

**GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, July 20, 2018**

**Board of County Commissioners Meeting Room
Gunnison County Courthouse
200 E. Virginia Avenue**

- 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.** **Golden Eagle Trash Service LLC, Alphonse and Carolyn Tamarcaz**, public hearing, request for a commercial storage yard for refuse trucks, recycle containers and 3-bay shop building, with existing residence, located at 690 CR 18, legally described as a parcel in the NW1/4SW1/4 Section 3, Township 49 North, Range 1 West, NMPM, on 40-acres
LUC-18-00017
- 10:00 a.m.** **APT Brush Creek Road, LLC**, continued public hearing with BOCC, request for the development of 220 units on the subject parcel. 65% (156) of the units will be deed restricted to qualifying households earning less than 180% of the Area Median Income. The remainder of the units (84) will be free market rental units, located on the southeast corner of the intersection of Brush Creek Road and Highway 135, approximately 1.5 miles south of the Town of Crested Butte. The parcel is approximately 14.29 acres and is legally described as all of land in Section 12, Township 14 South, Range 86 West, 6th p.m., lying south and east of Brush Creek Road, and west of Larkspur Subdivision **LUC-17- 00034**
- Noon** Lunch
- 1:00 p.m.** **Matt McComb, District Ranger, Gunnison District, GMUG National Forest**, work session/educational session, discussion of topics of mutual interest on local National Forest

Adjourn

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

- Public access
- Projects
- Application #
- **LUC-18-00017**
- **LUC-17- 00034**
- Attachments

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
July 20, 2018**

The Gunnison County Planning Commission conducted a regular meeting in the Board of County Commissioner Meeting Room, Gunnison County Courthouse, 200 E. Virginia Ave. **Present:**

Chairperson- Kent Fulton Vice-Chairperson- Jack Diani Commissioner-Molly Mugglestone Commissioner- Vince Rogalski Commissioner-AJ Cattles Alternate Commissioner- Daniel Spivey Alternate Commissioner- Diego Plata	Director of Community Development- Cathie Pagano Assistant Director of Community Development- Neal Starkebaum Planner- Rachel Sabbato Manager of Administrative Services- Beth Baker Others present as listed in text
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Commissioners Recused or Absent:

Absent: None

Recused: Commissioner Kent Fulton has been recused from the review of Brush Creek
Commissioner Molly Mugglestone has been recused from the review of Golden Eagle Trash and left the meeting for the day following the APT Brush Creek agenda item.
Commissioners Spivey and Plata have not been seated for the APT Brush Creek Sketch Plan review

With a quorum present Chairperson Fulton opened the July 20, 2018 regular meeting of the Planning Commission.

Moved by Rogalski seconded by Cattles to approve the minutes of June 29, 2018 as amended. The motion passed unanimously.

Golden Eagle Trash Service LLC (LUC-18-00017): The Gunnison County Planning Commission conducted a public hearing to review the request for a commercial storage yard for refuse trucks, recycle containers and 3-bay shop building, with existing residence, located at 690 CR 18, legally described as a parcel in the NW1/4SW1/4 Section 3, Township 49 North, Range 1 West, NMPM, on 40-acres

With a quorum present Chairperson Fulton opened the public hearing.

Commissioner Molly Mugglestone has recused herself from the review of the application.

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

Ken Bodine asked if owners Lacy and Dow LLC were notified: attorney Mike Dawson confirmed they had been and the certified notice receipt was presented.

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

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

Present representing the application: Applicants Alphonse and Carolyn Tamarcaz, and attorney Mike Dawson.

Carolyn Tamarcaz explained they would be purchasing the property to consolidate the location of their office and parking of the trash trucks, in one place. The employment opportunities would be greater if they could consolidate and possibly increase the business. They have hired high school and college students. This site would be better for their customers who could pay their bill in town and special pickups could be facilitated quicker and easier. They would like to see their employees on a daily basis and this location would be closer and would save fuel costs. The topography of the land is excellent because the operation could not be seen from Highway 50. They have looked at other properties but have not found another suitable site. She acknowledged there have been letters both positive and negative submitted. They use the land fill on a daily basis and there should not be any trash stored on the property, except if the landfill is closed. They use the car wash in town to wash the trash trucks and will continue to do so. The existing house on the property would be used for the office and not a residence. Their company has been in existence for 25 years and they service many of the outlying communities. To increase business they have purchased more dumpsters.

