

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: Friday, March 1, 2019**

- 8:45 a.m.**
- **Call to order; determine quorum**
  - **Approval of Minutes**
  - **Designation of Official Notice Posting Location**
  - **Election of Officers**
  - **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.**    **Salisbury Subdivision, Mark Schumacher**, joint public hearing, request for subdivision of a 1.7-acre parcel and a 3.98-acre portion of the Three Rivers Subdivision Remainder tract (5.68-total acres) into two single-family lots; Lot 1 (2.97-acres) and Lot 2 (2.71-acres). An existing residence is located on the proposed Lot 2. Located on property legally described as being in the NE1/4 SE1/4SE1/4 Section 22, Range 51 North, Range 1 East, NMPM and a portion of the Three Rivers Subdivision Remainder Tract  
**LUC-18-00006**

- 10:00 a.m.**    **Planning Commission – Webinar Training**

**Lunch**

- 1:00 p.m.**    **CRG Mining, LLC, Hills Gulch Exploration Project, represented by Jacob With, Law of the Rockies**, continued public hearing, request for mineral exploration, to include 40 exploratory drill holes on approximately 150 acres, at twenty locations. Located on multiple patented mining claims in the Gold Brick and Quartz Creek Mining Districts, above Gold Creek, in the Hills Gulch area; approximately five miles north of Ohio City, east of County Road 771 (Gold Creek Road), above the Gold Links Mine, within Sections 30 & 31, Township 51 North, Range 3 East, NMPM  
**LUC-18-00049**

**Adjourn**

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

- Public access
- Projects
- Application #
- **LUC-18- 00006**
- **LUC-18-00049**
- Attachments

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
March 1, 2019**

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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:

<p><b>Chairperson-</b> AJ. Cattles  <b>Vice-Chairperson-</b> Jack Diani  <b>Commissioner-</b> Molly Mugglestone  <b>Commissioner-</b> Diego Plata  <b>Commissioner-</b> Vince Rogalski  <b>Alternate Commissioner-</b> Daniel Spivey</p>	<p><b>Director of Community and Economic Development-</b> Cathie Pagano  <b>Assistant Director of Community Development-</b> Neal Starkebaum  <b>Planner II-</b> Rachel Sabbato  <b>Manager of Administrative Services-</b> Beth Baker  Others present as listed in text</p>
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**Recused/Absent/Seated:**

**Absent:** Commissioner Puckett Daniels

**Recused:** Commissioner n/a

**Seated:** Commissioner n/a

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With a quorum present Vice Chairperson Diani opened the March 1, 2019 regular meeting of the Planning Commission.

**Moved by** Rogalski **seconded by** Cattles to approve the Planning Commission meeting minutes of February 1, 2019, as amended, the motion passed unanimously, with Commissioners Cattles, Diani, Rogalski, Mugglestone, Plata and Spivey voting yes.

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**Notice of Posting Locations:** **Moved by** Cattles **seconded by** Mugglestone to designate the official meeting notice locations for 2019 to be outside of the Board of County Commissioners Meeting Room at the County Courthouse located at 200 E. Virginia. The advisory locations to be the glass case located on the 1<sup>st</sup> floor of Blackstocks Government Center and the bulletin board outside of the Planning Commissioners Meeting Room located at 221 N. Wisconsin. The motion passes unanimously, with Commissioners Cattles, Diani, Rogalski, Mugglestone, and Plata voting yes.

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**Election of Officers:** **Moved by** Plata **seconded by** Rogalski to appoint AJ Cattles as Chairperson of the Gunnison County Planning Commission. The motion passed unanimously, with Commissioners Cattles, Diani, Rogalski, Mugglestone, and Plata voting yes.

**Moved by** Mugglestone **seconded by** Rogalski to appoint Jack Diani as Vice-Chairperson of the Gunnison County Planning Commission. The motion passed unanimously, with Commissioners Cattles, Diani, Rogalski, Mugglestone, and Plata voting yes.

