

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, January 4, 2024**

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 Vice-Chairperson- Roland Mason Commissioner-Fred Niederer Commissioner- Julie Baca Alt. Commissioner- Eric Phillips BOCC – Jonathan Houck BOCC – Liz Smith BOCC – Laura Daniels	Director of Community and Economic Development- Cathie Pagano Director of Planning- Hilary Seminick Planner-Rachel Blondy Planning Technician – Jena Greene Others present as listed in text
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Absent: Commissioner Matt Schwartz, Alt. Commissioner Annie Beal

Recused: None

Zoom:

With a quorum present Chairperson Sovick opened the January 4, 2024, regular meeting of the Planning Commission at 8:57 am.

Moved by Mason seconded by Niederer to approve Planning Commission meeting minutes, dated December 21, 2023. The motion passed unanimous.

9:01 am: Joint Public Hearing: LUC-22-00052 Minor Impact Review: Elk Ranch Homestead Subdivision

With a quorum present Chairperson Sovick opened the joint public hearing. Applicant Bobette Sylvester-McCarroll and attorney Jacob With were present.

Staff noted that adequate public notice was given, as noted in section 2 of the staff memo. No Planning Commissioners or BOCC members present noted any ex parte communication or needed to recuse themselves.

Applicant presentation: The applicant’s attorney, Jacob With noted that the last meeting included an in-depth conversation about the covenants and potential annexation to the City of Gunnison. His update for the commission that the agreement for access to city water and wastewater was still pending but moving forward. The documents were drafted, there were some smaller items being discussed, but he expected that it would be approved soon.

McCarroll added that they had 2 potential paths forward. One, the approval of pending agreement with the City which would allow them to tie into utilities or their second option of an agreement with the county to use county sewer and dig wells for the each of the three proposed parcels.

Staff Presentation: Seminick gave an overview of the project. The applicant is proposing to subdivide the 14 acre parcels near the Gunnison Public Schols into 3 parcels. The resulting parcels would be 5.85, 5.85, and 2.5 acres. An image showing the Proposed building envelopes and driveway access off of Denver Street for all parcels was presented. The applicants were in the process of obtaining water and sewer access through the city of Gunnison, but also had well rights in place for all parcels if needed. Seminick noted that the location of the parcel was adjacent to residential area, there were no comments concerning wildlife impacts, and staff didn't anticipate any significant impacts to transportation.

Seminick acknowledged and clarified some concerns that were had been brought up in public comments. There was some public comment concerning the pre annexation agreement with the city. Seminick noted that the agreement with the city was a separate process. This application was concerning the subdivision of the lots. Seminick added that the County encouraged the applicant to work with the city for connection to city water and sewer and supported the pending pre annexation agreement.

The applicant added that currently they were restricted to only build 3 homes with the approval of the subdivision. The plan was that the applicant would build on the new northern parcel, the applicant's daughter and son-in-law would build on the middle parcel, and the southern parcel was to be sold.

Seminick distributed additional public comment had been sent in on 1/3/2024 (the night before the meeting) by Bill O'Rourke (380 CR 15).

My Family and I live on county rd 15. This county road is very small but sees and enormous amount of traffic! Most of the traffic is pedestrian but I think the addition of more vehicular traffic can only be accomplished with some major road improvements! There is already a major need for the county and city to work together to avoid what I believe is and inevitable problem in the future. This road should be designated a school zone! The area, a popular recreation area, needs more signage to help users be aware of the county road and proper places to park for this area. The recreation path dumps onto county road 15 without any signage, warning people they are stepping onto a county road! Peoples' dogs are loose and I have had several dogs and people run right out in front of me onto the road! Classes use this road. The middle school therapist walk this road several times a day with students they are counseling. We regularly see students, with and without teachers, using the road and surrounding areas as an outdoor Classroom. We have only lived on this road since 2015. But I am amazed we have not seen any major occurrences on county road 15. I have witnessed people speeding down the road looking for river access, one gentleman I spoke with said " I don't know where I'm going" he was wearing his waders looking for fishing access and the " correct place to park"! This is a mismanaged county road, as it is, that the city and county need to come together and address! If we are going to add more traffic, (create a loop from 8th and Denver) I think the developer should pay to cover the ditch south of the road and widen the road and open visibility by clearing willows AT A MINIMUM! I am opposed to this "minor impact land use change for the three-lot subdivision", and I think the county and city should be as well! Anyone is welcome to contact me if they would like to talk about this further.

Thank you for your time, Bill O'Rourke

Seminick had asked assistant County Manager for Public Works, Martin Schmidt to comment on O'Rourke's comment. Seminick read Schmidt's comment for the hearing: He confirmed that there was no proposal for the access to the parcels to come from CR15, and per conversations with the fire department, that was acceptable access, and that there would not be increased vehicular usage on CR 15 from this application. Seminick noted that the public comment therefore didn't apply. Schmidt had further added in his comment that the width of CR 15 and how it impacted the County's ability to perform maintenance and install improvements.

Houck clarified for the room that there was no access being proposed for this application to CR 15, all access would be off of Denver St. This application was interesting because surrounding parcels were annexed into the city and this one was not.

Daniels asked for clarification concerning the water provision. She wanted to know if the applicant's intention was that if the agreement was signed with the city before development began that the applicants would connect to city water, even though there were existing wells. The applicant expressed that their preference was to tap into the city water, but they had built the well early on in the process in order to begin building. They had been through a long and complicated process with the city and that they were trying to build in summer 2024, and if the water connection was not an option at that time that they would connect to the well.

Applicant further clarified that all the parcels would only be accessed through the south. The only time that the property would be accessed through the north would be to hay the fields, and for easements that had been granted to the City for well drilling.

Public Comment: Susan Teal (380 CR 15). Teal noted that in the notice of joint public hearing they received mentioned the access to the proposed parcel from the north. She noted that there were already traffic conflicts on the road between vehicles and pedestrians. Safety was the main concern since the school used part of the area for an outdoor classroom, and more signage was needed for the road.

Seminick addressed the comment. She apologized for the confusing language of the notice. The county did originally require two points of egress for the application of the subdivision, but the northern access point was dropped.

Mclain Family (440 CR 15): Concerned about people turning around at the end of the road.

Planning Commission Comments: Sovick asked the BOCC and the PC to ask staff to draft a recommendation of approval to be discussed and reviewed at the next public hearing. The planning commission asked staff to draft a recommendation of approval to be reviewed at the public hearing for the application to be continued to 9am, January 18, 2024. The next steps were to review the recommendation of approval at the next planning commission meeting and could be then further reviewed by the BOCC possibly through another public hearing if the BOCC thought it was needed.

9:40 am: Planning Commission Work Session: LUC-23-00052 Impact Classification Reduction from Minor Impact to Administrative Review, Lot 3, Red Mountain Ranch Estates Subdivision

With a quorum present Chairperson Sovick opened the work session. Jim Jose, architect, Paul O’Conner, Builder, and Liz Berholtz were present on behalf of the applicant.

