

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
February 7, 2023**

The February 7, 2023 meeting was held in the Board of County Commissioners’ meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson
Liz Smith, Vice-Chairperson
Laura Puckett Daniels, Commissioner
Matthew Birnie, County Manager
Melanie Bollig, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:30 am.

ALCOHOL BEVERAGE LICENSE #03-15949; THE WOODEN SPOON LLC DBA THE WOODEN SPOON; EFFECTIVE DATE 3/07/2023 - 3/07/2024: With no questions or concerns from the Board, it was **moved** by Commissioner Smith to approve the Alcohol Beverage License for The Wooden Spoon LLC dba The Wooden Spoon. Commissioner Puckett Daniels seconded. Motion carried unanimously.

ALCOHOL BEVERAGE LICENSE #03-04246; CRESTED BUTTE LLC DBA PARADISE RESTAURANT; EFFECTIVE DATE 2/03/2023 – 2/04/2024: **Moved** by Commissioner Smith to approve the Alcohol Beverage License for Crested Butte LLC dba Paradise Restaurant. Commissioner Puckett Daniels seconded. Motion carried unanimously.

ALCOHOL BEVERAGE LICENSE #13-37843-000; N D ENTERPRISES LLC DBA CRESTED BUTTE COUNTRY CLUB; EFFECTIVE DATE 1/14/2023 – 1/14/2024: **Moved** by Commissioner Smith to approve the Alcohol Beverage License for N D Enterprises LLC dba Crested Butte Country Club. Commissioner Puckett Daniels seconded. Motion carried unanimously.

SPECIAL EVENT LIQUOR PERMIT 1-2023; CRESTED BUTTE MTN EDUCATIONAL RADIO; EFFECTIVE DATE 3/09/2023 AND 3/10/2023 FROM 3PM - 11:30 PM: **Moved** by Commissioner Smith to approve the Special Event Liquor Permit for Crested Butte Mtn Educational Radio. Seconded by Commissioner Puckett Daniels. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Local Liquor Licensing Authority at 8:32 am.

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:32 am.

CONSENT AGENDA: With no questions from the Board, it was **moved** by Commissioner Levine of Hinsdale County to approve the consent agenda as presented. Commissioner Puckett Daniels seconded. Motion carried unanimously.

- 1. Approval for Colorado Department of Early Childhood Memorandum of Understanding (CDEC); Gunnison/Hinsdale Board of Human Services; for providing a local Child Care Assistance Program for Gunnison and Hinsdale Counties; 1/01/2023 – 6/30/2025, reaffirmed annually by amendment

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison/Hinsdale Board of Human Services 8:33 am

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:33 am.

AGENDA REVIEW: No changes were needed to the agenda.

SCHEDULING: Commissioner Houck reminded those present that he would be leaving for the annual National Association of Counties (NACo) conference in Washington D.C. next week, and would be out of office for the February 14th work session. He also gave a reminder regarding the continued public hearing with the Planning Commission on February 16th, to make sure the other commissioners would be attending.

MINUTES APPROVAL: Commissioner Puckett Daniels recused herself from the motion to approve, as she had not been present for these two meetings.

Moved by Commissioner Smith, seconded by Commissioner Houck, to approve the minutes for November 15th, 2022 and November 22nd, 2022 as presented. Motion carried with one abstention from Commissioner Puckett Daniels, who had recused herself earlier.

1. **November 15, 2022 Regular Meeting**
2. **November 22, 2022 Special Meeting**

CONSENT AGENDA: **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels, to approve the consent agenda as presented. Motion carried unanimously.

