

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: FRIDAY, May 29, 2020
Amended

- 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)**; public hearing, 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)**; joint public hearing, 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.
- 10:00 a.m.** **Touchstone Ranch Land, LLC/ Dietrich Dirtworks and Construction LLC. (LUC-19-00052)**; work session, request to haul material from other job sites in the Gunnison Valley to process and screen materials to construct entrance way berms. When berms are thoroughly shaped they will be covered with the screened topsoil and then will be seeded and fully revegetated. Located on 13.08 acres in SE4, Sec 12 T14S R86W- AKA 25000 Highway 135.
- 10:30 a.m.** **Land Use Resolution Proposed Amendments**, work session, staff proposed amendments to the *Gunnison County Land Use Resolution.*

LINK TO ZOOM MEETING CAN ALSO BE FOUND
<https://www.gunnisoncounty.org/144/Community-and-Economic-Development>
On Line Meetings tab

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, May 29, 2020**

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:**

Vice-Chairperson-Jack Diani Commissioner-Vince Rogalski 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
--	---

Recused/Absent/Seated:

Absent: A.J. Cattles and Diego Plata

Recused:

Seated: Andy Sovick and Scott Cox

With a quorum present Vice-Chairperson Diani opened the May 29, 2020 regular meeting of the Planning Commission.

Moved by Rogalski seconded by Puckett-Daniels to approve the Planning Commission meeting minutes of, April 17, 2020 as amended, the motion passed unanimously.

Asay-(LUC-19-00034): The Gunnison County Planning Commission conducted a public hearing. They reviewed the 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.

Present representing the Planning Commission- Commissioners Diani, Rogalski, Puckett-Daniels, Sovick and Cox.

Present representing staff- Director of Community and Economic Development Cathie Pagano, Senior Planner Hillary Seminick and Manager of Administrative Services Beth Baker.

Present representing the application: - Applicant/owner Stuart Asay.

With a quorum present Vice-Chairman Diani opened the public hearing.

Baker said the applicant submitted the certified mailing receipts, and proof of posting and the staff had the notice published in the Crested Butte News and Gunnison Country Times. The link for access to the online meeting was incorrect and the public hearing will be continued.

Asay explained the application is for an amateur radio tower antenna behind his garage. The antenna is a six ft. wide antenna – on a tower, with a two ft. addition on the top that can be highered and lowered.

Seminick noted there have not been any substantive changes to the application. There had been three public comments received.

Rogalski asked about the photos from the application, he had not seen photos of the tower from all sides of the building.

Asay said the property to the north is agricultural pasture land. The closest property is approximately ¼ mile from his site. There are very few houses from that site-vantage, and no roads.

Seminick presented an aerial picture of the site.

Puckett-Daniels noted the visibility issue came up in the public comments.

Asay explained it will have a concrete pad to hold it down. When fully extended it would be 38 ft. tall, when retracted it will be 21 ft level and 4 ft of antenna rod above. When retracted it will be behind the garage. When extended it will be visible. There is a rod that extends vertically above the tower.

Asay said the tower would only be fully extended when in use. It would be more than likely in the evening or an emergency situation.

The neighbors expressed their concerns with visibility: Asay said it would be used most often on the weekends, and evenings.

Diani asked if there would be possibility for electronic interference because of the tower. Asay said he has not had one of these towers and has no experience with this type of setup.

Cox asked about the HOA approval. Seminick said there a HOA approval.

Puckett-Daniels addressing the Rup comments asked about the impacted homeowners. Asay explained there was one adjacent property owner that could see the antenna. He noted there would be no lights on the tower. The future development mentioned in the comments are not part of this application and would not be considered at this time. He was not sure about electronic interference.

Seminick showed an aerial photo of Ohio Meadows Filings 1 and 3, and noted the properties and comments made in relation to the Asay property.

Asay reiterated there are no blinking lights, or any lights on the tower.

Linda Shipp was not in favor of the application – citing visibility of the tower.

The commissioners requested an accurate description of what the tower and antenna will look like.

The commissioners continued the public hearing to June 19th at 9:00 A.M. The meeting will be an online meeting and the link will be found on Gunnison County website, Community Development page, On-Line Meetings tab.

Darien (LUC-19-00051); The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. They reviewed the 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.

Present representing the Planning Commission: Commissioners Diani, Rogalski, Puckett-Daniels, Sovick and Cox. And Board of County Commissioner Roland Mason.

Present representing staff: Director of Community and Economic Development Cathie Pagano, Senior Planner Hillary Seminick and Manager of Administrative Services Beth Baker.

Present representing the application: Applicant/owner Larry Darien.

With a quorum present Vice-Chairman Diani opened the joint public hearing.

Baker said the applicant submitted the certified mailing receipts, and proof of posting and the staff had the notice published in the Crested Butte News and Gunnison Country Times. The link for access to the online meeting was incorrect and the public hearing will be continued.

Darien explained the application to subdivide his house and lodge from the rest of the property. The Bed and Breakfast is now a lodge. He will split 2.038 acres off of 186 acres. He will install a new leach field all on the new two-acre parcel. Most of the property, 160 acres is in a conservation easement. He will build another house on the ranch for himself.

