

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, May 18, 2018

- 8:45 a.m.**
- **Call to order; determine quorum**
 - **Approval of Minutes**
 - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.
- 9:00 a.m.** **The Demented Duo Trust**, site visit, request for single family residence, in compliance with Section 11-108: Development on Ridgelines, located 15 miles north of the City of Gunnison, west of Carbon Creek Road, legally described as Lot 17, Star Mountain Ranch
LUC-18-00009
- 10:30 a.m.** **The Demented Duo Trust**, public hearing, request for single family residence, in compliance with Section 11-108: Development on Ridgelines, located 15 miles north of the City of Gunnison, west of Carbon Creek Road, legally described as Lot 17, Star Mountain Ranch
LUC-18-00009
- 11:00 a.m.** **Centennial Storage Partners, LLC/Discount Self Storage**, work session/public hearing, request for expansion of the existing Discount Self Storage commercial storage facility to include two new storage buildings, located one mile north of the City of Gunnison, west of Highway 135, legally described as Lot 3, Flying E Ranch Subdivision
LUC – 18-00003

Lunch

- 1:00 p.m.** **Simco Ventures, Inc.**, work session/site visit, request for an office/warehouse building, on 2.2-acres, with parking and storage area, located approximately two miles west of the City of Gunnison, directly south of Highway 50, Parcels 2 and 3, Dos Rios Motor Hotel Subdivision
LUC-18-00004
- 2:30 p.m.** **David Baumgarten, County Attorney**, work session, education on exparte communication, Colorado sunshine law, etc.

Adjourn

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

- Public access
- Projects
- Application #
- **LUC-18-00009**
- **LUC-18-00003**
- **LUC-18-00004**
- Attachments

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
May 18, 2018**

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. **Present:**

Chairman- Kent Fulton Vice-Chairman- Jack Diani Commissioner- AJ Cattles Commissioner-Molly Mugglestone Alternate Commissioner- Daniel Spivey Alternate Commissioner- Diego Plata	Director of Community Development- Cathie Pagano Asst. Director- Neal Starkebaum Planner- Rachel Sabbato Manager of Administrative Services- Beth Baker Others present as listed in text
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Recused/Absent; Commissioner Rogalski was absent for the entire day, and Cattles was recused from the Centennial Storage Partners/ Discount Storage, and SIMCO agenda items.

With a quorum present Chairman Fulton opened the May 18, 2018 regular meeting of the Planning Commission.

Fulton seated Commissioner Spivey for the day's meeting.

The commissioners agreed to conduct Planning Commission meetings June 1, 15 and 29, 2018. There will be one meeting conducted in July, on July 20, 2018.

Approval of Minutes: Moved by Mugglestone seconded by Diani to approve the Planning Commission meeting minutes dated, May 4, 2018 as amended. The motion passed unanimously.

The Demented Duo (LUC-18-00009): The Gunnison County Planning Commission conducted a site visit and a public hearing to review the request for single family residence, in compliance with Section 11-108: Development on Ridgelines, located 15 miles north of the City of Gunnison, west of Carbon Creek Road, legally described as Lot 17, Star Mountain Ranch.

With a quorum present Fulton opened the site visit.

Present representing Planning Commission: Commissioners Fulton, Diani, Cattles, Mugglestone, Spivey and Plata.

Present representing staff: Planner Rachel Sabbato.

Present representing the application: attorney David Leinsdorf and engineer Norman Whitehead.

There were no minutes taken at the site visit.

With a quorum present Fulton opened the public hearing.

Present Representing Planning Commission: Commissioners Fulton, Diani, Cattles, Mugglestone, Spivey and Plata.

Fulton seated Spivey for the review and vote.

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

Present representing the application: attorney David Leinsdorf and engineer Norm Whitehead.

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

Site Visit Comments:

Fulton- it was good to see the actual location is farther back than it appeared.

Cattles-it is adequately screened and not obtrusive.

Diani-agreed with Cattles.

Spivey-agreed with Cattles adding the materials to be used will be nonobtrusive.

Plata-agreed with all commissioners' comments.

