

**GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: FRIDAY May 17, 2019**

- 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.** **Irwin Back Country Guides LLC, represented by David Leinsdorf,** public hearing, request to expand the use of the existing Irwin Backcountry Guides' Movie Cabin and Cat Barn for lunch and/ or dinner service as part of summer guided outfitting in the Irwin area. Additionally, IBG proposes to offer lunch and dinner events for Eleven and Irwin Guides guests, and to partner with other organizations and non-profits for lunch and/ or dinner events, from May through October. From June through September, IBG proposes to use the Movie Cabin and Cat Barn for an average of ten guests per day. This regular use will be in connection with its guiding activities and will be between the hours of 9:00 a.m. and 11:00 p.m. Lunch and/ or dinner events for up to 24 people, and wedding ceremonies (no receptions) for up to 24 people, concluding at or before 10:00 p.m.
LUC-18-00041
- 9:45 a.m.** **Gunnison Secure Storage LLC, A.J. Cattles-** work session request to remove the existing residence to construct a mixed use commercial building not to exceed 9,999 sq. ft., located in SE1/4SW1/4 Section 25, T50N, R1W- AKA 1012 Highway 135, Gunnison. **LUC-19-00007**
- 10:30 a.m.** **Building Official – Crystal Lambert,** work session, to discuss contractor licensing.
- 11:30 a.m.** **Larry Darien,** continued public hearing, request to convert a portion of an existing structure to a residential unit, with a previously approved apartment, for a third residence on the property. Located at 2890 CR 3, legally described as part of the SE/4NE/4, NW/4SE/4, E/2SE/4. Section 20, and the NE/4SE/4, part of the E/2SW/4, W/2SE/4. Section 21, Township 11 South, Range 88 West, 6TH P.M., two miles west of the Town of Marble
LUC-19-00004
- 12:00 p.m.** **County Attorney – David Baumgarten,** work session, to discuss nonconforming uses.
- Adjourn** The applications can be viewed on gunnisoncounty.org, link to <http://204.132.78.100/citizenaccess/>
- **LUC-18-00041**
 - **LUC-19-00007**
 - **LUC-19-00004**

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, May 17, 2019**

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:**

Chairperson- AJ Cattles Vice-Chairperson-Jack Diani Commissioner-Diego Plata Alternate Commissioner- Daniel Spivey	Director of Community and Economic Development-Cathie Pagano Manager of Administrative Services- Beth Baker County Attorney- David Baumgarten Others present as listed in text
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Recused/Absent/Seated:

Absent: Commissioners Mugglestone, Rogalski, and Puckett Daniels

Recused: Commissioner Cattles for the Gunnison Secure Storage agenda item

Seated: Commissioner Spivey for the entire day

With a quorum present Chairperson Cattles opened the May 17, 2019 regular meeting of the Planning Commission.

Moved by Diani seconded by Plata to approve the Planning Commission meeting minutes of May 3, 2019, as amended, the motion passed unanimously.

Irwin Back Country Guides LLC (LUC-18-00041), The Gunnison County Planning Commission conducted a public hearing. They reviewed the request to expand the use of the existing Irwin Backcountry Guides' Movie Cabin and Cat Barn for lunch and/ or dinner service as part of summer guided outfitting in the Irwin area. Additionally, IBG proposes to offer lunch and dinner events for Eleven and Irwin Guides guests, and to partner with other organizations and non-profits for lunch and/ or dinner events, from May through October. From June through September, IBG proposes to use the Movie Cabin and Cat Barn for an average of ten guests per day. This regular use will be in connection with its guiding activities and will be between the hours of 9:00 a.m. and 11:00 p.m. Lunch and/ or dinner events for up to 24 people, and wedding ceremonies (no receptions) for up to 24 people, concluding at or before 10:00 p.m.

With a quorum present Chairperson Cattles opened the public hearing.

Cattles seated Commissioner Spivey for the public hearing.

Manager of Administrative Services Beth Baker confirmed adequate public notice. The applicant submitted the certified mailing receipts and proof of posting. The staff had the public hearing notice published in the Gunnison Country Times and Crested Butte News.

Present representing the Planning Commission; Commissioners Cattles, Diani, Plata and Spivey.

Present representing staff; Director of Community and Economic Development Cathie Pagano and Manager of Administrative Services Beth Baker.

Present representing the application; attorney David Leinsdorf and general manager Travis Tucker.