Attorney Dawson explained the site is in the area of the Sportsman Gun Club. The current location of the dumpsters is up the road from the proposed site.

Planning Staff Comments:

Starkebaum said the City of Gunnison has submitted comments, any public comments submitted have been forwarded to the Planning Commission and are now part of the Community Development file, and the applicant has submitted the drainage plan.

Review Body Comments:

Rogalski asked what the possibility of storing trash was if the landfill is closed: Carolyn Tamarcaz said if the landfill is closed they will have to store the trash until it reopens.

Fulton asked, when the landfill is closed: Carolyn Tamarcaz said holidays like Memorial Day and Labor Day, etc. The trash is taken to the landfill the day following any closure.

Diani asked how many trash trucks they currently have: Alphonse Tamarcaz said six.

Fulton asked, what the hours of operation are. Alphonse Tamarcaz explained they can start from the yard as early as 6:30 A.M. The office hours are 8 A.M. to 5 P.M. The trucks have to be at the land fill before 4 P.M. and back at the yard about 5:00 P.M. .

Plata inquired about provisions for odor; Alphonse Tamarcaz said they wash the trucks.

Cattles was concerned with the company's future growth and the possibility this site would not be adequate for their growth.

Diani suggested the applicants investigate fencing. Fulton agreed. Fencing would be a visual buffer providing screening and it could help control any blowing trash.

Public Comments:

Ken Bodine property owner at 571 County Road 18, addressed comments which had been made:

- The visibility comments are relative to Highway 50, but it is highly visible from County Rd. 18: it is not a good location.
- He has observed the storage of trash on the applicants' current site as recently as last Monday, the containers were full and trash was outside of the screen.
- Starting the trucks up at 6:30 A.M. is too early in a residential area.
- The trash trucks are not washed daily, producing odor and attracting animals.
- This should be classified as a major impact project according to LUR Section 7-101:B. The traffic is relevant, heavy equipment up and down the road is dangerous and should be addressed. The expansion area definition needs clarity.
- With the increase of trucks and roll offs there will be a significant increase of traffic.

- Public Works Director Marlene Crosby has stated the road is not in good shape and would not be repaired until there are funds are available. With the increase of heavy traffic the road will deteriorate further.
- This site will be visible from the seven residences in the area.
- He acknowledged the Coleman's facility does exist, but did not want any other trash facility introduced.

Mary Rogers owns 15 acres at the top of County Rd 18.

- Concerned with the possibility of the trash trucks being washed on site.
- Concerned with the visibility from County Rd. 18.
- Questioned if there would be landscaping done to decrease the visual impacts.

Fulton explained the application states they will not be washing trash vehicles on site and it could be enforced by the County. There is not a landscaping plan at this time.

Roxanne Schultz lives two miles from the gun range and the noise from that is disturbing. She said starting the trucks at 6:30 A.M. is too early. The trash truck noise is louder than the gun club.

Lee Spann owns property adjacent to the site on the south side.

- This property has been subdivided into several 35-acre parcels, one is adjacent to this site.
- The value of the land will decrease because of the facility.
- There are other areas in the County better suited for this operation.

Daren Biggers owns property in the Gunnison-Heights subdivision.

- This operation would be 400 yards to the west over the hill.
- They are concerned with the odor, and the control of the trash being blown by the wind.
- There are better suited locations for this operation.
- It will decrease property values.

Jake Stone lives on County Road 18.

- He is unsure if it would affect their property value.
- They have already been appraised lower because of the dumpsters on Coleman's property that are currently stored there.

Ken Bodine additional concerns.