Mugglestone-agreed with all the commissioners' comments.

Sabbato explained the applicants will use a restrictive covenant to ensure replacement of the screening if it were destroyed.

Cattles asked about the covenants and use of unobtrusive colors: Sabbato explained the subdivision covenants address the use of nonobtrusive colors.

Diani asked how far the master bedroom will go back into the trees: Whitehead explained where it would be and what aspen trees would have to be removed.

The commissioners reviewed the draft decision.

Fulton closed the public hearing.

Moved by: Cattles seconded by Fulton to approve the recommendation of LUC-18-00009 Demented Duo ridgeline development.

PROJECT DESCRIPTION:

The Demented Duo Trust, represented by David Leinsdorf, has submitted an application for the construction of a single-family residence, with an attached garage, in compliance with *Section 11-108: Standards for Development on Ridgelines, Gunnison County Land Use Resolution.*

Submittal documentation includes the following:

- "Ridgeline Analysis – "Lot 17, Star Mountain Ranch, Ridgeline View from County Road 737", prepared by NCW & Associates, Inc., dated 2/27/18.
- Star Mountain Ranch Association approval letter, Charles R. Welch, Chair for DRC, Star Mountain Ranch, February 7, 2018.
- Restrictive Covenant

The analysis indicates that the proposed structure will be back screened by existing vegetation from ridgeline vantages on County Road 737 (Carbon Creek Road). The lot is predominately sagebrush, with the building site backed by a mixed stand of aspen and conifers.

The site is located on Lot 17, Star Mountain Ranch, approximately 18 miles north of the City of Gunnison, west of Carbon Creek Road (CR 737).

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact.

PLANNING COMMISSION MEETING DATES:

The Planning Commission held meetings on the subject project on the following dates:

- April 6, 2018 Work Session
- May 18th, 2018 Site Visit
- May 18th, 2018 Public Hearing

ONSITE VISIT:

The Planning Commission conducted a site visit on May 18th, 2018. The Commission members visited the building site and viewed the site from the ridgeline vantage location on Carbon Creek Road (CR 737). The Commission members noted that the site will be adequately screened by trees and that the ridge in front will also provide sufficient screening. The site will not be easily visible or obtrusive due to the earth tone color scheme and there is a significant distance from any of the vantage points on Carbon Creek Road (CR 737).

PUBLIC HEARING:

A public hearing was held on May 18, 2018; at that time, no public was present and no written public comments were received by the Commission.

COMPLIANCE WITH SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES OF THE GUNNISON COUNTY LAND USE RESOLUTION:

The applicants provided a detailed ridgeline analysis, including detailed architectural drawings of the site profile, prepared by NCW & Associates, Inc. The drawings and site plans, as noted above, depict the location, form and scale of the proposed structures in relation to the existing trees on the parcel and the ridgeline vantage locations on Carbon Creek Road (CR 737).

A restrictive covenant, attached as “Exhibit A,” will ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant’s property used for screening. Additionally, the structures on the ridgeline shall have minimum visual impact. The residence will not stand out among its surroundings, nor draw attention to itself, through the use of reclaimed wood material for siding and exterior colors that blend with surrounding natural terrain. Additionally, rusted metal or another comparably unobtrusive material shall be used for the roof material. The residence is should not be visible from a municipal ridgeline vantage and minimally visible from Carbon Creek Road (CR 737).

The proposed residence is partially visible on a ridgeline that is more than 150 feet vertically higher from the closest point on a ridgeline vantage, pursuant to *Section 11-108: Standards for Development on Ridgelines C. Ridgeline Visibility*.

The applicants have asserted through visual analysis that the structure will be significantly screened, in compliance with *Section 11-108: Standards for Development on Ridgelines. I.1.d: If Significant Screening Exists and Is Protected, Decision Shall Be Made By Board*, with existing vegetation that is of such volume, density and species that no part of the building that is partially visible will be visually obtrusive.

