

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, December 20, 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.** **Iglesia Rios De Agua Viva De Gunnison** public hearing, request to utilize existing restaurant building (Fiesta Mexicana) located at 37762 U.S Highway 50 Unit B as a Church. **LUC-19-00041**
- 9:30 a.m** **Roper Subdivision** continued joint public hearing, request to subdivide four lots on an approximately 189-acre parcel. Lot 1-3.37 acres, Lot 2-3.38 acres, Lot 3-8.22 acres and Lot 4- 174 acres (remainder of the ranch.) The parcel is generally located 8 miles northeast of the City of Gunnison; approx. ½ mile east of Highway 135, r on the east side of the Gunnison River. **LUC-19-00012**
- 10:15 a.m.** **Shady Island River Park**, work session, request to develop a River Park on an approximately 10.5-acre parcel, located approximately 1.5 miles north of the City of Gunnison on Highway 135. The park will replace the unpermitted North Bridge site used by boaters to launch boats. The park will include a safer boat launch, improved parking, camping, picnic and play areas, and improvements to the riparian areas. **LUC-19-00037**
- 12:00 p.m.** **Building Official- Crystal Lambert**, work session to discuss County contractor licensing.

Adjourn

**COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, December 20, 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 Commissioner-Vince Rogalski Alternate Commissioner- Daniel Spivey Alternate Commissioner- Laura Puckett Daniels	Director of Community and Economic Development-Cathie Pagano Senior Planner – Rachel Sabbato Senior Planner- Hillary Seminick Manager of Administrative Services- Beth Baker Others present as listed in text
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Recused/Absent/Seated:

Absent: Commissioners Plata and Diani for the entire meeting

Chairperson Cattles absent for all items except the Building Officials work session

Seated: Commissioners Spivey and Puckett-Daniels for the entire December 20th meeting.

Moved by Puckett-Daniels seconded by Spivey to appoint Commissioner Rogalski as the Chairperson for the December 20, 2019 meeting of the Planning Commission.

With a quorum present Chairperson for the December 20, 2019 Planning Commission meeting, Rogalski opened the December 20, 2019 regular meeting of the Planning Commission.

Moved by Puckett-Daniels seconded by Spivey to approve the Planning Commission meeting minutes of, December 6, 2019 as presented, the motion passed unanimously.

Iglesia Rios De Agua Viva De Gunnison (LUC-19-00041): The Gunnison County Planning Commission conducted a public hearing. They reviewed request to utilize existing restaurant building (Fiesta Mexicana) located at 37762 U.S Highway 50 Unit B as a Church.

With a quorum present Chairperson Rogalski opened the public hearing.

Present representing the Planning Commission: Commissioners Rogalski, Spivey, and Puckett-Daniels.

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

Present representing the application: realtor Matt Robbins, applicant Pedro Vitinio and interpreter Victor Lira.

Baker confirmed adequate public notice. The staff had the public notice published in the CB News and Gunnison Country Times and the applicants submitted the certified mailing receipts and proof of posting.

Robbins explained the applicants have been in the community for 14 years and now would like to purchase this property, to be used as a church. They previously used the Trinity Baptist Church for their services, but they have outgrown that space.

Vitinio/ Lira said they wish to extend services to the community and increase their ministry. They use the ministry to help families in need. The building will have very minor changes on the interior and exterior. The exterior will be cleaned up and a sign will be installed, no other changes. There are no appliances in the commercial kitchen and it will not be utilized for serving meals.

Sabbato said the sign will be permitted separately at a later date. She added the parking standards have been met. The City of Gunnison comments were favorable, but they did not specifically note it is compliant with their Three-Mile Plan. Pagano explained their proposed plan identified the desire to repurpose the existing building. The impacts are neutral, as long there are not greater impacts with parking and noise etc.

Public Comment

Scott Biddle owner of the Road Way Inn said many of the community members stay at the Inn. They welcome them as the new neighbors.

The Planning Commission reviewed the draft decision of approval.

Rogalski closed the public hearing.

Moved by Spivey seconded by Puckett-Daniels to approve LUC-19-00041-Iglesia Rios De Aqua Viva De Gunnison (church.) The motion passed unanimously, described in the attached decision.

PROJECT DESCRIPTION:

The applicant is proposing to utilize the existing restaurant building (Fiesta Mexicana) located at 37762 U.S. Highway 50 Unit B as a Church. No subdivision of land or new structures are proposed. Minimal interior changes are proposed, the existing commercial kitchen has no appliances and will only be used as a prep area for potlucks for church events. No exterior changes are proposed other than site clean-up and new signage for the church. No semi or large truck deliveries will be needed.

The church membership consists of 50 members, a weekly Sunday church service will be conducted, as well as hosting occasional weddings, Sunday school, vacation bible school for youth members as well as church counseling and business meetings. Operating hours include Saturday evenings from 6-9 pm and Sundays from 8 am – 2 pm, meetings will be held from 6-9pm on Tuesdays and Thursdays for board meetings, counseling sessions and office administration items. These hours will have from 2 or 3 persons attending to a high of 8-10 persons. The church will also have an occasional wedding, and as a point of reference, they have had 3 weddings in the last 4 years of operation. Parking will be located in front of the building and easements for ingress and egress are in place.

The subject parcel is legally described as Lot 1 in Parcel No. 1, Dos Rios Motor Motel Subdivision, #457235, 37762 US Highway 50 Unit B, Gunnison Colorado.

IMPACT CLASSIFICATION:

The project, by definition, is a Minor Impact pursuant to *Section 6-102: Projects Classified as Minor Impact Projects H. New Commercial, Industrial 10,000 Sq. Ft., or Five Acres Or Less.*

SUBMITTED DOCUMENTATION:

- Copy of Minor Impact application dated October 2, 2019, LUC-19-00041
- Referral Comments from Colorado Department of Transportation (CDOT), Gunnison County Public Works, City of Gunnison, City of Gunnison Fire Marshall
- Existing Parking Lot and Building Site Map dated November 11, 2019
- Summary letter of building inspection and parking plan dated November 11, 2019 by Jerry Greene, P.E.

