

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, July 20, 2023**

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. and on Zoom on Thursday at 8:45 am.

Present:

Planning Commission (PC) Chairperson – Andy Sovick PC Vice-Chairperson – Roland Mason PC Commissioner – Matt Schwartz PC Alt. Commissioner – Annie Beall PC Alt. Commissioner – Eric Phillips County Commissioner Chairperson – Jonathan Houck County Commissioner – Liz Smith	Assistant County Manager for Community Development– Cathie Pagano Planning Director – Hillary Seminick Senior Planner – Rachel Sabbato Planner – Sean Pope Others present as listed in text
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Absent: County Commissioner Laura Puckett-Daniels, PC Commissioner Fred Niederer

Recused: NA

Zoom: Utilities Manager Robyn Zimmerman, Commissioner Julie Bacca

8:45 AM With a quorum present Chairperson Sovick opened July 20, 2023 regular meeting of the Planning Commission.

The Planning Commission reviewed the July 6th, 2023 meeting minutes. The minutes were approved with the following amendments:

- July 6th, 2023 Minutes
 - Vice Chair Mason recommended approval of the minutes with correction of the spelling of Baca to Bacca. Commissioner Beall seconded. Approved unanimously.

9:00 AM Continued Joint Public Hearing: LUC-19-00013 Minor Impact Review for Terra Vista North Subdivision

With a quorum present, Chairperson Sovick opened the meeting at 9 am. Chairperson Sovick noted the hearing was initially opened last year then inquired if adequate public notice was provided, and Rachel Sabbato confirmed that adequate posting, mailing, and publication of notice was provided. Sovick confirmed there was no ex parte communication and outlined hearing process.

The applicants John and Mary Lou Gregory introduced themselves and outlined the history of their ownership of the subject property. They noted the Whip Ditch flows through the property and that they have no plan to impede any flow or otherwise injure the water rights associated with the ditch; and that they plan to clean up the vegetation in the tailwater ditch, which is fed by lateral groundwater percolation. They feel their project, that they have been working on since 2018, would be an asset to the community.

Sabbato added the development would be connected to central sewer and a water augmentation plan for future wells had been obtained. The subdivision would utilize an existing access and a ROW width reduction from 60 to 40 feet was previously approved. The applicant has provided a draft plat for the subdivision.

Bacca asked if others could use the sewer easement to connect to the sewer line.

The applicant stated that at some point he might be willing to; however, he feels that other properties will have other opportunities to connect to the sewer.

Commissioner Schwartz asked for clarification on the number of ditches and associated water rights.

The applicant confirmed there are two ditches on the property: the Whip Ditch, which conveys a decreed water right, and a tailwater ditch that does not convey any water rights. The applicant represented they will not impede on either ditch.

Schwartz asked the applicant to confirm that they will not impact the decreed deeded water right.

The applicant confirmed that they will not impede on the tail whip ditch and that they have not exercised their 1/20th water rights on the Whip Ditch.

Sovick asked if there were additional questions regarding the ditches. Sovick noted that they may seat an alternate if needed towards the end of the meeting to ensure an odd number of Planning Commissioners in the event of a decision.

County Commissioner Houck asked the applicant to outline how the proposal aligns with the North Sub Area and Three Mile Plan.

The applicant noted that he has been approached regarding connectivity for utilities, road, and bike/ped infrastructure to connect to Van Tuyl and Slaughterhouse Road area. He further noted that he was here to make utility connections work.

Houck asked the applicant to address the timing of the subdivision and relationship to extension of the City transportation grid and utility connections.

Pagano noted that this will be an issue inherent to the area and that staff requested the applicant to delay the application until the Three Mile Plan process was complete.

Houck asked how can we extend utilities though this area to areas of higher density that can support the extension of utilities.

The applicant stated that the development order of the subdivision lots may create opportunity to create these connections and that the ADUs add potential to increase density.