FINDINGS:

The Gunnison County Planning Commission, based on the facts set forth in this Recommendation and on the material facts represented by the applicant, whether or not repeated herein, and the results of an onsite visit and public hearing by the Planning Commission, finds that:

1. The 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 F. Development Requiring Detailed Ridgeline Vantage Visibility Analysis*.
2. A detailed visual ridgeline analysis titled “Lot 17, Star Mountain Ranch, Ridgeline View from County Road 737”, prepared by NCW & Associates, Inc., dated 2/27/18 was submitted with the application.
3. The information and analysis indicate that the proposed structure, under the definition of “ridgeline vantage,” will be visible from Carbon Creek Road (CR 737) only when traveling south.

4. Pursuant to *Section 11-108: Standards for Development on Ridgelines*, I. Exceptions:

The Planning Commission finds by clear and convincing evidence that significant screening exists and that the building site meets or exceeds the following standard:

If Significant Screening Exists and is Protected, Decision Shall Be Made by the Board. If the Planning Commission finds that the project does not meet the first three requirements of this section, but that any building on the ridgeline shall be significantly screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of year, the Commission shall so note in a recommendation to the Board, and the Board shall be the decision making body. If approved, the approval shall include:

1. *Recorded Covenant, Easement or Agreement.* A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and
2. *Minimal Visual Impact.* When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and:
 - i. (a.) *Is Not Obtrusive or Visible From A Municipal Ridgeline Vantage.*
Must comply with both of the following standards:
 1. (1.) *Obtrusiveness.* The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and
 2. (2.) *Municipal Ridgeline Vantage.* The building will not be visible with the naked eye from a municipal ridgeline vantage; and
 - ii. (b.) *Must Not be Visible from Ridgeline Vantage or Visibility is Only Momentary.* Must comply with and with one of the following standards:
 1. (1.) *Distance from Ridgeline Vantage(s).* The building will not be visible with the naked eye from near or distant ridgeline vantages; or
 2. (2.) *Number and Length or Duration of Ridgeline Vantages.* The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the building will be visible only momentarily to passersby.
5. A restrictive covenant was submitted, ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A".
6. The Planning Commission conducted a site visit on May 18th, 2018 and viewed the building site and from points on the ridgeline vantage on Carbon Creek Road (737). The Commission found that the site would be adequately screened by trees and that the ridge in front will also provide sufficient screening. The site will not be easily visible or obtrusive due to the earth tone color scheme and there is a significant distance from any of the vantage points on Carbon Creek Road (CR 737).
7. The elevation difference between the building site and the ridgeline vantage on Carbon Creek Road (737) is greater than 150 feet.
8. The proposed structures will blend with the surroundings. The house siding will be reclaimed lumber, using unobtrusive exterior colors that blend with the surrounding natural terrain. The roof material proposed is rusted metal or another comparably unobtrusive material. No shiny metal roof shall be allowed, as identified in the restrictive covenant.

9. All exterior lighting shall be directed downward, as identified in the restrictive covenant.
10. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all comments at the public hearing, exhibits, references and documents as included therein.
11. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
12. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
13. Approval of this use is based upon the facts presented and implies no approval of similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, The Gunnison County Planning Commission, having considered the submitted analysis, site plan, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners, that LUC 2018-00009, The Demented Duo Trust Ridgeline Residence, be approved with the following conditions: :

1. This permit is limited to activities described within the “Project Description” of this application, and as depicted on the 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. That this approval be memorialized by Board Resolution and recorded within the Office of the Gunnison County clerk and Recorder.
3. A restrictive covenant ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as “Exhibit A.”, shall be executed prior to approval by the Board. The restrictive covenant shall be recorded contemporaneously with the Board Resolution, within 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 implies no approval of any such similar use on any other parcel. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with County land use standards.
7. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

Centennial Storage Partners/ Discount Storage (LUC-18-00003): The Gunnison County Planning Commission conducted a public hearing to review the request for expansion of the existing Discount Self

Storage commercial storage facility to include two new storage buildings, located one mile north of the City of Gunnison, west of Highway 135, legally described as Lot 3, Flying E Ranch Subdivision

With a quorum present Fulton opened the public hearing.

Cattles recused himself from the review of this application.