- Plat Map for Dos Rios Motor Hotel Subdivision with description of access easements dated December 21, 1994.

MEETING DATES:

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

- Work session December 6, 2019
- Site Visit No site visit requested
- Public Hearing December 20, 2019

SITE VISIT:

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

PUBLIC HEARING:

The Planning Commission conducted a public hearing on December 20, 2019. Comments received included,

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on October 25, 2019 to the following agencies. Comments from the agencies and are noted in the applicable sections below.

- Director of Gunnison County Public Works, Marlene Crosby
- City of Gunnison Fire Marshall, Hugo Ferchau
- City of Gunnison Land Use Planner, Andie Ruggera
- Colorado Department of Transportation, Dan Roussin

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

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

Not applicable. No secondary uses are proposed.

Section 9-200: *Special Residential Uses.*

Not applicable. No special residential uses are proposed.

Section 9-300: *Commercial and Industrial Uses.*

Applicable, proposing to utilize the existing, vacant restaurant building (Fiesta Mexicana) located at 37762 U.S. Highway 50 Unit B as a Church. No subdivision of land or new structures are proposed. Minimal interior changes are proposed, the existing commercial kitchen has no appliances and will only be used as a prep area for potlucks for church events. No exterior changes are proposed other than site clean-up and new signage for the church. No semi or large truck deliveries will be needed. The proposed commercial use is required to comply with the applicable standards of this Section.

1. **NON-RESIDENTIAL ACCESSORY USES.** Applicable, the applicant proposes an office and support areas relative to the commercial use.
2. **FOOD SERVICE REQUIREMENTS.** Not applicable, no food service is proposed.
3. **ELECTRICAL DISTURBANCES.** Not applicable, no electrical disturbances are proposed or expected.
4. **FIRE AND EXPLOSIVE HAZARDS.** Not applicable, no fire and explosive hazards are proposed or expected.
5. **GLARE AND HEAT.** Not applicable, no glare or heat from commercial operations are proposed or expected.
6. **EXTERIOR LIGHTING.** Applicable, whenever exterior lighting is installed in commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 13-114: *Exterior Lighting.*
7. **ODORS.** Not applicable, no odors are proposed or expected.

8. RADIOACTIVITY. Not applicable, no radioactivity is proposed or expected.

9. VIBRATION. Not applicable, no vibration is expected or proposed.

10.NOISE. Not applicable, no noise is proposed or expected.

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

Not applicable. No exploration, extraction and or processing of minerals and construction materials are proposed.

Section 9-500: *Miscellaneous Uses and Activities.*

Not applicable. No miscellaneous uses are proposed.

Section 9-600: *Essential Housing*

Not applicable. No essential housing uses are proposed.

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

Not applicable. No residential uses are proposed.

Section 10-103: *Residential Density.*

Not applicable. No residential uses are proposed.

Section 10-104: *Locational standards for commercial, industrial or other non-residential uses.*

Applicable. This proposal meets the Primary Locational Standard, Section 10-104. The subject parcel is adjacent to the City of Gunnison, is located within a municipal three-mile plan area, and is served by a central water and wastewater treatment system. A letter dated November 13, 2019 from the City of Gunnison Planning and Zoning Commission Chair, Greg Larson, states, "The City recognizes the property is currently vacant and has a long history of use as a restaurant (nonconforming use) with vacancies in between. Vacant buildings tend to be unattractive due to deferred maintenance while vacant. The City considers a reuse of vacant building for commercial use, at this location, to be acceptable as long as the proposed use is impact neutral from the historic use. The reuse by a church would promote property maintenance, which helps maintain an attractive corridor into the City. The City acknowledges the church is active in the community assisting those in need and providing a place of worship for a growing immigrant community. The City supports the proposed minor impact application for the Iglesia Rios de Aqua Viva Church."

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

Not applicable. According to Gunnison County GIS mapping this parcel is not in a floodplain.

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

Not applicable. According to Gunnison County GIS mapping there are no geologic hazards in this area.

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

Not applicable. According to Gunnison County GIS mapping wildfire hazards in this area are low.

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

Not applicable. According to Gunnison County GIS mapping there are no Gunnison Sage Grouse in this area.

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

Not applicable. The project site is more than 125 feet from any waterbody.

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

Not applicable. This project site is not located on a ridgeline.

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

Not applicable. This proposal will not affect agricultural lands.

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

Not applicable. This proposal is not beyond snowplowed access.

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

Not applicable. This proposal is not an inholding in The National Wilderness.

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

Not applicable. This proposal is not located above timberline.

Section 12-103: *Road System.*

Applicable. The proposed use is for an existing building with a parking lot and State Highway 50 entrance points and demonstrates evidence for compliance with the standard. In an email dated November 13, 2019 Dan Roussin, Region 3 Permit Unit Manager, Traffic and Safety Colorado Department of Transportation, stated, "I do have a few questions, the report states only a 50 person church. However, what is the maximum members allowed for this building? It appears this property doesn't have a direct access to the highway. It appears they have an easement to the east. CDOT would like to know if they have the right to use the access to the West. Depending on the number of church participants, this may require a new access permit."

County staff confirmed that both the East and West access easements, 24 feet wide, shall be perpetual easements for the mutual benefit of the owners and their guests, as stated on the plat are available for the church through legal easements recorded on the plat, Reception No. 457235.

The applicant responded in an email on November 6th, to Mr. Roussin's comments and replied, "The number of members utilizing the property will be substantially less than the number of people that used it as a bar and restaurant historically. They also will have much fewer hours of use. The [church] membership fluctuates a bit, but as it now stands it is in the 45-50 member range. Of those 50+/- members, 20 are children and the remaining 30+/- members are adults who don't all drive to church when they attend. They estimate that they average 3 members per car and that would indicate they would currently utilize less than 1/2 (closer to 1/3) of the parking spaces on the property. The church estimated that they had approximately 30-35 members 10 years ago and now are at 45-50 members. Projecting that growth history for the next 10 years would put the membership estimate at 60-65 members total. Of those, they estimate 25-30 would be children, so 35 adult members on average of 3 members per vehicle and they would still come in at less than 1/2 of the parking spaces on the property. The church also wanted to be sure to mention that the membership has been holding relatively steady the last few years due to the fact that they gain members once in a while, but also lose members that move away. They are pretty doubtful they would even gain the above estimates in the next 10 years in other words. And, last of all, not all of the members attend every church service of course, just like any other church, which is another reason they feel the numbers they estimate above are most likely on the high end of things."

