is located on 1.94 acres, Lot 9 Revised Boundary Line Adj of Lots 9 & 10 Little Bighorn Subdivision and Lot 30 Eagles Rest Subdivision Plat #630832, #639534, 90 Eagles Rest Drive, Cimarron River Area.

ADJACENT LAND USES:

Residential lots within Eagles Rest Subdivision and Little Bighorn Subdivision.

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.

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.

Delta Montrose Electric Association:

In a phone conversation with Troy Hall of Delta Montrose Electric Association on August 31st, 2017 he stated, "That since the pole is 32 feet tall and is 65 feet away from the power lines it meets our setbacks, I do not have any concerns at this time."

Colorado Parks and Wildlife, Montrose District:

Matt Ortega, Montrose Colorado Parks and Wildlife, District Manager stated in a phone conversation with staff on September 7, 2017, that “since the area has existing development and residences he had no concerns for the tower.”

Gunnison County Public Works Department:

In an email on August 21, 2017 Public Works Director Marlene Crosby stated, “I have crews on the Big Cimarron for 2-3 weeks in the summer, and we do not plow in the winter. Montrose County plows for Gunnison County. I don’t think wifi access is an important issue for our department. It should not impact the application either positively or negatively.”

SITE VISIT:

The Commission members conducted a site visit on September 15th, 2017. The Commissioners viewed the property, the road locations and the sites for the improvements.

PUBLIC HEARING:

A public hearing was held on November 3rd, 2017; at that time there was no public comment and two written comments were received:

- Letter from Kenneth L. and Cherry Moore, dated October 23, 2017.
- Letter from Michael Picardy, dated November 1, 2017.

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

MEETINGS WITH PLANNING COMMISSION:

September 15, 2017 – Site Visit and Work session

November 3, 2017 – Public Hearing

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

Section 9-101: *Uses Secondary to a Primary Residence.*

Currently a single family residence is located on the parcel. No secondary uses are proposed as part of this application.

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

The wireless communication tower will not generate electrical disturbances, glare or heat. No exterior lighting is proposed.

Section 9-505: *Freestanding Wireless Communications Structures:*

B. General Standards

B1: Safety Setbacks. To ensure the safety of surrounding properties in the event of collapse, and to protect against accumulation of snow and ice, it shall be set back from all property lines by one foot for every one foot of its height. This total tower height is 39 feet tall and is compliant to the safety setbacks for all surrounding properties, the closest property is 46 feet away.

B2: Design. It shall be designed and sited to be compatible with the surroundings. This existing tower is 32 feet tall and is silver with a white broadband receiver and was located at a high point on the parcel for the best signal possible.

B3: Height. Towers shall be sited to minimize their height. The existing tower is 32 feet tall and located on a high point of the property. Mounted to the top of the tower is a 7 foot adjustable telescopic lightning rod making the tower height 39 feet in total.

B4: Buffering. Landscaping and screening shall be required to achieve a total screening effect at the base of the structure and to screen any associated support buildings. Screening shall use trees if an available water source is nearby and may also secondarily use fences or berms. Native vegetation present consists of grasses, sage brush and oak brush.

B5: Exterior Lighting. Security or other lighting shall feature down-directional, sharp cutoff luminaires that comply with the requirements of Section 13-114: Exterior Lighting. The tower has two small blue LED power inductor lights.

B6: Access Roads. Access roads to the structure shall be minimal and capable of supporting equipment necessary to maintain the structure. Currently, the tower utilizes a subdivision road and the driveway to the existing residence at 90 Eagles Rest Drive.

B7: Design Safety. The structure's design shall be certified by a qualified professional structural engineer as structurally sound and presenting no risk to the public safety. A letter from Jerry Green P.E. dated September 6, 2017 "confirms that it is designed for a wind load of 115 mph and a snow load of 50 psf."

B8: Utilities Shall Be Located Underground. To the maximum extent feasible, all utilities shall be installed underground.

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

Voluntary, not mandated.

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

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

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

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

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

Matt Ortega, Montrose Colorado Parks and Wildlife, District Manager stated in a phone conversation with staff on September 7, 2017 that "since the area has existing development and residences he had no concerns for the tower."

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

Not applicable.

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

Not applicable. Adjacent lands are non-agricultural lands.

Section 11-110: *Development Beyond Snowplowed Access.*

The subject parcel is beyond snowplowed access.

Section 12-103: *Road System.*

The tower utilizes a subdivision road and the driveway to the existing residence at 90 Eagles Rest Drive.

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

A site plan was submitted as part of this application and complies with standards of this section.

