

**GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, May 21, 2021
Blackstocks Government Center 221 No. Wisconsin 2nd floor
Public Asked to participate Using ZOOM -because of current seating limitations**

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. Taylor Canyon Fire Station LUC-21-00005: Public Hearing/ possible action- application to construct an approximately 3,330 sq. ft. fire station and associated improvements including driveways, parking, and an onsite wastewater treatment system at the subject property. The applicant will maintain the fire station and operate a volunteer fire department to provide fire protection service in coordination with the Gunnison County Fire Protection District. The station will operate similar to other sub-stations in the County, such as the one in Ohio City. The site is located at 5855 County Rd. 742, Almont, Co.

9:45 a.m. Colorado State University - Wilson Subdivision LUC-20-00013: Joint Public Hearing/ possible action. The applicant is requesting a subdivision. Property located at 1141 State Highway 135 to be subdivided into two new parcels. These parcels are indicated as Lot 1 and Lot 2 on the Plat. The intent of Colorado State University, the applicant, is to sell Lot 1, the southern lot (3.50 acres), to the Valley Housing Fund (VHF) for the purpose of land banking and ultimately the development of affordable housing. No specific development type, site plan, or product has been determined as of this application. The intent of Colorado State University, the applicant, is to retain Lot 2 (15.13 acres) for the purpose of relocating the Colorado State Forest Service currently located at Western Colorado University. Current structures will remain, and adaptation to the new use involves interior remodels of the existing single-family residence and shop building. One main access for both lots will be located across State Highway 135 from Clark Blvd. ***The applicant has amended the application in that the proposed greenhouse building, for the production of seedling plant material, has been removed from this application***

10:45 a.m. Ranch Properties LLC LUC-20-00048: Public Hearing/ possible action. The applicant proposes a third residence at 11521 County Road 730 Gunnison Colorado (AKA Castleton Ranch), located in the Ohio Creek Valley. The subject parcel is approximately 211 acres and is developed with a variety of structures: two residences, one structure intended only for sleeping, and seven accessory structures. The proposal would expand the 670 sq. ft. Magazine Building/Hunt Cabin, an accessory structure, by 2800 sq. ft. The remodel would establish a third residence on the property of approximately 3,500 sq. ft.

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, May 21, 2021**

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-Andy Sovick	Director of Community and Economic Development-
Commissioner-Vince Rogalski	Cathie Pagano
Commissioner-Melanie Miller	Senior Planner – Rachel Sabbato
Commissioner-Scott Cox	Senior Planner- Hillary Seminick
Alt. Commissioner- Julie Baca	Manager of Administrative Services- Beth Baker
	Others present as listed in text

Absent: Commissioners Appleton and Puckett-Daniels

Recused: Commissioner Cox for LUC-20-00013

Seated: Commissioner Baca for the entire meeting

ZOOM: Commissioners Cox, Baca and Miller

With a quorum present Vice-Chairperson Andy Sovick opened the May 21, 2021 regular meeting of the Planning Commission.

Moved by Miller seconded by Cox to approve the Planning Commission meeting minutes of April 30, 2021 as presented, the motion passed unanimously.

Tim Szurgot Wild Bird neighborhood resident spoke about community values, and wetlands in the Slate River Valley. He asked the Planning Commission to take a look at the Slate River Valley and be proactive with a plan concerning the development in the valley. He suggested a Special Geographic Area. He recommended an immediate temporary building moratorium in the Slate River Valley.

Taylor Canyon Fire Station LUC-21-00005: The Gunnison County Planning Commission conducted a public hearing. They reviewed the application to construct an approximately 3,330 sq. ft. fire station and associated improvements including driveways, parking, and an onsite wastewater treatment system at the subject property. The applicant will maintain the fire station and operate a volunteer fire department to provide fire protection service in coordination with the Gunnison County Fire Protection District. The station will operate similar to other sub-stations in the County, such as the one in Ohio City. The site is located at 5855 County Rd. 742, Almont, Co.

Commissioner Baca was seated.

With a quorum present Vice-Chairperson Andy Sovick opened the public hearing.

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

Applicant's representative attorney Kendall Burgemeister explained the fire station will be a satellite station for the Gunnison Fire Protection District. It would be located approximately 18-miles from the City of Gunnison. There is a Memorandum of Understanding in place with the Gunnison Fire Protection District. He presented an aerial photo of the site, an architectural drawing and a site plan illustrating the location, the setbacks, parking, snow storage, and trash receptacles.

Burgemeister addressed the water usage issue, noting the water usage limit is 108,600 gallons per year. The tanker truck holds 4,600 gallons, and fills in about five hours. This would be approximately 23 tanker truck fills per year. The National Fire Protection Association's standard water usage is 1,142 gallons per fire. A 2,500 sq. ft. dwelling would use approximately 5,400 gallons per incident. This water will only be used for the fire equipment, not the station.

Burgemeister said the applicants have requested two signs instead of one. One sign would be on the front façade of the building and a second sign would be at the intersection. Planner Seminick said the staff supports this request.

Seminick explained the water discharge from washing fire trucks issue. She noted there will be drains placed within the structure so the water will daylight upland of the structure. Water discharged from the washing of fire trucks cannot go into a septic system. The applicant did receive a well permit for this specific use. Staff notes this application meets the standards in the *Gunnison County Land Use Resolution (LUR)*.

Burgemeister said the applicant has reviewed the draft decision and is amenable to all the conditions.

Sovick appreciated the water usage explanation.

Public Comment:

AJ Cattles said it is commendable The Wilder group put this application forth. It is vital for the safety of the area.

The Planning Commission reviewed the draft decision.

Sovick closed the public hearing.

Moved by Rogalski seconded by Baca to approve LUC-21-00005 Taylor Canyon Fire Station, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The Applicant, Jackson-Shaw/Taylor Canyon Fire Station, Inc. represented by Law of the Rockies proposes an approximately 3,330 sq. ft. fire station and associated improvements including driveways, parking, and an onsite wastewater treatment system at the subject property. The Applicant will maintain the fire station and operate a volunteer fire department to provide fire protection service in coordination with the Gunnison County Fire Protection District. The station will operate similar to other sub-stations in the County, such as the one in Ohio City.

The property currently contains a number of agricultural structures. Two existing structures will be demolished to accommodate the new improvements, as shown on the site plans.

The project will be constructed in a single phase, ideally in the summer of 2021.

The subject parcel is legally described as Lot 19, WILDER ON THE TAYLOR PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED AT RECEPTION NO. 594948, County of Gunnison, State of Colorado.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to: application, referral comments, and staff report.

IMPACT CLASSIFICATION:

The project, by definition, is a Minor Impact pursuant to *Section 6-102: H. New Commercial, Industrial 10,000 sq. ft., or Five Acres or Less.*

MEETING DATES:

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

- April 16, 2021 Work session
- NA Site Visit
- May 21, 2021 Public Hearing

SITE VISIT:

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

PUBLIC HEARING:

The Planning Commission conducted a public hearing on May 21, 2021. Comments received include:

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on March 12, 2021 to the following agencies:

- Bureau of Land Management
- Colorado Geologic Survey
- Colorado Parks and Wildlife
- Colorado State Forest Service
- Colorado Department of Transportation
- Colorado Division of Water Resources
- Gunnison County Environmental Health Official
- Gunnison County Department of Public Works
- Gunnison County Sage-Grouse Wildlife Coordinator
- Gunnison Fire Protection District
- USFS, Gunnison Ranger District
- Gunnison County Consumer Protection Specialist
- Gunnison Watershed School District (RE1J)

Comments from the agencies and are noted in the applicable sections below.

