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GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, October 19, 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 **Present:**

Chairperson-Andy Sovick	Director of Planning - Hilary Seminick
Commissioner-Matt Schwartz	Planner - Sean Pope
Commissioner-Fred Niederer	Others present as listed in text

Absent: Alt. Commissioner Annie Beal

Recused:

Zoom: Vice-Chairperson- Roland Mason, Commissioner- Julie Baca, Alt. Commissioner- Eric Phillips, Bobette Sylvester-McCarroll (applicant)

Others: Jacob With

8:47 a.m. Call to Order: With a quorum present Chairperson Sovick opened the October 19, 2023 regular meeting of the Planning Commission at 8:47 a.m.

The Planning Commission reviewed the September 21, 2023 meeting minutes.

Moved by Commissioner Mason seconded by Commissioner Schwarz to approve Planning Commission meeting minutes, dated September 21, 2023, as amended. The motion passed unanimous.

9:00 a.m. Work Session: LUC-22-00052 Elk Ranch Homestead Subdivision

With a quorum present Chairperson Sovick opened the work session at 9 am.

Hilary Seminick provided an overview of the project:

The project is to subdivide a ~14-acre undeveloped parcel into three lots: two 5.85-acre parcels and one 2.5-acre parcel. The project is located on the west side of town and on the east side of the Gunnison river. The applicant is Bobette Sylvester McCarroll, who is represented by Jacob With. Seminick invited McCarroll to review her PowerPoint presentation to the Commissioners.

McCarroll started the presentation:

The parcel is the old Elk Ranch Homestead, or Mr. Jackson's old parcel, located directly west of the elementary school. Property is located adjacent to the City of Gunnison, but within Gunnison County. There is a distinct old barn located on the property that McCarroll is fond of. McCarroll has been working on this application since 2021. The parcel is currently deed restricted to 3 Single-Family Homes (SFH) and the McCarroll's would like to keep it that way. The property has been used for hay production with a local rancher, and there are irrigation rights that carry with the property.

Applicant reviewed a draft plat overlaid on a satellite image, showing an entrance coming in from the south, running north. The McCarroll's are working with a builder, with hopes of building a home for themselves on the northern parcel next spring. The middle lot would be for their children, and the southern lot would be a 2.5-acre lot to sell to others.

The McCarroll's have been working with both the City and the County. In conversations between the McCarroll's and the City, the City has said they will need an easement on the northern part of the property in order to continue working on the Van Tuyl water project. The McCarroll's are willing to work with the City on this. A well was drilled on the northern end of the property last year because the McCarroll's were informed that they could not get City water extended to the property under a previous administration. McCarroll explained that septic was not allowed on the property due to its location near the water, and they have been working on an agreement with the City to extend the sewer main to the property. There is existing power to the property, and the McCarroll's are working with the City to discuss the potential for water to be extended to the property sometime in the future.

McCarroll reviewed the proposed covenants for the subdivision:

1. One single family residence per property, and any such outbuildings as are reasonably necessary for agricultural purposes
2. No commercial activity.
3. Accessory dwellings are permitted as part of any Outbuilding or detached garage Design review approved by at least one other owner. Harmonious with natural environment
4. Utility and driveway easement with shared maintenance and snow removal costs.

Seminick acknowledged that McCarroll has been excellent at learning the land use process in working with the City and County. Seminick discussed the potential for annexation and extension of utilities with the change in administration at the City. She continued by highlighting the connectivity of the property, with the potential easement on the northern part of the parcel being a potential east-west connection point, adding that this connectivity comports with the three-mile plan.

Seminick touched on Gunnison County's Land Use Resolution (LUR) Section 9-101:E Integrated Secondary Residences, and that after discussion with Mr. With, the covenants would allow for Accessory Dwelling Units (ADU's) to be permitted should the deed restrictions be changed, and allow for additional density. The County supports ADU's as a general policy.

Seminick discussed the deed restriction of the property, and noted that additional density is desired with its location within the three-mile area. Seminick said that after discussions with the County Attorney's Office (CAO), the County is not interested in removing the deed restriction at this time.

Jacob With spoke to the deed restriction, out buildings, and ADU's. The deed restriction limits development to SFH's and out buildings. His interpretation is that adding a residence to one of the out buildings would be permissible under the deed restriction. Adding that the deed restriction is more of a building restriction rather than a use restriction, and the covenants are in line with this. He added that there is a possibility that the deed restriction gets modified in the future. But the covenants as written allow for flexibility and would not need to be re-written if the deed restriction is changed.