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. In a phone conversation with Troy Hall of Delta Montrose Electric Association on August 31st, 2017 he stated, "That since the pole is 32 feet tall and is 65 feet away from the power lines it meets our setbacks, I do not have any concerns at this time."

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

Not applicable.

Section 13-111: *Landscaping and Buffering.*

After the site visit Planning Commission determined that the existing landscaping and screening is adequate. Applicant is working with adjacent neighbor to finish landscaping.

Section 13-113: Fencing

No fencing is proposed.

Section 13-114: Exterior Lighting.

Security or other lighting shall feature down-directional, sharp cutoff luminaires that comply with the requirements of Section 13-114: Exterior Lighting. The tower has two small blue LED power indicator lights.

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.
4. The tower height was confirmed at a total height of 39 feet.

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. 2017-00028, High Cimarron LLC, 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. 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.
3. 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.

Rocky Mountain Biological Lab (LUC-17-00026): The Gunnison County Planning Commission conducted a work session to review the request to host weddings and conference/workshops in Gothic, as well as expand winter use in Gothic to increase structured education programs and research. North Pole Basin improvements would permit up to 3,000 square feet of new construction, spread across six structures, to expand research and education programming. Schofield Park improvements would permit construction of up to 2,500 square feet of new construction, spread across two structures (one existing) limited to only research and education.

With a quorum present Chairman Fulton opened the work session.

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

Present representing staff: Planner Rachel Sabbato, Assistant Director of Community Development Neal Starkebaum and Planning Services Manager Beth Baker.

Present representing the application: Executive Director Ian Billick and Facilities Director Steve Jennison, and Director of Finance and Operations Manager Gesa Michel.

Billick noted in 1999 the winter population of Gothic was about four individuals, and in 2015 they were approved for 160 to 180 individuals. He said this application is meant to catch up. They are actively using the site for a wedding venue, workshops, education and research. The winter use has increased, and they have been renting a winter cottage for education and research.

They are currently using the Maroon, Avery and Forest Queen Huts and several cabins. They will be building a new four season building for their research program. This year they will only use the Maroon cabin.

RMBL acquired North Pole Basin several years ago. North Pole Basin has a conservation easement on it. The Scofield property was acquired about 10 years ago, a cabin on the site is being used to house scientists.

Sabbato said the applicants have requested 10 events that could be weddings, conferences or workshops.

Billick said there are 80 parking spots within the Gothic Town site. RMBL also uses Mountain Express buses to provide transportation for events.

Starkebaum asked where the weddings would take place; Billick said the community center.

The commission and applicant discussed the organization's tax exempt status.

Coleman asked the applicant to define their mission statement. Starkebaum said some of the activities are non-mission related to RMBL. Billick explained having collaborative relationships at the state and local levels helps build collaborative relationships.

Starkebaum asked about the 10 additional events and use in the winter, noting large numbers of people increase the level of impact. Billick said they are not proposing hosting events which would damage the existing infrastructure with increased impacts. The scale is not different to what they are currently doing. The heaviest impacts occur August through November. They have been permitted for research and education in the fall, and then it is a steady decline to November 1. Rogalski asked what the cumulative impacts over time would be. Billick said if the County wants a comprehensive plan to reduce the numbers in the valley, they would participate.

Director of Public Works Marlene Crosby said the amount of use winter must be considered differently. The fall and summer usage is very hard to keep up with. Now that they have an easement from the Town of Mt. Crested Butte to the Gothic Town site conditions have improved. She said it isn't clear busing people to weddings elevates much of the impacts, it's the ancillary traffic which has not been spoken to. Coleman asked what other impacts occur when hosting a wedding beside the guests and wedding party; Jennison said possibly a caterer and a band.

The Commission and applicant discussed avalanche work done in the winter months. Billick said they have a permit from the Forest Service to handle logistical emergencies. The trail is groomed for fat tire bikes. They are asking to use snowmobiles once a week to bring supplies in. Marlene Crosby said the BOCC would review the use of the road in the winter. The 2009 Travel Safety Plan may need to be updated to address the increased usage. Starkebaum explained the additional use of snowmobiles does have to go to the BOCC for their review.

Billick said North Pole Basin currently has 2,500 to 3,000 sq. ft. of structures, they are replacing/ updating some of the structures, but would not go over the 3,000 sq. ft. of structures. Scofield has one existing cabin, which is used occasionally and will eventually be replaced with a structure of no more than 2,500 sq. ft.

The next meeting with the Planning Commission will be a public hearing, conducted either December 1, 2017 or December 15, 2017.

Fulton closed the work session.

The regular meeting of the Planning Commission was adjourned at 11:00 A.M.

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