

**8034GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Thursday, November 16, 2023**

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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	Ast. County Manager of Community and Economic
Commissioner-Matt Schwartz	Development – Cathie Pagano
Commissioner-Roland Mason	County Attorney – Sammy Obaid
Commissioner-Juile Bacca	County Attorney – Matthew Hoyt
Alt. Commissioner – Eric Philips	Planner – Sean Pope
Alt. Commissioner – Annie Beal	Planner – Rachel Blondy
	Planning Technician – Jena Greene
	Others present as listed in text

**Absent:** Commissioner Fred Niederer

**Recused:**

**Zoom:** Vice-Chairperson- Roland Mason, Commissioner- Julie Baca, Alt. Commissioner- Annie Beal

**Others:** Bill Barvitski

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**8:47 a.m. Call to Order:** With a quorum present Chairperson Sovick opened the November 16, 2023 regular meeting of the Planning Commission at 8:47 a.m.

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It was noted that the October 19, 2023 meeting minutes were not distributed with the meeting materials. They were to be reviewed and approved at the next Planning Commission meeting.

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**9:00 a.m. Work Session: Proposed Amendments to the Gunnison County Land Use Resolution.**

With a quorum present Chairperson Sovick opened the work session at 9 am. The BOCC had reviewed the draft and the proposed changes the previous week. He reminded the commission that LUR was the governing document for Gunnison County and that working through the proposed amendments was an opportunity to act on comments heard from the community.

Cathie Pagano provided an overview of the project: Staff originally intended have the amendments reviewed and processed by the BOCC without bringing them to the Planning Commission. After review from the County Attorney's office, it was determined that the planning commission needed to review and recommend the changes to the BOCC prior to adoption per Colorado State Law.

The draft amendments were reviewed in a work session with the BOCC on November 6, 2023 with support for the draft from the commissioners. Because many of the amendments were proposed because of a court order in the Tyzzer v. Gunnison County case, staff were working to have the amendments adopted in a timely manner. The amendments were scheduled to be reviewed by the BOCC in a public hearing on December 19<sup>th</sup>.

Chairperson Sovick asked if there was time to propose other changes. Pagano replied yes, but with the caveat that there was time sensitive. There were court ordered changes that had to be approved soon.

County Attorney Obaid stated that the LUR needed to be adjusted so that the first step in an appeal process was for it to go to the board of adjustments. This would be a significant change for this board.

County Attorney Hoyt added that this would limit who would hear appeals for building and land use code decisions. The amendments were designed to comply with state statutes. The Tyzer case was very limited on facts and what the ultimate decision was for who hears appeals. This case did not drive the entirety of the changes being proposed.

Pagano gave a presentation of the changes.

- The term “Board” was replaced with “BOCC” throughout the LUR where appropriate.
- 1-106(H) – locations and extent review projects – wasn’t previously identified in regulations. Not a change in process, changing in identification in LUR.
- 1-110: Special area regulations – clarification that the BOCC and PC could make amendments to special area regulations
- 1-116: Board of Adjustments-
  - appeals may be rendered for community development decisions, regular members, length of term, associate members. BOCC thought it was important that the Board of Adjustments has the ability to overturn a decision made by the BOCC or the planning commission. The law allows for BOCC to be members of the BOA. Staff recommends that the BOA is not made up of just members of the BOCC. Having 2 at large members gives the BOA the ability to have an added level of expertise on the BOA.

*Question from Chairperson Sovik- how did the BOCC feel about this?, Pagano- they were supportive.*

*Question from Bill Barvitski – does 5 total members mean that 5 members is a quorum? Hoyt- the BOA will need to adopt bylaws. To affirm a decision, the BOA decision to affirm the ruling of, for example the planning director, the vote must be a majority. To repeal a decision, the vote must pass by a super majority. This was determined by the state legislature.*

- Members of the BOA serve one-year terms and can be reappointed many times.
- Vacancies and removals – staff were concerned that when there’s a change in administration, new officials will want to appointees that will carry fourth their vision. The BOA could only be removed by cause. Staff thought that the best way to mitigate this, that the BOA members should be reappointed by the BOCC every year, then BOCC members could reappoint or appoint how they see fit. If there’s a vacancy, the BOC could appoint an associate.
- CO stature allows BOA to be 3 members or 5 members.
- BOA will adopt its own bylaws.
- Article 2: Definitions-

- residence: strike integrated secondary residence. Staff would like to simplify and make it easier for them to allow for a secondary residence on the property.
- Special Events-Added/clarified that a special event permit is requires where a property owner or lessee is compensated with a site fee.
- 3-112: Notification/notice of public hearings – strike persons expression interest in the application. Hoyt – changes in technology allow that people can sign up for notifications electronically, and staff would still publish in the newspaper. Reduces taxpayer expenses. Not a requirement from the Tyzer case, just a staff recommendation.