Staff Overview: Rachel Blondy gave an overview of the project. This application is similar to another project in the same subdivision that was recently reviewed by commission. The applicant was applying for a impact classification reduction because the current proposed building location was breaking the ridgeline vantage from highway 135. The current proposed building location was in the flattest location on the southern part of the property. Moving it would drop the building area into 30-50% grade, which wouldn’t be allowed, or if they moved to the northern part, the driveway would be more of an eyesore than what was currently proposed. A driveway to vacant land had been approved and built last summer, which Blondy noted, did not entitle the applicate to build there, but was a factor that the planning commission to consider.

Applicant Overview: Jose added that he and the design team had begun working on this project with the impression that convenience for Red Mountain Ranch and Red Mountain Estates were the same, and that they had designated building envelopes that were grandfathered in with the approval of their covenants when the subdivision was created. The construction of the driveway what really challenging due to the grade. When they had further examined other locations on the property for potential building sites, they determined that that the designated envelope was the best location for building. O’Conner noted that this was a lower lot in this subdivision and that the ridgeline was protected by its location and the surrounding trees.

Mason added that he was familiar with the area. This home would be more visible than the previous application for this area, but the previous project had a lot more adequate screening. Acknowledged that this was a challenging lot to build but was concerned about the visibility. Philips echoed Masons concerns.

Niederer asked how the process would work to go from a minor impact to an admin review. The planning commission would need to find that the application had met one of the three criteria. No other feasible sites - there were other feasible sites on the lot, but there were access challenges; full screening exists or is protected – this project would be highly visible from 135; or Significant screening, which this application seemed to meet. The intent of the ridgeline vantage wasn’t that you wouldn’t see the homes, but that the homes wouldn’t pierce the sky from the ridgeline. If the planning commission didn’t find that the application met one of the criteria for a classification reduction, the project would come through a minor impact review, and it would go through a public hearing process.

Jose further added that there he thought there was no “breach” of the ridgeline. Mason, who was on zoom from his home and could see the site, noted that there was a backdrop with trees behind it. Seminick clarified that the ridgeline was measured from the road

Planning Commission Discussion: Sovick noted that Jose’s application was super helpful and detailed with the images provided and thought that the impact was fairly insignificant. Niederer added that he thought that the applicant had placed the building site in the most thoughtful location possible. No commissioners expressed opposition to the application.

Seminick added that the last application included a recommendation to include a covenant to permanently protect the vegetation that provided screening behind the structure which protected the ridgeline vantage.

Motion: Niederer made a motion to approve the impact classification reduction from a minor impact review to an administrative review based on the proposed building site location as compared to elevation changes and complexity of the building, and that the background screening was sufficient, with the condition that a protective covenant be put in place to protect the vegetation. Seconded by Bacca.

The commissioners stated that they would like to review the covenant, and the applicants agreed with the condition.

The motion passed unanimously in support.

The work session was closed at 10:15

*** Administrative Services confirmed adequate public notice. The staff had the public notice published in the Crested Butte News and the Gunnison Country Times. The applicants have submitted the certified mailing receipts and the proof of posting.

Meeting Adjourned at 10:15

To: Gunnison Board of County Commissioners and the County Planning Commission

Re: LUC-23-00052 Elk Ranch Homestead Subdivision | Minor Impact Review

From: Hillary Iza Seminick, Planning Director

Date: January 11, 2024

Date of Joint Hearing: January 18, 2024

1. Changes since the January 4, 2024 Meeting

At the January 4, 2024 joint public hearing, the Planning Commission directed staff to draft a Recommendation Document. The draft document is included in Exhibit A for the Commission’s review and consideration.

2. Project Summary

The proposed Elk Ranch Homestead Subdivision would subdivide a 14.2-acre undeveloped parcel into three lots: Lot 1, 5.85 acres; Lot 2, 5.85 acres; Lot 3, 2.5 acres. This parcel is subject to a restrictive covenant on the warranty deed which states “...run with the land, limiting the property conveyed hereby to agricultural and residential uses with not to exceed three (3) single family houses, and necessary utility buildings and customary agricultural buildings”.

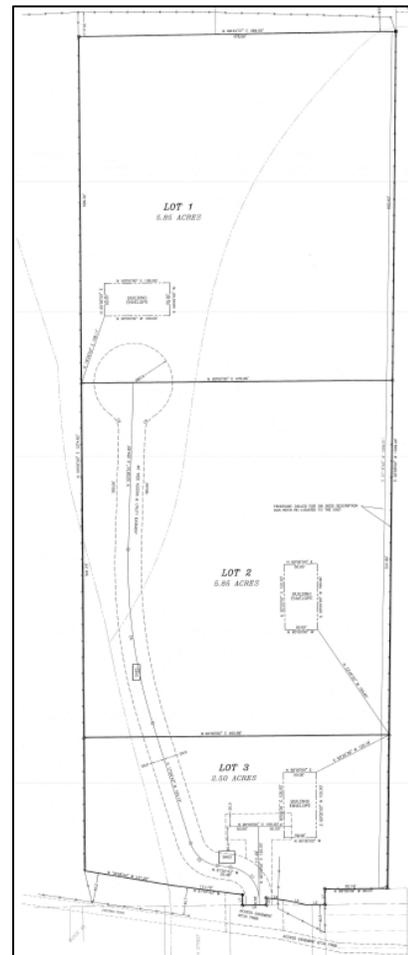
The subdivision will be served by a single access and utility easement. Access is from the south through an existing access easement north of Knowles Ranch Way from Denver Avenue and 8th Street in the City of Gunnison.

The Applicant and City are actively negotiating an agreement for future annexation to the City. This would allow the City to serve the development with domestic water. To comply with the requirement of the LUR and state statute, the Applicant has obtained adequate water rights for three single family residences. The subdivision will be connected to City sewer.

3. Public Notice

Public notice was published in the Gunnison Country Times and the Crested Butte News on November 30, 2023 and December 1, 2023, respectively. An affidavit of posting of notice was provided by the Applicant on December 1st, 2023 and certified mailing to property owners within 500’ of the subject property

Figure 1. Subdivision Map



occurred on December 5th, 2023. Staff has confirmed that adequate public notice for the joint hearing and proof of notice can be found in the project file.