1. Approval for Colorado Department of Public Health and Environment (CDPHE) Tobacco Prevention Grant Application; for STEPP tobacco prevention funding on behalf of the West Central Public Health Partnership; \$350,000
2. Approval for Trade Contractor Agreement; CML Security, LLC; for Detention security system retrofit; 1/23/2023-12/31/2023; \$267,475
3. Approval for Community Mini Grant Application, CDPHE Office of Gun Violence Prevention; Gunnison County Substance Abuse Prevention Project (GCSAPP); for suicide prevention training and gunlock distribution; \$9,387.32
4. Approval for Charter Operator Operating Agreement and Lease of Airport Facilities; Delux Public Charter LLC dba JSX; for service to Dallas-Love Field; Leases and charges as per agreement; 11/15/2022 – 5/14/2023
5. Approval for CTSI Certificate of Participation; Colorado Counties Casualty and Property Pool (CAPP); 1/01/2023 – 12/31/2023
6. Approval for Colorado Department of Transportation (CDOT) Highway User Tax Fund Annual Report; for funding from CDOT for road maintenance – for new roads, annexations and length changes to existing roads; Certified Totals as of December 31, 2022
7. Acknowledgment of County Manager Approval; Colorado Department of Early Childhood (CDEC) Family Support Grant Application; for family support services, including Family Strengthening program, tracking, and case management; \$49,706
8. Approval for CDHS Behavioral Health Administration Contract Amendment #1; Gunnison County Sheriff's Office; for Jail-based Behavioral Health Services; 7/1/2022 – 6/30/2023; Cost reimbursement up to \$155,200
9. Approval for County Agreement; Project Hope of Gunnison Valley; to help promote the County's Healthy Communities strategy; 1/01/2023-12/31/2023; \$10,000
10. Approval for County Agreement; Gunnison Valley Animal Welfare League; to help promote the County's Healthy Communities strategy; 1/01/2023-12/31/2023; \$9,500
11. Approval for County Agreement; Gunnison Valley Health Foundation; to help promote the County's Healthy Communities strategy; 1/01/2023-12/31/2023; \$11,500
12. Approval for County Agreement; Gunnison Conservation District; to help promote the County's Healthy Communities strategy; 1/01/2023-12/31/2023; \$6,000
13. Approval for County Agreement; Gunnison Country Food Pantry; to help promote the County's Healthy Communities strategy; 1/01/2023-12/31/2023; \$12,000
14. Approval for County Agreement; Six Points Evaluation and Training, Inc; to help promote the County's Healthy Communities strategy; 1/01/2023-12/31/2023; \$12,000
15. Approval for Letter of Support; Mountain Express Federal Grant Application; for Mountain Express Bus Storage, Maintenance, and Operations Facility
16. Approval for Memorandum Agreement between Parent Possible and Gunnison County Health and Human Services; 2023 Parents as Teachers Training Program
17. Approval for Professional Services Agreement; Wright Water Engineers; for support in updating FEMA floodplain mapping in Gunnison County; Effective date of signing to 12/31/2023; up to \$10,000\
18. Approval for Colorado Department of Public Health and Environment Task Order; Gunnison County Department of Health and Human Services; Increases the availability of overdose prevention tools; 1/15/2023 – 6/30/2023

COUNTY MANAGER'S REPORTS: County Manager Matthew Birnie was present in the room for his report.

1. Wanted to bring attention to the next item on the agenda, which would be a Gunnison Valley Health (GVH) property purchase. CM Birnie let the commissioners know that he did expect a closing on the property that day. He also noted that he had asked Wade Baker – Vice President of Operations for GVH - to join the meeting remotely, in case the Board had any questions.
2. Notice of another property purchase coming up soon. CM Birnie stated that another property purchase was currently in the works, for a right of way at Brush Creek.
3. Sawtooth Affordable Housing project update. CM Birnie informed the Board that they had recently received word that the units were now on the production line; within a month or so, they expected to see units start showing up. He noted that they would get these in place as soon as they could get into the ground at the constructions site this Spring.
4. Met yesterday with Hugo Ferchau, Fire Chief and Fire Marshall for the City of Gunnison. CM Birnie stated that Fire Marshall Ferchau let him know they were regrouping efforts for a new fire station, and were trying to decide what to do regarding their long-term lease with the county for the current fire station. CM Birnie explained that they might be asking for a long-term lease or to transfer that

property, before they go back to the voters. CM Birnie further advised that the county could sell or donate this, but if they did donate a substantial sum, he thought the county would want to ask for energy components to be added to the building. CM Birnie informed the Board that Mr. Ferchau had indicated they would be amenable to this plan.

CHANGE OF AGENDA: As they were ahead of time on the agenda, Chairperson Houck elected to begin the Commissioner Items until it was time for the next scheduled agenda at 8:45 am.

COMMISSIONER ITEMS

Commission Laura Puckett Daniels

1. General community meetings. Commissioner Puckett Daniels noted that she had been meeting with various organizations in the community, trying to get up to speed on where they were at. She stated that she had reached out most recently to Region 10, Regional Housing Authority, RTA, Mountain Express, Valley Housing Fund, CC4CA (Colorado Communities for Climate Action), and the Town of Crested Butte.
2. Attended a Region 10 Broadband Conference on Monday January 30th at the Crested Butte Center for the Arts. Commissioner Puckett Daniels reported that broadband experts in policy, funding, and infrastructure from around the state had been at the conference, to discuss what is next for Colorado, based on the Governor’s executive order of 2022, wherein he stated that he wanted 99% of Colorado communities to be connected by 2027.
3. Participated in a call with stakeholders from Marble, regarding the Wild and Scenic Crystal River process. Commissioner Puckett Daniels stated that she will begin attending these calls to see where the interest is with stakeholders in the Marble area, and what the pros and cons might be.
4. Met with Dana Hlavac from DOLA. Commissioner Puckett Daniels shared that, from the meeting, she had learned there was some movement regarding working with the Somerset water system, and she expressed hope for receiving funding for upgrades. Commissioner Smith offered to send her a memo which former Deputy County Manager Marlene Crosby had put together, furnishing background on the Somerset system.