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

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

Not applicable. No secondary uses are proposed.

Section 9-200: *Special Residential Uses.*

Not applicable.

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

Not Applicable, the project is classified as a Public Facility pursuant to Section 1-1-04.A.1.

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

Not applicable. No mineral or construction materials activities are 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.

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

Not applicable. Residential development is not proposed.

Section 10-103: *Residential Density.*

Not applicable. Residential development is not proposed.

Section 10-104: *Location Standards for Commercial, Industrial, or Other Non-Residential Uses.*

Applicable. The land use change application is to allow construction of a fire station. The proposed facility is essential to public health, safety, and welfare. Fire stations are location-dependent upon the area they serve.

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

Not applicable. The development is not within a Special Flood Hazard Area.

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

Applicable, a portion of the property is located in an area of "Potentially Unstable Slopes" according to Gunnison County Mapping. The fire station is located on a relatively flat area of the site. In a letter dated April 1, 2021; The Colorado Geologic Survey agreed that the project is

located on an area without steep slopes and therefore not subject to a slope instability-related hazard. CGS further noted no objection to the approval of the fire station.

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

Not applicable. The project is not located in an area subject to these hazards.

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

Applicable, the project location is located in Tier 2 Occupied Sage-Grouse Habitat; however, a portion of the property is located in Tier 1 habitat. In a letter dated March 16, 2021; the Gunnison Conservation District Wildlife Biologist found that the fire station will not adversely impact Gunnison sage-grouse or their habitats. Administrative Review Certificate No. 38, Series of 2021 accepting the conditions outlined in this letter was signed on May 12, 2021 and recorded at reception no. 675850 on the 12 day of May, 2021.

The project is located within a fall bear concentration area and all waste generated onsite (trash, recycling) will be contained in bear-proof trash receptacles.

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

Applicable, the proposal is within 125' of Rarick Creek. The Applicant has provided plans that meets the Inner Restrictive Buffer and Variable Outer Restrictive Buffer provisions of this section.

The Applicant will be required to follow the requirements of Section 11-107.5 *Management of Hazardous Materials and Pollutants* in the construction of the facilities and during operations of the facilities. The requirements pertain to the storage of hazardous materials and pollutants, spill prevention, machine maintenance, and fuel storage areas.

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

Not applicable, the project is not located on a Ridgeline Vantage.

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

Applicable, the development is adjacent to agricultural activities conducted by the Wilder Association. The Wilder Association has consented to this Application.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Section 12-103: *Road System.*

Not applicable.

Section 12-104: *Public Trails.*

Not applicable.

Section 12-105: *Water Supply.*

Applicable. The Applicant has demonstrated the property has sufficient water supply for the fire station and firefighting pursuant to state well permit no. 320663. The well may not be utilized for landscaping or animal husbandry.

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

Applicable. An onsite wastewater treatment system will be required for the development. OWTS application issuance will be required as part of the building permit application.

Section 12-107: *Fire Protection.*

Applicable, this is a fire protection project. A memorandum of understanding has been executed between the Taylor Canyon Fire Protection District and the Gunnison County Fire Protection District.

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

Applicable. 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, "Sheet C-4, Overall Fire Station Site Plan" prepared by SGM and dated January 21, 2021, meets these criteria.

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

Applicable, the proposed improvements meet the setback requirements.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Section 13-109: *Signs.*

Applicable, the Board recommends a variance to the following general standards:

Section 13-109.1.b, *One Sign Per Use*

Section 13-109.c, *No Sign in ROW*

The Board recommends approval for a variance to the general sign standards to permit for one wall sign and one ground sign to be located within the ROW. All other standards have been met in the Application.

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

Applicable, the proposal includes five parking spaces, exceeding the minimum standard. At least one space will be required to be a van-accessible space.

Section 13-111: *Landscaping and Buffering.*

Applicable, the Applicant will reseed disturbed areas with a native seed mix. Reseeding plans shall comply with the conditions of the reclamation permit.

Section 13-112: *Snow storage.*

Applicable, the proposal indicates snow storage on the site plan.

Section 13-113: *Fencing*

Not applicable, no new fencing is requested of this application.

Section 13-114: *Exterior Lighting.*

Applicable, exterior lighting will be minimized, downcast, and fully shielded pursuant to the standards of this section.

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

Applicable, a reclamation permit is required prior to building permit issuance.

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

Applicable, the applicant has submitted a grading and control plan. 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, the applicant has provided a grading and drainage control plan, that includes stormwater management BMPs.

Section 13-118: *Water Impoundments.*

Not applicable.

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.*

Applicable, the Application is adjacent to agricultural activities. The Wilder Association has consented to this Application.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.
2. This application is consistent with the standards and requirements of this *Resolution*.
3. 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-21-00005 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. 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.
5. 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.
6. Approval of a variance to the general sign standards to permit for one wall sign and one ground sign to be located within the ROW.
7. OWTS application issuance will be required as part of the building permit application. All wastewater generated onsite will comply with the OWTS regulations, as adopted.
8. All waste generated onsite (trash, recycling) will be contained in bear-proof trash receptacles.
9. A reclamation permit will be required prior to building permit issuance.
10. Vehicle maintenance will occur indoors.
11. The Applicant will be required to follow the requirements of Section 11-107.5 Management of Hazardous Materials and Pollutants, as amended, in the construction of the facilities and during operations of the facilities.

Colorado State University (CSU) LUC-20-00013: The Gunnison County Planning Commission conducted a joint public hearing. The applicant is requesting a subdivision. Property located at 1141 State Highway 135 to be subdivided into two new parcels. These parcels are indicated as Lot 1 and Lot 2 on the Plat. The intent of Colorado State University, the applicant, is to sell Lot 1, the southern lot (3.50 acres), to the Valley Housing Fund (VHF) for the purpose of land banking and ultimately the development of affordable housing. No specific development type, site plan, or product has been determined as of this application. The intent of Colorado State University, the applicant, is to retain Lot 2 (15.13 acres) for the purpose of relocating the Colorado State Forest Service currently located at Western Colorado University. Current structures will remain, and adaptation to the new use involves interior remodels of the existing single-family residence and

shop building. One main access for both lots will be located across State Highway 135 from Clark Blvd.

Commissioner Cox was recused from the CSU application review.

Commissioner Baca was seated.

With a quorum present Vice-Chairperson Andy Sovick opened the continued joint public hearing.

Applicant representative Fred Haberecht reviewed the application explaining the site for the Gunnison field office will be moved from the university to the proposed site. The new facility will create functionality and maintain the character of the neighborhood. There will be a house, shop, and meadow on site. The new site will better meet the needs of the Forest Service, the demand of the community, and be a good neighborhood member. The applicants will be granting a public access easement for better connectivity. This is also a subdivision request. The additional lot will be land banked by the Valley Housing Fund, for possible affordable housing in the future.