Dan Roussin replied back in an email on November 13, 2019 that, "The Church has answered my questions. I believe I have no comments on this project. The development doesn't appear to trigger an access permit since they are not likely to increase traffic by 20%."

Section 12-104: *Public Trails.*

Not applicable. Public trails are not requested in this proposal.

Section 12-105: *Water Supply.*

Applicable, the proposed use is in an existing, vacant building with a water supply and demonstrates evidence for compliance with the standard. In an email dated October 21, 2019 Marlene Crosby, Gunnison County Public Works Director, stated, "The property is served by Dos Rios Water and Dos Rios Sewer. We know that a curb stop was installed to isolate the building if needed."

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

Applicable, the proposed use is in an existing, vacant building with a sewer line and demonstrates evidence for compliance with the standard. In an email dated October 21, 2019 Marlene Crosby, Gunnison County Public Works Director, stated, "The property is served by Dos Rios Water and Dos Rios Sewer. We know that a curb

stop was installed to isolate the building if needed. We do not have any information about the sewer service line to the building. We do not have any concerns and are happy to see the building put to productive use.”

Section 12-107: Fire Protection.

Applicable, the proposed use is in an existing, vacant building with a parking lot and State Highway 50 entrance points and demonstrates evidence for compliance with the standard. In an email dated October 24, 2019 Hugo Ferchau, City of Gunnison Fire Marshal states, “Thank you for the site plan and the walk through of the property at 37762 Highway 50. I have no issues with the intended use of the building as a church or the current fire department access. With the configuration of the parking lot and the two access points to Highway 50, we have plenty of room to operate in the case of a large fire there, at the neighboring hotel to the East or at the Condos to the West.”

13-102: B.: Location Within Municipal Three-Mile Plan Area.

Applicable, the proposed Church use is in an existing, vacant building with a parking lot and State Highway 50 entrance points within the Municipal Three-Mile Plan Area and demonstrates evidence for compliance with the standard. A letter dated November 13, 2019 from the City of Gunnison Planning and Zoning Commission Chair, Greg Larson, states, “The City recognizes the property is currently vacant and has a long history of use as a restaurant (nonconforming use) with vacancies in between. Vacant buildings tend to be unattractive due to deferred maintenance while vacant. The City considers a reuse of vacant building for commercial use, at this location, to be acceptable as long as the proposed use is impact neutral from the historic use. The reuse by a church would promote property maintenance, which helps maintain an attractive corridor into the City. The City acknowledges the church is active in the community assisting those in need and providing a place of worship for a growing immigrant community. The City supports the proposed minor impact application for the Iglesia Rios de Agua Viva Church.”

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

Applicable, the proposed Church use is in an existing vacant building with a parking lot and State Highway 50 entrance points and demonstrates evidence for compliance with the standard. 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, “Iglesias Rios De Agua Viva De Gunnison,” prepared by Jerry Greene and dated November 8, 2019, meets these criteria.

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

Applicable, the proposed Church use is in an existing vacant building with a parking lot and State Highway 50 entrance points. This section applies; the proposed improvements meet the setback requirements.

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

Not applicable. No residential use is proposed.

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

Not applicable. No installation of Solid Fuel-Burning Devices is proposed.

Section 13-108: Open Space and Recreation Areas

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

Section 13-109: Signs.

Applicable, no signs have been proposed at this time. Proposed signs shall comply with the standards of this Section and shall apply for and receive a separate sign permit.

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

Applicable. The project description states that the area that the church will be holding their services (see Sanctuary on the site plan, “Iglesias Rios De Agua Viva De Gunnison,” prepared by Jerry Greene and dated November 8, 2019) is approximately 37’ X 28’ for a total of 1,036 square feet. Pursuant to this standard for churches, one parking space is required per 50 sq. ft for meeting and seating areas, 21 parking spaces would be required. The 5 restrooms, offices, kitchen, mechanical rooms, classrooms, and storage rooms are excluded. The other room to consider is the multi- purpose room which is approximately 38’X 42’ or 1,596

square feet. Using the same 1/50 sq. ft. formula this room would equate to 32 parking spaces. The number of spaces are met, given there are 27 marked spaces and additional room in the back of the building as well as additional room for parking between the two 12 space areas on the north side of the building and south side of the masonry wall.

Section 13-111: Landscaping and Buffering.

Applicable. The existing landscaping and adobe wall will remain and comply with this standard.

Section 13-112: Snow storage.

Applicable. See site plan, "Iglesias Rios De Agua Viva De Gunnison," prepared by Jerry Greene and dated November 8, 2019.

Section 13-113: Fencing

Not applicable. No fencing is proposed in this application.

Section 13-114: Exterior Lighting.

Applicable. All exterior lighting will comply with Gunnison County standards per this section.

Section 13-115: Reclamation And Noxious Weed Control.

Not applicable. A reclamation permit is required for road cutting and/or construction, home site clearing and berm construction. **No excavation or disturbance of ground is proposed.**

Section 13-116: Grading And Erosion Control.

Not applicable. Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

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

Applicable. All proposed use will be maintained in an existing, vacant building and parking lot as illustrated in the site plan, "Iglesias Rios De Agua Viva De Gunnison," prepared by Jerry Greene and dated November 8, 2019.

Section 13-118: Water Impoundments.

Not applicable. A water impoundment is not proposed.

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. Little impact is anticipated to the surrounding residential area since it is adjacent to the City of Gunnison, adjacent to a motel building of similar construction.