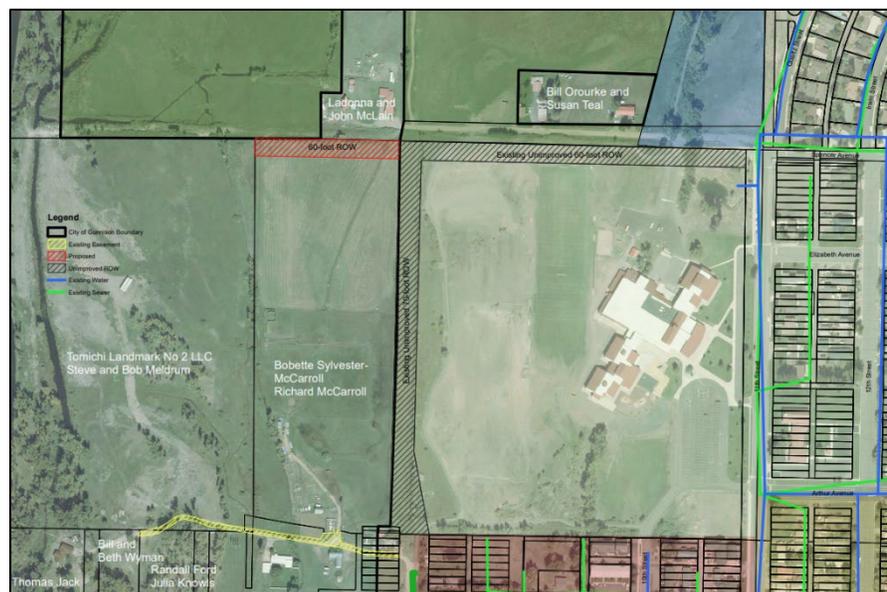
4. Land Use Resolution Compliance

Section 10-102 Locational Standards for Residential Development require a new subdivision be adjacent to an existing population center or within a municipal three mile plan area. The subject property has a contiguous parcel boundary to the City of Gunnison and is located within the Three Mile Plan and Intergovernmental Agreement Area. The proposal may not result in a significant net adverse impact to the neighborhood; including existing uses, wildlife, visual quality, air or water quality, and impacts from a proliferation of Onsite Wastewater Treatment Systems and/or wells. The standards of *Section 10-103 Residential Density* require compliance with the existing three mile plan, consideration of sewage disposal requirements, and the proposed parcel lots and density are substantially similar to surrounding parcels.

The Applicant obtained adequate water rights for three individual wells to serve the subdivision because in initial conversations the City of Gunnison was not interested in annexing the parcel, which would make it ineligible to connect to City water. Dialogue has since evolved between the Applicant and the City and the parties have negotiated a draft pre-annexation agreement included in the “City of Gunnison Memo and Draft Pre-Annexation Agreement”. The agreement includes the process to connect the subdivision to municipal water, sewer services, and a public right-of-way dedication. It acknowledges water connection may not be economically feasible and use of individual wells will not preclude annexation eligibility. The subdivision will be served by municipal sewer in accordance with the “Wastewater Treatment Facility Agreement” IGA between the City and County, which requires the City to provide these services to the parcel, regardless of annexation eligibility.

The current Three Mile Plan did not contemplate future development in this area. There are efforts underway to update the 1997 plan, which will include this parcel and the surrounding area. The parcel encumbered by a 1993 restrictive covenant, which the County is not party to, limiting the parcel to three single family homes and accessory structures. Three residences would generally create similar need for public services, have similar traffic and transit demands, result in similar visual and environmental impacts, and would require similar degrees of sewage treatment and water supply. The draft agreement would secure a 60-foot wide ROW to be conveyed to the City of Gunnison along the north portion of the proposed subdivision. The ROW area would align with an existing (unimproved) 60-foot ROW north of the Community School and south of County Road 15; serving as an important future connection in this area.

The draft plat requires minor revisions to ensure consistency and compliance with *Section 6-105.K Specifications for Subdivision Plats*; however, these are not substantive changes that change the nature of the proposal.



Comprehensive staff comments are provided in Exhibit A. Staff Report.

5. Exhibits

- A. Draft Recommendation
- B. Staff Report
- C. Draft Plat

To view the entire application, visit <https://permitdb.gunnisoncounty.org/citizenaccess/>, navigate to *Projects*, select *Application Number*, and search for "LUC-22-00052".

TO: Planning Commission

SUBJECT: DRAFT Planning Commission Recommendation
Bobette Sylvester-McCarroll
Elk Ranch Homestead Subdivision
LUC-22-00053

DATE: January 18, 2023

PREPARED BY: Hillary Seminick, Planning Director

At a continued Joint Public Hearing on January 18, 2024 the Planning Commission _____ the following Minor Impact Recommendation, moved by Commissioner _____ and Seconded by Commissioner _____.

PROJECT DESCRIPTION:

The proposed Elk Ranch Homestead Subdivision would subdivide a 14.2-acre undeveloped parcel into three lots: Lot 1, 5.85 acres; Lot 2, 5.85 acres; Lot 3, 2.5 acres. This parcel is subject to a restrictive covenant on the warranty deed which states “...run with the land, limiting the property conveyed hereby to agricultural and residential uses with not to exceed three (3) single family houses, and necessary utility buildings and customary agricultural buildings”.

The subdivision will be served by a single access and utility easement. Access is from the south through an existing access easement north of Knowles Ranch Way from Denver Avenue and 8th Street in the City of Gunnison.

The Applicant and City are actively negotiating an agreement for future annexation to the City. This would allow the City to serve the development with domestic water. To comply with the requirement of the LUR and state statute, the Applicant has obtained adequate water rights for three single family residences. The subdivision will be connected to City sewer.

Parcel No. [3701-350-00-027](#), the parcel does not have an address, which are generally assigned only after a property is developed. Please click on the parcel number to see the property record card.

Legal Description: 14.2 acres in SE1/4, NW ¼ of Section 35, Township 50N, Range 1W, N.M.P.M. 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:

- Draft Plat (12/27/2023)
- Draft pre-annexation agreement (12/29/2023)
- Draft covenants (12/05/2023)

- PC Work Session Applicant Presentation (10/17/2023)
- City of Gunnison and Gunnison County Wastewater IGA (10/16/2023)
- Draft sewer agreement (10/16/2023)
- Draft proposed ROW preservation map (10/13/2023)
- Referral comments: Colorado Geologic Survey (10/12/2023), City of Gunnison (10/12/2023), Colorado Parks and Wildlife (10/02/2023), Gunnison Sage Grouse Biologist (10/02/2023), Bureau of Land Management (9/18/2023), Gunnison County Environmental Health Official (9/18/2023), Gunnison County Public Works (9/18/2023)
- Wetland Delineation (8/29/2023)
- Compliance with applicable Sections of the LUR (07/21/2023)
- Certificate of Administrative Review, Sage-Grouse, Series 2 of 2022 (1/14/2022)
- Well Augmentation 1-3 (5/26/2023) and Well Yield Report (5/26/2023)

IMPACT CLASSIFICATION:

The proposal is classified as a Minor Impact Project, and meets the standards of *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units that are subdivision lots.*

MEETING DATES:

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

- October 13, 2023 Work session
- January 4, 2024 Joint public hearing
- January 18, 2024 Continued joint public hearing

SITE VISIT:

A site visit was not conducted because the Planning Commissioners were familiar with the site.