REVIEW OF GVH REAL PROPERTY HOUSING PURCHASE; LAZY K DEVELOPMENT, UNITS A, B, C, AND D; 102 OURAY LANE, GUNNISON: County Manager Matthew Birnie was present in the room and GVH Vice President of Operations Wade Baker was present remotely via Zoom, for discussion and to answer any questions the Board might have.

1. **Resolution; Authorizing the County Manager to Purchase 102 Ouray Lane, Units A, B, C & D in Gunnison, Colorado.**

CM Birnie asked VP Baker to share with the Board concerning how this purchase of this Lazy K four-plex would fit in with GVH’s portfolio and future plans for housing. VP Baker then shared that their strategy was to get to 50 housing units that GVH can either own or rent to long term staff. The target was to replace traveling staff with permanent staff as housing became available. The Board then discussed briefly topics including, income and deed restrictions, a projected GVH down payment program, and upcoming projects. VP Baker also informed the commissioners that another large project coming up would be converting the old senior care center into efficiency apartments.

CM Birnie explained that the resolution before them was required by the title company for closing; he also reminded the Board that there was no county money involved in the purchase – the county owned the real property due to statutory requirements, but this purchase would be with GVH resources entirely.

County Attorney Matt Hoyt noted for the record that there was a scrivener’s error in the resolution’s signature block; CM Birnie advised him that this error had been corrected and a correct document was now ready for the commissioners to sign.

With no further concerns from the Board, Commissioner Smith **moved** to approve Resolution 2023-1, A Resolution Authorizing the County Manager to Purchase 102 Ouray Lane, Units A, B, C & D in Gunnison, Colorado, and authorize the chair’s signature. Commissioner Puckett Daniels seconded; motion carried unanimously.

LOT CLUSTER; LOTS M1-8 AND M1-9, BUCKHORN RANCH FILING NO. 2B; AFC DEVELOPMENT LLC; LUC- 22-00066: Community Development Administrative Services Manager Beth Baker was present in the room for discussion and to answer any questions the Board might have. Also present in the room was Attorney Jake With, representing the applicant, AFC Development LLC.

ASM Baker briefly went over the application with the Board, stating that the applicant wanted to cluster two adjacent lots – M1-8 and M1-9 – in Buckhorn Ranch. She noted that the application had been reviewed and determined legally sufficient by the County Attorney’s Office, there were no liens, taxes were current, the HOA had approved it, and there were no utilities in between the lots to be considered.

Moved by Commissioner Smith to approve the lot cluster for lots M1-8 and M1-9, Buckhorn Ranch Filing No. 2B, by AFC Development LLC. Commissioner Puckett Daniels seconded. Motion carried unanimously.

LOT CLUSTER; LOTS M1-6 AND M1-7, BUCKHORN RANCH FILING NO. 2B; BASIN REAL ESTATE HOLDING LLC; LUC-22-00067: Community Development Administrative Services Manager Beth Baker

was present in the room for discussion and to answer any questions the Board might have. Also present in the room was Attorney Jake With, representing the applicant, Basin Real Estate Holding LLC.

ASM Baker outlined that this application had exactly the same circumstances as the lot cluster just approved – Lots M1-6 and M1-7 were adjacent lots in Buckhorn Ranch, the County Attorney's Office had reviewed and found the application to be legally sufficient, there were no liens, taxes were current, the HOA had approved it, and there were no utilities in between the lots to be considered.

Moved by Commissioner Puckett Daniels to approve the lot cluster of lots M1-6 and M1-7 in the Buckhorn Ranch filing, LUC-22-00067. Seconded by Commissioner Smith. Motion carried unanimously.

LOT CLUSTER; PARCELS 1, 2 AND 3, LOTS 9, 10, 11, 12 AND 13, 2ND AMENDMENT TO ARROWHEAD COMMERCIAL AREA UNIT 1; SHULTZ FAMILY TRUST INVESTMENTS, LLC; LUC-22-00005: Community Development Administrative Services Manager Beth Baker was present in the room for discussion and to answer any questions the Board might have.

ASM Baker explained that this property had a stop work order put on the property, but this had all been cured and all the requirements had now been met. The County Attorney's Office had reviewed and found the application legally sufficient, taxes were current, there were no liens, and the utility companies had been notified and they had no concerns.

The Board and ASM Baker then briefly went over the map to better understand where the lots concerned were located.