- The property value and marketability of his property would decrease.
- He has been improving their property since they purchased it.
- There are better suited areas for this type of storage and equipment usage.
- The septic system on the property would have to be looked at it with an expansion.
- The environmental impacts are high in a high wind zone.
- The trash is currently stored more often than has been stated.
- There would be significant negative visual impacts to their residence.
- The additional lighting will negatively impact their residence.
- The noise of trash trucks starting at 6:30 A.M. would negatively impact his day.
- The history of Mayflower moving company using the road in the 1970s is not relevant now.
- It is a residential area.

Rain Bodine said they would not have purchased their current property had there been a trash company next door. She does not hear shooting from the gun range at 6:30 A.M.

Applicant Response:

Dawson responded the septic system capacity will not be increased because it will be an office not a residence. Trash will not be stored on site, unless the landfill is closed, and then the trash will be contained.

Dawson said this neighborhood already contains storage of trucks, heavy equipment and outside storage. Bodine stores equipment. Bodine said he is working on the property with the equipment. Dawson noted any property value estimates would only be speculative.

Planning Staff Response:

Starkebaum explained if landscaping were installed along the road the difference in elevation would result in seeing the site anyway. Water usage would be required to keep any landscaping alive. It could actually look out of place on County Road 18.

The commissioners requested the applicant look at mitigation fencing to incorporate in the plan. Cattles requested they address future growth as well. Dawson said if they need to expand they will have to come back to the County for the review.

Fulton continued the public hearing to August 3, 2018 at 9:00 A.M.

APT BRUSH CREEK ROAD, LLC, (LUC-17-00034): The Gunnison County Planning Commission and Board of County Commissioners conducted a continued public hearing. They reviewed the request for the development of 220 units on the subject parcel. 65% (156) of the units will be deed restricted to qualifying households earning less than 180% of the Area Median Income. The remainder of the units (84) will be free market rental units, located on the southeast corner of the intersection of Brush Creek Road and Highway 135, approximately 1.5 miles south of the Town of Crested Butte. The parcel is approximately 14.29 acres and is legally described as all of land in Section 12, Township 14 South, Range 86 West, 6th p.m., lying south and east of Brush Creek Road, and west of Larkspur Subdivision.

Chairperson Kent Fulton has recused himself from the review of this application.

Commissioners Spivey and Plata have not been seated for the sketch plan review.

Commissioner Diani has been appointed Chairperson for this review and Commissioner AJ Cattles has been appointed Vice-Chairperson. For this session of the joint public hearing AJ Cattles was the acting Chairperson.

With a quorum present acting Chairperson Cattles opened the continued joint public hearing.

Present representing the Planning Commission and Board of County Commissioners: Planning Commissioners Diani, Cattles, Mugglestone, and Rogalski, Board of County Commissioners Jonathan Houck, Phil Chamberland and John Messner.

Present representing staff: Director of Community and Economic Development Cathie Pagano.

Present representing the application: applicant Gary Gates, representative John O'Neal, attorney Kendall Burgemeister, designers Margaret Loperfido and Andrew Hadley.

County Attorney David Baumgarten noted the Planning Commission and Board of County Commissioners had directed him to have conversations to develop some potential solutions with stake holders, including those who object and those who do not. He thanked all participating parties. He and paralegal Rachel Magruder conducted 30 meetings in total. The conversations revolved around density, intensity, amenities and locations. He requested formal direction to continue those conversations.

Staff Comments

Pagano said she had nothing to add at this time.

Applicant Comments

Burgemeister thanked all the stake holders who had participated in the conversations. He noted the Town of Mt. Crested Butte has a 17-acre vacant parcel suggested for affordable housing. This parcel, if approved for affordable housing, would not be automatically approved for development by Gatesco.

Town of Crested Butte Mayor Jim Schmidt stated they had met with one individual of the Gatesco team and decided any further meetings should be noticed public meetings.

Burgemeister said they met with Skyland Metro District and East River Sanitation District to explore ways to alter from what is proposed for water and sewer. Water from Skyland is not an option because the property is not in the district. Based on analysis they don't anticipate tying on to East River Sanitation, it would not reduce development costs, although it would eliminate the Onsite Wastewater Treatment System. Friends of Brush Creek had submitted conditions including tying into Skyland Metro District, but that is not an option.