PUBLIC HEARING:

The Planning Commission conducted a joint public hearing on January 4, 2024 that was continued to January 18, 2024.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on August 4, 2022 to the following agencies:

- City of Gunnison Planning and Zoning- Andie Ruggera
- City of Gunnison Fire Marshall – Hugo Ferchau
- Gunnison County Public Works – Martin Schmidt
- Gunnison County Environmental Health Official – Crystal Lambert
- Colorado Parks and Wildlife – Brandon Diamond
- Colorado State Division of Water Resources – Megan Sullivan
- Colorado Geologic Survey – Amy Crandall

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: E. and F: Uses Secondary to a Primary Residence.

Applicable. Permitted use in the Elk Ranch Homestead Declaration of Covenants, Section 4.1.General Use state that “Accessory dwellings are permitted as part of any outbuilding or detached garage”.

Section 9-102: Home Occupations.

Applicable. Allowable under proposed covenants and Land Use Resolution standards per this section.

Section 10-102: Locational Standards for Residential Development.

Applicable. The proposal is adjacent to the City of Gunnison and is within the City of Gunnison Three Mile Plan area. The City, County, and Applicant have an agreement to provide City sewer services to the development.

The Applicant and City are actively negotiating an agreement for future annexation to the City. Without an annexation agreement, the City cannot provide water to the subdivision. This would allow the City to serve the development with water in the future. As a fallback measure, and to comply with the requirement of the LUR and state statute, the Applicant has obtained adequate water rights for three single family residences. If additional density was created in the future and the development did not have access to City water, additional water rights would need to be obtained. This annexation agreement would include a 60-foot, east-west ROW on the northern boundary of the subdivision, establishing an important transportation and utility connection. The City provided the exhibit “Proposed ROW Map” and the following written comment:

“The City has agreed to provide wastewater service in accordance with the Intergovernmental Agreement with the County of Gunnison to the Elk Ranch Homestead Subdivision. The City is also working with the applicant to enter into an Agreement for the future inclusion of the property into the City of Gunnison and to compensate the applicant for the dedication of the right-of-way (ROW) described below. The Agreement will take some time to prepare and finalize; however, one of the important factors will be securing a 60 foot ROW to the City of Gunnison along the north portion of the proposed subdivision. The ROW area would align with an existing (unimproved) 60 foot ROW north of the Community School and south of County Road 15.

The City is agreeable to this subdivision application with the modification of the subdivision plat to secure a 60 foot ROW and the opportunity to enter into an Annexation Agreement with the property owner that would set a future date for annexation into the City, utility service connections and other items agreeable to both parties.”

A draft annexation agreement was provided to the County on December 28, 2023 and is available in the project file.

Section 10-102. C. Location Results In No Significant Net Adverse Impact to the Neighborhood.

Applicable. The parcel is located adjacent to a residential neighborhood and the Gunnison River. Colorado Parks and Wildlife did not express concerns regarding potential wildlife impacts. A portion of the property is in a FEMA regulatory floodplain and there are a few small wetlands; however, no development is proposed in these areas. The subdivision will be served by City sewer; therefore, there are no concerns regarding proliferation of Onsite Wastewater Treatment Systems. The pending agreement with the City would enhance

transportation and utility connectivity, and allow for the development to connect to City water in the future.

Section 10-103: Residential Density.

Applicable. This proposal is within a Three Mile Plan Area of the City of Gunnison; therefore, the standard does apply. Section 10-102: Locational Standards for Residential Development outlines how the project comports with the plan.

C.2. Determination of Density Considers Sewage Disposal Requirements:

This standard does not apply as the proposed subdivision will tie into City of Gunnison sewer lines.

C.3. Lot Size and Lot Density Considerations.

This parcel is subject to a restrictive covenant, as listed on the warranty deed, to “run with the land, limiting the property conveyed hereby to agricultural and residential uses with not to exceed three (3) single family houses, and necessary utility buildings and customary agricultural buildings”.

Section 11-103: Development in Flood Hazard Areas

Applicable. According to Gunnison County GIS mapping there is a small area in the southwest corner that is mapped as a floodplain. There are no building envelopes within the designated flood hazard area.

Section 11-105: Development in Wildfire Hazard Areas

Applicable. The subdivision and surrounding area are located in a Very High wildfire hazard area. Development will need to comply with Gunnison County Building Codes, which include the Wildland Urban Interface Code, in effect at time of building permit application.

Section 11-106: Protection of Wildlife Habitat Areas.

Applicable. A certificate of Administrative Review for Gunnison Sage-grouse habitat assessment has been recorded as of January 14, 2022. This report states that, “the proposed activity will not adversely impact the Gunnison sage-grouse or their habitats beyond that which has already occurred.” CPW did not express concerns regarding impact to wildlife.

Section 11-107: Protection of Water Quality.

Not Applicable. Unless otherwise exempted, this section shall apply to all Land Use Change Permit applications that involve uses within 125 feet of water bodies and mudflow hazard areas in unincorporated areas of Gunnison County, except as exempted in *Section 11-107: C. 1.: Exempt, and Section 11-107: C. 2.: Partially Exempt.* Based on the provided wetland delineation and the SGM Site Plan dated February 8, 2023 currently there is no development proposed in any of the delineated wetlands, including roads.

Section 12-103: Road System.

Applicable. Prior to application submittal, the Applicant coordinated the proposed access with Gunnison County Public Works to ensure compliance with their standards; therefore, Public Works did not have additional comment on the application. The application was referred to the Gunnison Fire Protection District and the District did not have additional comments. The contemplated 60' ROW is compliant with City standards.

Section 12-105: *Water Supply.*

Applicable. The appropriate water augmentation has been purchased from the Upper Gunnison River Water Conservancy District, the documents have been provided as part of this application. There may be ability to connect to City water in the future, See Section 10-102: Locational Standards for Residential Development.

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

Applicable. The development will be served by City Sewer.

Section 12-107: *Fire Protection.*

Applicable. Prior to application submittal, the Applicant coordinated the proposed access with the District to ensure compliance; therefore, the District did not have additional comments. *The left side looks to be long enough to turn around any of our apparatus.”*

Section 13-102:B. *Location Within Municipal Three-Mile Plan Area.*

Applicable. The City of Gunnison has an adopted [three mile plan](#) and [Intergovernmental Agreement](#) with Gunnison County for development in the three mile area that were in effect at the time of application. The application was referred to the City of Gunnison to ensure the application comports with the adopted plan and IGA. City comment is provided in Section 10-102: Locational Standards for Residential Development of this memo.

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

Applicable. All structures, roads are meeting the standards of this section.

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

Applicable. Elk Creek Ranch Homestead draft plat has been submitted along with a new “Overall Site Plan” from SGM dated February 8, 2023. All setbacks comply at this time.

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

Applicable. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. The primary residence built on the lot will not exceed 5,000 square feet. The secondary unit will not exceed 1,200 square feet. The aggregate of all structures will not exceed 7,000 square feet. The standards of this section have been met and this language has been added to the restrictive covenants.