Moved by Commissioner Smith to approve the lot cluster for parcels 1, 2 and 3, Lots 9, 10, 11, 12, and 13, 2nd Amendment to Arrowhead Commercial Area Unit 1, LUC-22-00005. Seconded by Commissioner Puckett Daniels. Motion carried unanimously,

APPROVAL FOR SAWTOOTH PHASE 1, BOUNDARY LINE ADJUSTMENT; PARCEL 2, REPLAT OF FRED R FIELD WESTERN HERITAGE CENTER – GUNNISON CO FAIRGROUNDS AND LOTS 1-6, BLOCK 137: Assistant County Manager for Operations & Sustainability John Cattles was present in the room to answer any questions the Board might have.

ACM Cattles outlined for the Board that, with Gunnison County as the owner, the City of Gunnison will accept the boundary line adjustment after the Board signs. He further explained that this was essentially a "do-over," as the first signed plat had been found to have some mistakes on it; this version corrected the mistakes and Commissioner Houck, as chair for the board, would need to sign again. ACM Cattles reminded the Board also that the adjustment basically split the parcel used for the housing project into 6 legal lots to be used in Phase 1, with 1 other lot to be utilized in Phase 2.

Moved by Commissioner Smith to approve the Sawtooth Phase 1 Boundary Line Adjustment for Parcel 2, and authorize the chair's signature. Commissioner Puckett Daniels seconded. Motion carried unanimously.

APPROVAL FOR COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) GRANT CONTRACT; FOR STUDY FOR GUNNISON COUNTY CB TO CB SOUTH MULTIMODAL TRAIL PLAN; EFFECTIVE DATE OF SIGNING TO 11/13/2032; \$125,000 + \$41,667 MATCHING FUNDS: Assistant County Manager for Community and Economic Development Cathie Pagano was present in the room for discussion and to answer any questions the Board might have.

ACM Pagano briefly outlined that they had applied for a grant last summer for the multimodal trail plan, and had been awarded a planning grant of \$125,000 from CDOT with a County contribution of \$31,250, plus local support for the cash match. Recently, they had interviewed consultant teams and had just selected a team last week. She advised that their contract and the whole planning process would begin once it was accepted with CDOT.

ACM Pagano then discussed briefly with the Board concerns such as what was involved with the planning process, design, survey and engineering options, as well as timing and other goals this project might help with, for leveraging.

After this discussion, it was **moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the CDOT grant contract for study for the Gunnison County CB to CB South Multimodal Trail Plan, and authorize the County Manager's signature. Motion carried unanimously.

APPROVAL FOR SUSTAINABLE TOURISM AND OUTDOOR RECREATION (STOR) COMMITTEE CHARTER AMENDMENT: Assistant County Manager for Community and Economic Development Cathie Pagano was present in the room for discussion.

ACM Pagano went over briefly with the Board administrative changes needed from decisions made last year. She noted that they added charter members and that the amendments now allow members to serve in their terms for a later time period, to allow the BOCC time to interview and appoint. Commissioner Houck reminded the commissioners that the BOCC ratifies the appointments of the agencies, but chooses the At-Large appointments.

Commissioner Smith **moved** to approve the Sustainable Tourism and Outdoor Recreation Committee Charter Amendment, as presented. Commissioner Puckett Daniels seconded. Motion carried unanimously.

GUNNISON COUNTY BOARDS AND COMMISSIONS; APPOINTMENTS: Commissioner Houck briefly went over the boards and commission appointment process, and added that the BOCC would be holding interviews the rest of that day. He also explained that they were also currently in a second search for

applicants with those boards or commissions who had not received any applicants yet. That search deadline was set for February 17th.

The commissioners then went over the applicants for each of the Boards or Commissions needing appointments that day. These included: Board of Adjustments/Board of Appeals; Environmental Health Board; Gunnison Valley Land Preservation Board; Gunnison Watershed Weed Commission; Region 10; and Veteran Services Officer.

After several minutes of discussion of qualifications for each applicant, it was **moved** by Commissioner Puckett Daniels to appoint to the Board of Adjustments and Board of Appeals, Bill Barvitski and Andrew Tocke; to the Environmental Health Board, Shea Earley; to the Gunnison Valley Land Preservation Board, Les White; to the Gunnison Watershed Weed Commission, Lorraine Rup; to Region 10, Vincent Rogalski to the Transportation position, David Assad for the Loan Fund, and Shane McGuinness for the Loan Fund; and as the Veterans Services Officer, Steve Otero. Commissioner Smith seconded. Motion carried unanimously.

CHANGE OF AGENDA: As the meeting was slightly ahead of schedule, Chairperson Houck elected to take a short break from 9:19 am to 9:25 am.