*Question from Schwartz – does this remove access and transparency? Pagano- current requirements created a burden on staff and opportunities for staff to slip up. Doesn't take away from the desire to provide good customer service, staff will work to accommodate anyone that asks for assistance. This was more to reduce the requirement for "mailings" for anyone that shows up to a meeting.*

- 3-114: Change for no ex parte comments accepted by members. Restates the law, Sovick inquired if this was too redundant. Acts as a friendly reminder of the state of the law.
- 4-102: Strike secondary residence smaller than 1200 sf requirement for admin review. Small effort to reduce regulatory effort for people applying. Still subject to same standards and review when applying for a building permit.
  - Modified language to match 13-105 and minor impact section.
- 5-102:
  - Mobile home not in a mobile home community. This regulation puts extra burden on people wanting to have a mobile home as their residence.
  - Proposed elections as of effective date of resolution.
  - Removal of Driveway to Vacant Land– allowing driveway access without a building permit. Seeing challenges sets an opportunity to be misread. Being used specialty. Hoyt encouraged the planning commission to discuss this proposed change

Discussion: Acknowledgement from committee and Barvitski that may people build in phases for various reasons. Even though the removal of driveways to vacant land was working towards having driveways to nowhere, and to make sure that driveways meet county requirements. There would still be access for soils tests, well testing, etc.

Pagano – county does allow temp. access permits, noted that it didn't work for everyone. Gave ex. of wilder on the Taylor, where the driveways lead into an elk migration corridor.

Chairperson Sovick asked the commission if there was anyone in favor of striking this section from the LUR, and no members were in favor. Suggested adding language that states that there's no guaranteed right to build in a given space. \*\*\*include terms that are user – strike driveway and use term residential access.

Hoyt- suggested that language along the lines of "issuance of such a permit does not relieve the applicant of potential future uses of the land" be added. Staff would make changes and present at the next meeting.

- Non-commercial helicopter use be changed to be a minor impact so this could be vetted in a public setting instead of being an admin review.
- Cleaned up language for (K)
- 6-102:
  - Aligned language for size requirements with 13-105. (B,C,D)
  - (k) cleaned up language.
  - Addition of helicopter to minor impact.
  - Suggested addition by Schwartz -6-102. Increase number of units allowed in a minor impact project, currently maxes out at 4 units. Other members agreed. Sovick made the recommendation of changing 2-4, to read 2-8.
- 6-105, updating language to reflect current process and technological advances (copies no longer required)
- 8-100:Appeals.
  - B) standing to appeal – not required by Tyzer case, standing is the right to appeal a land use decision. Current LUR allows for any member of the public, which attorneys felt was too broad. Rewritten to reflect current Colorado law minimums in an effort to a more efficient and streamlined land use process. Anyone who appeals must have a stake in the property.
  - addition of county as a body that can appeal. Staff was in favor of this change, seemed wonky
  - emergency regulations changed to no later than 90 days.
- 9-101: Secondary residence does not require a LUC permit.
- 9-102: Changed structurally integrated language. Strike part c on page 157, make process easier for mobile homes. Removed design requirements.
- 9-201:
  - Struck temporary mobile home building permit/ application.
  - Struck more than more mobile home counts as a community.
- 9-509: Camping on individual parcels – not allowing advertising as compensation. Removes that ability to have a “hip camp”. Wanting to have applications for commercial use where appropriate.
- 11-103: Removal of language for notification
- 11-104: removed confusing terms around geologic hazards and simplified language.
- 11-106: broadened language to encompass all wildlife not just the sage grouse.
- 10-102 C, not 3, making changes to encourage development closer to population centers, working to further reduce sprawl. Work to be more targeted and thoughtful about reducing sprawl.

Sovick in support of changes but thought that this change should be further discussed at a later date, and that it could be its own meeting.

Mason - Focus on areas that have public utilities. Applicants in these areas need to demonstrate that they will not have adverse impacts.

End of review for proposed changes.

Sovick: Camping on individual parcels – why is it limited to 14 days. Pagano – after that point, need to apply for long term camping permit. Created out of concern for wastewater. Sovick: received complaints from landowners. Pagano: main concern for people dealing with wastewater.

Barvitski – would staff consider extending that 180 days. Pagano – staff would not  
Determined that a second meeting to review those changes was not needed.

**Baca made a motion to move forward with the LUR with changes as suggested. Seconded by Mason. Motion passed unanimously in support.**

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