Present representing Planning Commission: Commissioners Fulton, Diani, Mugglestone, Spivey and Plata.

Fulton seated Spivey for the review and vote.

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

Present representing the application: attorney Mike Dawson and owner Ken Snyder via phone.

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

Dawson explained they have applied to add two new metal storage buildings to their existing project. They will build one in 2018 and the other as the market demands, probably in 2019. They have submitted an updated and revised site plan to illustrate how they have attempted to mitigate and soften the buildings from view. He added there are no additional uses other than storage requested.

Starkebaum noted;

- The City of Gunnison had no significant issues with the project.
- The cost estimate was submitted.
- The Fire Department updated their comments on vehicular egress and deleted the requirements for access on the south side.
- The CDOT traffic study was completed.
- CDOT is waiting for the applicants to apply for a highway access permit. Dawson said they submitted an application this week.
- They revised the plans, there will be outdoor parking on the south side until the second building is completed. The parking would be temporary and will be eliminated by 2019 if the Commission allows it.

Fulton said the existing outdoor parking had never been permitted, and added if the second building is never built the public has to look at it. Snyder explained he needs a little time to relocate it.

Diani asked about the parking on the north side that extends past the building; Snyder said the vehicles on the north east corner will be moved. Diani asked about the irrigation for the new trees; Snyder said they will use ditch water, the house well and maybe tank containers to feed the drip lines. Diani asked if they have water rights in the ditch. Snyder was not sure, but he added the landscaping will be bonded for two years, to ensure that it grows. Dawson explained they would buy water credits if necessary.

Fulton, Mugglestone and Diani all liked the amount of trees on the east side.

Snyder said he intends to work to be a good business partner. Dawson pointed out they are still recognizing the parking spaces approved previously.

Martin Klinowski said the property is clean and well lit.

Tony Schmidt will help to plant all the trees and bushes. Fulton asked how the vegetation will be watered: Schmidt said water from the ditch, the house and tanks.

Diani was comfortable with the outline of the trees, noting they should adhere to the 1999 approval. Plata agreed the layout of the vegetation is good. Mugglestone said this is a much improved layout and agreed they should adhere to the 1999 approval.

Fulton asked how much time it will take to remove the units on the south side. Snyder said they could be moved when the second building is complete or by 2019. Fulton said it should be sooner. Snyder apologized for the inconvenience. He added they would have to find something off of his site. Starkebaum said the landscaping could provide some buffering and we may want to consider what is reasonable rather than what is fair. Diani asked when the trees would be installed; Schmidt said the second week in June. Diani was concerned with the 40 ft. tractor trailer on the east side. Snyder explained the trailer contains tools used by the applicant, when the first building is complete the trailer will be removed. Snyder requested a waiver for a longer period of time. Dawson suggested once the new building and the new landscaping is installed, the applicant could come back and apply to put units on the south side. Fulton said the units should be removed by August 31, 2018, to ensure it is back in compliance with the original permit.

The commissioners continued the public hearing to June 1, 2018 @ 9:00 A.M., in the Gunnison County Court house.

Simco Ventures, Inc. (LUC-18-00004): The Gunnison County Planning Commission conducted a work session and site visit to review the request for an office/warehouse building, on 2.2-acres, with parking and storage area, located approximately two miles west of the City of Gunnison, directly south of Highway 50, Parcels 2 and 3, Dos Rios Motor Hotel Subdivision.

With a quorum present Fulton opened the site visit.

Commissioner Cattles recused himself.

Present representing Planning Commission: Commissioners Fulton, Diani, Mugglestone, Spivey and Plata.

Present representing staff: Assistant Director of Community and Economic Development Neal Starkebaum.

Present representing the application: Luke Simonich, general Manager SIMCO Ventures LLC and Dennis Simonich, general manager SIMCO Ventures LLC, and AJ Cattles- Big C Builders.

No minutes were taken at the site visit.

With a quorum present Fulton opened the work session.

Commissioner Cattles recused himself.

Present representing Planning Commission: Commissioners Fulton, Diani, Mugglestone, Spivey and Plata.