WHETSTONE HOUSING PROJECT; LAND USE CHANGE REVIEW: Assistant County Manager for Community and Economic Development Cathie Pagano and Assistant County Manager for Operations & Sustainability John Cattles were present in the room for discussion and to answer any questions the Board might have.

Commissioner Houck explained that there had been a joint public hearing with the planning commission up through last week. This was the first meeting since the joint public hearing, to update and make sure this process was moving forward in a timely and thorough manner in order to go to the next step.

ACM Pagano went over the sketch plan information with the Board, and noted no new issues were identified. She also gave instructions for what would be required, should the Board elect to hold another optional public hearing.

Commissioner Houck went over the points with this process, and asked the Board if they felt the need for another public hearing. Commissioner Daniels felt that written comments have been robust and so did not see the need to move forward with another public hearing. Commissioner Smith felt there had been a lot of correspondence received and concerns had been very thoroughly addressed as defined by the LUR; she also did not feel the need to continue with another public hearing as well.

Moved by Commissioner Houck that the Board of County Commissioners defer its opportunity to have an additional public hearing, due to the fact that the Board felt that the two joint public hearings have more than adequately allowed them to have that input through a public process. Seconded by Commissioner Puckett Daniels. Motion carried unanimously.

Commissioner Houck then directed the Board to a review of planning commission recommendations and the resolution that had been drafted from these recommendations, before them for approval. He asked the Board if there was any part of the recommendations they would like to discuss.

The Board then discussed the recommendations, as well as concerns with standardization of size and location references, and came to the point that they felt ready to move forward from the sketch plan into the process.

Moved by Commissioner Smith to approve Resolution 2023-2, A Resolution Approving the Sketch Plan for Whetstone Community Housing Development LUC-22-00049. Commissioner Puckett Daniels seconded. Motion carried unanimously.

Commissioner Houck then thanked the community for their involvement and the team members involved and attending in person or remotely. He concluded that the sketch plan had been "pretty high altitude" but that they looked forward to taking a deeper dive with the more technical work.

UNSCHEDULED CITIZENS: There was no one present in the room or via Zoom who wished to make a comment.

COMMISSIONER ITEMS (cont'd):

Commissioner Smith:

1. State Attorney General in town for Broadband discussions. Commissioner Smith stated that while he was in town, she had been able to attend a community listening session with the AG, regarding the merger of the two primary grocery stores and its community impact. She reported that AG Weiser had made a commitment to rural communities and to ensuring that the merger did not cause hardship. She stated that the media had also approached her to inquire whether the BOCC would make a statement. She advised that she did not feel there would be anything to gain by making this type of formal statement; she felt AG Weiser's attention and proposed actions were consistent with concerns voiced from the community. Commissioner Houck expressed his appreciation that she had been cultivating a relationship with the AG's office in order to make Gunnison County's concerns be heard. Commissioner Puckett Daniels also expressed that she was continuing to advocate for competition in that market in an informal manner, noting that the lack of competition is very hard on the community.

2. Had a good conversation with the Attorney General about development of the Opioid Regional Council. Commissioner Smith stated the discussion centered around data infrastructure for the state and can the AG's Office help support this.
3. Cheatgrass Coordinator looking into greenhouse opportunities. Commissioner Smith noted that she would have to miss the meeting due to conflicts, but reported that they were finding habitat restoration to be very expensive – it was hard to obtain weed-free quality seed. Currently, seed was costing around \$300 per bag, to cover approximately an acre. She added the coordinator stakeholders were exploring opportunities to grow forbs and native plant starts that often have better success in restoration efforts.
4. Gunnison Watershed Weed Commission. Commissioner Smith addressed the two vacancies on the commission, stating that she possibly had three potential candidates that she would be contacting to see if they would be willing to apply. She also asked about the potential name change that had been contemplated last year. CM Birnie replied that the name proposed had implied that the program was able to do much more than what they actually do right now; the commission would need to talk with Assistant County Manager for Public Works Martin Schmidt, regarding a name change.
5. Opioid settlements. Commissioner Smith reported that the state's settlements were up to above \$700 million. She highlighted that she would be contacting the municipalities to answer questions and ensure they signed on to the new participation forms. Additionally, she would request they sign on to a revised IGA with Gunnison County to allow the state to send their local government shares directly to the County. This would resolve a settlement payment issue the AG's office had flagged which prevented them from sending local government share directly to the County as indicated in the original IGA.
6. Attended the Southwest Colorado Opioid Regional Council meeting in Montrose. Commissioner Smith explained that they were encountering hiring challenges in trying to find people with the expertise to help, and who are also available. She added that they might need to proceed with a different model for a coordinator.
7. Attended a Colorado Counties Inc (CCI) land use remote meeting last Friday. Commissioner Smith noted that they had been looking at CDOT specific legislation which presented challenges regarding mobile home replacement. She reported that they had examined HUD requirements and the ability to get replacements into areas with very tight spaces, as well as options to construct on site in order to replace the mobile homes.