Tucker briefly described the proposal. He said they have proposed increasing the use of the Movie Cabin and the Cat Barn to include summer uses. They will have a maximum of 24 guests and six staff members, for lunch and dinners. They will conduct weddings but no receptions.

Pagano said this is an expansion of the existing use. There is existing commercial use at that site. The food will be brought in, it can be warmed in the Movie Cabin and the Cat Barn. She explained this would comply with *Gunnison Land Use Resolution Section 10-104: Locational Standards for Commercial, Industrial and other Non-Residential Development C. Alternative Location Standards c. Location Well-Suited to Specific Use*. She noted historically there have been commercial uses on the property.

Diani noted the limit of 40 people per day on site. He also pointed out Colorado Parks and Wildlife's request for bear proof trash receptacles. The applicants agreed to take the trash off site every day.

Spivey asked if there would be any overnight stays. Tucker said no.

Plata asked if all activities will end by 10 P. M. Tucker said yes.

The commissioners directed staff to prepare a draft decision of approval for the next meeting with the applicant.

Cattles continued the public hearing to June 7, 2019 at 9:00 AM.

Gunnison Secure Storage (LUC-19-00007), The Gunnison County Planning Commission conducted a work session. They reviewed the request to remove the existing residence to construct a mixed use commercial building not to exceed 9,999 sq. ft., located in SE1/4SW1/4 Section 25, T50N, R1W- AKA 1012 Highway 135, Gunnison.

Chairperson Cattles recused himself from the review of this application.

Vice Chairperson Diani seated commissioner Spivey for the review.

With a quorum present Vice Chairperson Diani opened the work session.

Present representing the Planning Commission; Commissioners Diani, Plata and Spivey.

Present representing staff; Director of Community and Economic Development Cathie Pagano and Manager of Administrative Services Beth Baker.

Present representing the application; Owner/ developer AJ Cattles.

Cattles described the application. The existing mixed use facility was developed several years ago. He is now proposing taking out the existing house next to the highway, and replacing it with a commercial facility. The site is surrounded by commercial uses. They have not been able to tie into city water, but there is access to sewer on Clark Boulevard. There will be an expansion of the existing parking lot. He is proposing a building envelope and a maximum building size, rather than a particular building. It will be two story building with some lap siding and metal siding. He is not proposing fencing. There are two wells, a new well for back project and re-permitted well for the front. He has purchased enough water for the entire project. The landscaping will included large evergreens, and taking out willows. The city staff has expressed no concerns.

He said it complies with the *Gunnison County Land Use Resolution's Locational Standards, Section 10-104 B.1*, it is adjacent to an existing pupation center.

Pagano will follow up with the city Planning and Zoning for their comments.

The site visit and public hearing have been scheduled for June 21, 2019.

The commissioners directed staff to prepare a draft decision of approval for the next meeting with the applicant.

Diani closed the work session.

Building Official, The Gunnison County Planning Commission conducted work session. They discussed contractor licensing.

With a quorum present Chairperson Cattles opened the work session.

Present representing the Planning Commission; Commissioners Cattles, Diani, Plata and Spivey.

Present representing staff; Building Official Crystal Lambert, Director of Community and Economic Development Cathy Pagano, and Manager of Administrative Services Beth Baker.

Lambert presented a draft contractor licensing program. She explained the local contractors have requested a licensing program. She has reviewed similar counties' licensing programs and has conducted several contractor stake holder meetings. She had suggested including subcontractor licensing, but the response has been mixed. She will only pursue the general contractor licensing at this time.

Lambert explained there will be two components, a knowledge component and proof of insurance component. The owner/ builder permits would be exempt, this would include a building on one's own parcel, no more than every four years. There is a possibility of including a Land Use Resolution (LUR) component. She sees many failures in the field due to not adhering to LUR.

The commissioners discussed the LUR component, a continuing education component, and a possibility of penalties as part of the program.

Cattles closed the work session.

Larry Darien LUC-19-00004; The Gunnison County Planning Commission conducted a continued public hearing. They reviewed the request to convert a portion of an existing structure to a residential unit, with a previously approved apartment, for a third residence on the property. Located at 2890 CR 3, legally described as part of the SE/4NE/4, NW/4SE/4, E/2SE/4. Section 20, and the NE/4SE/4, part of the E/2SW/4, W/2SE/4. Section 21, Township 11 South, Range 88 West, 6TH P.M., two miles west of the Town of Marble

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

Commissioner Plata left the meeting. Commissioner Spivey was seated for the meeting.