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. No subdivision of land or new structures are proposed. Minimal interior changes are proposed, the existing commercial kitchen has no appliances and will only be used as a prep area for potlucks for church events. No exterior changes are proposed other than site clean-up and new signage for the church. No semi or large truck deliveries will be needed.
3. Both the East and West access easements, 24 feet wide, shall be perpetual easements, deemed to be covenants running with the land, for the mutual benefit of the owners and their guests, as stated on the plat are available for the church through legal easements recorded on the plat, Reception No. 457235. The said

easements shall be for vehicular and/or pedestrian ingress and egress to and from said parcels and lots to and from U.S. Highway 50.

4. The existing, vacant building is served by Dos Rios Water and Dos Rios Sewer. A curb stop has been installed to isolate the building if needed.
5. The City of Gunnison Fire Marshal, Hugo Ferchau has reviewed the application. No concerns were identified for the intended use of the building as a church or the current fire department access.
6. The proposal is within the City of Gunnison's three-mile plan and comments have been received from the City of Gunnison Planning and Zoning Commission Chair, Greg Larson. He states in a letter dated November 13, 2019 "The City recognizes the property is currently vacant and has a long history of use as a restaurant (nonconforming use) with vacancies in between. Vacant buildings tend to be unattractive due to deferred maintenance while vacant. The City considers a reuse of vacant building for commercial use, at this location, to be acceptable as long as the proposed use is impact neutral from the historic use. The reuse by a church would promote property maintenance, which helps maintain an attractive corridor into the City. The City acknowledges the church is active in the community assisting those in need and providing a place of worship for a growing immigrant community. The City supports the proposed minor impact application for the Iglesia Rios de Aqua Viva Church."
7. The existing parking lot can accommodate the number of parking spaces this proposal requires. The project description states that the area that the church will be holding their services (see Sanctuary on the site plan, "Iglesias Rios De Agua Viva De Gunnison," prepared by Jerry Greene and dated November 8, 2019) is approximately 37' X 28' for a total of 1,036 square feet. One parking space is required per 50 sq. ft for meeting and seating areas, 21 parking spaces shall be required.
8. The existing landscaping and adobe wall will remain.
9. This application is consistent with the standards and requirements of this *Resolution*.
10. 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-19-00041 be classified as a Minor Impact, and be approved with the following conditions:

1. 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*.
2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
3. 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.
4. One parking space is required per 50 sq. ft. for meeting and seating areas, 21 parking spaces shall be required. The number of spaces are met, given there are 27 marked spaces and additional room in the back of the building.

5. Proposed exterior signs shall comply with the standards of Section 13-109 and the applicant shall apply for and receive a separate sign permit.
6. 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.
7. 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.

Roper Lane Subdivision (LUC-19-00012): The Gunnison County Planning Commission and Board of County Commission conducted a continued joint public hearing. The continued their review of the request to subdivide four lots on an approximately 189-acre parcel. Lot 1-3.37 acres, Lot 2-3.38 acres, Lot 3-8.22 acres and Lot 4- 174 acres (remainder of the ranch.) The parcel is generally located 8 miles northeast of the City of Gunnison; approx. ½ mile east of Highway 135, on the east side of the Gunnison River.

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

Present representing the Planning Commission: Commissioners Rogalski, Spivey, and Puckett-Daniels. BoCC members Jonathan Houck, John Messner and Roland Mason.

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

Present representing the application: owner / applicants Albert and Angela Roper.

Albert Roper briefly described the application. They are going to create three subdivided lots and the remainder lot;

- Lot 1- 3.37 acres
- Lot 2- 3.38 acres
- Lot 3 – 8.22 acres
- Lot 4- 174 acres (remainder of ranch)

The County DIA has been submitted. Public Works will record a waiver of standards approving a 16 ft. road. Engineer Bob Williams has verified the bridge is up to standards. Ropers have spoken with Gunnison Fire Marshal Hugo Ferchau, he has been out to look at the bridge and expressed no concerns.

The Planning Commission reviewed the draft recommendation.

Ropers thanked the commissioners for being respectful during the process.

Rogalski closed the continued joint public hearing.

Moved by Spivey seconded by Puckett-Daniels to approve the recommendation of the Roper Lane Subdivision LUC-19-00012, as amended to the Board of County Commissioners; as described in the attached recommendation.

PROJECT DESCRIPTION:

Albert and Angela Roper propose proposing the subdivision of four total lots on an approximately 189-acre parcel. The lots proposed are as follows:

- Lot 1- 3.37 acres
- Lot 2- 3.38 acres

Lot 3 – 8.22 acres
Lot 4- 174 acres (remainder of ranch)

The applicants propose that the subdivision lots be served by individual wells and on-site wastewater treatment systems. The applicant also proposed covenants on the lots that prohibit detached second residences, require membership in Lost Canyon Bridge Association, and agricultural language relative to fence out requirements and confinement of domestic animals.

The subject parcel is legally described as being located in Sections 28, 33, and 34, Township 51 North, Range 1 East, N.M.P.M., Gunnison County, Colorado. Generally, the property is located 8 miles northeast of the City of Gunnison; approx. ½ mile east of Highway 135, on the east side of the Gunnison River.

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:

- July 19, 2019 Site Visit
- August 2, 2019 Work Session
- September 6, 2019 Joint Public Hearing
- December 20, 2019 Joint Public Hearing

SITE VISIT:

The Planning Commission conducted a site visit on July 19, 2019.

PUBLIC HEARING:

The Planning Commission and Board of County Commissioners conducted a joint public hearing on September 6, 2019. Public comment included:

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.*

Applicable. Detached secondary residences are not allowed in the proposed covenants. The covenants do not address integrated secondary residences.

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.

Applicable, the proposed subdivision application is not adjacent to an existing population center nor is it within a municipal three mile plan. The applicant has demonstrated that the proposed residential development will result in no significant net adverse impact to neighborhood land or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of OWTS and/or individual water wells.

Section 10-103: Residential Density.

Applicable, the proposed subdivision cannot comply with the primary locational standard. The Planning Commission considered the parcels in the neighborhood and has determined that the proposed lot size is substantially similar to neighborhood parcels.