Commissioner Houck

1. Attended portions of the CPW Wolf reintroduction open house during the last week of January. Commissioner Houck reported that the open house helped to bring several issues to the forefront. He gave a nod to the community, noting that with all the strong opinions, they were able to have hard discussion in a very constructive way. He added that they would be continuing talks through the spring and early summer, considering comments from citizen and technical groups.
2. Attended Colorado Counties Inc (CCI) meeting remotely on January 26th and 27th. Commissioner Houck stated that they were working through all the legislative bills. He informed the Board that he had been elected to be chair for the CCI Public Lands Steering Committee, and would be meeting with other state committees regarding public lands issues when he traveled to Washington D.C. for the National Association of Counties (NACo) annual conference February 11th – 14th. He also gave a reminder that the CCI legislative meetings would be continuing on February 23-24, and that the number of bills introduced would continue to explode in March.
3. Attended a NACo Public Lands Steering Committee meeting remotely last Monday night, February 6th. Commissioner Houck reported that there had been interest in the impact of renewable energy on agriculture, and asked the other commissioners to let him know if there was anything specific they would like him to bring up in his meetings with the senators and congressional delegates in Washington D.C.
4. Meeting with the Secretary of the Interior and the BLM Director while in Washington D.C. Commissioner Houck stated that he planned to discuss the Sage-grouse Resource Management Plan Amendment (RMPA) which he, CA Matt Hoyt and Wildlife Biologist Jim Cochran have been working on, as well as the BLM RMPA for wildlife corridors.
5. Road closures coordination. Commissioner Houck wanted to see if the Board wanted to have a work session discussion regarding coordinated road closures with the BLM and CPW. The Board discussed topics needed, such as public education for why the road closures are needed, as well as better communication to the community on where and when the closures take place.

In response to Commissioner Houck's request from the Board for anything specific they would like to have brought up in meetings with the senators, Commissioner Puckett Daniels requested that the post office situation in Crested Butte be brought up, as she did not want that issue to stop being brought to the forefront.

ADJOURN: Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 10:17 am, noting that the Board would then reconvene at 10:40 am for the Work Session's Boards and Commissions interviews.

Jonathan Houck, Chairperson

Liz Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2023-1**

A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO PURCHASE 102
OURAY LANE, UNITS A, B, C & D IN GUNNISON, COLORADO

WHEREAS, the County desires to purchase certain property commonly known as 102 Ouray Lane, Units A, B, C & D Gunnison, Colorado; and

WHEREAS, on May 17, 2022, the Board of County Commissioners, by resolution 22-22, delegated authority to the County Manager to negotiate and execute contracts for the purchase of real property.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The County Manager is authorized to execute and deliver all instruments necessary for the purchase of 102 Ouray Lane, Units A, B, C & D, Gunnison, Colorado

ADOPTED AND APPROVED this 7TH day of February, 2023.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes; Smith – yes; Puckett Daniels – yes

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2023 – 2**

A RESOLUTION APPROVING THE SKETCH PLAN FOR LUC-22-00049
WHETSTONE COMMUNITY HOUSING DEVELOPMENT

WHEREAS, the parcel that is the subject of this Resolution is located at 25315 Hwy 135. The parcel is legally described as: a tract of land in the NW1/4SE1/4, Section 12, Township 14 South, Range 86 West, 6th pm. There are two separately deeded parcels that are part of this application, including the parcel described in warranty deeds recorded at Reception Nos. 658634 and 685777 and the plat recorded at Reception No. 685778.

WHEREAS, the Whetstone Community Housing Land Use Change application was submitted on September 9, 2022 and was determined a complete application by staff on October 14, 2022.

WHEREAS, the Planning Commission held work sessions and public hearings to discuss the Whetstone Community Housing application on the following dates:

- October 20, 2022 Work Session and Site Visit
- November 3, 2022 Work Session

- November 17, 2022 Work Session
- December 1, 2022 Work Session
- January 19, 2023 Joint Public Hearing
- February 2, 2023 Joint Public Hearing

WHEREAS, the applicant proposes the development of an essential workforce housing residential development on the site, as governed by the Gunnison County Land Use Resolution, as amended (LUR).

WHEREAS, the LUR defines "essential housing" as "housing for qualified households as determined by the Gunnison County Housing Authority." See LUR Section 2-102.