Commissioner Sovick asked for clarification about the deed restriction and covenants. Seminick clarified that the County has not been party to the deed restriction and there are currently no covenants on the property. She explained that the deed restriction was placed by a previous owner when the Elk Ranch was conveyed, and there is a restrictive covenant within the deed restriction. She adds that County does not have interest to push the applicants to amend the restrictive covenant.

McCarroll said that they have had a discussion with the party who put the restrictive covenant in place, and that party was not interested in changing the restrictive covenant in any way.

Commissioner Niederer asked to clarify if ADU's are allowed or not?

With responded by reviewing the deed restriction, which states "...not to exceed three single family homes and necessary utility buildings and customary agricultural buildings." With further explained that if there is a barn, and someone wants to put an ADU in the barn, he does not see any inconsistency with the deed restriction that would not allow for the ADU to be added. The covenants were written to allow for this flexibility.

Commissioner Mason asked Seminick if she thought if Planning Commission approved the covenants as written, if that there could be ramifications in the future from landowners or neighbors about the number of buildings being built, as the deed restriction states only three SFH's can be built. Seminick could not answer during the meeting, as she had not reviewed with the CAO and the question has not been fully addressed. She further clarified that the County would like to encourage ADU's, but cannot speak to the intent of the covenant itself. Seminick reviewed the subdivision process itself and how it will need to go through the County and City process simultaneously.

Chairperson Sovick closed the ADU discussion.

Sovick asked for clarification about the old barn on the property. McCarroll "loves" the barn and would like to move the barn to the northern lot. If it must remain on the southern lot, they would add a provision that if the property owner wishes to get rid of the barn, that it be donated to a historical society. Adding that they would not allow the barn to be torn down.

Sovick asked about easements, rights-of-way (ROW) and access. Seminick explained that the easement to the east could be used for utilities and future city roads. Seminick reviewed the map on the PowerPoint presentation to more clearly address Chairperson Sovick's question.

Seminick explained that the Gunnison Community school is to the east of this property and there is north-south ROW that has been preserved for future utility and transportation options. This ROW continues and then goes east-west on the northern part of the property. This ROW was intended to preserve future connectivity in this area, and is currently unimproved. What is currently being contemplated by the applicant and the City is extending a ROW preservation corridor along the northern parcel boundary, which would allow for connectivity to the west. This agreement may allow for future annexation and utility extension.

Chairperson Sovick then asked Seminick for clarification about Planning Commissions role in the northern ROW, as it seems the work is between the landowners and the City. Seminick confirmed that the easement on the northern end of the property is between the City and the landowners. Seminick went on to explain that Planning Commission is currently holding a work session to review all of the information on the table and determine the project's compliance with the LUR. She reviewed the County process and the next steps that Planning Commission can take, which include: scheduling a site visit, scheduling another work session then a public hearing, or scheduling a public hearing next.

McCarroll brought up that there is no defined date for annexation and that the agreement with the City will say "...annexation in the future..." She added that the easement and ROW agreement is

between them and the City, not the County, and that they are able to request a Subdivision with the County without having those documents fully executed.

With said that McCarroll is entitled to move the process forward and that commissioners could evaluate the project for its compliance with the three-mile plan. He further clarified the distinction between the ROW and the annexation, as they can likely get the documentation for the ROW agreement soon, but that annexation is something that may or may not happen in the future.

Seminick asked With, since this project is a Minor Impact Subdivision, if the County could request the ROW be shown on the plat. With explained that you can show the ROW on the plat, and you can also grant a ROW later, but showing it on the plat would be simpler.

For next steps, Seminick explained to commissioners that staff is comfortable scheduling a public hearing next, knowing that there will be a discussion around the ROW.

Chairperson Sovick asked if Planning Commission would like schedule a site visit. All of the commissioners are familiar with the property and none requested a site visit. Sovick asked commissioners if they were comfortable to move this to a public hearing, to which the commissioners agreed to schedule a public hearing as the next step. Commissioner Mason requested that the discussion between staff and the CAO be shared with the Planning Commission before the public hearing. Sovick requested to see the locations of the hypothetical sewer and water connections for the next meeting. Seminick confirmed that these would be provided to commissioners before the public hearing.

After a discussion about logistics, staff, commissioners, and the applicant all agreed that the public hearing will be scheduled for January 4, 2024.

Chairperson Sovick closed the work session at 9:45am.