Jim Starr Chair of the Valley Housing Fund thanked CSU for the opportunity to land bank. He said they have no plans at this time, but will watch the needs for affordable housing in that location. They may seek annexation for water and sewer purposes, but not for a few years.

Planner Sabbato noted the sign permit was submitted as part of the application. It is a one-sided sign, to be placed along the Highway 135 access. The sign will not have any exterior lighting.

Sabbato explained there will now be easements for public access and a utility easement on the plat. She added a gap in ownership deeds was discovered, at this time the subdivision will continue as presented. When the quiet title action is resolved a boundary line adjustment will be required to include the property in question. Rogalski asked about the progress of the quiet title action. Sabbato said the Valley Housing Fund is working on it and the Planning Commission will not be involved in it. Starr agreed, noting the Valley Housing Fund will be able to start the quiet title action once the subdivision process is complete.

There was no public comment.

The Planning Commission reviewed the draft decision.

Sovick closed the continued joint public hearing.

Moved by Rogalski seconded by Miller to recommend approval of LUC-20-00013 Colorado State University (CSU) subdivision to the Board of County Commissioners, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

Colorado State University (CSU) proposes to subdivide the existing Wilson Subdivision that is approximately 18.6 acres into two new parcels, located at 1141 State Highway 135. These parcels are indicated as Lot 1 (the southern lot) and Lot 2 on the Plat. One main entrance will provide access for both lots and will be located across State Highway 135 from Clark Blvd. Water supply will be by central well and augmentation water from the Upper Gunnison River Water Conservancy District and sewer by connection to the North Gunnison Sewer line. The intent of Colorado State University, the

applicant, is to retain Lot 2 (15.13 acres) for the purpose of relocating the Colorado State Forest Service office currently located at Western Colorado University. Current structures will remain and new uses include interior remodel of the existing single-family residence to office spaces. The Colorado State Forest Service is the lead state agency that approves Community Wildfire Protection Plans (CWPP's). CSU supports the development and implementation of CWPP'S with our local field experts and our Colorado Wildfire Risk Assessment data. Staff in local field offices have the skills, expertise, established partnerships and relationships necessary to provide service in informing, planning and implementing activities that reduce community risk to wildfire and help ensure healthy resilient forests. A previously proposed greenhouse has been removed from the application.

The intent of Colorado State University, the applicant, is to sell Lot 1 (3.50 acres) to the Valley Housing Fund (VHF) for the purpose of land banking and ultimately the development of affordable housing. No specific development type, site plan, or product has been determined as of this application. It is the intent of the VHF to apply to the City of Gunnison for annexation of this parcel as soon as possible. If denied annexation, the VHF would return to Gunnison County Community Development and discuss what option for development would be possible in the county for affordable housing. At the time of development for Lot 1, the landowner shall complete a Land Use Change with Gunnison County.

A gap in title has been identified for a narrow strip of land outside the western property line and a quiet title action has been initiated to resolve the issue. No impacts to the current application are anticipated. The resolution of the quiet title action is not contemplated as part of this review to include a third legal, subdivided parcel.

The subject parcel is legally described as Southwest ¼, Section 25, Township 50 North, Range 1 West N.M.P.M., 1141 State Highway 135, Gunnison Colorado.

PLANS/REPORTS/SUBMITTALS:

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

- Plat of the Wilson Subdivision – Filing No. 1 dated February 17, 2021 by All County Survey, Stephen Jessoe, P.L.S.
- CDOT State Highway Access permit, dated March 27, 2019.
- CDOT Driveway Access Plan CSU, dated March 12, 2019
- Colorado State Forest Service Site Drainage Plan, dated August 2020
- Colorado State Forest Service Parking Operations Diagram, dated April 28, 2020
- CSU ALTA Survey with sewer taps, dated July 2018
- Phase I Environmental Site Assessment, June 14, 2018
- Colorado Division of Water Resources letter, dated July 14, 2020
- New site map titled, "Drainage and landscaping plan" dated September 18, 2020 by CSU Facilities Management.
- Colorado State Forest Service Proposed Agricultural Use Narrative, dated November 25, 2020.

IMPACT CLASSIFICATION:

The project, by definition, is a Minor Impact pursuant to *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 units that are subdivision lots and H. New Commercial Use.*

MEETING DATES:

The Planning Commission and the Board of County Commissioners held work sessions and a joint public hearings to discuss the application on the following dates:

- September 4, 2020 Work Session
- October 16, 2020 Site Visit followed by a brief work session
- February 16, 2021 Work Session
- April 2, 2021 Joint Public Hearing
- April 16, 2021 Continued Joint Public Hearing
- April 30, 2021 Continued Joint Public Hearing
- May 21, 2021 Continued Joint Public Hearing

SITE VISIT:

A site visit conducted with Planning Commission members on October 16, 2020. Responses from commissioners included;

- AJ Cattles was impressed by the site-this would be a buffer between the highway and the residential. He liked the screening and asked how tall the vegetation will get.
- Jack Diani liked the way the site is set up- the space for offices, shop area and stable. He was able to get a feel for the location of the second lot.
- Vince Rogalski was impressed by the size of the site, including the grazing fields and the second lot. He also reiterated Cattles and Diani comments.

PUBLIC HEARING:

The Planning Commission conducted a joint public hearing on April 2, 2021 with the Board of County Commissioners. It has been continued to April 16, 2021. No public comments were received.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on June 25, 2020 to the following agencies: Gunnison County Public Works, Gunnison County Building Department, City of Gunnison, Colorado Parks and Wildlife, Colorado Department of Transportation, City of Gunnison Fire Marshall, Colorado Division of Water Resources. Comments from the agencies and are noted in the applicable sections below.

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

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

Not applicable. No secondary uses are proposed.

Section 9-200: *Special Residential Uses.*

Not applicable.

Section 9-301: *Commercial and Industrial Uses.*

Applicable. **Section 9-301:D. General Standards.** The applicant is proposing to utilize the existing, vacant single family residence at 1141 State Highway 135 for the purpose of relocating the Colorado State Forest Service office currently located at Western Colorado University. Current

structures will remain, and adaptation to the new use involves interior remodels of the existing single-family residence and shop building. Exterior changes proposed other than site clean-up and new signage for the church. No semi or large truck deliveries will be needed. The proposed nonresidential 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 nonresidential 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 to exceed 55 dbA as outlined in Table 2, Maximum Permissible Noise Levels for Commercial and Industrial Uses.

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

Not applicable.

Section 9-508: Keeping of livestock not on an agricultural operation.

Applicable. Proposed agriculture uses of the parcel include agricultural uses as defined in Section 2-102.

Agricultural uses of the parcel include: the boarding of horses, grazing of cattle and hay harvesting. Other uses of the parcel include: education, outreach and research. The use of the parcel for agriculture and land stewardship education, outreach and research involve potential collaborative partners with the Colorado State Forest Service. Those potential collaborative partners include:

- CSU extension
- 4-H
- CPW
- WSU

- USFS
- BLM
- Non-profit partners
- Gunnison county (noxious weed management)
- City of Gunnison

Potential collaborative uses for agriculture and land stewardship education outreach and research include:

- Educational workshops (tree pruning, planting, range).
- Demonstration sites (noxious weeds, grazing management, tree planting, pruning) internships.
- Research projects.