Present representing the Planning Commission; Commissioners Cattles, Diani, and Spivey.

Present representing staff Director of Community and Economic Development Cathy Pagano, and Manager of Administrative Services Beth Baker.

Present representing the application; owner Larry Darien.

Pagano explained that based on the conservation easement on the property, the fourth unit did meet the locational standards. She added there is now a state well permit.

Cattles asked about conditions on the building permit; Pagano noted a building permit is required.

The commissioners reviewed the draft decision.

Cattles closed the public hearing.

Moved by Diani seconded by Spivey to approve LUC-19-00004, converting a portion of an existing structure to a residential unit, and a previously approved apartment. The motion passed unanimously.

PROJECT DESCRIPTION:

Larry Darien requests the construction of a fourth residence on the subject parcel. There is an existing primary residence (previously approved and used as a bed and breakfast), integrated secondary residence, and a detached (third unit) residence on the parcel. The third and fourth detached residences are located in one building, described as "former Nordic center w/ single apartment" on the site plan.

The primary residence (aka bed and breakfast) and integrated secondary residence are in one building totaling 6,628 square feet.

The third and fourth residences are in a separate building totaling 2,660 square feet.

The applicant was previously approved for use of the primary residence as a bed and breakfast with an integrated caretaker's apartment. The third and fourth residences were previously used and approved as part of a commercial operation which included a one-bedroom apartment, seasonal retail ski rental, food service operation, and storage and maintenance areas for snow grooming and agriculture equipment.

The applicant proposes to change the use of the "Nordic center" building to include one additional residential unit (fourth residential unit on the parcel).

The subject parcel is approximately 2.5 miles west of the town of Marble at 2890 County Road 3 and is legally described as part of SE 1/4NE 1/4, NW 1/4, SE 1/4, E 1/2SE 1/4 Sec. 20, NE 1/4, SE 1/4, W1/2 SW 1/4, and part of E 1/2 SW 1/4, W 1/2 SE 1/4, Sec. 21 NW 1/4 SW 1/4 Sec. 22 11S 88W.

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact pursuant to *Section 6-102: A. 2-4 Units*.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss Darien application on the following dates:

- April 5, 2019 Work session
- April 19, 2019 Public Hearing
- May 3, 2019 Continued Public Hearing
- May 17, 2019 Continued Public Hearing

SITE VISIT:

The Planning Commission determined that a site visit was not necessary.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on April 19, May 3 and May 17, 2019. Adjacent property owner, Jason Darien, was present to support the proposed application. Letters were also received from Marble community members expressing support for the application because it would address a need for affordable housing.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail to the following agencies: Colorado Parks and Wildlife, Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Fire Protection District and Colorado Division of Water Resources. Comments from the agencies and are noted in the applicable sections below.

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

Section 9-100: Uses Secondary to a Primary Residence.

Not applicable. There is an existing secondary residence on the parcel; this application is for a fourth residence on the subject parcel.

Section 9-200: Special Residential Uses.

Not applicable. No special residential uses are proposed as part of this application.

Section 9-300: Commercial and Industrial Uses.

Not applicable, no commercial industrial use is proposed as part of this application.

Section 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials.

Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: Miscellaneous Uses and Activities.

Not applicable. No miscellaneous uses or activities are proposed.

Section 9-600: Essential Housing

Not applicable. No essential housing is proposed as part of this application.

Section 10-102: Locational Standards for Residential Development.

Not applicable, no subdivision is proposed as part of this application.

Section 10-103: Residential Density.

Applicable, this application is for the development of a fourth residential unit on a single parcel.

Section 10-103 states:

"A. PURPOSE. The purpose of this Section is to prevent sprawl and leapfrog development and to allow for flexibility in residential subdivision design.

B. APPLICABILITY. Any application for a proposed subdivision shall be subject to the requirements of this Section.

C. PRIMARY RESIDENTIAL LOT SIZE AND DENSITY STANDARDS. Residential lot sizes and density of a land use change shall initially be reviewed relative to existing development."

There are two purpose of the density section: to prevent sprawl and leapfrog development AND to allow for flexibility in residential subdivision design. The purpose does not limit the application of density standards to only subdivision design.