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**Salisbury Subdivision LUC-18-00006:** The Planning Commission and Board of County Commissioners conducted a joint public hearing. They discussed the request for subdivision of a 1.7-acre parcel and a 3.98-acre portion of the Three Rivers Subdivision Remainder tract (5.68-total acres) into two single-family lots; Lot 1 (2.97-acres) and Lot 2 (2.71-acres). An existing residence is located on the proposed Lot 2. Located on property legally described as being in the NE1/4 SE1/4SE1/4 Section 22, Range 51 North, Range 1 East, NMPM and a portion of the Three Rivers Subdivision Remainder Tract

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

Present representing the Planning Commission: Commissioners Diani, Mugglestone, Rogalski, Cattles, Spivey and Plata. BOCC- Roland Mason.

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

Present representing the application: owner Mark Schumacher.

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

### **Planning Staff Comments**

Sabatato noted the covenants have been updated, as directed by the Planning Commission; to include a height limit of 30 ft. and wildlife trash receptacles.

### **Applicant's Presentation**

Schumacher described the location of the new lot. He owns the sewer plant, and they have applied for a well water permit. He has addressed the rock-fall hazard, as described in the geo-hazard report, by moving the building envelope.

Schumacher explained the covenants match the Three Rivers Resort Covenants.

### **Planning Commission Comments**

Rogalski said the project is straight forward and looks good.

Diani asked if Schumacher would sell the lot. Schumacher said not at this time. He is just trying to clean up project, with the subdivision of this lot.

Cattles said it seems a better use of the property.

### **Public Comments**

No public comments had been received, and there were no members of the public present.

Cattles closed the Joint Public Hearing at 9:15 A.M.

The commission reviewed the recommendation.

**Moved by Rogalski seconded by Diani** to approve the recommendation to the Board of County Commissioners of the Salisbury Subdivision (LUC-18-00006). The motion passed unanimously, with Commissioners Diani, Plata, Rogalski, Cattles and Mugglestone voting yes.

### **PROJECT SUMMARY:**

The applicant is proposing a formation of a new single-family lot (Lot 1, 2.97 acres) for a future home with an integrated secondary residence from a boundary change of an existing single-family lot and vacant land. The existing single-family lot (Lot 2, 2.71 acres) has an existing home belonging to applicant. All properties affected are owned by the applicant and from this land use change forward will be called the Salisbury Subdivision for a total of 5.68 acres. A new well is proposed for lot 1 and lot 2 currently has a well serving the existing house. Wastewater will utilize the Almont Sewage Hereafter In Transit Plant. Access is year round via George Bailey Drive/CR 7432 and Taylor Canyon Road/CR 742. New covenants have been created for the Salisbury Subdivision, included herein this application for review.

**LOCATION:**

The site is located on 5.68 acres, adjacent to George Bailey Drive, in the town of Almont, legally described as NE1/4 SE1/4SE1/4 Section 22, Range 51 North, Range 1 East, NMPM and a portion of the Three Rivers Subdivision Remainder Tract.

**SURROUNDING LAND USES:**

West – Three Rivers Mobile Home Park, 31.7 acres.

North – 2.69 acres of vacant land, owned by applicant.

East – 2.79 acres with a single family residence owned by Mary Minich.

South – 6.32 acres of vacant land, owned by applicant.

**IMPACT CLASSIFICATION:** Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units.*

**PLANS/REPORTS/SUBMITTALS:**

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

- Minor Impact Land Use Change Application
- Subdivision Plat titled, Salisbury Subdivision and Replat of portions of Lot 6 and Remainder Parcel of Three Rivers Resort Subdivision, prepared by North Star Surveying, Inc., dated August 22, 2018.
- Almont Sewage Hereafter In Transit Plant letter of approval for new sewer line and capacity proposed by proposed subdivision.
- Well permit from Colorado Division of Water Resources, permit number 80718-F, dated March 21, 2017.
- Upper Gunnison River Water conservancy District, Third Party Agreement for Purchase of Augmentation water for long-term service, dated February 16, 2017.
- Mountain Geotech, Geotechnical Report for building envelope and geologic hazards titled, Lot 1 Salisbury Subdivision Geotechnical Report, Project #MG-18-007, dated July 10, 2018.
- Restrictive Covenants titled, Restrictive Covenant for Salisbury Subdivision.
- Chris Parmeter, Colorado Parks and Wildlife District Wildlife Manager, letter dated April 2, 2018.
- Marlene Crosby, Gunnison County Public Works Director, email of May 3, 2018

