AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Plow Request; County Road 743; Ivy

Action Requested: Motion

Parties to the Agreement: Andrew & Joni Ivy and Gunnison County

Term Begins: 12/4/2018 **Term Ends:** 6/1/2019 **Grant Contract #:**

Summary:

Andrew and Joni Ivy have been through the LUC process and approved by Planning Commission to privately plow.

Fiscal Impact: None

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 11/30/2018 Certificate of Insurance Required Yes ◉ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/30/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: DCM Report

Agenda Date: 12/4/2018

Revised April 2015

Att: Marlene D. Crosby, 195 Basin Park Drive, Gunnison, CO 81230

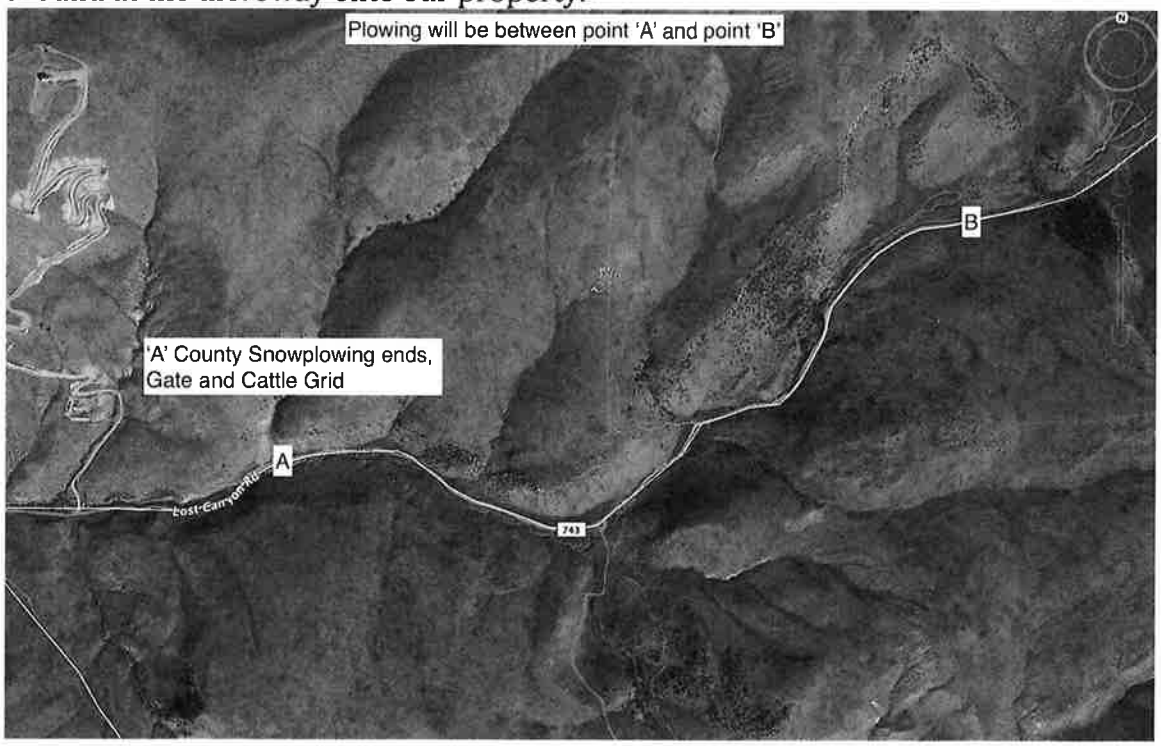
Request to Plow

Andrew and Joni Ivy
3249 CR 743
Gunnison CO
81230

Equipment :
Toyota Tundra 4x4 Pickup with "the BOSS" 7'6" sport duty plow,
with adjustable skid shoes
(Please see below for Insurance and Registration)

Also have a John Deere Backhoe in the event we need to move snow banks etc. Sparky Casebolt, is familiar with the machine, I used it to help the local sheriffs department and Public Works Department repair the damaged gate after it was vandalized this spring. We will not use this for plowing, but have it in the event there is a need for it.

Distance is approximately 1 mile.
Proposed turn around is at Point 'A'
In the event a vehicle goes past this point there will be sufficient room to turn around at the driveway onto our property.