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

Present representing the application: Luke Simonich, general Manager SIMCO Ventures LLC, Dennis Simonich, SIMCO Ventures LLC general manager and AJ Cattles- Big C Builders.

Dennis Simonich explained they have been in business since 2001, specializing in government build, own and lease back. They are working with GSA, for the procurement for the BLM. They have not been awarded the project yet.

Luke Simonich said the BLM is currently leasing two spaces in Gunnison and they have a warehouse. They have tried to find a suitable existing space for the last several years, but have not been able to. They received permission to purchase land in the City of Gunnison, but have not been successful. They have now been given permission to go one mile outside of the City, if the lot has water and sewer. SIMCO chose the lot and

the building design. The lot chosen is currently approved for condominiums and townhomes. He explained the proposed lot configuration. The normal working hours are 6:30 A.M. to 5:00 P.M. A full size semi turnaround is required and semi access. An eight ft. fence with barbed wire on the top is required. They are considering screening. The parking requirements are in excess of what the County requires. They have submitted a small rendering of the facility. They would have a large number of trees for screening, but will have to remove some of the existing trees to utilize the full extent of the property. The government timeline is not easy to know, but they could award the project by the first of July, maybe later. .

Starkebaum explained the County does not do speculative reviews. He added we can proceed, but would not conduct a public hearing until the project is awarded.

Starkebaum pointed out this project would be in a residential neighbor and asked if the barbed wire is required. Luke Simonich confirmed it is required. Spivey asked about noise; Luke Simonich said it would be a light industrial use and most of the noise would be from vehicle maintenance.

Starkebaum asked how many trees can be saved, reiterating this is in a residential area.

Diani asked if the fence would be 8 ft. tall all the way around: Luke Simonich said yes, they are typically chain-link with barbed wire on the top.

Mugglestone asked about the City of Gunnison comments which said they would prefer the project go to Gunnison Rising. Starkebaum explained there is no infrastructure on that site now. GSA has stated Gunnison Rising will not be the site.

Chris Rourk asked why this is not being reviewed as a major impact: Starkebaum explained it is under five acres of disturbance.

Fulton closed the work session.

County Attorney David Baumgarten and the Gunnison County Planning Commission conducted a work session, to review exparte' communication, the Colorado Sunshine Law, etc.

With a quorum present Fulton opened the work session.

Present representing Planning Commission: Commissioners Fulton, Diani, Cattles, Mugglestone, Spivey and Plata.

Present Representing staff: Director of Community and Economic Development Cathie Pagano, Assistant Director of Community and Economic Development Neal Starkebaum, Planner Rachel Sabbato, and Manager of Administrative Services Beth Baker.

There were no minutes taken during the work session.

Moved by Fulton, seconded by Diani for the Commission members: Fulton, Diani, Cattles, Mugglestone, Spivey and Plata to go into executive session with County Attorney David Baumgarten, and Community Development Staff members: Cathie Pagano, Neal Starkebaum, Rachel Sabbato and Beth Baker for the purpose of discussing conflict of interest, exparte communication, and the sunshine law. The motion passed unanimously.

The Commission went into executive session at 2:30 p.m. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).* , Attorney client privileged as a conference with the County Attorney for the purpose of receiving legal advice on specific legal question.

Attorney Statement Regarding Executive Session

- Pursuant to C.R.S. 24-6-402 (2) (d.5) (II) (B), I attest that I am the Gunnison County Attorney; that I represent the Gunnison County Planning Commission; that I attended all of the above referenced executive session; that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) (b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

David Baumgarten
Gunnison County Attorney

A. Chairperson Statement Regarding Executive Session

- Pursuant to C.R.S. 24-6-402(4)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Planning Commission; that I attended all of the above referenced executive session; and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Kent Fulton, Chairperson
Gunnison County Planning Commission

Moved by Diani and seconded by Mugglestone to come out of executive session at 3:53 p.m., the motion passed unanimously. Chairperson Fulton stated that the discussion had remained on topic and no digital or written record was kept.

Fulton closed the May 18, 2018 regular meeting of the Gunnison County Planning Commission at 4:15 p.m.

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