**MEETING DATES:**

The Planning Commission held meetings on the following dates:

- January 18, 2019 Work Session
- March 1, 2019 Joint Public Hearing/Work Session

**SITE VISIT:**

The Planning Commission determined that a site visit was not necessary, as they were familiar with the property and neighborhood.

**PUBLIC HEARING:**

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on March 1, 2019. At that time,

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

**REVIEW AGENCY REFERRAL COMMENTS:**

Comments were received from the following agencies:

**Gunnison County Public Works Department:** Marlene Crosby, Public Works Director, email of May 3, 2018 notes: *"I have reviewed the submitted application and have no concerns. Please note that currently George Bailey Drive from CR 742 to FS #743 is not County maintained or plowed."*

**Colorado Parks and Wildlife:** Chris Parmeter, District Wildlife Manager , letter of April 2, 2018 notes:

*"The Almont area has a long history of human/bear conflicts. To avoid wildlife conflicts, the management of outside pet food, bird feeders, and the storage of household waste should be given a high priority. It is recommended that bear resistant trash containers be required for use in any new development in the Gunnison Basin."*

**Mountain Geotech:** Geotechnical Report of July 10, 2018 notes:

*The recommendation states, "...it appears that the proposed building site on Lot 1 Salisbury subdivision is suitable for the construction of a proposed residence within the proposed building envelope". Specific foundation and building recommendations are also provided in this report.*

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

##### **Section 9-101: E. and F: Secondary residences are allowed, and standards are addressed in covenants.**

Applicant is proposing with the formation of the new single family lot and a future home with integrated secondary residence 1200 square feet or less.

**Section 9-503: Satellite dishes.** Permitted as accessory to single-family residence.

##### **Section 10-102: Locational Standards for Residential Development.**

This proposal meets the primary residential density standard. The proposed subdivision is located adjacent to an existing population center, Almont is the identified existing population center. The location of this request results in no significant net adverse impact to the neighborhood.

##### **Section 10-103: Residential Density.**

This proposal meets this standard, Determination of Density Considers Sewage Disposal Requirements, as the proposed subdivision will tie into the existing wastewater treatment plant in Almont as well as the Lot Size and Lot Density Considerations.

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

The property contains no floodplain, according to County mapping.

##### **Section 11-104: Development in Areas Subject to Geologic Hazards.**

The property contains geologic rock fall and wildfire hazards. A geotech report dated July 10, 2018 by Mountain Geotech has been completed and included within this application. Recommendations within the report state, "it appears that the proposed building site on Lot 1 Salisbury subdivision is suitable for the construction of a proposed residence within the proposed building envelope". Specific foundation and building recommendations are also provided in this report.

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

The property is located in a moderate wildfire hazard area, according to County mapping.

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

The property is within Gunnison Sage-grouse habitat and a sage grouse review and certification has been completed, the proposed activity will not adversely impact Gunnison sage-grouse.

In a letter from Colorado Parks and Wildlife District Wildlife Manager, Chris Parmeter, he states, "The Almont area has a long history of human/bear conflicts. To avoid wildlife conflicts, the management of outside pet food, bird feeders, and the storage of household waste should be given a high priority. It is recommended that bear resistant trash containers be required for use in any new development in the Gunnison Basin."

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

No water bodies are located on the property.

**Section 11-108: *Standards for Development on Ridgelines.***

The property is not located on a ridgeline.

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

There are no agricultural lands affected by the request.

**Section 11-110: *Development of Land beyond Snowplowed Access.***

The property is not located beyond snowplowed access.

**Section 11-111: *Development on Inholdings in the National Wilderness.***

Not applicable.