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

Applicable. The standards of this section have been met and this language has been added to the restrictive covenants.

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

Applicable. Elk Creek Ranch Homestead draft plat has been submitted along with a new “Overall Site Plan” from SGM dated February 8, 2023. All setbacks comply at this time. Compliance of this standard will be confirmed at the time of building permit.

Section 13-111: *Landscaping and Buffering.*

Applicable. Natural vegetation will be utilized in meeting this standard. Additional vegetation may be established along the driveway entrance to shield existing houses from the new use but shall not restrict access by emergency service vehicles.

Section 13-112: *Snow storage.*

Applicable. Compliance of this standard will be reviewed at the time of building permit applications.

Section 13-113: Fencing

Applicable. Fencing is addressed in the draft covenants and the covenants comply with Gunnison County regulation, which does not allow fences to exceed six feet in height. There are no limitations on fence materials in Gunnison County; however, fences should be constructed to be wildlife-friendly.

Section 13-114: Exterior Lighting.

Applicable. All Exterior lighting shall comply with this standard and will be reviewed at the time of building application submittal.

Section 13-115: Reclamation And Noxious Weed Control.

Applicable. A reclamation permit shall be required if 10,000 sq.ft or greater of disturbance is proposed.

Section 13-116: Grading And Erosion Control.

Applicable. A reclamation permit shall be required if 10,000 sq.ft or greater of disturbance is proposed.

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. The parcels will be served by municipal sewer.
4. Restrictive Covenants for have been provided.
5. A Sage-grouse report dated January 13, 2022 has been completed. This proposal will not adversely impact the Gunnison Sage-grouse or their habitats.
6. 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-22-00052 be classified as a Minor Impact and approved, denied or 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.



GUNNISON COUNTY, COLORADO COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT for MINOR IMPACT

Land Use Change Permit Application: LUC-22-00052,
Elk Ranch Homestead Subdivision
Date application scheduled with Planning Commission: October
19, 2023
Prepared by: Hillary Iza Seminick, AICP, Planning Director

Applicant Name:	Bobette Sylvester- McCarroll
Property Owner Name:	Bobette Sylvester- McCarroll
Project Description:	<p>The proposed Elk Ranch Homestead Subdivision would subdivide a 14.2-acre undeveloped parcel into three lots: Lot 1, 5.85 acres; Lot 2, 5.85 acres; Lot 3, 2.5 acres. This parcel is subject to a restrictive covenant on the warranty deed which states “...run with the land, limiting the property conveyed hereby to agricultural and residential uses with not to exceed three (3) single family houses, and necessary utility buildings and customary agricultural buildings”.</p> <p>The subdivision will be served by a single access and utility easement. Access is from the south through an existing access easement north of Knowles Ranch Way from Denver Avenue and 8th Street in the City of Gunnison.</p> <p>The Applicant and City are actively negotiating an agreement for future annexation to the City. This would allow the City to serve the development with domestic water. To comply with the requirement of the LUR and state statute, the Applicant has obtained adequate water rights for three single family residences. The subdivision will be connected to City sewer.</p>
Property Location:	Parcel No. 3701-350-00-027 , the parcel does not have an address, which are generally assigned only after a property is developed. Please click on the parcel number to see the property record card. Legal Description: 14.2 acres in SE1/4, NW ¼ of Section 35, Township 50N, Range 1W, N.M.P.M.
Surrounding Land Uses:	Residential, agricultural, educational.
Agency and Department Review:	<p>A copy of the application was sent to the following referral agencies by email on September 20, 2023. Substantive comments are included in applicable section(s).</p> <ul style="list-style-type: none"> • City of Gunnison Planning and Zoning- Andie Ruggera • City of Gunnison Fire Marshall – Hugo Ferchau • Gunnison County Public Works – Martin Schmidt • Gunnison County Environmental Health Official – Crystal Lambert

	<ul style="list-style-type: none"> • Colorado Parks and Wildlife – Brandon Diamond • Colorado State Division of Water Resources – Megan Sullivan • Colorado Geologic Survey – Amy Crandall
Pre-Application Conference:	Yes
Status of Application:	Minor Impact Land Use Change
Attached Exhibits:	The application is available at: https://www.gunnisoncounty.org/436/Permit-Database . Select “projects” and type LUC-22-00052 in the application number field.
Planning Commission Tasks at Initial Work Session:	<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues 1. Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Set site visit date — Determine if application is ready to be set for public hearing, or if other work session is required
Initial Impact Classification:	Minor Impact Project, based upon classification found in <i>Section 6-102: Projects Classified as Minor Impact Projects</i>
Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)	<p>Demand for public services. The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p>Impacts on impact area and the environment. The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p>Impacts related to all existing and proposed development and proposed development in impact area. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
6-103: STANDARDS FOR APPROVAL OF MINOR IMPACT PROJECTS	<p>ALL APPLICABLE STANDARDS. The proposed land use change shall comply with, and the burden shall be on the applicant to demonstrate through competent evidence that the proposed land use change complies with all applicable requirements of this Resolution;</p> <p>and B. COMPATIBILITY WITH COMMUNITY CHARACTER. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area; and</p> <p>C. COMPLIANCE WITH SPECIFIC STANDARDS. In addition, the following standards shall apply to individual types of Minor Impact Projects:</p>

		<p>1. ADDITIONAL STANDARDS APPLICABLE TO VACATION, AMENDMENT OR REPLAT OF SUBDIVISION PLATS. The Board may approve a Minor Impact application to vacate, amend or replat any recorded subdivision plat if all of the following additional standards are met: a. LEGAL PLAT OF RECORD. The plat to be vacated, amended or replatted shall be a legal plat of record; when the plat is proposed to be vacated the applicant(s) shall be the owner of all the lands identified on the plat to be vacated.</p> <p>b. VACATION SHALL NOT DENY ACCESS. Vacation, amendment or replatting of all or part of the plat shall not interfere with the use of, nor deny access by public thoroughfare to public land, adjoining properties, utility service, or other improvements. In granting a vacation, the Board may reserve easements for access, and for the installation or maintenance of utilities, ditches, and similar improvements.</p> <p>c. NOT DAMAGE ANY LOT OWNER. The plat vacation, amendment or replat shall not result in damage to any individual lot owner.</p>
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
APPLICABILITY OF LAND USE RESOLUTION STANDARDS:		
STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
9-101: E. and F: Secondary residences are allowed, and standards are addressed in covenants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Permitted use in the Elk Ranch Homestead Declaration of Covenants, Section 4.1.General Use state that "Accessory dwellings are permitted as part of any outbuilding or detached garage".
9-102: Home occupations	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable, Home Occupations are permitted, see Elk Ranch Homestead Declaration of Covenants, Section 4.1.General Use.

