AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Public Hearing; Amendments to LUR

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Amendments to LUR (Revised Section 4-102)

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 2/27/19

Reveiwed by: Discharge Date: 3/1/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/1/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 15

Agenda Date: 3/5/2019

Revised April 2015

NOTICE OF PUBLIC HEARING
FOR AMENDMENTS TO THE
GUNNISON COUNTY LAND USE RESOLUTION

HEARING DATE, TIME AND LOCATION: The Gunnison County Board of Commissioners will conduct a public hearing **TUESDAY, MARCH 5TH, 2019, at 9:00 a.m.** upstairs in the County Commissioners Meeting Room, 2nd Floor, Gunnison County Courthouse, 200 E. Virginia Avenue, in Gunnison, to hear public comment concerning proposed amendments to the *Gunnison County Land Use* Resolution.

PUBLIC PARTICIPATION: The public is invited to submit oral or written comments at the hearing, and/or to submit written comments by FAX (970) 641-8585, by letter (to the Community and Economic Development Department, 221 N. Wisconsin St., Ste. D, Gunnison, CO 81230), or by email to planning@gunnisoncounty.org prior to the meeting. A copy of the amendments is available for public review in the County Community and Economic Development Department, and on the Gunnison County website: http://www.gunnisoncounty.org/planning_regulations_guidelines.html

Additional information may be obtained by calling the Community and Economic Development Department at (970) 641-0360.

ADA ACCOMMODATIONS: Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Community and Economic Development Department, (970) 641-0360, prior to the day of the meeting.

/s/
Neal Starkebaum
Assistant Director
Gunnison County Community Development Department

Gunnison County
Community Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

January 18, 2019

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Planning Commission**

SUBJECT: **Amendments to the *Gunnison County Land Use Resolution***

The proposed amendments to the *Gunnison County Land Use Resolution* were initiated by Community Development staff. The amendments will bring some Sections current with updated regulatory changes, and identify changes to the Appeals Section.

Pursuant to Section 1-113: C.: of the *Resolution*, the Community Development Department and Planning Commission have reviewed the proposed amendments and considered the following:

1. **CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY**. Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;
2. **CHANGED CONDITIONS**. Changed conditions, including the economy of Gunnison County;
3. **EFFECT ON THE NATURAL ENVIRONMENT**. Effect of the proposed amendment on the natural environment;
4. **COMMUNITY NEEDS**. Community needs;
5. **DEVELOPMENT PATTERN**. Development pattern;
6. **CHANGES IN APPLICABLE LAW**. Changes in applicable law;
7. **PUBLIC HEALTH, SAFETY AND WELFARE**. Public health, safety and welfare;
8. **COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY**. Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

*****

At its regular meeting of January 18, 2019, Commissioners Plata was seated and the Planning Commission unanimously recommended approval of the proposed amendments to the *Gunnison County Land Use Resolution*, moved by Commissioner Rogalski and seconded by Commissioner Diani:

Exhibit A - individual pages attached (<u>underlined</u> text in blue is new language; ~~struck through~~ text in red is deleted):

EXHIBIT A

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2019-_

A RESOLUTION AMENDING THE *GUNNISON COUNTY LAND USE RESOLUTION*

WHEREAS, pursuant to the *Gunnison County Land Use Resolution* ("the *Resolution"),* Section 1-113, details a process for initiation, review and Board of County Commissioner action on proposed amendments to the *Resolution,* and

WHEREAS, pursuant to Section 1-113, the Community Development Department and Planning Commission have initiated and completed review of proposed amendments as required by the *Resolution;* and

WHEREAS, the Planning Commission on January 18, 2019, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing on these proposed amendments March 5, 2019; and pursuant to Section 1-113 of the *Resolution* evaluated the proposed amendments using the following criteria:

Consistency of the proposed amendments with any comprehensive plan that may be adopted by Gunnison County;
Changed conditions, including the economy of Gunnison County;
Effect of the proposed amendments on the natural environment;
Community needs;
Development pattern;
Changes in applicable law;
Public health, safety and welfare; and
Compliance with any applicable intergovernmental agreements adopted by Gunnison County; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gunnison County, Colorado that the Board hereby adopts the following amendments of the *Gunnison County Land Use Resolution* as included on the attached "Exhibit A."