Seminick noted there were no new issues and no new material. She showed the site plan and explained it. She clarified the boundaries of the conservation easement, noting all 160 acres are on the valley floor.

Mason had no questions.

No public comments.

No written comments.

The Planning Commission continued the joint public hearing to June 19th at 10:00 A.M. The meeting will be an online meeting and the link will be found on Gunnison County website- Community Development page,-On-Line Meetings tab.

Touchstone Ranch Land, LLC/ Dietrich Dirtworks and Construction LLC. (LUC-19-00054): The Gunnison County Planning Commission conducted a work session. They reviewed the request to haul material from other job sites in the Gunnison Valley to process and screen materials to construct entrance way berms. When berms are thoroughly shaped they will be covered with the screened topsoil and then will be seeded and fully revegetated. Located on 13.08 acres in SE4, Sec 12 T14S R86W- AKA 25000 Highway 135.

Present representing the Planning Commission- Commissioners Diani, Rogalski, Puckett-Daniels, Sovick and Cox.

Present representing staff- Director of Community and Economic Development Cathie Pagano, Senior Planner Rachel Sabbato and Manager of Administrative Services Beth Baker.

Present representing the application- Rask Dietrich and engineer Norm Whitehead.

Dietrich explained the application to process and screen materials to construct berms at the entrance way of the property. They were not aware a land use change permit was required and they started work without a permit.

Sabbato noted the material processing started before there was a land use review. The applicant had applied for a public works reclamation permit. Land Use Resolution Section 9-400 states permits are required for extraction of all construction materials.

Rask described the berms and said they were covered in the reclamation permit, but he was trying to screen and cover them with materials from the site. They will use hydro mulch on the berms to ensure the trees will survive. There will also be monitoring of noxious weeds.

Sovick asked for a description of the location. Dietrich explained the berms would be on the right, on the east side.

Diani asked how the trees on the berms would be watered. Dietrich said they will use a water truck to get the trees going. He added they have enough dirt now, and this will be a be priority. Whitehead said there will be no more screening- it is done.

Diani asked how high the berms are. Whitehead said six to seven ft. tall.

Rogalski asked if this would screen the property from the highway. Dietrich said yes. Whitehead added it will also help with the noise.

Dietrich said the trees will be aspens and blue spruce. He will submit photos.

The Planning Commission agreed a site visit is not necessary.

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

The public hearing will be conducted June 19, 2020 at 10:30 a.m. The meeting will be an online meeting and the link will be found on Gunnison County website, Community Development page, On-Line Meetings tab.

Land Use Resolution Proposed Amendments, The Gunnison County Planning Commission conducted a work session, to discuss staff proposed amendments to the *Gunnison County Land Use Resolution*

Section 1-105: Sections Necessary for Immediate Preservation of Public Health and Safety – PC recommended. 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. The wildlife habitat is included primarily to address Gunnison Sage-grouse habitat. Sections necessary for immediate preservation of public health and safety.

Section 6-106: Minor Impact Review Process – PC recommended. The amendment would eliminate the need for paper copies when applying for a land use change.

Section 7-201: Major Impact Sketch Plan Review Process – PC recommended. The amendment would eliminate the need for paper copies when applying for a land use change.

Section 7-301: Major Impact Preliminary Plan Review Process- PC recommended. The amendment would eliminate the need for paper copies when applying for a land use change.

Section 7-401: Major Impact Final Plan Review Process- PC recommended. 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- PC recommended. 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. Section -402: same and g- recordation of the subdivision plat. Within 120 days of the execution of the approval.

Section 9-202: Mobile Home Communities – PC recommended. 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).

Section 9-505: Provide long and lad. Location specificity -PC recommended.

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

Section 9-504: Freestanding Wireless Telecommunication Structures – PC recommended.

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

Section 9-504: Freestanding Wireless Telecommunication Structures – PC recommended.

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- PC recommended.

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.

Section 12-103: Road System- PC recommended.

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.

Section 13-105 Residential Building sizes and lot coverages- PC tabled the discussion.

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

Section 16-118: Development Improvements Agreement (DIA) Required- PC recommended.

Following a discussion of the DIA the Planning Commission agreed to require an executed DIA no later than one year from the date of the final approval. They also agreed to extensions if: a public benefit will be obtained and no public detriment will occur. The current market conditions warrants the extension. All performance conditions prior to the extension request have been complied with. Progress has been made in pursuing the development to date; or they demonstrated extenuating circumstance that have affected progress of the development. There have been no changes to the neighborhood land uses. No proposed significant changes in the development. They suggested allowing an extension of one year. An applicant may apply for an extension in successive years.

Moved by; Rogalski seconded by Puckett Daniels to recommend the above-mentioned Land Use Resolution amendments (with the exception of Section 13-105 Residential Building sizes and lot coverages.) The motion passed unanimously.

Diani closed the regular meeting of the Planning Commission at 11:30 AM.

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