The application states, "The neighborhood parcels range in size from 0.24 acres to 189.34 acres...Six parcels are under 0.5 acres, six parcels are 0.5-1 acre. Thirteen parcels are 1-5 acres. Five parcels are 5-10 acres and three parcels are over 15 acres. The proposed lots would be 8.2, 3.3, and 3.3 acres. This size is substantially similar to the 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 and proposed development are in an area of potentially unstable slopes. Staff conducted a site visit determined that no additional geotechnical review is required.

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

The subject parcel is in a moderate wildfire hazard area. A copy of the application has been referred to Gunnison Fire Protection District for review and comment. No comments have been received from the Gunnison Fire Protection District.

Comments were received from the Colorado State Forest Service in an email from Sam Pankratz, Supervisory Forester, dated July 2, 2019:

"After review of the proposed subdivision location I have no comments in regards to wildfire hazardous fuels reduction. Will there be a proposed secondary ingress/egress? CR L2? Also, do we have any current county requirements for reflective street signage or addressing signage?"

A street sign shall be installed at the development for emergency services.

Section 11-106: Protection of Wildlife Habitat Areas.

Applicable, a copy of the application has been sent to Colorado Parks and Wildlife for review and comment. The applicant did participate in a Gunnison Sage-grouse pre-application conference.

Comments from Aleshia Rummel, Wildlife Biologist for the Gunnison Conservation District, dated May 9, 2019 stated:

"The parcel is within 0.6 miles of a Gunnison sage-grouse lek. The parcel contains Gunnison Sage-grouse Tier 1 habitat (score \geq 15) as mapped using the 2018 Habitat Prioritization Tool (Gunnison Basin Sage-grouse Strategic Committee 2018). The overall habitat score for the parcel ranges from -18 to 36. The eastern and northern portions of the parcel are within Tier 1 habitat, including the proposed northeastern lot, the proposed northwestern lot, and portions of the proposed middle lot. There is public land to the east and northeast of the parcel that contains Tier 1 habitat. As determined during the site visit, the parcel contains several habitats needed by sage-grouse including: nesting, summer-fall, and winter habitats.

...Based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred if recommendations in this letter are followed. Because there are Gunnison sage-grouse in the general area, I recommend the following requirements be applied as a condition of all Gunnison County permits issued for projects on this parcel to protect Gunnison sage-grouse:

1) The proposed subdivision, if approved by Gunnison County, must be located as defined in the revised Land Use Change Application from April 28, 2019. Specific building permits and development proposals will be reviewed on a case-by-case basis.

2) A Gunnison County Reclamation Permit will be required for any site disturbing activities on this parcel greater than 10,000 sq ft. That permit should contain specific reclamation conditions. Disturbed areas need to be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.

3) For activities not requiring a Reclamation Permit, 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.

4) Per Section 11-106 G.3.h of the Gunnison County Land Use Resolution, no additional roads, routes, or trails may be constructed on the property without additional review by Gunnison County for impacts to Gunnison sage-grouse and their habitats.

*5) Per Section 11-106 I of the Gunnison County Land Use Resolution, design of fences other than those with agricultural operations shall ensure they do not adversely impact wildlife. Woven wire fencing should not be allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing should be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in mind*.*

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 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) To help protect Gunnison sage-grouse habitat, it is recommended that all undeveloped areas of the parcel remain in native vegetation. Disturbed areas should 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. A separate analysis will be required, which may include additional conditions, for any development not addressed in this site analysis.

Additional Notes: Roads and driveways constructed to the subdivided lots must be built to Gunnison County standards. The parcel is located within important mule deer and elk range. Conflicts with big game can be anticipated if development should occur on this property that does not take their presence into consideration. Colorado Parks and Wildlife is available to assist with issues to help avoid wildlife conflicts.”

Comments from Chris Parmeter, District Wildlife Manager of Colorado Parks and Wildlife in a letter dated June 10, 2019 state:

“...Although the project area is contained within mapped wildlife habitats, it’s important to note that many components are required to provide wildlife species suitable living space. This project is proposed in habitat that is already disturbed/degraded and is adjacent to existing development, lessening the significance of impacts to wildlife.

Striped skunks, red fox, and coyotes inhabit the area, along with numerous other small mammals and an occasional mountain lion; however, black bears are the most significant wildlife concern. To avoid human/bear encounters, the storage and handling of trash must be a high priority. The use of bear-proof trash containers has proven the safest and best technique to avoid human/bear conflicts. Although feeding birds is legal, it is not recommended as it is a leading attractant for black bears. Colorado Parks and Wildlife’s ‘Living with Wildlife in Bear Country’ brochure provides guidance on proper trash management and other tips to avoid creating conflicts.

In Gunnison County, where subdivisions encroach upon mountain lion habitat containing an abundance of prey (winter concentrations of deer), encounters between lions, humans and their pets and livestock may arise. CPW’s brochure entitled ‘Living with Wildlife in Lion Country’ provides good information to help residents reduce their potential for conflicts with mountain lions.

‘Household’ pets such as cats and dogs present perhaps the greatest threat to native wildlife with a new development....Dogs allowed to roam may ‘pack-up,’ harass, and kill deer and other wildlife – and food for either left outside is an attractant for bears and other ‘nuisance’ animals.

As for horses and other livestock, property owners should consult the Natural Resource Conservation Service to determine the carrying capacity of their land. CPW recommends only certified weed free forage be used, and when possible, areas disturbed by construction should be re-vegetated as soon as possible with native plant species to avoid invasion of noxious weeds.

Fences should be minimized to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality. Fences, whether of wire, wood, electric, or synthetic, can be constructed to be wildlife friendly; not exceeding 42 inches in height, and not restricting the movement of deer or elk.

...As the Gunnison Basin continues to develop, habitat available for wildlife is incrementally lost, and conflicts will increase. Although this project itself affects only a few acres and minimizes the impacts to wildlife through its adjacency to existing development, the effects of habitat loss are cumulative, and should be considered as such.”

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.

Applicable, the proposed subdivision is adjacent to an agricultural operation. Language regarding the confinement of domestic animals, Colorado’s “fence-out” requirements, and irrigation ditch maintenance shall be included on the final plat in compliance with the standards of this Section.