Section 9-600: Essential Housing

Not applicable. No essential housing is proposed.

Section 10-102: Locational Standards for Residential Development.

Not applicable. No residential development is proposed.

Section 10-103: Residential Density.

Not applicable. No residential development is proposed.

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

Applicable. **Section 10-104:A.2.a. and 10-104:B.2.**

The Colorado State Forest Service is the lead state agency that approves Community Wildfire Protection Plans (CWPP's). CSU supports the development and implementation of CWPP'S with our local field experts and our Colorado Wildfire Risk Assessment data. Staff in local field offices have the skills, expertise, established partnerships and relationships necessary to provide service in informing, planning and implementing activities that reduce community risk to wildfire and help ensure healthy resilient forests. Since 1955, the Colorado State Forest Service has protected the forest resources of Colorado from fire, insects and disease. CSU have been providing forestry assistance to the citizens of Gunnison County for 65 years. Per the *Gunnison County Land Use Resolution* definition, **PUBLIC SERVICES AND FACILITIES** means those services and facilities provided by a public entity or public utility (including, but not limited to, any municipality, county, or special district) including, but not limited to, roads, trails, schools, wastewater treatment, water treatment and distribution, solid waste disposal, storm drainage, health care, law enforcement, fire protection, emergency medical services, social services, recreational services, libraries, and government and administrative services, facilities, and personnel, cultural facilities, public transportation, electric, gas, and telephone utilities.

A. APPLICABILITY. This Section shall apply to all proposed commercial, industrial and other non-residential land use changes except for the following:

1. **AGRICULTURAL OPERATIONS.** Agricultural operations, including farm or ranch stands.
2. **PUBLIC FACILITIES OR UTILITIES.** Essential public facilities including fire protection, emergency medical service or law enforcement facilities and utilities shall be exempt, if the decision-making body finds:
 - a. **ESSENTIAL TO PUBLIC WELFARE.** That the proposed facilities or utilities are essential to public health, safety and welfare;

The Colorado State Forest Service project is consistent with the intent of the Three Mile Plan per **10-104:B.2.**

B. PRIMARY LOCATIONAL STANDARD. Proposed commercial, industrial and other non-residential development shall be reviewed for its location relative to existing development. In order of priority, this new growth should be located:

1. **ADJACENT TO INCORPORATED MUNICIPALITY.** A proposed commercial, industrial, or other non-residential development should be located adjacent to a municipal boundary on land that qualifies for annexation into the municipality by meeting the criteria of the Colorado Municipal Annexation Act, C.R.S. 31-12-101.
2. **CONSISTENT WITH A MUNICIPAL THREE MILE PLAN AREA.** When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal three-mile plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the three-mile plan area. Where there is a conflict between the objectives or policies of a three-mile plan or the intergovernmental agreement, and County standards, County standards shall apply.

This proposal is within and aligns with the City of Gunnison's Three Mile Plan. In an email dated, June 11, 2020 Anton Sinkewich, City of Gunnison Community Development Director stated, *"While I cannot ensure a successful annexation (this will require more extensive interdepartmental review), I can clearly state that as a recommendation of the Comprehensive plan, the North sub-area is recommended for future expansion of the city, and I believe the proposal sent is compatible with the community's ideas about future expansion to the north. Additionally, affordable housing is a major focus of both the newly adopted comprehensive plan, and the City Council's strategic plan. Therefore, I believe that a request to facilitate such a project as described by VHF will be seriously considered.*

There is also support for the University/ Forest Service adaptive re-use of the existing house on the site."

In a letter from the City of Gunnison Planning and Zoning Commission dated February 10, 2021 it states, *"Based on the existing Three-Mile Map, the property is designated as Moderate Density Residential and is located inside the Urban Growth Boundary. Lot 2 will be used by Colorado State University for relocating Colorado State Forest Service office that is currently located at Western Colorado University. Current structures will remain to be remodeled. The City recognizes the structure on the property is currently a vacant*

“ranchette” and would be acceptable for the relocation of the Colorado State Forest Service.”

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

Not applicable. No development is proposed within the 100-year floodplain.

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

Not applicable. No development is proposed within a geologic hazard area.

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

Not applicable. No development is proposed within a wildfire hazard area.

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

Applicable. A Gunnison Sage-grouse Habitat Site Specific Analysis was completed July 1, 2020 by Aleshia Rummel, Gunnison Conservation District Wildlife Biologist. The analysis states that this proposal will not adversely impact the Gunnison Sage-grouse or their habitats.

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

Not applicable. No development is proposed within 125 feet of a waterbody.

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

Not applicable. No development is proposed on a ridgeline.

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

Not applicable. No development is proposed that would affect agricultural lands.

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

Not applicable. No development is proposed on land beyond snowplowed access.

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

Not applicable. No development is proposed on inholdings in The National Wilderness.

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

Not applicable. No development is proposed on property above timberline.

Section 12-103: *Road System.*

Applicable. The applicant has supplied a CDOT access permit and completed traffic study.

In an email dated July 1, 2020 Marlene Crosby, Directory of Gunnison County Public Works stated:

“As shown on the plat there is a 20’ easement for the North Gunnison Sewer main line across the parcel, and within the planned access. When the access is built the contractor will need to work with our Utility Department to make sure the integrity of the main is maintained and that the manholes are raised to street level. The access will require an Access Permit from this department since it is moving from the current location. I did not

find information on the application regarding whether it would be paved or gravel. We would recommend asphalt since it is so close to town and other neighbors. Dust could be a factor.

An amenity to be looked at in the future would be the possibility of a bike trail in the 40' highway setback to allow connection with the existing trail on the west side of the highway further north."

Steve Kellums, P.E., CSU Project Manager responded to Marlene's comments:

"The attached ALTA Survey shows in general our intended plans for connection to the sewer. We realize that the proposed access road location will be constructed over the existing sewer main and that any required work on the sewer in the future may temporarily impede access to the site. Please note that the proposed access location was chosen at the direction of CDOT to align with Clark Boulevard. We plan to pave the entry for the first 50 to 100 feet west of State Highway 135 as the budget allows."

Planning commission discussed access and trail easements and that having options built into land use applications for future connectivity will assist the growing volume along State Highway 135 and that the City of Gunnison's new comprehensive plan [as stated below] recommends facilitating improved vehicular and multimodal circulation options. The applicant has been amendable to these easements.

An access easement extending from the main entrance off State Highway 135 to the west side of the property along the existing utility easement is illustrated on the plat. A letter from the City of Gunnison's Planning and Zoning Commission states, *"In accordance with recommendations from the City's Gunnison 2030 Comprehensive Plan, the City recommends working with City and County Staff to define easements through and around the property to facilitate improved vehicular and multimodal circulation options to connect to the existing street grid."*

Additionally, in the LUR per Section 12-103: B. Compliance with Municipal Standards it is stated that "when the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with objectives and policies of the applicable municipal Three-Mile Plan.

Section 12-104: Public Trails.

Applicable. A trail easement within the County 40-foot right of way, parallel to State Highway 135 shall be installed at a future time after securing funds and location specs. It is not shown on the plat.