**Section 11-112: *Development on Property above Timberline.***

Not applicable.

**Section 12-103: *Road System.***

The proposed subdivision and existing residences are accessed by existing driveways from George Bailey Drive. In an email dated May 3, 2018 Marlene Crosby Director of Public Works stated, "I have reviewed the submitted application and have no concerns. Please note that currently George Bailey Drive from CR 742 to FS #743 is not County maintained or plowed."

**Section 12-104: *Public Trails.***

There is no public trail existing or proposed on the lot.

**Section 12-105: *Water Supply.***

The water supply for the proposed new subdivision will be a private well on lot 1, the existing residence on lot 2 also has a private well. Augmentation water has also been secured.

**Section 12-106: *Sewage Disposal/Wastewater Treatment.***

The proposed residences in the Salisbury Subdivision will tie into the existing Almont Sewage Hereafter In Transit Plant wastewater treatment plant.

**Section 12-107: *Fire Protection.***

The property is within the Gunnison County Fire Protection District.

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

The proposed subdivision is in compliance. Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions*.

**Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.***

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions*.

**Section 13-105: Residential Building Sizes and Lot Coverages.**

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions*.

**Section 13-107: Installation of Solid Fuel-Burning Devices**

Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

**Section 13-108: Open Space and Recreation Areas**

Not applicable. Open space dedication is not required for minor impact projects.

**Section 13-109: Signs.**

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions* and shall be in compliance with the Gunnison Land Use Regulations.

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

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions* and shall be in compliance with the Gunnison Land Use Regulations.

**Section 13-111: Landscaping and Buffering.**

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions* and shall be in compliance with the Gunnison Land Use Regulations.

**Section 13-112: Snow storage.**

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions* shall be and in compliance with the Gunnison Land Use Regulations.

**Section 13-113: Fencing**

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions* and shall be in compliance with the Gunnison Land Use Regulations.

**Section 13-114: Exterior Lighting.**

Development of the lot is subject to the *Salisbury Subdivision Covenants and Restrictions* and shall be in compliance with the Gunnison Land Use Regulations.

**Section 13-115: Reclamation and Noxious Weed Control.**

A reclamation permit from the Public Works Department is required for driveway construction and site clearing.

**Section 13-116: Grading and Erosion Control.**

Grading activities are required to secure a Reclamation Permit from the Public Works Department.

**Section 13-117: Drainage, Construction and Post-Construction Stormwater Runoff.**

Construction activities are required to secure a Reclamation Permit from the Public Works Department.

**Section 13-118: Water Impoundments.**

Not applicable.

### **Section 13-119: Standards to Ensure Compatible Uses.**

The proposed land use change shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

### **Section 15-103: Right-to-Ranch Policy.**

Not applicable.

### **FINDINGS:**

The Commission finds that:

1. The Planning 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 A. 2-4 Units*.
2. To mitigate geologic hazards on the property, a specific building envelope has been designated by Mountain Geotech.
3. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-103: Standards of Approval for Minor Impact Projects*.
4. This review and recommendation 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.

### **RECOMMENDATION:**

The Gunnison County Planning Commission, having considered the submitted plans, exhibits, and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2018-00006 Salisbury Subdivision, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" 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. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
4. To avoid wildlife conflicts, the management of outside pet food, bird feeders, and the storage of household waste should be given a high priority. It is recommended that bear resistant trash containers be required for use in any new development in the Gunnison Basin.
5. Disturbed areas must be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.
6. Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: [www.colorado.gov/pacific/agconservation/noxious-weed-species](http://www.colorado.gov/pacific/agconservation/noxious-weed-species). The Gunnison County Weed Management Program should be contacted (970- 641-4393) for additional information and technical assistance.
7. Per Section 11-106 G.3.d.1. of the Gunnison County Land Use Resolution, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

8. Per Section 11-106 G. e. of the Gunnison County Land Use Resolution, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.
9. 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.
10. 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.
11. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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#### **Planning Commission webinar training.**

No minutes were taken.