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. Applicable, a referral has been sent to Public Works. Comments received from Marlene Crosby, Public Works Director, in an email dated May 31, 2019 state:

"1. It is unclear whether or not the Roper's have any authority or maintenance responsibility for the road between HW#135 and the bridge, but there are a couple of issues that need to be addressed on that section of the road. The deep speed dip does serve to slow down traffic, but it also creates a hazard for emergency services response. On County roads neither speed bumps nor dips are allowed because of the hazard to emergency response and motorcycles. Immediately preceding the bridge there are a series of potholes that need to be filled. A vehicle hitting those potholes creates extra stress on the bridge due to the "bouncing" of the vehicle as it enters the bridge.

2. The bridge has load posting rating signs on both ends of the bridge per the 2008 inspection. The State requires that all County bridges 20 feet in length or greater be inspected and inventoried every two years. It appears it is time for the Lost Canyon Bridge Association to have the structure inspected for damage and load ratings. The bridge has been maintained as a one lane bridge, but there is one plank that needs to be replaced.

3. It is difficult to align the site plan that is part of the submittal and the comments by the Wildlife Biologist. The lot sizes and proposed configurations do not match.

4. If the access roads to the lots on the eastern boundary are approved each access will need a recorded easement across Roper property and/or Forest Service property before an access permit could be issued.

5. Roper Lane from the intersection with River Front Road is in poor condition. The number of existing lots using this access and the proposed new lots, if it were newly constructed, would require a 22 foot wide road. Our recommendation is that at the very least it be uniformly widened to 16 feet wide, with 6 inches of Class 6 road base and inter-visible turn-outs every 600 feet. Any future development of lots using Roper Lane will require an upgrade of the road to Standards.

6. The two driveways to the lots on the eastern boundary are difficult due to the grade. Not only is the access into the lots difficult it will be difficult to create the emergency access turn-around that is required at every residential unit.

We support the Wildlife Biologist recommendation that the lot lines be adjusted so that the lots can be accessed directly off the existing road. In addition, the building sites should be located to easily accommodate emergency access."

The applicant responded in a letter dated June 27, 2019 and stated:

"I met with Marlene Crosby and Sparky Casebolt in regards to Roper Lane and the following was agreed upon:

1. Roper Lane from the intersection of River Front Road to 305 Roper Lane be built up and smoothed to a reasonable driving surface and to a width of 20' with turnouts every approx. 600'

2. Roper Lane from 305 to Lot TBD (furthest east) be smoothed to a reasonable driving surface and to a width of 15'

3. It was discussed with Marlene that a bridge inspection discussion will be put on the agenda for the annual meeting of the Lost Canyon Bridge Association."

The applicant contracted with Robert L. Williams, P.E. of Williams Engineering to complete a bridge analysis and rating. In a letter dated November 7, 2019, Williams stated:

"...A complete structural analysis of the bridge components was beyond the scope of work for the recertification and was deemed unnecessary by Williams Engineering based on the fact that an analysis had been performed in detail in 2008 by SHE. Williams Engineering relied on the SHE certification but performed a detailed inspection of the bridge on November 7, 2019 to determine if there was any factors of if there was any deterioration of the components that would impact the past rating. The concrete abutments, metal stringers, floor beams, trusses, bolt connections, rivet connections, and guard rail were inspected in detail. Special attention was given to the floor beams and the truss connections which were the control element in the past SHE rating.

The results of the inspection disclosed there were no deterioration to the metal or wood elements that would impact the past rating. The certified bridge rating by SHE and as posted on the bridge for 17 Tons, 26 Tons, 27 Tons for the sign with three trucks, or 17 Tons for the single weight limit is still applicable for the referenced bridge.

It is recommended that the association budget funds to paint or spot paint selected areas on the bridge within the next 10 years. There are several locations where the paint is peeling and blistering and if they are not addressed it will cause some deterioration to the metal elements. It is imperative that proper surface preparation be undertaken prior to painting the metal elements to avoid shortening the life duration of the metal elements. It is further recommended that the Association perform a yearly inspection of the bridge with particular attention given to the wood decking and runners. We discussed several minor repair items which you indicated would be performed as soon as possible."

Additionally, a site map of the improvements required to Roper Lane that shows the road and width, the pull-outs, and any culverts needed was submitted on October 19, 2019. A waiver from the Gunnison County Road and Bridge standards is required for this application and is being processed by the Gunnison County Public Works Department. The Board of County Commissioners did initially approve the waiver request and that approval is pending Land Use Change application approval.

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 proposes individual wells on the lots and has indicated that they are working with the Upper Gunnison River Water Conservancy District to contract for augmentation water purchase. A copy of the application has been sent to the Colorado Division of Water Resources for review and comment.

Comments from Megan Sullivan, in a letter dated May 31, 2019 state:

"For subdivisions created after 1972, Section 37-92-602(3)(b)(III), C.R.S., requires that the cumulative effect of all wells within the boundaries of a subdivision be considered when evaluating material injury to decreed water rights. The source of the proposed water supply would be from, or tributary to, the Gunnison River. This area of the Gunnison River is now over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells, including any existing wells, within the subdivision. For the three proposed residential lots, the applicants indicated they will obtain contracts with the Upper Gunnison Water Conservancy District for augmentation water however copies of the completed contracts were not included in the referral materials.

As I indicated above, without a description of the original parcel to be subdivided, for the purposes of well permitting we would view this proposal as a subdivision of a 198+ acre parcel that results in three lots of less than 35 acres and a remainder parcel of 183+ acres. Therefore all wells within the 198+ acre parcel must be included in a plan for augmentation. However, if the boundaries of the original parcel to be subdivided are defined as a portion of the 198+ acres, then wells on any portion not included in the description, would not be subject to the consideration of cumulative effect and therefore may qualify as exempt from administration which does not require a plan for augmentation. Please note, in an over-appropriated area, wells that are exempt from administration may not serve a lot in a subdivision created after 1972, even if the exempt well is not located on the subdivision lot.