9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
10-102: Locational standards for residential development	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Section 10-102.B. <i>Locational Standards</i> : An application for a new subdivision shall initially be reviewed for its location relative to existing development and shall be located:

1. Adjacent to Existing Population Center; or
2. Within a Municipal Three Mile Plan Area.

Applicant's response: *"This parcel is within the Three Mile Plan Area for the City of Gunnison. The City of Gunnison is currently working on a collaborative Three Mile Plan with Gunnison County and details are yet to be decided. The City of Gunnison Planning Department has in the past acknowledged that this parcel is within the Three Mile Plan and indicated that this parcel, being west of Gunnison, would not have time due to more pressing properties and staff time for approximately five years to address any concerns in this area."*

Staff response: The proposal is adjacent to the City of Gunnison and is within the City of Gunnison Three Mile Plan area. The City, County, and Applicant have an agreement to provide City sewer services to the development.

The Applicant and City are actively negotiating an agreement for future annexation to the City. Without an annexation agreement, the City cannot provide water to the subdivision. This would allow the City to serve the development with water in the future. As a fallback measure, and to comply with the requirement of the LUR and state statute, the Applicant has obtained adequate water rights for three single family residences. If additional density was created in the future and the development did not have access to City water, additional water rights would need to be obtained. This annexation agreement would include a 60-foot, east-west ROW on the northern boundary of the subdivision, establishing an important transportation and utility connection. The City provided the exhibit "Proposed ROW Map" and the following written comment:

"The City has agreed to provide wastewater service in accordance with the Intergovernmental Agreement with the County of Gunnison to the Elk Ranch Homestead Subdivision. The City is also working

		<p><i>with the applicant to enter into an Agreement for the future inclusion of the property into the City of Gunnison and to compensate the applicant for the dedication of the right-of-way (ROW) described below. The Agreement will take some time to prepare and finalize; however, one of the important factors will be securing a 60 foot ROW to the City of Gunnison along the north portion of the proposed subdivision. The ROW area would align with an existing (unimproved) 60 foot ROW north of the Community School and south of County Road 15.</i></p> <p><i>The City is agreeable to this subdivision application with the modification of the subdivision plat to secure a 60 foot ROW and the opportunity to enter into an Annexation Agreement with the property owner that would set a future date for annexation into the City, utility service connections and other items agreeable to both parties.”</i></p> <p>A draft annexation agreement was provided to the County on December 28, 2023 and is available in the project file.</p> <p>Section 10-102. C. <i>Location Results In No Significant Net Adverse Impact to the Neighborhood.</i> When the applicant has demonstrated that a proposed residential development cannot satisfy the locational standard, the location may be approved if the Board finds that in addition to meeting all of the applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.</p> <p>Applicant’s response: <i>“There is no significant Net Adverse Impact to the Neighborhood.”</i></p> <p>Staff response: The parcel is located adjacent to a residential neighborhood and the Gunnison River.</p>
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		<p>Colorado Parks and Wildlife did not express concerns regarding potential wildlife impacts. A portion of the property is in a FEMA regulatory floodplain and there are a few small wetlands; however, no development is proposed in these areas. The subdivision will be served by City sewer; therefore, there are no concerns regarding proliferation of Onsite Wastewater Treatment Systems. The pending agreement with the City would enhance transportation and utility connectivity, and allow for the development to connect to City water in the future.</p>
<p>10-103: Residential density</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable. The purpose of Residential Density Standards is to “prevent sprawl and leapfrog development and to allow for flexibility in residential subdivision design.”</p> <p>The application for subdivision must meet Section 10-103.C <i>Primary Residential Lot Size and Density Standards</i>.</p> <p><i>C.1. Compliance with Municipal Three Mile Plan Area:</i> The applicant’s response states, <i>“The applicant has provided covenants for this subdivision to assure compatibility with neighbors. Per the General Warranty Deed, this parcel has a restrictive covenant to run with the land, limiting the property to Agriculture and residential uses not to exceed three single family houses and necessary utility buildings and customary agricultural buildings. The three lots of this subdivision are Lot 1 is 5.85 acres, Lot 2 is 5.85 acres and Lot 3 is 2.5 acres. All of these are compatible with the adjoining properties.”</i></p> <p>Staff findings: This proposal is within a Three Mile Plan Area of the City of Gunnison; therefore, the standard does apply. Section 10-102: Locational Standards for Residential Development outlines how the project comports with the plan.</p> <p><i>C.2. Determination of Density Considers Sewage Disposal Requirements:</i></p>

		<p>This requires that the density, location, and configuration shall be determined based on the feasibility of use of an Onsite Wastewater Treatment System (OWTS).</p> <p>Staff findings: This standard does not apply as the proposed subdivision will tie into City of Gunnison sewer lines.</p> <p><i>C.3. Lot Size and Lot Density Considerations.</i> Lot size and lot density must be substantially similar to neighborhood parcels, unless the proposal can meet either standard (a) or (b).</p> <p>The applicant's response states, <i>"This parcel is compatible with parcels in the neighborhood. The proposed parcel is of a similar size to parcels located nearby."</i></p> <p>Staff findings: This parcel is subject to a restrictive covenant, as listed on the warranty deed, to "run with the land, limiting the property conveyed hereby to agricultural and residential uses with not to exceed three (3) single family houses, and necessary utility buildings and customary agricultural buildings".</p>
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable, the standards are voluntary.
11-103: Development in flood hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. According to Gunnison County GIS mapping there is a small area in the southwest corner that is mapped as a floodplain. There are no building envelopes within the designated flood hazard area.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not Applicable. According to Gunnison County GIS mapping there are no geologic hazards in this area. The application was referred to the Colorado Geologic Survey (CGS) as required by state statute. CGS did not express concerns regarding the subdivision; however, did note that high groundwater

		would potentially incur the ability to have basements and/or crawlspaces.
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The subdivision and surrounding area are located in a Very High wildfire hazard area. Development will need to comply with Gunnison County Building Codes, which include the Wildland Urban Interface Code, in effect at time of building permit application.
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. A certificate of Administrative Review for Gunnison Sage-grouse habitat assessment has been recorded as of January 14, 2022. This report states that, "the proposed activity will not adversely impact the Gunnison sage-grouse or their habitats beyond that which has already occurred." CPW did not express concerns regarding impact to wildlife.
11-107: Protection of water quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Unless otherwise exempted, this Section shall apply to all Land Use Change Permit applications that involve uses within 125 feet of water bodies and mudflow hazard areas in unincorporated areas of Gunnison County, except as exempted in Section 11-107: C. 1.: Exempt, and Section 11-107: C. 2.: Partially Exempt. Wetlands are considered a waterbody. Staff findings: Based on the provided wetland delineation and the SGM Site Plan dated February 8, 2023 currently there is no development proposed in any of the delineated wetlands, including roads.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable.
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Per Section 12-103: Road System B. <i>Compliance with Municipal Standards.</i> Applicant's response, "The applicant has met with the Gunnison County Public Works Department to discuss