INTRODUCED by Commissioner_____, seconded by Commissioner_____ and adopted on this 5th day of March 2019.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Jonathan Houck, Chairperson

By: _____
John Messner, Vice-Chairperson

By: _____
Roland Mason, Commissioner

ATTEST:

_____
Deputy County Clerk

Blue/underlined text – New
Red/struck through – Deleted
Suggested revisions - Bold

SECTION 4-102: PROJECTS CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS

The following Administrative Review Projects require a Building Permit, an On-Site Wastewater Treatment System Permit, an Access Permit, Reclamation Permit, or other County permit, but shall not require an additional Land Use Change Permit; such Projects shall comply with all the other requirements of this *Resolution:*

A. EXEMPT PRIMARY RESIDENCE SMALLER THAN 10,000 SQ. FT. A primary residence smaller than 10,000 sq. ft. that is exempted by Section 1-106: *Partially Exempted Land Use Changes*. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence.

B. SECONDARY STRUCTURES AND USES. The following secondary structures and uses, pursuant to Section 9-101: C: *Secondary Structures and Uses That Do Not Require a Land Use Change Permit:*

1. **BARNS AND OTHER AGRICULTURAL BUILDINGS ON AN AGRICULTURAL OPERATION.** A barn or other agricultural building used in conjunction with an agricultural operation.
2. **FENCES.** Fences, which shall comply with Section 13-113: *Fencing.*
3. **GARDENS AND GREENHOUSES**. Private non-commercial gardens and greenhouses.
4. **ONE ~~120~~ 200 SQ. FT. STORAGE SHED**. One storage shed ~~120~~ 200 sq. ft. or smaller, is permitted, without obtaining a building permit, when a single-family residence has been **~~established~~ legally permitted** on the property. **~~County setbacks must be met, unless protective covenants allow for a less restrictive setback.~~**
5. **BARNS IN APPROVED SUBDIVISIONS**. Barns located in approved subdivisions in which there are adopted protective covenants that allow barns and that have been approved by Gunnison County.
6. **GARDENS AND GREENHOUSES THAT ARE HOME OCCUPATIONS**. Gardens and greenhouses that are home occupations created and operated pursuant to Section 9-102: *Home Occupations.*
7. **POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group.
8. **INTEGRATED SECONDARY RESIDENCE SMALLER THAN 1,200 SQ. FT. ON ANY LEGAL LOT.** An integrated secondary residence smaller than 1,200 sq. ft. in a primary residence on any legal lot that meets the standards pursuant to Section 9- 101: F: *Standards for Integrated Secondary Residence*.
9. **ONE HOME OCCUPATION**. One home occupation, pursuant to Section 9-102: *Home Occupations*.

C. CAMPING. Camping in a recreational vehicle or other camping shelter on an individual parcel pursuant to Section 9-509: C: *No Land Use Change Permit Required For Camping in a Recreational Vehicle or other Camping Shelter on an Individual Parcel.*

D. SPECIAL EVENTS. A special event, pursuant to Section 9-501: *Special Events.*

Blue/underlined text – New
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The following Administrative Review Projects require a Building Permit, an On-Site Wastewater Treatment System Permit, an Access Permit, Reclamation Permit, or other County permit, but shall not require an additional Land Use Change Permit; such Projects shall comply with all the other requirements of this *Resolution:*

A. EXEMPT PRIMARY RESIDENCE SMALLER THAN 10,000 SQ. FT. A primary residence smaller than 10,000 sq. ft. that is exempted by Section 1-106: *Partially Exempted Land Use Changes*. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence.