COLORADO REGISTRATION/OWNERSHIP TAX RECEIPT

TYPE	PLATE	TAB	VIN	EXPIRE	FUEL
LTK-REG	188WNU	S503686	5TFBV54148X038652	12/2018	G

DUAL REG	DUAL NO	DUAL TAB	DUAL EXPIRE	TITLE	FLEET #
			0000000	40E203906	

YR	MAKE	MODEL	BODY	COL	CWT	CC	WATTS	LxW	T/C
2008	TOY		PK	TAN	54				B

PURCH DATE	PURCH PRICE	TAX VALUE	BUS DATE	PREV EXPIRE	CITY	U/R
12/06/2014	23541.00	25,573	11/13/2017	12/2017	9999	R

HVUT	C/P	CARRIER	BUS	CNT	PUC#	PWD ID	ID HOLDER	H/C DATE
				000				

UNIT #	GVW	GVWR	MILES	HI GVW

OWNER NAME/MAILING ADDRESS

XTREAM INTERNET LLC E/12062014/ /122015

PO BOX 456
GUNNISON CO 81230

VALIDATION	TOTAL
PAID GUNNISON 11/13/2017 082032BX4 R01	121.77 P

MOTOR VEHICLE INSURANCE IS COMPULSORY IN COLORADO, NON-COMPLIANCE IS A MISDEMEANOR TRAFFIC OFFENSE

COLORADO INSURANCE IDENTIFICATION CARD

COMPANY NUMBER **COMPANY** **COMMERCIAL AUTO POLIC**

Hartford Accident & Indemnity Co

ONE HARTFORD PLAZA, HARTFORD, CT 06155

POLICY NUMBER **EFFECTIVE DATE** **EXPIRATION DATE**

34 UEC ZT7659 04/01/2018 04/01/2019

YEAR **MAKE/MODEL** **VEHICLE IDENTIFICATION NUMBER**

08 TOYT TUNDRA/DOUBLE 5TFBV54148X038652

AGENCY/COMPANY ISSUING CARD

340014 BROWN & BROWN OF COLORADO INC
DENVER, CO 80231 (303) 980-6265

INSURED

XTREAM INTERNET LLC
5200 N MESA DR
CASTLE ROCK CO 80108

SEQ NO 2 **SEE IMPORTANT NOTICE ON REVERSE SIDE**

GUNNISON COUNTY PLANNING COMMISSION
REVISED AGENDA: Friday, June 29, 2018

Board of County Commissioners Meeting Room
2nd Floor
Gunnison County Courthouse
200 E. Virginia Avenue

9:00 a.m. **APT Brush Creek Road, LLC**, continued public hearing with BOCC

PUBLIC HEARING CONTINUED TO 10:00 A.M. JULY 20TH IN THE BOARD OF COUNTY COMMISSIONERS MEETING ROOM, 2ND FLOOR, GUNNISON COUNTY COURTHOUSE

9:45 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.

10:00 a.m. **Staff**, work session, proposed amendments to the *Gunnison County Land Use Resolution*

11:00 a.m. **Andy and Joni Ivy,** public hearing, **LUC-18-00010**

Adjourn

The applications can be viewed on gunnisoncounty.org,
link to http://204.132.78.100/citizenaccess/
- Public access
- Projects
- Application #
- **LUC-17- 00010**
- Attachments

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
June 29, 2018
****

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

Chairperson- Kent Fulton Vice-Chairperson- Jack Diani Commissioner-Molly Mugglestone Commissioner- Vince Rogalski Alternate Commissioner- Daniel Spivey Alternate Commissioner- Diego Plata	Director of Community Development- Cathie Pagano Asst. Director- Neal Starkebaum Others present as listed in text

Recused/Absent/Seated for the June 29, 2018 Planning Commission Meeting;

- **Absent:** Commissioner AJ Cattles
- **Recused:** none
- **Seated:** Commissioner Diego Plata seated for the days meeting.

****

With a quorum present Chairperson Fulton opened the June 29, 2018 regular meeting of the Planning Commission.

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Moved by: Rogalski seconded by Plata to approve June 1, 2018 minutes as amended the motion passed unanimously.

Moved by: Diani seconded by Fulton to approve June 15, 2018 minutes as amended, the motion passed unanimously.

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Proposed LUR Amendments: The Gunnison County Planning Commission reviewed the staff proposed LUR amendments.

With a quorum present Chairperson Fulton opened the work session.

The commissioners discussed the staff proposed amendments:

- **9-301: (Commercial and Industrial Uses) applicability and General Standards**

Amend 9-301 to allow 1,500 square feet for residences as part of an industrial use. The commissioners discussed the square footage requirements for light industrial use and the residential component. They discussed how housing units could be incorporated into the light industrial development. They agreed to keep the light industrial square footage at 5,000 and to allow a 1,500 square foot residential requirement. The commissioners will continued to consider if the residential component may have limitations on the tenant type, if its owner occupied or workforce occupancy. They did not want short term rentals.