The applicability does note any application for subdivision shall comply with the standards and does not specifically identify the creation of multiple units on one parcel. However, Section 10-103: C. includes "density of a land use change" without qualifying it as only subdivision.

The LUR addresses potential conflicts in the document.

To clarify conflicts, Section 1-111. B. states, "MORE VERSUS LESS RESTRICTIVE REQUIREMENTS. Where there exists a conflict or overlap between different requirements in this Resolution, or between this Resolution and any other resolution, regulation or ordinance adopted by Gunnison County, or between this Resolution and any other applicable state or federal requirement or statute, the requirement that is the more restrictive or particular shall prevail over that which is less restrictive or is more general."

Section 1-111: B. notes that if there is a conflict the more restrictive requirement is applicable. In this case because Section 10-103: B. Applicability conflicts with 10-103: A and C. the more restrictive requirement applying the standards to density AND subdivision applies.

Also, Section 1-103: B. PURPOSES TO MANAGE AND GUIDE LAND DEVELOPMENT states:

"1. PROMOTE A COMPACT DEVELOPMENT PATTERN. To promote a compact development pattern that discourages sprawl, in which denser and more intense forms of development will occur contiguous to, or in close proximity to, existing population and development centers and public services. To encourage

development patterns that will tend to minimize the cost of providing governmental and other services and will preserve open space.”

Staff’s interpretation is that the above noted sections confirm that Section 10-103: Residential Density applies to the Darien Land Use Change application and also applies to other parcels where no subdivision occurs but the development of more than one residential unit is proposed.

The applicant submitted copies of three conservation easements that encumber the subject parcel and the adjacent larger parcel of land also owned by Larry Darien.

Mr. Darien provided a copy of the conservation easements. There are two parcels of land encumbered by two separate easements. The first conservation easement was recorded in the Gunnison County Clerk and Recorder’s office at Reception No. 571776 on December 19, 2006 and encumbers a parcel described as “First donation parcel”. The “First donation parcel” is approximately 35 acres in size and is part of the existing 168 acre parcel. It is near the subject 40-acre parcel on which the residential unit is proposed but does not appear to be directly adjacent.

The conservation easement for the “First donation parcel” states in Section 6.1 that the “Grantor shall not construct, improve, place or replace any buildings, structures, mobile homes, indoor riding arenas, parking lots, or billboards on the property.” The conservation easement does allow for agricultural uses with some prohibitions (i.e. commercial feed lots) and low-impact, passive recreational uses. Subdivision of the parcel is prohibited.

The second conservation easement was recorded in the Gunnison County Clerk and Recorder’s office at Reception No. 581256 on December 27, 2007 and encumbers a parcel described as “Second donation parcel”. The “second donation parcel” is 35.43-acres and is adjacent (to the northwest) to the “first donation parcel.” The “second donation parcel” is adjacent to the approximately 12-acre parcel owned by Jason Darien.

Section 6.1 of the conservation easement for the “second donation parcel” states, “Grantor shall not construct, improve, place or replace any buildings, structures, mobile homes, indoor riding arenas, parking lots, boat ramps or billboards on the property, except for a hydroelectric dam, infiltration gallery and small powerhouse building as permitted in Section 6.11.” There are similar allowances on “second donation parcel” for agricultural and recreation uses as on “first donation parcel.”

A third easement, described as “Darien Ranch III,” encumbers the majority of Mr. Darien’s land (inclusive of the 40 acre parcel and larger ranch parcel), however the easement begins on the south side of the Crystal River and therefore does not include the strip of land between County Road 3 and the Crystal River—which is the location of the existing bed and breakfast and subject structure. The conservation easement was recorded in the Gunnison County Clerk and Recorder’s office at Reception No. 585493 on July 30, 2008.

Section 7.3 of the conservation easement states:

“The construction of any new building, structure or other improvement is prohibited except as provided in this Section 7 or within a 1.5-acre reserved building envelope shown on Exhibit B...within which Grantor is permitted to construct, maintain or renovate one residence, which may include an attached or separate accessory dwelling unit or “mother-in-law apartment” as may be permitted by Gunnison County code, provided total heated residential floor area does not exceed 5,000 square feet and peak roof height does not exceed 30 feet. Grantor is also permitted to have existing and additional accessory and agricultural structures, which may include barns, corrals, fences, greenhouses and one outdoor horseback riding arena, provided that the total coverage by roof of the Reserved Building Envelope does not exceed 15% of the Reserved Building Envelope land area (approximately 9,800 square feet), inclusive of all residential and other permitted structures.”