Baumgarten after meeting with several north valley business owners, said he was told they are suffering from the lack of workers, attributing it to lack of affordable housing in the north valley.

Town of Crested Butte Mayor Jim Schmidt thanked the County for continuing the review. He appreciated the conversations with the County Attorney, but they have caused some frustration. The developer has not responded to the Town's concerns. The Town continues to be concerned with the need for affordable housing and has addressed the issue for the last 25 years. Twenty-two percent of the residential units in Town are affordable units. They have used \$2 million in tap fees as incentives. He requested any further attorney meetings take place in public. He explained the Towns' requests:

- Deny the sketch plan application based on the lack of compliance with the standards in the LUR; or
- Conditionally approve the sketch plan application with the necessary significant and substantive modifications to achieve compliance with the LUR; or
- Continue the public hearing if all parties are willing to participate in robust public discussion with each other about the use of the property.

Schmidt reiterated it is very important all conversations take place in public. The conversations between different groups separately created frustration.

Friends of Brush Creek attorney David Leinsdorf thanked the County for the tireless work. The current plan does not comply with the LUR regulations on setbacks, height restrictions, snow storage, etc. A free market application for a 220 unit development on 14 acres, next to a single family residential area would not comply with the LUR, it would not be approved.

It was noted there was no representative from the Town of Mt. Crested Butte or East River Sanitation District at the public hearing today.

Public Comments

Business owner in the Town of Crested Butte Kyleena Falzone said:

- The affordable housing issue is a current critical and massive issue in the County.
- There are help wanted signs everywhere.
- Lack of adequate numbers of employees has caused customer service quality and consistency problems.
- She has employees living in tents.

She supports the project moving forward with the condition the units would be governed by the Housing Authority and rented to residents of the County. It is about keeping the community together, employees and customers. She requested the commissioners to be sensitive to both sides.

Eileen Whitley noted her concerns:

- High density
- Insufficient parking spaces for the number of units

- Increased traffic problems
- Accidents turning left onto Highway 135 particularly in the winter
- The 20 owner occupied units will have shared liability for the OWTS system, causing issues with financing any sale of the units.

This is not the only solution. She requested the commissioners deny the application or approve with the conditions submitted by the Friends of Brush Creek.

George Gibson:

- Higher construction costs has decreased the number of units the Town Crested Butte can build. The same increased costs will impact the Gatesco projected 2% profit margin.
- This increase in costs will result in a scaling down of the quality of work and materials. Gates will raise his expenses to recover it.
- There are very few units in the complex affordable for workers in the valley.
- The costs of building are already driving this out of control. Gates will request relief.
- Step back and build it for the people who really need it.

Scott Trotter, attorney and resident in Skyland:

- The County needs to start over and consider a new round of proposals because this is too complicated and there are too many problems.

Sam Lumb, retail business owner on Elk Ave:

- Agrees with attorney Leinsdorf's comments, this does not meet the requirements of the LUR, deny the sketch plan.

Kevin Hartigan, owner of the Last Steep agreed with Kyleena Falzone adding:

- There is an incredible need for affordable housing.
- It is impacting the quality of customer service.
- Affordable housing should be located everywhere Gunnison, Mt. Crested Butte, and Crested Butte.
- He is losing employees because they have no place to live.
- This type of density is needed.
- Approve it with conditions, this is a step in the right direction.

Lisa Merck, health care provider in the valley:

- Patients and families cannot find housing.
- Students are commuting because of the lack of affordable housing.
- Supports workforce affordable housing throughout the valley.
- Approve sketch plan with conditions.

Mayor of Crested Butte Jim Schmidt:

- The City of Houston law suits with the applicant remain a concern.

Applicants Response

Burgemeister responded:

- Compatibility -there is a section in the LUR addressing concessions and incentives allowed for developing affordable housing.
- Rising construction costs- the problem is not going away.
- 50% AMI units- available to everyone including those making less than 50% AMI. They are willing to work on the conditions to include a local worker preference.

Planning Commission Comments

Diani noted his concern for adequate water availability, particularly in a dry year. Burgemeister explained water is available for the plan as conceived and supported by the Upper Gunnison Water Conservancy District. They will engineer the water in the preliminary plan phase.