WHEREAS, the LUR defines "workforce" as "persons who are employees in Gunnison County whose household incomes are categorized as low income (i.e., a household whose annual income does not exceed 80 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development) or moderate income ((i.e., a household whose income is between 81 percent and 120 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development). See *id.*

WHEREAS, the LUR "shall be construed liberally to further its stated purposes." See LUR Section 1-103.

WHEREAS, amongst the purposes of the LUR is to "encourage a diversity of housing types, densities, and development that assists in providing adequate housing for all people[;]. . . [t]o encourage innovations in residential, commercial, and industrial land use changes, so that the growing demands of the population may be met by greater variety in type, design, and layout of development[;] . . . [t]o encourage residential development that meets demonstrated housing needs in Gunnison County[;] . . . [t]o protect and enhance the economic strength of the private and governmental sectors of Gunnison County in a manner that is compatible with this Resolution[;] . . . [and] [t]o encourage, strengthen and promote greater economic diversity in the County, to broaden employment opportunities and reduce seasonal employment fluctuation in a manner that will not endanger or detract from the existing economy." See LUR Section 1-103.

WHEREAS, the total parcel is 15.1 acres. Approximately 231 units are proposed at the site at this time, of which the majority (more than 40% per Essential Housing standards) shall be deed restricted based on AMI limitations which will vary based on a range of community need and the ability of the County and developer to secure supplemental funding and control costs.

WHEREAS, the development will consist of no less than 80% deed restricted units total. 40% of the total units shall be restricted to incomes of 120% AMI or less.

WHEREAS, the applicant's goal is to have 100% of the units be deed restricted, including income restrictions, to meet the needs of the community as identified in the 2021 "Gunnison Valley Market Housing Update" and to respond to the Board of County Commissioner's strategic goal of building 300 housing units that are affordable for our workforce by 2030.

WHEREAS, the applicant proposes 1.8 parking spaces/unit. Section 9-604: B. 1. allows an applicant to request reduced parking requirements for essential housing projects. The applicant is requesting a reduction for this project.

WHEREAS, the applicant proposes a mixed use building to be included in the development which may include various commercial type facilities that would serve the neighborhood.

WHEREAS, the applicant has requested the modifications as allowed by Section 9-604: A.6. which states:

"The decision-making body shall approve modifications to the design requirements of Article 10: Locational Standards, Article 11: Resource Protection Standards, Article 12: Development Infrastructure Standards, and Article 13: Project Design Standards for Essential Housing, provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare."

WHEREAS, Section 9-604 requires the decision-making body to approve modifications if the criteria of energy efficiency, more amenities, or improved design, and the modifications will not jeopardize public health, safety, or welfare are met.

WHEREAS, pursuant to LUR Section 9-604, the applicant has requested three modifications to LUR standards:

- An increase in height of 25% for two buildings
- An increase in maximum structure size
- A reduction in parking standards

WHEREAS, a joint public hearing was conducted January 19, 2023 and February 2, 2023 by the Planning Commission and Board of County Commissioners, in which the Commission and the Board received and considered both written and oral public comment; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on February 2, 2023 tender to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation and the findings of fact therein, and also makes these findings of fact:

1. This application is classified as a Major Impact per Section 7-101: *More Than Four Units.*
2. The application seeks to develop essential housing and workforce housing as defined by Section 2-102.