Section 7.7 of the conservation easement states, “any division or subdivision of the title to the Property, whether by physical or legal process is prohibited.”

Mr. Darien's land along County Road 3 does not appear to be encumbered by a conservation easement and he has reserved a 1.5 acre parcel adjacent to Jason Darien's parcel for possible future development. Any proposed future development of residential units on the reserved 1.5 acre parcel and/or subdivision of the land along County Road 3 (not included in easement) would require a Gunnison County Land Use Change permit.

The Planning Commission considered the conservation easement of the approximate 158 acres of land during their deliberation. The applicant has conserved 70.43 acres which have no opportunity for the development of new residences or buildings per the easement restrictions. The applicant has also conserved an additional 88.98 acres of land which allows up to 5,000 square feet of residential development. The Planning Commission considered the density of the four in relationship to the 159.41 acres of conserved land and determined that the density of the proposed units is substantially similar to neighborhood parcels.

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

Not applicable, the subject parcel and proposed development are not within the 100-year floodplain.

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

Not applicable, the subject parcel is not within a mapped geologic hazard area.

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

Not applicable, the subject parcel is in a moderate wildfire hazard area.

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

Not applicable, the building is existing and no referral has been sent to CPW.

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

Not applicable, the building is existing and complies with the requirements of this section.

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

Not applicable. The site is not located on a ridgeline.

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

Not applicable, the subject parcel will not directly affect agricultural lands.

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

Not applicable, the site is not located beyond snowplowed access.

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

Not applicable, the site is not located on a National Wilderness inholding.

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

Not applicable, the site is not located above timberline.

Section 12-103: *Road System.*

Applicable, a copy of the application was referred to Gunnison County Public Works. Access from County Road 3 is existing. Marlene Crosby stated in an email dated March 29, 2019 that "the existing access is good," and they have no additional comments.

Section 12-104: *Public Trails.*

Not applicable, there is no public trail existing or proposed on this site.

Section 12-105: *Water Supply.*

Applicable, the applicant has submitted a letter from Jefferson V. Houpt regarding the water supply. The letter states that the existing well permit is valid for the commercial operation but the augmentation plan provides supply for the third residential apartment. The applicant has submitted a well permit application to the State to change the use of the well.

Comments from Justina Mickelson, Colorado Division of Water Resources, dated April 10, 2019 stated, "It is unclear what wells will serve the existing residences and proposed fourth residence. As long as the applicant obtains non-exempt well permits and proposed water uses do not exceed the decreed water rights described above for each well, this office would have no objection to the proposed fourth residence."

Well Permit No. 83200-F has been issued by the Colorado Division of Water Resources for the subject parcel and is limited to "fire protection, ordinary household purposes inside one one-bedroom apartment, inside one two-bedroom apartment, and one single-family dwelling."

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable, there is an existing onsite wastewater treatment system for the four residences. Crystal Lambert, Environmental Health Official, has reviewed the designs for the OWTS and finds them to be in compliance with Gunnison County OWTS Regulations.

Section 12-107: Fire Protection.

Applicable, the proposed development is located within the Gunnison Fire Protection District and served by the Carbondale Rural Fire Protection District. The application was referred to the Gunnison Fire Protection District and no comments were received.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan, "Ute Meadows Inn, Darien Ranch, Cover Sheet, Vicinity Map, Aerial, Site Plan," prepared by Sopris Engineering, LLC and dated January 24, 2019, meets these criteria.

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

This section applies; the proposed improvements meet the setback requirements.

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

Applicable, the total residential square footage proposed on the parcel is 9,288 square feet per the Assessor's records. The maximum residential square footage allowed, without a Land Use Change permit, is 10,000 square feet.

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

This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: Open Space and Recreation Areas

Not applicable, no requirement of open space is required for this application.

Section 13-109: Signs.

There are no signs proposed as part of the submitted application.

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

The number of parking spaces complies with **Appendix Table 3 and this section.**

Section 13-111: Landscaping and Buffering.

Applicable, landscaping exists on the property already, no alterations are proposed.

Section 13-112: Snow storage.

Applicable, design elements have been included within the site layout design allowing for adequate snow storage.