In an email dated July 1, 2020 from the Gunnison County Public Works Director, Marlene Crosby, she states *"An amenity to be looked at in the future would be the possibility of a bike trail in the 40' highway setback to allow connection with the existing trail on the west side of the highway further north."*

Section 12-105: Water Supply.

Applicable. The applicant proposes to remodel the existing single family residence to a new office space for Colorado State Forest Service on lot 2. The applicant provided well permit No 83157-F to use the existing well on site and secured augmentation water from the Upper Gunnison River Water Conservancy District.

Megan Sullivan P.E. Water Resource Engineer from Colorado Division of Water Resources reviewed the application and stated in a letter dated July 14, 2020:

“The applicant provided a copy of Well Permit No. 83157-F. This permit was issued on May 2, 2019 to use an existing well constructed in 1966. The use of the well is limited to drinking and sanitary purposes in a commercial building and the irrigation of not more than 4,800 square feet of lawn and garden (greenhouse included). The maximum pumping rate is limited to 20 gallons per minute and the annual withdrawal of groundwater shall not exceed 0.36 acre-feet (approximately 117,000 gallons). The permit was approved on the condition that this well is operated in accordance with the Upper Gunnison River Water Conservancy District's Augmentation Plan approved by the Division 4 Water Court in Case No. 03CW0049.

For subdivisions created after 1972, Section 37-92-602(3)(b)(III), C.R.S., requires that the cumulative effect of all wells in 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 stream system is over-appropriated; therefore, an augmentation plan is required to offset depletions caused by the pumping of any wells within the subdivision. The applicant has a contract with the Upper Gunnison River Water Conservancy District to operate the well on proposed Lot 2 within the District's augmentation plan. As no information was provided on the water supply for proposed Lot 1, the applicant should be aware that any well used to supply this lot would also have to operate under a plan for augmentation.

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.

Since insufficient information was provided regarding the water supply for Lot 1 and without a water resource report, we cannot comment on the potential for injury to decreed water rights or the adequacy of the proposed water supply under the provisions of CRS 30-28-136(1)(h)(l).”

Steve Kellums, P.E., CSU Project Manager responded to Megan's comments in an email dated August 21, 2020.”

“Megan, Regarding your letter of July 14th in response to the CSU Colorado State Forest Service Minor Impact Review/Land Use Change Permit Application, LUC-20-00013, the applicant confirms that Well Permit No. 83157-F only applies to Lot 2, and is limited to the uses indicated your response letter.

No water supply has been provided for proposed Lot 1, because the Land Use Change Application is amended to indicate the intent to subdivide, but without a specific use of Lot 1 at this time, and an acknowledgement by the applicant (CSU)

that a subsequent Land Use Change application will be required to establish land use. When the subsequent Land Use Change Application is filed for Lot 1, the applicant acknowledges that “Adequate evidence that a water supply will need to be available to ensure an adequate supply of water for the type of subdivision proposed”

To summarize: there are no plans with the current application to change the land use of Lot 1, and use other than its current undeveloped use as pasture, will require a Land Use Change Application through Gunnison County.”

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable. Approval to tie into the North Gunnison sewer line was approved by Public Works Director Marlene Crosby. The “CSU ALTA Survey with sewer taps” dated July 2018 illustrates the location of the sewer taps.

Section 12-107: Fire Protection.

Applicable. Staff had a phone conversation with Hugo Ferchau, the City of Gunnison Fire Marshal where he stated he had no concerns for the CSU building and access. At the time of development for the southern lot if affordable housing is proposed a second point of egress may need to be considered, however development on the southern lot is not part of this application.

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

Applicable. Per the Plat of the Wilson Subdivision – Filing No. 1 dated February 17, 2021 by All County Survey, Stephen Jessoe, P.L.S. and site map titled, “Drainage and landscaping plan” dated September 18, 2020 by CSU Facilities Management these criteria are met.

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

Applicable. Per the Plat of the Wilson Subdivision – Filing No. 1 dated February 17, 2021 by All County Survey, Stephen Jessoe, P.L.S. and site map titled, “Drainage and landscaping plan” dated September 18, 2020 by CSU Facilities Management these criteria are met.

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

Not applicable. No residential component is proposed in this application.

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

Not applicable. No solid fuel-burning devices are proposed.

Section 13-108:E.3.Open Space and Recreation Areas, Minor Impact Commercial and Industrial Uses.

Applicable. Due to the agricultural nature of the parcel the majority of the property will remain open space. Buffering will provided by existing trees on the property and new plantings will shield existing residences to the west per the Drainage and Landscaping Plan” dated September 18, 2020 by CSU Facilities Management.

Section 13-109: Signs.

Applicable. A sign design and site location, "Colorado State Forest Service Gunnison Field Office Sign" dated May 6, 2021 by CSU Facilities Management has been provided and meets the standards of this section. It will be single sided and no lighting is proposed.

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

Applicable. A new site map titled, "Drainage and landscaping plan" dated 9/18/2020 by CSU Facilities Management has been provided and complies with this standard. Per the Land Use Resolution a government office requires 1 parking space per every 300 square feet of building space. The existing home that is being converted into new offices is approximately 1,200 square feet, this would require a minimum of 4 parking spaces. The drainage and landscaping plan show 10 parking spaces total.

Section 13-111: *Landscaping and Buffering.*

Applicable. A "Drainage and landscaping plan" dated 9/18/2020 by CSU Facilities Management has been provided and shows that in addition to the 22 existing shrubs and trees surrounding the main structures, 3 new deciduous trees and 14 shrubs will be planted, mainly as a buffer from existing residences on the west side of the property.

Section 13-112: *Snow storage.*

Applicable. A new site map titled, "Drainage and landscaping plan" dated 9/18/2020 by CSU Facilities Management has been provided and complies with the snow storage standard.

Section 13-113: *Fencing*

Not Applicable. No fencing has been proposed.

Section 13-114: *Exterior Lighting.*

Applicable. The existing mercury light shall be removed and all current lighting shall comply with this standard.

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, road and parking lot construction is proposed and evidence for compliance with the standard. 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. A new site map titled, "Drainage and landscaping plan" dated 9/18/2020 by CSU Facilities Management has been provided and complies with this standard.

Section 13-118: *Water Impoundments.*

Not applicable. No water impoundments are proposed.

Section 13-119: Standards to Ensure Compatible Uses.

Applicable.