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**CRG Mining LLC (LUC-18-00049):** The Planning Commission conducted a continued public hearing. They reviewed the request for mineral exploration, to include 40 exploratory drill holes on approximately 150 acres, at twenty locations. Located on multiple patented mining claims in the Gold Brick and Quartz Creek Mining Districts, above Gold Creek, in the Hills Gulch area; approximately five miles north of Ohio City, east of County Road 771 (Gold Creek Road), above the Gold Links Mine, within Sections 30 & 31, Township 51 North, Range 3 East, NMPM.

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

Present representing the Planning Commission: Commissioners Diani, Mugglestone, Rogalski, Cattles, 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: applicant Jake Wilkinson and attorney Jacob With.

#### **Planning Staff Comments**

Starkebaum noted comments, concerning ground water, had been submitted. He added Public Works Director, Marlene Crosby, was not able to attend the meeting today, but she has said she has no concerns with this application.

#### **Applicant's Presentation**

Wilkinson said they will drill a maximum of 40 core sample holes. The drilling equipment will be smaller and generate noise similar to an ATV. The drilling will be completed in one season. There will be one additional man on site, so there will be no additional traffic impacts, except for during mobilization. The hours of operation are 8:00 A.M. to 5:00 P.M.

Wilkinson said they will access the site using County Rd. 771. There is nothing on Quartz Creek side. The truck is very small. They will be bonded for reclamation of the project.

With addressed the comments submitted by the geologist, concerning ground water. He noted the State is involved in the process. The drilling is not getting into the aquifer. The State must be 100% satisfied with the entire process, and then it will be either be approved, denied or more information could be required.

### Planning Commission Comments

Diani asked about reclamation: Wilkinson will use existing roads on the property, the holes will be filled in and there is a native grass seed to be spread. Bentonite will seal the holes.

### Public Comment

Ted Hand said he is the Quartz Creek Properties roads chairman.

He was concerned with:

- The possibility of the applicants using the Quartz Creek Road system: Wilkinson said they will be only using County Rd. 771 and Forest Service Rd 875.
- The hours of operation: Wilkinson said the hours are 8:00 AM to 5:00 PM.
- Possible light pollution: Wilkson said the two years prior there had been noise and lighting concerns, they have worked to be more focused and will not be using any obtrusive lighting.
- Closing access off the top, where Fossil View leaves the property: Wilkinson said it will remain open to the public.
- What guarantees do they have, the applicant will not trespass and mine Hand's claim: Wilkinson said the veins they are mining are not in the direction of Hand's property.
- How large will the holes be: Wilkinson said about 2 in.
- Who will maintain County Rd. 771: Wilkinson said it is shared by the County and Wilkinson.
- Impacts to wildlife migration: With said CPW has said there will be none.
- Effluent into Gold Creek: With said if this is a success a plan would have to put in place. Now the water is monitored by State.

Nancy Hand asked if they would need another Land Use Change to actually mine the property: Starkebaum said yes. She asked why the property was surveyed: With said the real estate company that owns the property had the survey done.

Chuck Kolinski read a letter from Curtis Eisenhower- he is concerned with tourists and all their vehicles, and noise etc. He is in favor of the project.

With said the Commissioners' job is to look at net adverse impacts. The impacts will be minimal.

Cattles explained an approval would not give approval to expand the mine.

Wilkinson said the 100 % positive track record with the State.

Plata asked about County oversight of reclamation; Starkebaum explained the County is preempted by the State.

Ted Hand asked where is the water to cool the drill bits comes from: Wilkinson said from the mine.

Ted Hand asked if there is any recourse; Wilkinson said he will give them his direct contact information. Starkebaum added the County has opportunity to enforce.

Cattles polled the commissioner and they unanimously agreed to move forward.

The commissioners directed staff to prepare a draft decision of approval.

Cattles continued public hearing to March 15, 2019 at 9 A.M.

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The commissioner adjourned the meeting at 2:15 P.M.

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/S/ Beth Baker

Gunnison County Community Development Department

19 March 01 PC Meeting Minutes

19 March 15 PC Approved