Section 13-113: Fencing

Applicable, this section applies and any fencing proposed shall comply with this section.

Section 13-114: Exterior Lighting.

Applicable, this section applies and any exterior lighting proposed shall comply with this section.

Section 13-115: Reclamation And Noxious Weed Control.

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction. **No excavation or disturbance of ground is proposed.**

Section 13-116: Grading And Erosion Control.

Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*. No excavation or disturbance of ground is proposed.

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

Not applicable.

Section 13-118: Water Impoundments.

Not applicable, this project does not propose a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.

The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

Article 15: Right-to-Ranch Policy.

This section is not applicable; there are no agricultural lands that will be affected by the uses on the subject parcel.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.
2. There are three conservation easements that encumber the subject parcel and the adjacent parcel owned by Larry Darien.
 - First donation parcel recorded in the Gunnison County Clerk and Recorder's office at Reception No. 571776 on December 19, 2006.
 - The second conservation easement was recorded in the Gunnison County Clerk and Recorder's office at Reception No. 581256 on December 27, 2007 and encumbers a parcel described as "Second donation parcel".
 - The third conservation easement was recorded in the Gunnison County Clerk and Recorder's office at Reception No. 585493 on July 30, 2008.
3. The proposed density of the project is substantially similar to neighborhood parcels.
4. Well Permit No. 83200-F has been issued by the Colorado Division of Water Resources for the subject parcel and is limited to "fire protection, ordinary household purposes inside one one-bedroom apartment, inside one two-bedroom apartment, and one single-family dwelling."
5. The existing access off of County Road 3 is sufficient per Gunnison County Public Works.
6. This application is consistent with the standards and requirements of this *Resolution*.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC-19-00004 be classified as a Minor Impact, and be approved with the following conditions:

1. The applicant shall obtain a building permit from the Gunnison County Community and Economic Development Department prior to any work being done on the existing building.
2. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the 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*.
3. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
4. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
5. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
6. Approval of this use 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.

County Attorney, The Gunnison County Planning Commission conducted a work session/ executive session. They discussed nonconforming uses.

With a quorum present Chairperson Cattles opened the work session.

Present representing the Planning Commission; Commissioners Cattles, Diani, Plata and Spivey.

Present representing the staff: County Attorney David Baumgarten, Director of Community and Economic Development Cathie Pagano, and Manager of Administrative Services Beth Baker.

Executive Session

The Planning Commission went into an executive session at 10:40 A.M. *Executive Sessions of the Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4) (b).* Those in attendance were County Attorney David Baumgarten, Director of Community and Economic Development Cathie Pagano, Manager of Administrative Services Beth Baker, and the Gunnison County planning commissioners.

Moved by Diani **seconded** by Plata to enter into an executive session Pursuant to C.R.S. 24-6-402(4) (b); Conference with County Attorney David Baumgarten Attorney Client Privileged Communication; to discuss nonconforming uses.

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (4) (b), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Planning Commission, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402 (4) (b)

and that , because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: _____

A.J. Cattles, Chairperson
Gunnison County Planning Commission

Moved by Diani, **seconded** by Spivey to adjourn the Planning Commission's executive session, at 11:30 A.M. The motion carried unanimously.

No written or recorded record was kept of this meeting. ****

Chairperson Cattles adjourned the meeting at 11:34 AM.

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

Executive Session

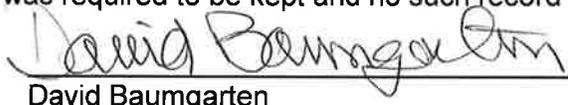
The Planning Commission went into an executive session at 10:40 A.M. *Executive Sessions of the Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4) (b).* Those in attendance were County Attorney David Baumgarten, Director of Community and Economic Development Cathie Pagano, Manager of Administrative Services Beth Baker, and the Gunnison County Planning commissioners

Moved by Diani **seconded** by Plata to enter into an executive session Pursuant to C.R.S. 24-6-402(4) (b); Conference with County Attorney David Baumgarten Attorney Client Privileged Communication; to discuss non-conforming uses.

Attorney Statement Regarding Executive Session

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

Date: 6/11/19



David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

Date: 6/21/19



A.J. Cattles, Chairperson
Gunnison County Planning Commission

Moved by Diani, **seconded** by Spivey to adjourn the Planning Commission's executive session, at 11:30 A.M. The motion carried unanimously.