Houck noted prior discussion for adjoining properties to connect to utilities and that there is an explicit need to connect adjoining properties to these services.

Pagano noted the applicant has not provided what is required to establish easements for adjacent properties to connect to utilities or establish access across and through the subject property.

Houck requested guarantees for utility and access easements.

Mason asked if the water purchased would be sufficient for both single family residences and ADUs.

The applicant stated individual developers of each lot would need to contact the Division of Water Resources (DWR) if they wanted to develop an ADU; however, the water is sufficient for each lot to be developed with a single family home.

Sabbato noted the covenants allow for ADUs but the well permits currently do not provide adequate water for two residences at each parcel.

Pagano noted this is typical throughout the county.

Commissioner Sovick opened the floor for public comment.

Harry Haynes provided background on the ditches flowing to and across the subject area, noting he does not want to see wildlife associated with the ditches impacted by the subdivision.

Jacob With, esq., representing Columbine Subdivision HOA; disputes the claim the application is compatible with the Columbine Meadows Subdivision. The applicant is proposing a setback reduction relative to Columbine Meadows. Columbine Meadows has a 25' setback, whereas the Gregory subdivision requests a 15' setback. His client would like to see a 25' setback. Having large setbacks will allow for flexibility in future development.

William "Pete" Glatiotis, owner of Lot No. 5 in Columbine Meadows, stated his house is constructed 50' from property line. Feels the subdivision application is piece meal relative to the Country Meadows subdivision and there are aspects that don't seem practical such as sewer easements. He wants to see a requirement for ADUs to be integrated to maintain the look of a single family neighborhood. They feel the impact classification designation is not appropriate given the number of potential units and has concerns about wildlife habitat impacts.

Christopher Klein, owns property to east, requests utility easements adjoin to his property to allow for future utility connections to the east.

Kelland Davis asked how tiling of the tail water ditch could impact flow of that ditch.

There was discussion between Harry Haynes and the applicant regarding a pond. Commissioner Sovick noted the hearing was not regarding a pond.

The applicant stated the combined setbacks proposed are adequate. They would like to revisit trails and access to Slaughterhouse Road, creating safer routes for kids to go to school.

Pagano noted that if the applicant is proposing an access easement that would need to be provided in writing.

Sovick asked the applicant if they would be willing to put this into writing.

The applicant responded yes and that they feel it would be a good idea.

Sovick noted they would need something in writing regarding access and utility easements.

Katherine Haynes added bike and pedestrian connectivity is needed to avoid CO-135.

County Commissioner Smith asked how this moving forward and stated that she would like to see an easement agreement. She noted ADUs are consistent with the denser development that has been discussed in the Three Mile Plan; however, it is unclear to if wells are sufficient infrastructure.

The applicant responded future developers would potentially be required to amend the well permit to accommodate an ADUs; however, they would like the option to connect to central water.

Pagano noted that it is not uncommon for property owners to apply for a new well permit to support a second residence, such as an ADU, on a single parcel.

Schwartz asked the applicant to confirm that ADUs are just included in the covenants as an option?

The applicant confirmed that ADUs are an option in the covenants and that they are considering that in development of the first lot. He asserted that Columbine Meadows has the same ability to develop ADUs.

Both Sovick and Sabato noted that they are not familiar with the Columbine Meadows covenants to confirm or deny the applicants assertion.

Sovick asked staff how to proceed considering the draft recommendation and the need for additional documentation from the applicant.

Seminick recommend continuing hearing in order to review the potential access and utility easements discussed at today's hearing.

There was brief discussion between Mason, Sabato and the applicant regarding how a ditch easement is measured. It was confirmed that the ditch easements in the proposed subdivision meets the county ditch easement standard dimension of 25' as measured from the ditch centerline.

Commissioner Schwartz moved to continue the hearing to 9am on Thursday, September 7th 2023, Commissioner Mason seconded and the motion was passed unanimously.

Chairperson Sovick adjourned the meeting at 10:19 am.