- **9-509: Camping on Individual Parcels**

Starkebaum explained long term camping permits are required for camping more than 14 consecutive days in a three month period. He said one of the main concerns the County has about camping is related to wastewater disposal. Starkebaum explained the grey water can't be day-lighted on the ground, it must be treated. Rogalski asked about camping on a property while one is building a residence. Starkebaum explained Section 9-502 allows temporary shelter for the owner of a property to live in for 18 months while building a permitted residence. The commissioners agreed the recommendation of 180 days is appropriate. They asked about how the Onsite Wastewater Treatment System regulations (OWTS) are applied. Staff explained

compliance with the OWTS regulations is required. This will allow the Environmental Health Official flexibility in addressing the site-specific needs for individual parcels. Fulton requested that staff prepare a definition of camping for their consideration.

- **9-604: Incentives to Provide Essential Housing**

The commissioners agreed to the change proposed A. 2. adding, within a primary residence.

- **13-106: Energy Conservation**

The commissioners agreed to delete, it is no longer needed.

Andy and Joni Ivy (LUC-18-00010): The Gunnison County Planning Commission conducted a public hearing. They discussed a request for private snowplowing of approximately 1 mile above the winter closure gate on County Road 743 (Lost Canyon Road) for winter access to a single-family residence, as an extension of snowplowing of a County Road, in compliance with Section 11-110: Development of Land Beyond Snowplowed Access, located at 3499 CR 743, legally described as a parcel in the NW1/4NW1/4 Section 14, Township 50 North, Range 1 West, NMPM, on 40-acres.

With a quorum present Chairperson Fulton opened the public hearing.

Chairperson Fulton seated Plata for the Ivy application review.

Starkebaum confirmed adequate public notice.

Fulton confirmed the commissioners understood the application. Starkebaum said he had discussed some of the conditions with Marlene Crosby, Director of Public Works. Fulton asked if there were additional comments from the PC.

The commissioners reviewed the draft decision.

Fulton closed the public hearing.

Moved by Rogalski seconded by Plata to approve LUC-18-00010- Ivy private snowplowing beyond snowplowed access. The motion passed unanimously.

Project Description:

Andy and Joni Ivy request the private snowplowing of approximately 1 mile of County Road 743 (Lost Canyon Road) to a single-family residence, above the current snowplowed closure gate, in compliance with Section 11-110: Development of Land Beyond Snowplowed Access.

LOCATION:

The subject location is on an approximate 1 mile portion of CR 743 (Lost Canyon Road) (Lost Canyon Road), above the current snowplowed closure gate, to a residence at 3249 CR 743, legally described as a parcel in the NW1/4NW1/4 Section 14, Township 50 North, Range 1 West, NMPM; a 40-acre parcel.

ADJACENT LAND USES:

The parcel being accessed is an inholding surrounded by BLM lands.

PLANS/REPORTS/SUBMITTALS:

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

- Minor Impact Land Use Change Application and site/road plan
- Sage-grouse assessment, May 12, 2017
- CPW Comments, Chris Parmeter, DWM, April 3, 2017

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

SITE VISIT:
The Commission members performed a site visit on June 1, 2018 and viewed the proposed portion of CR 743 to plowed, the parking area at the end of snowplowed access and new closure gate location, and the intersection with the private driveway to the applicant's residence.

PUBLIC HEARING:
A public hearing was held on June 29, 2018; at that time no public was present.

MEETINGS WITH PLANNING COMMISSION:
June 1, 2018 – Work session & site visit
June 29, 2018 - Public Hearing

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

Section 10-102: *Locational Residential Development:*
Not applicable. No subdivision of the property or additional residential use is proposed.

Section 10-103: *Residential Density:*
Not applicable. No subdivision of the property or additional residential use is proposed.

Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development*
Not applicable.

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.*
No additional impacts to wildlife are anticipated, according to comments from Chris Parmeter, DWM, CPW, letter dated April 3, 2017.

Section 11-107: *Protection of Water Quality*.
Not applicable. Existing road.

Section 11-109: *Development That Affects Agricultural Lands.*
Not applicable.