		<p><i>the roadway system for this subdivision. They were advised by Martin Schmidt, Gunnison County Public Works Director that a driveway design was sufficient for the project and the three residences could share one drive. The access off West Denver Ave is 39.6 feet wide, 20 feet is sufficient for two drive lanes, for Gunnison County standards. As this parcel is restricted to three residences, there is no potential to add more residences to this. Mr. Schmidt also told the applicant that one access point was sufficient for the application. The driveway will be constructed to Gunnison County Regulations. Meeting with the Gunnison Fire Department, the comment was that if Gunnison County Regulations were followed and adequate emergency rescue turnarounds were installed the fire department would be able to use this system without issue.”</i></p> <p>Prior to application submittal, the Applicant coordinated the proposed access with Gunnison County Public Works to ensure compliance with their standards; therefore, Public Works did not have additional comment on the application. The application was referred to the Gunnison Fire Protection District and the District did not have additional comments. The contemplated 60’ ROW is compliant with City standards.</p>
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. B. <i>Connection to existing systems.</i></p> <p>Applicant’s response, <i>“There is not an existing water system for this project to connect to. The City of Gunnison has indicated that they need to move away for using any wells for the water for the City of Gunnison, they have indicated that they will not be drilling more wells. While the City of Gunnison is contemplating a new water system that may be in the future available, at this time it is only speculation of where the water system may eventually be</i></p>

		<p><i>located. The applicant has drilled a well and had a well Yield Test complete.”</i></p> <p>Staff Findings: There may be ability to connect to City water in the future, See Section 10-102: Locational Standards for Residential Development.</p> <p><i>C. Existing System Not Accessible</i> Applicant’s response, <i>“The applicant has chosen to install water supply, has had wells dug and had a Well Yield Test completed, in April of 2023. Based on that the applicant has entered into a third-party Agreement for the Purchase of Aspinall Unit Storage Water for Long-Term Water Service for each lot.”</i></p> <p>Staff Findings: The appropriate water augmentation has been purchased from the Upper Gunnison River Water Conservancy District, the documents have been provided as part of this application. There may be ability to connect to City water in the future, See Section 10-102: Locational Standards for Residential Development.</p>
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. B. <i>Connection to existing systems.</i></p> <p>Staff findings. The development will be served by City Sewer.</p>
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. B.1. Separated Two Points of Access on Primary Roads.</p> <p>Applicants response, <i>“As discussed with Hugo Ferchau from the Gunnison Fire Department, that they do not require nor need secondary accesses, as long as the Gunnison County regulations followed. Fire Protection can be addressed by installing a hammer head turn around at each resident or have a circle drive so that fire apparatus can turn around at any residence. Two of the parcels will use the hammer head turn around and one will have a circle drive. The current access from Knowles Ranch Road is 39’ wide, allowing for up to two lanes of traffic flow into this parcel and roadways to each resident. Though the north entrance would still be a possibility;</i></p>

		<p><i>not having it allows for additional agriculture use on the property, which is a requirement of the parcel.”</i></p> <p>Staff findings: Prior to application submittal, the Applicant coordinated the proposed access with the District to ensure compliance; therefore, the District did not have additional comments.</p>
<p>13-102: B: Location within municipal three-mile plan area</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable. The project is adjacent to an existing population center and is within the City of Gunnison’s three mile plan.</p> <p>Applicants response, <i>“An agreement between the City of Gunnison, Gunnison County, and the applicant for this Land Use Change permit to be connected to the City of Gunnison wastewater system is being reviewed by the County Planning Department. As in the past, the applicant will continue to work with the City of Gunnison and Gunnison County as needed. Since this application was first applied for in November 2021, the City of Gunnison has put out a Request for Qualifications and have chosen a company to assist them with the development of a Three-Mile Plan. The City of Gunnison does not currently have a Three-Mile Plan. Discussions between the applicant and the City Planning has indicated that when the Three-Mile Plan is completed adopted that the focus will be on the east side and the Highway 135 corridor and not west Gunnison.</i></p> <p>Staff findings: The City of Gunnison has an adopted <i>three mile plan</i> and <i>Intergovernmental Agreement</i> with Gunnison County for development in the three mile area that were in effect at the time of application. The application was referred to the City of Gunnison to ensure the application comports with the adopted plan and IGA. City comment is provided in Section 10-102: Locational Standards for Residential Development of this memo.</p>
<p>13-103: General Site Plan Standards And Lot Measurements</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable. Elk Creek Ranch Homestead draft plat has been submitted along with a new <i>“Overall Site Plan”</i> from SGM dated February 8, 2023.</p>

13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Elk Creek Ranch Homestead draft plat has been submitted along with a new "Overall Site Plan" from SGM dated February 8, 2023. All setbacks comply at this time.
13-105: Residential Building Sizes And Lot Coverages	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft.</p> <p>Applicant's response, "No building on a Lot that is equal to or larger than 6,500 square feet shall exceed 5,000 square feet and the aggregate of all structures on such a Lot shall not exceed 7,000 square feet. Notwithstanding the foregoing, however, agricultural structures shall not be subject to the 5,000 square foot limitation and the square footage of agricultural structures shall not be included or otherwise considered in calculating the aggregate square footage of all structures on the Lot."</p> <p>Staff findings: The standards of this section have been met and this language has been added to the restrictive covenants.</p>
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. Compliance for this standard will be met at the time of construction.
13-108: Open Space And Recreation Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. G. Residential Uses.</p> <p>Applicant's response, "This project is deed restricted to no more than 3 residential areas with agricultural buildings and requires the parcel to remain agricultural. This project is 3 residential areas: 2 lots that are acres and acres with a third lot of 2.5 acres. 1 acre = 43,560 square feet. Lot 1 and 2 are 5.85 acres, which is about 254,826 square feet if the aggregate of all buildings is 7,000 square feet then approximately 2% of the land is used on lots 1 and 2. Lot 3 is 2.5 acres which is approximately 6% of the land is used. Approximately 5% of the total area will be used for residential homes and driveways."</p>

		Staff findings: The standards of this section have been met and this language has been added to the restrictive covenants.
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable. No signs have been proposed in this application.
13-110: Off-Road Parking And Loading	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. Elk Creek Ranch Homestead draft plat has been submitted along with a new "Overall Site Plan" from SGM dated February 8, 2023. All setbacks comply at this time. Compliance of this standard will be confirmed at the time of building permit.
13-111: Landscaping And Buffering	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. 13-111.C. <i>New residential land use changes</i> . Plant materials or landscaping elements shall be required throughout any new residential subdivision where desirable or necessary for privacy or buffering from other land uses. Staff comments: Natural vegetation will be utilized in meeting this standard. Additional vegetation may be established along the driveway entrance to shield existing houses from the new use but shall not restrict access by emergency service vehicles.
13-112: Snow Storage	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. Compliance of this standard will be reviewed at the time of building permit applications.
13-113: Fencing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant's response, <i>"The parcel is currently has barbed-wire fencing around the entire perimeter of the property, with the exemption of the north part abutting the residential area which is fenced with iron fencing and the south entrance. The applicant has covenants established, see Exhibit E-7.a which address fencing."</i> Staff comments: Fencing is addressed in the draft covenants and the covenants comply with Gunnison County regulation, which does not allow fences to exceed six feet in height. There are no limitations on fence materials in Gunnison County; however, fences should be constructed to be wildlife-friendly.
13-114: Exterior Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not Applicable. Not part of the application.