- Hours: Normal Monday-Friday business hours are proposed.
- Noise and Glare: Events that would produce minimal light, noise and glare will occur within buildings.
- Trash: Commercial trash will be disposed of by the applicant on a regular schedule.
- Loading and Delivery: Compliance with applicable loading standards will be observed as well as a very minimal delivery schedule, possibly only 2 times a year.
- Illumination: A greenhouse is not part of this proposal.
- Outdoor Services: No outdoor services are proposed.
- Landscaping: A landscaping plan to help buffer and shield adjacent residences is in place.
- Height and Size Restrictions: No new structures are proposed, all existing currently comply with height and size restrictions.
- Natural Lighting: Not Applicable.
- Solar Access: The project will not impair solar access.
- Odors and Fumes: The project will not produce any odors or fumes.
- Dust Control: Compliance with applicable road standards should address any dust control concerns.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The Planning Commission classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A, 2-4 Units*.
2. The land use change complies with all applicable requirements of the *Gunnison County and Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
3. A Gunnison Sage-grouse Habitat Site Specific Analysis was completed July 1, 2020 by Aleshia Rummel, Gunnison Conservation District Wildlife Biologist. The analysis states that this proposal will not adversely impact the Gunnison Sage-grouse or their habitats.
4. The proposed two-lot subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood. A greenhouse is not part of this project scope.
5. The property is within 400 feet of the North Gunnison Sewer line, and any uses requiring wastewater treatment shall connect to the North Gunnison sewer line.
6. The applicant provided a copy of Well Permit No. 83157-F. This permit was issued on May 2, 2019 to use an existing well, constructed in 1966. The use of the well is limited to drinking and sanitary purposes in a commercial building and the irrigation of not more than 4,800 square feet of lawn and garden. The permit was approved on the condition that this well is operated in accordance with the Upper Gunnison River Water Conservancy District's Augmentation Plan.
7. A new entrance to access both lots 1 & 2 will be located across from Clark Boulevard on State Highway 135.
8. The applicant has been amenable to recommendations for future connectivity options. The applicant has expressed their support and willingness to allow for a future trail/recreation path on the subject parcel along the State Highway 135 frontage and an east-west access easement along the subdivision lot line.

9. A gap in title has been identified for a narrow strip of land outside the western property line and a quiet title action has been initiated to resolve the issue. No impacts to the current application are anticipated. The resolution of the quiet title action is not contemplated as part of this review to include a third legal, subdivided parcel.
10. This application is consistent with the standards and requirements of this *Resolution*.
11. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-20-00013 be classified as a Minor Impact, and be approved with the following conditions:

1. A public access easement shall be granted along the utility easement that extends from the State Highway 135 entrance along the subdivision boundary line to the west side of the parcel. It is illustrated on the plat and shall be activated once need is demonstrated, funding is in place and engineered plans have been secured. An easement agreement titled, "Dedication of Public Access and Utility Easements" is in place and recorded at the Gunnison County Clerk and Recorder's office, Reception No. _____.
2. A private utility easement agreement titled, "Dedication of Private Utility Easement" is in place and recorded at the Gunnison County Clerk and Recorder's office, Reception No. _____.
3. A trail easement within the County 40-foot right of way, parallel to State Highway 135 shall be installed at a future time after securing funds and location specifications. This is not shown on the plat. A trail easement shall be overlaid on the existing County 40-foot right of way and shall be amended when the details of the trail are established.
4. A Land Use Change permit application shall be required to absorb the parcel of land that is part of the quiet title action to one or both of the subject parcels. In no case, shall the resolution of the quiet title result in an additional legal lot, as defined in the Gunnison County Land Use Resolution, at any point.
5. A Development Improvement Agreement (DIA) shall be executed prior to construction commencing pursuant to Section 16-118: *Development Improvement Agreement Required* and shall include the following:
 1. Roads- "Gunnison Hwy 135 Access Permit No 319030 Plan and Profile", dated March 12, 2019 by Kimley Horn.
 2. Sewer infrastructure- CSU ALTA Survey with sewer taps, dated July 27, 2018.
 3. Landscaping – Stamped "Drainage and Landscaping Plan" dated September 18, 2020 by CSU Facilities Management.
6. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder. The applicant shall ensure that the plat will contain required language addressing concerns with domestic animals, fencing and ditch maintenance, pursuant to Section 1-105. L.8.e. of the *Land Use Resolution*.

7. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
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. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. 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.
11. 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.
12. 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.

Ranch Properties LLC LUC-20-00048: The Gunnison County Planning Commission conducted a public hearing. The applicant proposes a third residence at 11521 County Road 730 Gunnison Colorado (AKA Castleton Ranch), located in the Ohio Creek Valley. The subject parcel is approximately 211 acres and is developed with a variety of structures: two residences, one structure intended only for sleeping, and seven accessory structures. The proposal would expand the 670 sq. ft. Magazine Building/Hunt Cabin, an accessory structure, by 2800 sq. ft. The remodel would establish a third residence on the property of approximately 3,500 sq. ft.

Commissioner Baca was seated.

With a quorum present Vice-Chairperson Andy Sovick opened the public hearing.

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

Applicant representative Jake Scott explained the applicant has requested expanding the Magazine Building/Hunt Cabin and establishing it as a third residence. This would increase the total square footage on the parcel to 14,322 sq. ft., which is over the 12,500 sq. ft. allowed in the *Gunnison County Land Use Resolution* (LUR).

Applicant representative Jerry Burgess said the compound has an existing cabin the owner will add on to. The existing waste water system was originally over engineered and now is sufficient for the proposed changes. It has been inspected by a licensed Gunnison County inspector. Public Works has agreed the access and roads are sufficient. Burgess met staff on site to verify views from the site and distances. He added when no leaves were on the trees it is minimally visible.

Planner Seminick said nothing had fundamentally changed since the last work session. The *Gunnison County Land Use Resolution (LUR)* standards have all been addressed through the application process. She explained the application met the standards in the LUR *Section 13-105 Residential Building Sizes and Lot Coverages*. The cabin meets those standards. The applicant is creating additional massing, but no additional structures. She presented a photo of the existing structure as it is today, photo of the structures from the road- illustrating they are also minimally visible, a Google maps aerial photo, and the proposed elevations of the proposed addition to the existing structure.

Seminick explained this structure is above the 100-yr. flood plain. The majority of the existing trees will remain. The new addition will be on both sides of the existing structure.

There was no public comment.

The Planning Commission reviewed the draft decision.

Sovick closed the public hearing.

Moved by Cox seconded by Baca to approve LUC-20-00048 Ranch Properties LLC, for a third residence and expansion of the aggregate square footage on the property, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

The Applicant proposes a third residence at 11521 County Road 730 Gunnison Colorado (AKA Castleton Ranch), located in the Ohio Creek Valley. The subject parcel is approximately 211 acres and is developed with a variety of structures: two residences, two structures intended only for sleeping, and five accessory structures. The proposal would expand the 670 sq. ft. Magazine Building/Hunt Cabin, an accessory structure, by 2800 sq. ft. The remodel would establish a third residence on the property of approximately 3,500 sq. ft.

Section 6-102.C. *Aggregate Square Footage of 12,500 or More sq. ft.* requires review and approval pursuant to Article 6, Minor Impact Projects. The existing aggregate floor area for the parcel is 12,103 sq. ft. The proposed aggregate floor area is 14,933 sq. ft.

The residential floor area for the property is currently 6,967 sq. ft. The proposed third residence would add 3,500 sq. ft., for a total of 10,467 sq. ft. of residential floor area. The accessory structures currently total 5,136 sq. ft. and 670 sq. ft. of that figure would be converted to residential floor area by this request. The proposal would reduce the accessory floor area to 4,466 sq. ft. Table 1 on the following page details the existing structures, uses, and floor area.

Table. 1: Existing Structures, Uses, and Floor Area

Structure Type	Number of Structures	Compound Structure Name(s)	Property Card Building Number	Existing Residential Floor Area	Existing Non-Residential Floor Area
<i>Single Family Residence</i>	1	<i>Main House*</i>	#25	5382 sq. ft.	0 sq. ft.
<i>Secondary Residence</i>	1	<i>Caboose #2</i>	#24	817 sq. ft.	0 sq. ft.