Cattles asked if they had spoken with the Town of Crested Butte about density and water availability. Burgemeister said water and wastewater is not available through the Town, even if the project was scaled down it would not be affordable.

Mugglestone asked if any financial subsidies had been discussed with the Town and applicant. Schmidt stated he was offended with the idea the Town should provide subsidy for this developer, he does not own the land or have any property rights. This is a dry year and Coal Creek is a trickle, creating a lot of concern about water availability. Why is the County not being asked about subsidies? The Town will be sharing the use of their public amenities.

Falzone added her employees would be helped getting into these units, they would be able to live in these units and benefit from them.

Cattles asked the commissioners if they wanted to close the public hearing or continue it.

Moved by Rogalski seconded by Mugglestone to close the sketch plan public hearing for APT Brush Creek Road LLC (LUC-17-00034.) The motion passed unanimously with commissioners Cattles, Diani, Mugglestone and Rogalski voting yes.

Work session

Messner explained a major impact application goes through three phases, sketch plan, preliminary plan and final plan. Sketch plan is exploratory and provides discussion opportunities. A project is expected to evolve. If the project progresses to the preliminary plan phase the applicant will submit a preliminary plan addressing issues important to the County. Engineering plans are not required or accepted in the sketch plan phase. Preliminary plan provides detailed design solutions. Issues are addressed in a site specific manner. The burden is on the applicant to provide the information and mitigation. The issues identified during sketch plan review are the issues specifically addressed in preliminary plan.

Pagano requested direction from the commissioners: approval, approval with conditions or denial of the application. She noted the Board of County Commissioners will receive the Planning Commission recommendation for consideration. They may adhere to the Planning Commission recommendation, or not. The Planning Commission has 60 days following the close of the public hearing to consider a draft recommendation.

Diani asked if there are possibilities for further discussions with the stake holders: Baumgarten said yes, they would be glad to do that.

Baumgarten asked Burgemeister if it was the intent of the applicant not to submit a preliminary plan unless there was an approval of at least three of the MOA parties. Burgemeister said that is correct. Cattles asked why all four parties' approval would not be required.

Cattles suggested if this was to be directed to move forward with conditions, one of the conditions could be to get the approval of the four MOA parties. Baumgarten recommended accepting the applicant's offer to accept three of the four parties' approvals.

Mugglestone asked if the MOA can be a condition in the recommendation. Baumgarten said the MOA is a contract and not part of the application. He recommended accepting the applicants' offer of three of the four MOA parties agreement.

Baumgarten explained moving forward to preliminary plan does not prevent additional conditions on the preliminary plan.

Following a discussion, Rogalski was ready for staff to prepare a draft document of approval with conditions. Cattles was not sure. Diani recommended the County Attorney continue conversations with the stake holders. The commissioners agreed unanimously.

Mugglestone directed staff to prepare a draft of approval with conditions, Diani. Cattles and Rogalski agreed.

Specific areas of concern:

- Diani- coordination with the Division of Water Resources, and a 24 hr. pump test done at the lowest time of the year
- Messner-- AMLs, water and wastewater, density, traffic, parking trails and public access
- Rogalski -assurance the affordable housing component is permanent, address the intersection of Brush Creek and Highway 135, and assurance of adequate water
- Mugglestone-East River Sanitation application
- Diani -transit center and traffic flow
- Group conditions under these categories: density, intensity, amenity and compatibility.

Baumgarten thanked the parties who participated in the discussions. Cattles thanked all the parties who participated and the public for their patience.

The meeting was adjourned at 11:50 A.M.

Commissioner Mugglestone left the meeting for the remainder of the day.

District Ranger, Gunnison District, GMUG National Forest: The Gunnison County Planning Commission conducted a work / educational session to discuss matters of mutual interest on local National Forest. Matt McComb.

Chairperson Fulton opened the work session.

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

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

No minutes were taken.

Fulton adjourned the regular meeting of the Gunnison County Planning Commission 2:45 P.M. .

/S/ Beth Baker
Community Development Department Title
Gunnison County Community Development Department