No information was provided concerning the physical adequacy of the water supply. As stated in CRS 30-28-133(3)(d), the subdivider is required to submit "Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. A report of this nature was not provided.

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that material injury will occur to decreed water rights unless the applicant obtains and maintains valid well permits for all the wells within the boundaries of the subdivision, including the existing well, pursuant to a court approved plan for augmentation, such as the one approved for Upper Gunnison River Water Conservancy District in case no. 03CW108. Due to the lack of information, we are unable to comment on the physical adequacy of the water supply for the subdivision."

Follow up comments from Megan Sullivan in a letter dated July 23, 2019 state:

"The Applicant also indicated that there are many residential wells in the vicinity of the proposed subdivision serving similar size lots for similar purposes. In reviewing our records, I found that several wells on nearby parcels with a reported range of production rates from eight gallons per minute to fifteen gallons per minute. While not all of the records for these wells provided the length of time of the pump test, a few did indicate a test of one and a half to two hours. If the new wells for this subdivision have similar production rates, the water supply should be physically adequate to supply the ordinary in-house needs for a single family dwelling. Please note that the long term adequacy of any ground water source may be subject to fluctuation due to hydrological and climatic trends.

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. § 37-90-137(2) and the plan for augmentation issued to Upper Gunnison River Water Conservancy District, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of said plan for augmentation."

The applicant has submitted a copies of Contract Nos. ASP 19-228A, 229A, and 230A for purchase of one half acre of augmentation water from the Upper Gunnison River Water Conservancy District for each of the proposed three subdivision lots.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable, the applicant proposes that the individual lots be served by OWTS. A copy of the application has been sent to the Environmental Health Official for review and comment. Comments were received from Crystal Lambert, Environmental Health Official in an email dated May 17, 2019 and stated, "The Environmental Health Office has no concerns about application LUC-19-00012 for Albert and Angela Roper. The proposed parcels can accommodate on-site wastewater treatment systems (OWTS) that meet the minimum requirements of the Gunnison County OWTS Regulations."

Section 12-107: Fire Protection.

Applicable, the proposed development is located within the Gunnison 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, "Roper Subdivision North, Site Map, revised 06/29/2019," 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 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

Applicable, this section shall apply at the time of building permit application 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, a landscaping plan is not required to be submitted for a minor impact residential subdivision. The Planning Commission has not indicated that landscaping be installed. Landscaping exists on the property already, no alterations are proposed.

Section 13-112: Snow storage.

Applicable, the applicants will need to provide adequate area for snow storage. The application has been sent to Public Works for review and comment and no concerns were stated related to snow storage.

Section 13-113: Fencing

Applicable, this section applies and any fencing proposed shall comply with this section. Fence-out requirements are noted in the proposed covenants. Any fencing installed on the subject properties shall comply with the recommendations from Colorado Parks and Wildlife and be "wildlife friendly."

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.

Applicable, a reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: Grading And Erosion Control.

Applicable, grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control.*

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

Not applicable, the proposed development is not within 100 feet of water body nor does it create more than 10,000 square feet of impervious surface area.

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:

11. This project is classified as a Minor Impact.
12. The load rating of the Lost Canyon bridge was completed by SEH, Inc. on January 24, 2008.
13. An updated load rating and analysis was completed by Robert L. Williams, P.E. of Williams Engineering on November 7, 2019.
14. A waiver of the Gunnison County Road and Bridge standards has been requested and is being processed by the Gunnison County Public Works Department.
15. The applicant has contracted with the Upper Gunnison River Water Conservancy District, in Contract numbers 19-228A, 19-229A, and 19-230A for the purchase of augmentation water for the proposed three subdivision lots; the remainder ranch parcel is not required to purchase augmentation water.
16. This application is consistent with the standards and requirements of this *Resolution*.
17. 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-19-00012 be classified as a Minor Impact, and be approved with the following conditions:

8. 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*.
9. In compliance with the recommendations from CPW, bear-proof trash containers shall be required on each of the lots of this development.
10. The proposed subdivision shall be located as defined in the revised Land Use Change Application from April 28, 2019. Specific building permits and development proposals will be reviewed on a case-by-case basis for impacts to Gunnison Sage-grouse habitat.
11. A Gunnison County Reclamation Permit shall be required for any site disturbing activities on this parcel greater than 10,000 square feet. That permit shall contain specific reclamation conditions. Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.

12. For activities not requiring a Reclamation Permit, disturbed areas shall 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.
13. Per Section 11-106 G.3.h of the Gunnison County *Land Use Resolution*, no additional roads, routes, or trails may be constructed on the property without additional review by Gunnison County for impacts to Gunnison sage-grouse and their habitats.
14. Per Section 11-106: I of the Gunnison County *Land Use Resolution*, design of fences other than those with agricultural operations shall ensure they do not adversely impact wildlife. Woven wire fencing shall not be allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing shall be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife*.
15. 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. The Gunnison County Weed Management Program should be contacted (970-641-4393) for additional information and technical assistance.
16. 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.
17. 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.
18. To help protect Gunnison sage-grouse habitat, it is recommended that all undeveloped areas of the parcel remain in native vegetation. Disturbed areas should 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. A separate analysis will be required, which may include additional conditions, for any development not addressed in this site analysis.
19. A street sign shall be installed at Roper Lane.
20. The painting or spot paint of selected areas on the bridge shall be completed by December 31, 2029, as recommended in the letter from Robert L. Williams, P.E. dated November 7, 2019.
21. An inspection of the bridge with particular attention given to the wood decking and runners shall be completed annually with documentation of the inspection submitted to the Gunnison County Public Works Department.
22. A survey plat, prepared by a surveyor registered in the State of Colorado prepared in compliance with the standards of Section 6-105: K. *Specifications for Subdivision Plats* shall be submitted prior to review of this application by the Board of County Commissioners.
23. A Development Improvements Agreement is required for this subdivision. The following plans shall be part of the agreement and cost estimates for the improvements to the road shall be submitted:
 - Roper Lane Subdivision Plat, prepared by Del-Mont Consultants Inc.