<i>Structures intended only for sleeping</i>	2	<i>Lodge</i>	1. #27	507 sq. ft.	0 sq. ft.
		<i>Caboose #1*</i>	2. #23	261 sq. ft.	0 sq. ft.
<i>Accessory Structures</i>	5	<i>Field House</i>	#28	0 sq. ft.	887 sq. ft.
		<i>Magazine House/Hunt Cabin</i>	#26	0 sq. ft.	670 sq. ft. (to be converted into third residence)
		<i>Car Barn*</i>	#26	0 sq. ft.	2,538 sq. ft.
		<i>Barn</i>	#7	0 sq. ft.	580 sq. ft.
		<i>Cook House</i>	n/a	0 sq. ft.	461 sq. ft.

*approved by LUC-04-00059, Admin Cert No. 98, Series 2004, Reception No. 546452

The property is not used commercially and no commercial use is proposed as part of this application.

The subject parcel is legally described as A TRACT OF LAND WITHIN SECTIONS 18, 19, AND 20, TOWNSHIP 15 SOUTH, RANGE 86 WEST, SIXTH PRINCIPAL MERIDIAN, GUNNISON COUNTY, COLORADO; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19, (AS MARKED BY A PRIVATE SURVEYOR'S MONUMENT INSCRIBED LS23037); THENCE NORTH 76°44'28" EAST 3351.61 FEET TO A NORTHEASTERLY CORNER OF PARCEL NO. 1 OF THE RANCH PROPERTIES, LLC PROPERTY, (AS RECORDED UNDER RECEPTION NO. 534205 OF THE RECORDS OF GUNNISON COUNTY), SAID CORNER ALSO BEING THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT; THENCE THE FOLLOWING COURSES AROUND SAID TRACT:

1. NORTH 63°21'49" EAST 36.70 FEET ALONG THE NORTHEASTERLY BOUNDARY OF SAID PARCEL NO. 1;
2. SOUTH 52°23'26" EAST 491.94 FEET ALONG SAID BOUNDARY;
3. SOUTH 39°25'01" EAST 236.87 FEET ALONG SAID BOUNDARY;
4. SOUTH 52°26'58" EAST 148.51 FEET ALONG SAID BOUNDARY;
5. SOUTH 44°10'16" EAST 459.99 FEET ALONG SAID BOUNDARY;
6. SOUTH 34°28'39" WEST 16.96 FEET ALONG SAID BOUNDARY;
7. SOUTH 52°45'52" EAST 369.29 FEET ALONG SAID BOUNDARY;
8. SOUTH 04°16'19" EAST 11.50 FEET ALONG SAID BOUNDARY;
9. SOUTH 57°13'27" EAST 362.52 FEET ALONG SAID BOUNDARY;
10. SOUTH 55°03'07" EAST 1520.76 FEET ALONG SAID BOUNDARY;
11. SOUTH 52°08'37" EAST 588.98 FEET ALONG SAID BOUNDARY;
12. SOUTH 11°19'03" EAST 257.60 FEET ALONG SAID BOUNDARY;
13. SOUTH 32°07'08" EAST 218.54 FEET ALONG SAID BOUNDARY;
14. SOUTH 41°37'34" EAST 967.77 FEET ALONG SAID BOUNDARY;
15. SOUTH 49°04'05" EAST 200.06 FEET ALONG SAID BOUNDARY;
16. SOUTH 08°23'36" WEST 7.66 FEET ALONG SAID BOUNDARY;

- 17. SOUTH 28°46'14" WEST 1536.56 FEET;
- 18. NORTH 44°31'16" WEST 3782.78 FEET;
- 19. NORTH 63°08'03" WEST 909.78 FEET;
- 20. NORTH 45°37'39" WEST 1659.29 FEET;
- 21. NORTH 49°50'00" EAST 1461.91 FEET TO SAID NORTHEASTERLY CORNER OF SAID PARCEL NO.1, SAID CORNER ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT.

And commonly described as: 11521 County Road 730 Gunnison, CO 81230 Parcel No. 3437-000-00-089

IMPACT CLASSIFICATION:

The project, by definition, is a Minor Impact pursuant to *Section 6-102.H, Projects Classified as Minor Impact Projects.*

MEETING DATES:

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

- April 16, 2021 Work session
- NA Site Visit
- May 21, 2021 Public Hearing

SITE VISIT:

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

PUBLIC HEARING:

The Planning Commission conducted a public hearing on May 21, 2021. No public comment were received at this meeting.

REVIEW AGENCY REFERRAL COMMENTS:

- A copy of the application was sent to the following referral agencies by email on March 15, 2021:
 -
 - Colorado Geologic Survey
 - Colorado Parks and Wildlife
 - Colorado State Forest Service
 - Colorado Division of Water Resources
 - Colorado Department of Transportation
 - Gunnison County Environmental Health Official
 - Gunnison County Department of Public Works
 - Gunnison County Sage-Grouse/Wildlife Coordinator
 - Gunnison Fire Protection District
 - USFS, Gunnison Ranger District
 - Gunnison Watershed School District (RE1J)
- Full transcripts of the respective agency comment may be found in Public Access. Comments from the agencies and are noted in the applicable sections below.

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

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

Not applicable.

Section 9-200: *Special Residential Uses.*

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Section 9-600: *Essential Housing*

Not applicable.

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

Not applicable.

Section 10-103: *Residential Density.*

Not applicable.

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

Applicable, Ohio Creek runs through this property and the location of this addition is within the FEMA Flood Zone A. This type of Special Flood Hazard Area (SFHA) is mapped; however, the Base Flood Elevation (BFE) is not determined. An applicant is required to provide the BFE from a Flood Determination from a Licensed Colorado Engineer.

The Applicant has provided an Elevation Certificate from a Licensed Colorado Engineer that demonstrates the project is higher than the BFE of the floodplain.

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

Not applicable.

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

Not applicable.

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

Applicable; the property falls within Type II Sage-Grouse Habitat. The Applicant has conducted a Sage-Grouse Habitat Assessment with the Gunnison County Sage-Grouse Biologist. The Applicant received approval for the project location in Certificate of Administrative Review, Certification No. 160, Series of 2020. The project will be required to obtain a reclamation permit pursuant to the conditions of approval in the certificate.

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

Applicable, the project is within 125' of a water body. The Applicant has submitted a water quality plan and narrative. The project meets the Inner Restrictive Buffer standards. The Applicant will be required to install silt fencing as shown on these plans prior to building permit issuance.

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

Not applicable.

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

Applicable, the development is adjacent to agricultural operations and there are named ditches on the property. The project is not expected to interfere with ditch rights-of way. The Applicant has provided a list of the ditches on the parcel with ownership information. The subject property is a beneficiary of all ditches on the property.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Section 12-103: *Road System.*

Not applicable, development is located on an existing road system and no new road system is proposed.

Public Works has requested that all loads delivered to the site are within legal load limits, not overweight, and that no heavy truck traffic be permitted during spring thaw when the frost is leaving the roadbed. The applicant has agreed to comply with Public Work's request.