B. SECONDARY STRUCTURES AND USES. The following secondary structures and uses, pursuant to Section 9-101: C: *Secondary Structures and Uses That Do Not Require a Land Use Change Permit:*

1. **BARNS AND OTHER AGRICULTURAL BUILDINGS ON AN AGRICULTURAL OPERATION.** A barn or other agricultural building used in conjunction with an agricultural operation.
2. **FENCES.** Fences, which shall comply with Section 13-113: *Fencing.*
3. **GARDENS AND GREENHOUSES**. Private non-commercial gardens and greenhouses.
4. **ONE ~~120~~ 200 SQ. FT. STORAGE SHED**. One storage shed ~~120~~ 200 sq. ft. or smaller, is permitted, without obtaining a building permit, when a single-family residence has been established on the property. County setbacks must be met, unless protective covenants allow for a less restrictive setback.
5. **BARNS IN APPROVED SUBDIVISIONS**. Barns located in approved subdivisions in which there are adopted protective covenants that allow barns and that have been approved by Gunnison County.
6. **GARDENS AND GREENHOUSES THAT ARE HOME OCCUPATIONS**. Gardens and greenhouses that are home occupations created and operated pursuant to Section 9-102: *Home Occupations.*
7. **POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group.
8. **INTEGRATED SECONDARY RESIDENCE SMALLER THAN 1,200 SQ. FT. ON ANY LEGAL LOT.** An integrated secondary residence smaller than 1,200 sq. ft. in a primary residence on any legal lot that meets the standards pursuant to Section 9- 101: F: *Standards for Integrated Secondary Residence*.
9. **ONE HOME OCCUPATION**. One home occupation, pursuant to Section 9-102: *Home Occupations*.

C. CAMPING. Camping in a recreational vehicle or other camping shelter on an individual parcel pursuant to Section 9-509: C: *No Land Use Change Permit Required For Camping in a Recreational Vehicle or other Camping Shelter on an Individual Parcel.*

D. SPECIAL EVENTS. A special event, pursuant to Section 9-501: *Special Events.*

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SECTION 5-102: PROJECTS CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS

The following types of Projects are classified as Administrative Review Projects that require Land Use Change Permits:

A. PRIMARY RESIDENCE 10,000 SQ. FT. OR LESS, IN EXISTING PLATTED SUBDIVISION. A primary residence smaller than 10,000 sq. ft., located within an existing platted subdivision. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence.

B. AGGREGATE RESIDENTIAL SQUARE FOOTAGE LESS THAN 12,500 SQ. FT. On one parcel, the aggregate square footage of structures less than 12,500 sq. ft., (excluding from the calculation horse/hay sheds less than 500 sq. ft., one ~~120~~ 200 sq. ft. storage shed, and a private greenhouse), that may include:

1. **RESIDENTIAL LIVING AREA AND ATTACHED GARAGES 10,000 SQ. FT. OR LESS.** 10,000 or less sq. ft. of residential living area (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by Section 9-101: *Uses Secondary to a Primary Residence*) and a garage attached to a residence.

C. SECONDARY STRUCTURES AND USES. The following secondary structures and uses, pursuant to Section 9-101: D: *Secondary Structures and Uses That Require a Land Use Change Permit:*

1. **SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING AND HAS NO KITCHEN**. A secondary structure without a kitchen that is to be used only for sleeping facilities. It shall comply with the requirements of the *Gunnison County On-Site Wastewater Treatment System Regulations*.

2. **MORE THAN ONE HOME OCCUPATION.** More than one home occupation, pursuant to Section 9-102: *Home Occupations.*

D. MOBILE HOME NOT IN A MOBILE HOME COMMUNITY. A mobile home proposed to be located on an individual parcel of land not in a mobile home community, but adjacent to a subdivision whose protective covenants do not address, or expressly prohibit mobile homes within the subdivision, pursuant to Section 9-201: *Individual Manufactured and Mobile Homes.*

E. BOUNDARY LINE ADJUSTMENT. An application to adjust the lot line between adjacent parcels or lots in platted approved subdivisions when the adjustment is in compliance with Section 5-103: *Standards for Approval of Administrative Review Projects.*

F. LOT CLUSTERS. An application to eliminate the lot lines separating adjacent lots that are commonly owned.

G. CORRECTION PLAT. An application to correct a technical error in a subdivision plat that has been approved and recorded.

