

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: FRIDAY, April 17, 2020

- 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.** **Asay-(LUC-19-00034);** work session, request to construct an amateur radio tower antenna on a residential property in the Ohio Meadows neighborhood. Located Lot 12 Ohio Meadows Filing 3- AKA 886 N. Pashuta Dr.
- 9:30 a.m.** **Darien (LUC-19-00051);** work session request to subdivide an existing 185.202-acre parcel in Marble, Co. into two lots, 2.038-acre Lot A and 183.202-acre Lot B. Located in 11S88W – known as 2880 County Rd. 3, Marble, Co.
- 10:15 a.m.** **Land Use Resolution Proposed Amendments,** work session, staff proposed amendments to the Gunnison County *Land Use Resolution*
- Gunnison County Planning Commission
Fri, Apr 17, 2020 8:30 AM - 12:30 PM (MDT)
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**GUNNICON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, April 17, 2020**

The Gunnison County Planning Commission conducted a regular meeting remotely, using “Go To Meeting” Present:

Chairperson- AJ Cattles Vice-Chairperson-Jack Diani Commissioner-Vince Rogalski Commissioner-Diego Plata Commissioner-Laura Puckett Daniels Alternate Commissioner- Andy Sovick Alternate Commissioner- Scott Cox	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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With a quorum present Chairperson Cattles opened the April 17, 2020 regular meeting of the Planning Commission.

Moved by Rogalski seconded by Diani to approve the Planning Commission meeting minutes of February 21, 2020, as amended, the motion passed unanimously.

Asay –LUC-19-00034- The Gunnison County Planning Commission conducted a work session to discuss the application to construct an amateur radio tower antenna on a residential property in the Ohio Meadows neighborhood. Located Lot 12 Ohio Meadows Filing 3- AKA 886 N. Pashuta Dr.

With a quorum present Chairperson Cattles opened the work session.

Present on line representing Planning Commission: Commissioners Cattles, Diani, Rogalski, Plata, Puckett Daniels, Sovick and Cox.

Present on line representing staff: Director of Community and Economic Development Cathie Pagano, Senior Planners Rachel Sabbato and Hilary Seminick, and Manager of Administrative Services Beth Baker.

Present on line representing the application: Stuart Asay.

Asay gave a brief description of his application to construct an amateur radio tower antenna. He explained he has a FCC license allowing an individual to use a high frequency bandwidth. He needs an antenna elevated above the surrounding construction. The location of the antenna on his site is secluded and will not be visible from the neighbor’s property. He noted if there is an emergency the equipment would be available to the county. He said the tower is telescoping and is 12 inches to 16 inches in diameter. Each segment is eight ft. to nine-9 ft. in length, with a mast at the top and a couple of antennas attached to it.

Rogalski asked how long the extension is. Asay said about six ft., it will not extend over six ft. above the tower.

Seminick noted there weren’t any major concerns expressed by the referral agencies. This application did meet all the minor impact standards. There were no Sage-grouse issues. The antenna meets the setback requirements. The tower is at least 100 ft. from any property boundaries. Staff does not have any major concerns.

Plata asked if the structure would be secured to the ground with guy-wires. Asay said no, it will be well secured within the tower, nothing like a guy-wire will be used.

Rogalski asked about the location of the tower, in relation to the garage. Asay said the tower will be behind the garage.

Cox asked if the operation of the tower could cause interference with the neighbors' electronics. Asay said no, and if it did it is the operator's obligation to resolve the issue.

The commissioners discussed a possible site visit. They unanimously agreed there would be no need for a site visit.

Asay complimented staff on the handling of the application.

The commissioners directed staff to schedule a public hearing and prepare a draft recommendation of approval.

Cattles closed the work session at 9:15 a.m.

Darien-LUC-19-00051- The Gunnison County Planning Commission conducted work session to discuss the application to subdivide an existing 185.202-acre parcel in Marble, Co. into two lots, 2.038-acre Lot A and 183.202-acre Lot B. Located in 11S88W – known as 2880 County Rd. 3, Marble, Co.

With a quorum present on line Chairperson Cattles opened the work session.

Present on line representing Planning Commission: Commissioners Cattles, Diani, Rogalski, Plata, Puckett Daniels, Sovick and Cox.

Present on line representing staff: Director of Community and Economic Development Cathie Pagano, Senior Planners Rachel Sabbato and Hilary Seminick, Manager of Administrative Services Beth Baker.

Present on line representing the application Larry Darien.

Darien explained this is a request to subdivide a 2.038-acre parcel from his approximately 185-acre ranch. In 1998 he was approved for a Bed and Breakfast and caretaker's unit. This subdivision would help him keep the ranch viable. He has put a significant amount of the property in a conservation easement. His property is used as an elk crossing. The County has asked for a new separate leach field, rather than a shared leach field. There are three wells on the property, one is a commercial well.

Seminick reiterated this is a subdivision application to create two lots. They will subdivide a 2.033-acre lot from the larger parcel. The referral agencies had no comments. She noted this parcel is exempt from some of the locational standards because it is an agricultural parcel. The proposal does meet the minor impact subdivision standards.