Section 12-104: *Public Trails.*

Not applicable.

Section 12-105: *Water Supply.*

Applicable, the applicant provided Colorado well permit no. 318839. Condition 5 permits for use by up to three residential dwellings.

The property is currently developed with several buildings and has irrigation water rights associated with several ditches. The well was tested to assess the ability of the well to serve the existing primary residence (Main House), an existing secondary residence (Caboose 2), and the proposed third residence (Magazine House/Hunt Cabin). The February 12, 2021 letter from SGM (“Well Test Results” in the project file) concluded that the Applicant has an adequate, legal water supply to meet the demands of the project.

The letter does refer to “seasonal use” of structures; however, it should be noted that Gunnison County does not have a “seasonal use” distinction for structures. All residences are considered year-round and are reviewed and permitted as such.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable, the Applicant has proposed to serve the third residence using the existing septic system. The Applicant has provided wastewater calculations for the overall development and the analysis concluded that the addition would reduce volume by 38 gallons per day.

The Environmental Health Official has requested that the existing system, which is about 17 years old, be cleaned and inspected by a certified inspector to verify that all components are in good working order and are operating as designed, prior to building permit issuance.

Section 12-107: Fire Protection.

Applicable, the application was referred to the Gunnison Fire Protection District and the District did not find any issues with the proposal.

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

Applicable, 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.

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

Applicable, the proposed improvements meet the setback requirements.

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

Applicable, the request is classified as a minor impact project to allow for aggregate floor area that exceeds 12,500 sq. ft. pursuant to Section 6-102.C *Aggregate Square Footage of 12,500 or More Square Feet*. The property currently has 12,103 sq. ft. of aggregate floor area. Applicant has requested approval of 14,933 sq. ft. of aggregate floor area to expand and convert the existing Magazine Building/Hunt Cabin into a third residence.

The provisions of this Section require that a Project meet *Article 10, Locational Standards, Article 11, Resource Protection Standards, Article 12, Development Infrastructure Standards, and Article 13, Project Design Standards*.

The Planning Commission has found that the Application meets the following criteria (criteria have been underlined to avoid confusion).

1. FINDING OF NO OBTRUSIVE VISIBILITY REQUIRED FOR APPROVAL. The structure(s) is found not to be obtrusively visible. Elements to minimize such visibility shall include:

a. MINIMIZE VISIBILITY OF STRUCTURE BY SITING. The proposed Project and structures have been sited and shall be constructed using existing topography and natural vegetation for screening to the maximum extent feasible, to minimize the visibility of each structure from outside of the parcel on which it is to be built. During construction and use, disturbance and removal of existing vegetation outside of the permanent footprint of the structures shall be constrained to the maximum extent feasible, and restored substantially to its preconstruction state, to the maximum extent feasible; and

Applicant Response: – This project adds floor space to the east and west side of an existing building. The west side is nestled

into an adjacent hillside and keeps the same height roof to minimize the visibility of the building. On the east side, we could

not keep the same roof height; however, we chose to lower the main level floor into the ground to minimize the building's overall height to 27' above grade. Vegetation and tree removal will be minimal and will not go outside the area already disturbed during construction in the mid-2000s. See the attached plan for trees to be removed. Native grasses and aspens

will be planted around the building to help the cabin fit into the landscape.

b. MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING. After such siting, any structure that would be obtrusively visible from outside of the parcel on which it is to be built shall be screened to the maximum extent feasible from such visibility to preserve the natural characteristics of the site by natural vegetation, landscaping and architectural techniques (including colors that blend with the natural background, forms, and textures of the site, non-reflectability and clustering). Natural land forms are acceptable as screening; earth berming is acceptable only if it replicates the natural forms, scale and characteristics of the site. Deciduous vegetation of adequate density in its non-foliage season to provide effective screening is acceptable in combination with other screening techniques.

Applicant Response: This site uses the natural screening of existing cottonwood, aspens, and willows to the east between Ohio creek and CR 730. This building is not visible from CR 730 and is more than 3000ft away from any other neighboring property owner. See the map in "Visual Impact Analysis".

c. LOCATION OF UTILITIES UNDERGROUND. Utilities shall be located and installed, to the maximum extent feasible, to not be visible. If installed underground, the natural environment disturbed by installation shall be restored to the maximum extent feasible to its condition before the utilities were installed.

2. OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL. If, after such siting and screening, any portion of a structure is obtrusively visible from outside of the parcel on which it is to be built, that portion of the Project shall be denied. In order to meet this standard, the entire structure need not be invisible from outside of the parcel on which it is to be built.

Applicant Response: All utilities are already underground and connected to the building. Should any utility need to be updated, it will be buried, and the ground will be restored to its original condition.

The proposal would expand the 670 sq. ft. Magazine Building/Hunt Cabin, an accessory structure, by 2,800 sq. ft. 3,500 sq. ft. The total lot coverage will not exceed 0.0016% of the 211-acre lot.

The Applicant has submitted a building permit for the proposed addition. The elevations of the plan set have been included in the Land Use Change Permit application file ("Elevations"). The Applicant has provided an analysis of potential visual impacts and this has been included in the file as "Visual Impacts Analysis".

The existing structure is located in an area completely obstructed by existing vegetation from CR 730. The addition to the structure will not increase the height of the building. The proposal will utilize existing underground utilities and no new services will be required. The materiality of the structure is consistent with that found throughout the property.

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

Not applicable.

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

Not applicable.

Section 13-109: *Signs.*

Not applicable.

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

Applicable, the parking plan meets the requirements of this section.

Section 13-111: *Landscaping and Buffering.*

Applicable, the landscaping will consist of native plants and trees with the goal of minimizing water use(d) for irrigation. No buffering is needed or proposed. Existing landscaping will be retained to the maximum extent feasible.

Section 13-112: *Snow storage.*

Applicable, the site plan shows snow storage locations.

Section 13-113: *Fencing*

Not applicable.

Section 13-114: *Exterior Lighting.*

Applicable; the Applicant has submitted a lighting spec sheet that meets the provisions of this section

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

Applicable, project sites in Tier II Sage-Grouse Habitat are analyzed on a site-by-site basis pursuant to Sec. 13-115.C.2. This analysis was conducted for Administrative Certificate No. 160, Series 2020 and a reclamation permit will be required prior to building permit issuance.

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

Applicable, the Applicant has submitted an erosion control and grading plan that meets the provisions of this section.

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

Applicable, the application meets the applicability thresholds of Sec. 13-117.B because it is within 100' of a water body. The Applicant will be required to provide a drainage, construction, and post-construction stormwater runoff plan prior to building permit issuance.

Section 13-118: *Water Impoundments.*

Not applicable.

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

Not applicable.

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. This application is consistent with the standards and requirements of this *Resolution*.
3. 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-20-00048 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. 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.
5. 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.
6. Public Works has requested that all loads delivered to the site are within legal load limits, not overweight, and that no heavy truck traffic be permitted during spring thaw when the frost is leaving the roadbed.
7. The applicant will utilize fire wise plant and landscaping principals in revegetating the disturbed areas of the site.

Sovick adjourned the May 21, 2021 regular meeting of the Planning Commission at 11:45 a.m.

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