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SECTION 8-103: APPEALS

A. ACTIONS THAT MAY BE APPEALED TO THE BOARD. The following actions may be appealed to the Board:

1. **CLASSIFICATION OF IMPACT.** Community Development Department classification of impact pursuant to Section 3-111: *Classification of Impact.*
2. **ADMINISTRATIVE REVIEW.** Community Development Director actions on an Administrative Review application, pursuant to Section 5-102: *Administrative Review Projects That Require a Land Use Change Permit*.
3. **PLANNING COMMISSION DECISION ON MINOR IMPACT PROJECT.** Planning Commission actions on a Minor Impact application pursuant to Article 6: *Minor Impact Projects*.
4. **INTERPRETATION.** Community Development Director interpretations of this *Resolution*, pursuant to Section 1-114: *Interpretations.*
5. **TECHNICAL MODIFICATION.** Decision-making body's action on a Technical Modification, pursuant to Section 8-101: *Technical Modifications.*

B. STANDING TO APPEAL. The following persons shall have standing to submit an appeal:

1. **APPLICANT.** The applicant or the owner of the subject property affected by a decision.
2. **MEMBER OF THE PUBLIC.** Any member of the public.
3. **PERSON WHO HAS REQUESTED AN INTERPRETATION**. A person who has requested an interpretation of this *Resolution* pursuant to Section 1-114 *Interpretations.*
4. **PERSON WHO HAS APPEALED AN IMPACT CLASSIFICATION**. A person who requests consideration of an impact classification determined pursuant to Section 3-111: *Classification of Impact*.

C. PROCESS. The process for submittal and review of an appeal is as follows:

1. **WRITTEN APPEAL.** An appeal may be submitted to the Community Development Director no more than 15 days after the date on which the decision-making body issues its final decision on the application, not including the day on which the decision was made. The appeal shall be submitted in writing, stating the basis of the appeal and the relief that is requested. The appeal shall become part of the record.

   a. **FEE FOR APPEAL SUBMITTAL.** In order to compensate the County for the cost of reviewing and processing the petition, the appellant(s) shall bear the full cost of preparation of the record of the initial decision-making body. The appellant(s) shall pay a required appeal fee, as shown in a schedule of fees that is adopted and amended from time to time by the Board. The fee schedule shall be calculated to make the amount of the fee generally equivalent to the expense reasonably to be incurred by the County in reviewing and processing the appeal. The appeal fee shall be adjusted when the record is complete and at a minimum shall include costs of ~~record transcription,~~ document reproduction, and provision of notice(s) required for the public meeting and, if conducted, the public hearing.

   b. **COUNTY SHALL PREPARE RECORD.** Upon receipt of payment of the appeal fee, the County shall prepare the record of the initial decision-making body.

      1. THE RECORD. The record shall consists of all documents provided to or prepared by the County as part of its review and decision-making process, including the application and submittals, site plans, maps, referral agency comments, written and oral public comments, minutes, the decision documents, and audio recordings of the meeting/hearing, except for any documents or information protected by privileged communication.

      2. TRANSCRIPT. If a written transcript of the initial decision-making body audio recordings is requested by the Board, the cost of the transcript shall be paid by the Board.

Liquid propane tanks shall be stored in accordance with the requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards.

8. **ACCESSORY INDIVIDUAL STORAGE SHEDS.** An accessory storage shed may be constructed or erected in the rear yard, and may be required as a condition of a Land Use Change Permit for a mobile home community. It shall be no larger than ~~120~~ 200 sq. ft., no closer than five feet from any adjoining property line, and are located pursuant to the requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards. Individual storage buildings shall be designed to enhance the appearance of the mobile home and shall be constructed from durable materials.

9. **MAINTENANCE OF INDIVIDUAL SPACES.** Mobile home community residents shall be responsible for keeping their individual spaces free from debris and refuse, and shall keep landscaping trimmed, mowed and in a thriving condition.

10. **ALL MOBILE HOMES SHALL BE SKIRTED WITH A RIGID MATERIAL.** Such skirting must be in place within 60 days after the mobile home is set on the mobile home space. Skirting shall be provided with doors to permit convenient access to sewer, water and gas connections. Skirting material shall be weatherproof, fire-resistant and durable.

E. TAXING INFORMATION. The Gunnison County Assessor's Office annually will contact the community owner to request the following information; it is the responsibility of the community owner or operator to maintain this information and provide it to the Assessor's Office:

1. **NAME OF HOME OWNER.** The name and address of the owner of each mobile home within the mobile home community.

2. **DATA ABOUT EACH HOME.** The make, model, size and year of each mobile home.