Section 11-110: *Development of Land Beyond Snowplowed Access*
F. EXPANSION OR EXTENSION OF SNOWPLOWING.
Except for an emergency declared by the Board or County Manager, which emergency shall not exceed one month, each proposal for expansion or extension of snowplowing of a County or public road to be performed

either by Gunnison County or a different public entity, or privately, shall be considered a land use change classified as a Minor Impact Project, and shall be reviewed pursuant to Article 6: *Minor Impact Projects.* The application shall not be approved unless, in addition to compliance with all other standards and requirements of this *Resolution*, the Board determines by clear and convincing evidence that:

1. **NO CONFLICT WITH ARTICLE 1.** Such expansion or extension does not substantially conflict with the requirements of Article 1: *General Requirements;*
   - No conflicts identified.
2. **MEETS ROAD AND BRIDGE CONSTRUCTION SPECIFICATIONS**. Meets or exceeds the requirements of the *Gunnison County Standards and Specifications for Road and Bridge Construction*;
   - CR 743 (Lost Canyon Road) is an existing road. Gunnison County Public Works Department identified no issues, but recommended that only one side/lane of the road be plowed as to not hinder snowmobile/cross-county skiing access. A gate may be installed, at a location determined by the Public Works Department that will be locked and managed in accordance with the Public Works Department Permit for snowplowed access.
3. **NO INCREASED RISK TO EMERGENCY SERVICES PERSONNEL**. Does not create or substantially increase the risk to emergency services personnel who may be called upon to travel over the subject section of road;
   - There are no natural hazards that would increase risks to emergency services personnel.
4. **NOT DISRUPTIVE TO EXISTING TRAVEL MODES**. Does not disrupt significant, existing modes of travel;
   - There is current public winter use of the road, both for Nordic skiing and snowmobiling. Snowplowing one side/one lane of road, as recommended by Public Works, will not disrupt existing travel modes.
5. **NO INCREASED ENVIRONMENTAL DETRIMENT.** Does not create or significantly increase detrimental environmental impact to road(s) and/or land(s); and
   - Plowing will not significantly increase environmental impacts to the road or lands. The applicant shall comply with all requirements of the Public Works Department private plowing permit.
6. **BENEFITS OUTWEIGH DETRIMENTS**. Considering the existing use and the proposed use of the areas accessed by the proposed expansion or extension of snowplowing, presents benefits that clearly outweigh its detriments.
   - Snowplowing will provide emergency service access to the applicant's existing single-family residence.
7. **CLEAR PUBLIC BENEFIT**. In case of a proposed expansion or extension of snowplowing to be performed or paid for by Gunnison County, that there is a clear public benefit of such expansion or extension.
   - Not applicable. This is a request for private plowing.

Section 12-103: *Road System*.
Comments from Marlene Crosby, Public Works Director, at the June 1, 2018 work session stated no significant concerns from Public Works. A gate may be installed, at a location determined by the Public Works Department, that will be locked and managed in accordance with the Public Works Department Permit for snowplowed access.

Section 12-104: *Public Trails*.
Not applicable.

Section 12-105: *Water Supply*.
Not applicable.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Not applicable.

Section 12-107: *Fire Protection*.
The parcel is in the Gunnison County Fire Protection District and subject to their regulations and standards.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
Not applicable.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Not applicable.

Section 13-108: *Open Space and Recreation Areas*
Not applicable.

Section 13-109: *Signs.*
Not applicable.

Section 13-110: *Off-Road Parking and Loading.*
The site provides sufficient off-road parking.

Section 13-111: *Landscaping and Buffering.*
Not applicable.

Section 13-112: *Snow storage*.
Not applicable. This is a seasonal use.

Section 13-113: *Fencing*
No fencing is proposed.

Section 13-114: *Exterior Lighting.*
No exterior lighting is proposed.

Section 13-115: *Reclamation and Noxious Weed Control.*
Not applicable. No site disturbance is proposed.

Section 13-116: *Grading and Erosion Control.*
Not applicable. No site disturbance is proposed.

Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff.*
Not applicable. No site disturbance is proposed.

Section 13-118: Standards to Ensure Compatible Uses.
The site has been designed in a manner that will not adversely affect the character of nearby residential areas, as the area is entirely BLM lands and CPW has commented that the extension of snowplowing will not impact wildlife.

FINDINGS:
The Commission finds that:

1. This application is a Minor Impact Project.

2. The application has met the standards in Section 11-110: *Development of Land Beyond Snowplowed Access, F. Expansion or Extension of Snowplowing Beyond Snowplowed Access.*

3. 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.*

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.

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. 2018-00010, Ivy – Snowplowing beyond Snowplowed Access as a Minor Impact Project, approves the Land Use Change Permit with the following conditions, and that said approval shall be memorialized by recordation of a Minor Impact Certificate with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution.*

2. The applicant shall obtain all necessary permits from the Public Works Department for a Private Snowplowing Permit.

3. The applicant shall provide the attached "Appendix A" – Landowner's Acknowledgement, signed and notarized, to the Community Development Department, prior to recordation of the Certificate of Minor Impact, subject to approval by the County Attorney's Office.

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.

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Fulton adjourned the meeting at 11:30 A.M.

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