Cattles asked if the smaller subdivided parcel would remain an agricultural parcel. Pagano explained the standard does not require the subdivided parcel to remain an agricultural parcel.

Puckett Daniels asked about the well permits. Seminick explained there are three permits and the Division of Water Resources has confirmed there is sufficient water.

The commissioners discussed possible a site visit. They unanimously agreed there would be no need for a site visit.

The commissioners directed staff to schedule a public hearing and prepare a draft recommendation of approval.

Cattles closed the work session at 9:50 a.m.

LUR Amendments- The Gunnison County Planning Commission conducted a work session to discuss Gunnison County Land Use Resolution (LUR) amendments.

With a quorum present on line Chairperson Cattles opened the work session.

Present on line representing Planning Commission: Commissioners Cattles, Diani, Rogalski, Plata, Puckett Daniels, Sovick and Cox.

Present on line representing staff: Director of Community and Economic Development Cathie Pagano, Senior Planners Rachel Sabbato and Hilary Seminick, Manager of Administrative Services Beth Baker.

Section 1-105: Sections Necessary for Immediate Preservation of Public Health and Safety

The amendment is proposed to include wildlife and wildfire habitat reference to ensure compliance with those sections regardless of whether or not a proposed improvement or development is in an area that is a nonconforming or legal nonconforming use. Pagano noted an applicant must comply with the current regulations even if it is a previously approved lot. The wildlife habitat is included primarily to address Gunnison Sage-grouse habitat.

Section 6-106: Minor Impact Review Process

The amendment would eliminate the need for paper copies when applying for a land use change.

Section 7-402: Final Plan Review Process for Major Impact Projects

This language matches the Minor Impact recordation requirements and prevents an applicant from sitting on a development approval for years with no execution of a Development Improvements Agreement (DIA) nor installation of infrastructure. Pagano explained this has been a problem on multiple developments. Cattles noted in economic downturns a DIA bond could be very difficult to submit. He suggested the time frame be extended. Cox said extensions are very common in other jurisdictions, the DIA bond can be quite a burden. He suggested a quick review process with extensions built in. Sovick agreed with Cox. Pagano will rework the amendment.

Section 9-202: Mobile Home Communities

The proposed amendment is to allow the County to have enforcement capability of the State's regulations. We have had numerous complaints in the past year of possible issues related to public health and safety in mobile home parks. There appear to be a number of issues of non-compliance with the State standards. The adoption of the State regulations would create another tool for the County to enforce violations of these regulations, rather than relying on the State. The State does have a program and capacity set up for the *Mobile Home Park Act Dispute Resolution & Enforcement Program* (adopted 2020) but does not have staff or programming capability to enforce the *Mobile Home Parks* regulations (6 CCR 1010-12 adopted 1975).

Pagano explained there have recently been issues in two mobile home parks, related to adequacy of water, etc. There are 1975 Mobile Home Park regulations. There is a nationwide program in place to facilitate landlord, tenant disputes. The program was adopted and they do have staff programming and money to support the program. The State relies on local enforcement. There is an opportunity to create another tool to address public health and safety issues and refer to these regulations. The county does enforcement using Community Development staff, County Attorney staff, and Public Works staff. She said without enforcement issues multiply swiftly. We are most concerned with public health and safety. Diani was concerned with the time frame for them to come into compliance; Pagano said this would not be an overall clean up requirement and there are not specific timelines in the regulations.

Section 9-504: Freestanding Wireless Telecommunication Structures

The proposed amendment is to provide clarification for emergency services and others on the exact location of these structures.

Section 9-505: provide long and lad. Location specificity.

The proposed amendment is to provide clarification for emergency services and others on the exact location of these structures.

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

The proposed changes are intended to reflect the Gunnison Sage-grouse has been classified as a threatened species by the US Fish and Wildlife Service.

Pagano explained this is being considered primarily to have the Gunnison Sage-grouse to remain a threatened species and not an endangered species.

Section 12-103: *Road System*

The proposed amendment is intended to clarify when an applicant and or property owner is utilizing a public road and to inhibit future claims that the road is not public.

Pagano explained this addition requires the individual to acknowledge they will access on to a public road.

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

The BOCC specifically requested the inclusion of this to allow greater opportunity for the development of a variety of housing sizes and prices.

Cox said while this is well intentioned, it may not be the way to go about it. The reality is not everyone building a larger house would want a smaller one next door. Cattles agreed. Diani noted this could raise ire with an owner of a large home. Sovick suggested allowing subdivisions to establish their home size minimums. When homes are not in subdivision allow them to be small. Puckett Daniels would like further discussion on the issue. Cattles said there should be a better way than penalizing the subdivisions with larger houses.

Section 16-118: *Development Improvements Agreement (DIA) Required*

The amendment requires a timeline for execution of the DIA to prohibit applicants from sitting on an approval without execution or recordation of the plat for years. This has happened with multiple subdivisions.

Pagano will work on language for the opportunity for extension and the criteria required.

Chairperson Cattles closed the regular meeting of the Gunnison County Planning Commission at 10:35 a.m.

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