3. The criteria set forth in Section 9-604: *Incentives Required to Provide Essential Housing* apply to this application, and the Board finds that incentives and modifications are generally consistent with the standards of the Gunnison County *Land Use Resolution* as set forth in the Planning Commission recommendation.
4. The applicant has met its burden to establish that application of a modification of the standards set forth in the LUR, including but not limited to, Section 13-103, to allow for an increase in height of 25% for two buildings proposed in the plan, is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
 - a. The applicant has established that its application meets the standards of Section 9-604: A.3, which states, "An increase of 25 percent in the maximum structure height allowed pursuant to Section 13-103: G.: *Allowed Structure Heights*, when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division." In addition, the modification standards of Section 9-604: A.6 potentially apply to this application with regard to the foregoing.
 - b. During the sketch plan proceedings, the applicant demonstrated that moving the aforementioned buildings would result in less open space and park amenities, a parking lot adjacent to the highway, reduced transit connectivity and more traffic and car trips within the development due to the location of the higher density structures in the center of the parcel. The Board therefore finds that the public will benefit from increased building heights to allow more essential affordable workforce housing in the development.
 - c. Section 13-103 is not amongst the "public health, safety, and welfare" standards described in Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Natural Resources*.
5. The applicant has met its burden, under LUR Section 9-604: A.6. to establish a modification of the standards set forth in the LUR, including but not limited to, Section 13-105, to allow for an increase in the maximum size of multifamily residential buildings is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
 - a. The applicant has demonstrated that the larger buildings will be more energy efficient; will provide more amenities, including the creation of park and open space due to size and location of the buildings; improved access to transit for residents in larger buildings; and reduced traffic and vehicles in the remainder of the neighborhood because of the larger buildings' location adjacent to the highway.
 - b. The proposed modification does not jeopardize public health, safety, or welfare and that neither Section 13-105 nor viewsheds are amongst the "public health, safety, and welfare" standards described in Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Natural Resources*.
6. The applicant has met its burden to establish a modification to the parking standards as allowed in Section 9-604: B.1. *Reduced Parking Space Requirements* and is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
 - a. This Section states: "Notwithstanding any other requirements of this Resolution, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing: 1. *Reduced Parking Space Requirements*. A reduction in the number of parking spaces required pursuant to Section 13-110: *Off-Road Parking and Loading*, depending upon location, bedroom mix, the availability of public transit and other pertinent factors."
 - b. The applicant proposes approximately 1.8 spaces/unit at this time.
 - c. LUR Section 13-110 normally requires two parking spaces for up to a three-bedroom unit.
 - d. However, the Board finds that modification of the foregoing standard, and application of Section 9-604(B)(1) is appropriate because the applicant has established reasonable efforts to balance the number of units with needed parking at the site. The applicant has shown that its proposal of 1.8 spaces/unit still provides parking for residents and that parking, along with the applicant's separate project to develop an underpass from the site connecting it to transit and a multimodal path justifies a modification of the normal parking standard.
7. Pursuant to Section 7-102: *Standards of Approval for Major Impact Projects*, the Board hereby finds and concludes:

- a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution*, pursuant to Section 7-103, *i.e.*, compliance of the proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has addressed, and the Board has evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development pursuant to the foregoing standard.
 - b. The applicant has submitted sufficient evidence at this stage of the process to demonstrate that the project concept is compatible with the community character, taking into account the appropriate modifications discussed above. The proposed development is compatible with the community character and is an enhancement of the development area because it will create a secure source of housing for community residents and does not adversely impact the area. A final determination of whether or not the proposed land use change would result in a significant adverse net effect to adjacent land uses can occur only after the applicant has submitted the Preliminary Plan application, again taking into account the provisions of LUR Section 9-604 and the liberal construction of LUR to meet its stated purposes, which include providing adequate housing for all people.
 - c. Phasing has been proposed by the applicant within this Sketch Plan submittal.
 - d. All uses have been identified on lots within this proposed development.
8. The following have been identified as potential issues related to this application during the Sketch Plan review process:
 - a. The livability of the larger buildings alongside Highway 135 and their compatibility with community character.
 - b. The opportunity for multimodal connection to the site that is safe and accessible.
 - c. The connection to the Town of Crested Butte’s water and wastewater treatment utilities. However, such issues must be balanced with the modification provisions of Article 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
 9. Commercial uses are proposed at the site. The Board finds that these proposed uses meet the sketch plan standards of the LUR.
 10. In response to recommendations from Colorado Parks and Wildlife the applicant has proposed to install bear-proof trash containers and limit the use of bird feeders.
 11. The applicant has submitted a request to the Town of Crested Butte for water and wastewater treatment utility extension.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Whetstone Community Housing Sketch Plan need be conducted by the Board, and further, the Board hereby approves the Whetstone Community Housing Sketch Plan for LUC No. 22-00049 as recommended by the Planning Commission, with the following conditions:

1. Pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan.
2. The Preliminary Plan application shall address how the application and proposed development will address the following issues identified during the Sketch Plan review process:
 - a. Applicant shall describe the livability of the larger buildings alongside Highway 135 and their compatibility with community character including design, form, massing, and architectural features, taking into account the modification provisions of Section 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
 - b. Applicant shall identify options for multimodal connection to the site that is safe and accessible, taking into account the modification provisions of Section 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
3. The applicant shall further identify how the proposed project modifications allowed per Section 9-604: A. 6. *Modified Development Standards*, will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare than if the modifications are not approved.
4. The proposed development shall include bear-proof trash containers and limits on the use of bird feeders in compliance with the recommendations of Colorado Parks and Wildlife.
5. Per LUR Section 7-202(O), approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this

- Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.
6. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within twelve (12) months after the date of approval of the Sketch Plan. Per Section 7-202: Q. *Extension of Submittal Deadline*, the Board may extend the deadline to submit a Preliminary Plan application for no more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.
 7. This approval is founded on each individual requirement. Should the applicant successfully challenge, in a judicial proceeding, any such finding or requirement, this approval is null and void.
 8. This Sketch Plan approval 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.
 9. 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 application.
 10. 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.
 11. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted on this 7th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes; Smith – yes; Puckett Daniels – yes