- Final Cost Estimates and site plan showing road turnouts, prepared by Albert and Angela Roper dated October 19, 2019

24. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
25. 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.
26. 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.
27. 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.

Shady Island River Park (LUC-19-00037): The Gunnison County Planning Commission conducted a work session. They reviewed the request to develop a River Park on an approximately 10.5-acre parcel, located approximately 1.5 miles north of the City of Gunnison on Highway 135. The park will replace the unpermitted North Bridge site used by boaters to launch boats. The park will include a safer boat launch, improved parking, camping, picnic and play areas, and improvements to the riparian areas.

Commissioner Cattles has recused himself from this review.

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

Present representing the Planning Commission: Commissioners Rogalski, Spivey, and Puckett-Daniels.

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

Present representing the application: Gunnison County Director of Sustainable Services John Cattles.

Cattles submitted rules for management of the site. He noted there are three different areas of rules:

- Camping
- General use of park
- Use of the boat ramp.

He said they have created a set of regulations to minimize impacts to the neighbors. The boat ramp and park are similar to parks anywhere. The campsite has its own issues and set of rules. The camp sites will provide revenue to pay for a camp host on site. There will be no parking on the island, just a drop off for equipment, load boats and move on. There will be ADA parking sites. There are pull outs before the boat ramp to be used before they get to the boat ramp. It will be used as staging areas for two boats and another in the parking area for prep work.

He said the campsites will open around Memorial Day and close in the fall, no concrete dates are set. The camp host will be onsite whenever the sites are open. The host will be responsible for cleaning the site, and restrooms, and enforcement of rules. Violators will be asked to leave immediately, if they don't comply law enforcement will be called. There will be no winter uses.

Rogalski asked if there would be fishing from the shore or wading in without a boat. Cattles said yes they are working with CPW to improve the fishery.

Pagano noted the Sheriff's Department would respond if called.

Rogalski asked if the north bridge access would be closed. Cattles said it would be closed by CDOT. The County doesn't have direct control to manage a closure.

Puckett-Daniels asked if there would be a beach play area. Cattles said the water moves swiftly, but they are trying to get a low angle entry to the water for kayaks, etc.

Cattles explained the 404 permitting is being done by a consultant. The early stages will model the improvements being put in the channel, predicting if the flood plain would change. They have done a base model to confirm the flood plain mapping. The 404 Permit could be submitted in January or early February and will take about three months. The bridge going across the channel will be the priority.

Pagano explained the County is considering fencing on the south side of the return channel, but the water quality protection standards state there shall be no structures within 25 ft. of water body. They are also considering installing landscaping and vegetation. A fence will be installed along Mystery Lane. There is significant vegetation on the east side of the property that will be maintained. They are considering putting in a turn around so someone who turned into Mystery Lane, by accident, would not have to travel the entire length of Mystery Lane.

Puckett-Daniels noted her concern the potential impacts to the neighbors are considered every step of the way. She pointed out allowing 19 sites with six individuals on each site could be 114 campers. She wants to make sure the number of campers allowed at one time is sustainable.

Rogalski asked how long a camper could stay, how many days. Cattles was not sure, but he explained there will be restrooms, but no showers.

Public Comments

Mark Schumacher was concerned this may not be a complete application, because there is no master plan for the site. He asked if there will be a bridge across the highway at this time. Pagano explained if there is desire for that in the future, there would be a new application. He noted the campground business is much more than what is being talked about. Parking fees should be defined – there will not be enough revenue with just the camping. He pointed out bathrooms will create logistical problems. Charging for launching should be thought out. These things need to be ironed out and more defined. Pagano explained the fees charged to park are not part of a Land Use Change that is a BoCC function. Puckett- Daniels agreed they are important conversations.

Mike Busse was concerned with the parking and the cost, being transparent up front is imperative. How much will it cost to walk in the park, or to use the ramps? Pagano said typically if you drive a car into a State park you pay to park. Rogalski said we should know that ahead of time. Pagano will discuss this with the BoCC. Busse asked who will regulate the parking, noting the camp host will have a lot on his plate for one person.

The commissioners agreed to conduct a public hearing, January 24, 2020 @ 9:00 A.M.

Chairperson Rogalski closed the work session.

Building Official Crystal Lambert; The Gunnison County Planning Commission conducted a work session. They reviewed a memo concerning the possibility of contractor licensing in Gunnison County.

Moved by Puckett-Daniels seconded by Spivey to reestablish AJ Cattles as chairperson. The motion passed unanimously.

With a quorum present Chairperson Cattles opened the work session.

Present representing the Planning Commission: Commissioners Cattles, Rogalski, Spivey, and Puckett-Daniels.

Present representing staff: Building Official Crystal Lambert, Building Inspector Charlie Dominguez, Director of Community and Economic Development Cathie Pagano, and Manager of Administrative Services Beth Baker.

Lambert said this meeting was a continuation of a meeting in May, when a conversation began concerning building contractor licensing. They have met with stake holders in the construction industry. This licensing would focus on general contractors, not subcontractors at this time. If one builds more than one house every four years a contractor license would be required. If at a later date we need to revisit sub-contractors we will. Pagano explained this grew out of the contractor stakeholder group at the last code adoption.

Puckett -Daniels asked if there was a need for contractor licensing. Lambert said many of the general contractors have said it may be desirable. She added contractors that are unfamiliar with the building code result in hurting the property owner's property values and sometimes health and safety. It is important to have knowledgeable, competent and insured contractors. The testing would be all ICC Code Council standardized testing. The cost of taking the exam is \$110 and it is open book. It can be taken on line or at a certified testing site.

Following a discussion it was decided that there would not be a required number of years' experience component at this time.

Enforcement would be a function of the Board of Appeals. The members of the Board of Appeals are volunteers appointed by the BoCC, who must demonstrate a construction background.

Crested Butte Fire Marshall Ric Emms said he was in favor of the program.

There will be a public hearing conducted by the Planning Commission January 24, 2020 at 11:30 a.m.

The commissioners closed the work session.

The meeting was adjourned at 1:30 P.M.

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