13-115: Reclamation And Noxious Weed Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. A reclamation permit will be required for construction of the road servicing the subdivision or any other ground-disturbing activities in excess of 10,000 sq. ft.
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. Compliance at the time of building permits.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. Per Section 13-1117. Drainage. D.4. Avoidance of direct discharge to water bodies. Since this proposal is located near wetlands, ditches and in an area that has a high water table drainage and water run-off plans will be crucial to implement for the building sites and access road(s).</p> <p><i>Applicant's response, "All buildings will be positioned and situated so that all direct runoff with on-site Management will detain or infiltrate to vegetated areas to avoid direct discharge into bodies of water, for all drainage, construction, and post-construction. This will include preservation with minimal disturbance of areas outside of the building envelopes, restoration of any disturbed areas. This parcel is already vegetated with hay meadow and native grasses, areas of erosion are minimal given the relative flatness of the topography."</i></p> <p>Staff findings; Compliance of this standard will be reviewed at the time of building permit application.</p>
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
13-119: Standards To Ensure Compatible Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>A. <i>General.</i> Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following:</p> <ol style="list-style-type: none"> 1. <i>Hazards Or Nuisances.</i> Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth.

		<p>2. <i>Adverse impacts to adjoining land.</i> Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.</p> <p>B. <i>Additional Compatibility Requirements</i> are not applicable as this is a three lot subdivision and not a change to an industrial or commercial use.</p> <p>Staff findings: the application is for a residential subdivision within a residential area. These standards are intended to address potential land use change permits that may propose a use that conflicts with residential uses.</p>
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ELK CREEK RANCH HOMESTEAD
 WITHIN THE SE1/4NW1/4
 SECTION 35, T50N, R1W, N.M.P.M.
 GUNNISON COUNTY, COLORADO

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents, that the undersigned, being all of the Owner(s), Mortgagee(s) and Lien-holder(s) of certain lands in Gunnison County, Colorado, described as follows:

A tract of land within the SE1/4NW1/4 of Section 35, Township 50 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado; said tract being more particularly described as follows:

Commencing at the northwest corner of said Section 35; thence South 62°45'01" West 2889.02 feet to a point on the north boundary of said SE1/4NW1/4, said point also being on an existing fence line and also being the POINT OF BEGINNING for the herein described tract; thence the following courses around said tract:

1. South 01°18'43" West 1309.51 feet along said existing fence line to a point on the Stieler property, (as described in Book 730 at Page 704 of the records of Gunnison County);
2. North 89°58'09" West 82.16 feet along the north boundary of said Stieler property to the northwest corner of said Stieler property;
3. South 00°01'51" West 24.00 feet along the west boundary of said property to the southwest corner of said Stieler property, said corner also being on the north boundary of WEST GUNNISON AMENDED, and also being on the east-west center section line of said Section 35;
4. North 89°58'09" West 29.33 feet along said north boundary and along said center section line;
5. North 76°53'33" West 29.61 feet;
6. North 81°57'43" West 31.88 feet;
7. SOUTH 11.14 feet to a point on said north boundary and on said center section line, said point bears South 34°44'00" East 7.02 feet from the southeast corner of an existing barn;
8. North 89°58'09" West 36.25 feet along said north boundary and along said center section line;
9. NORTH 16.24 feet;
10. North 81°57'43" West 111.79 feet;
11. North 79°58' 44" West 131.22 feet;
12. NORTH 1274.82 feet to a point on the north boundary of said SE1/4NW1/4;
13. North 89°34'41" East 478.06 feet along said boundary to a point on an existing fence line, said point also being the POINT OF BEGINNING of the herein described tract.

AND

A tract of land within the SE1/4NW1/4 of Section 35, Township 50 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado; said tract being more particularly described as follows:

Commencing at the northwest corner of said Section 35; thence South 62°41'48" West 2883.67 feet to the northeast corner of said SE1/4NW1/4 of Section 35, said corner also being the POINT OF BEGINNING for the herein described tract; thence the following courses around said tract:

1. South 00°58'06" West 1309.40 feet along the north-south center section line of said section 35 to a point on the north boundary of the Stieler property, (as described in Book 730 at Page 704 of the records of Gunnison County);
2. North 89°58'10" West 13.86 feet along said boundary to a point on an existing fence line;
3. North 01°18'43" East 1309.51 feet along said fence line to a point on the north boundary of said SE1/4NW1/4;
4. North 89°34'40" East 6.00 feet along said boundary to the CN1/16 corner of said Section 35, said corner also being the POINT OF BEGINNING of the herein described tract.

in Gunnison County, Colorado, under the name of Sylvester Subdivision, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate and convey to the owners of lots, tracts, or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

Executed this _____ day of _____, 2023.

OWNERS: _____ LIEN HOLDER: _____

By _____ Northpoints Bank
 Bobbette Kay Sylvester McCarroll

By _____ (sign)
 Richard Brian McCarroll _____ (name)

STATE OF COLORADO)
) ss. _____ (title)
 COUNTY OF GUNNISON)

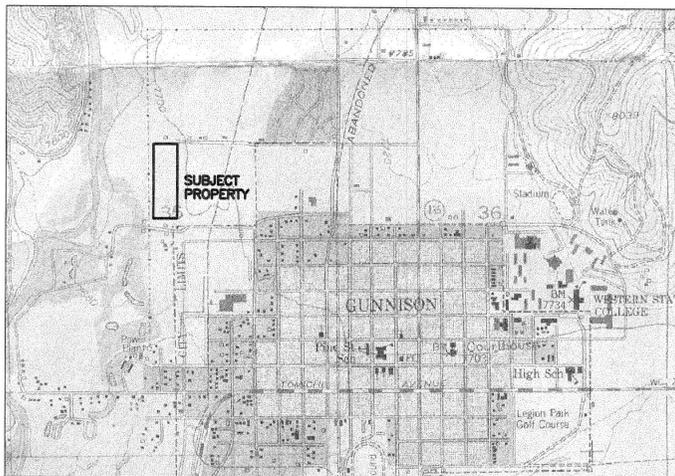
The foregoing instrument was acknowledged and executed before me this _____ day of _____, 2023, by Bobbette Kay Sylvester McCarroll and Richard Brian McCarroll.

Witness my hand and official seal. _____
 Notary Public

STATE OF COLORADO)
) ss. _____
 COUNTY OF GUNNISON)

The foregoing instrument was acknowledged and executed before me this _____ day of _____, 2023, by _____ as _____

Witness my hand and official seal. _____
 Notary Public



VICINITY MAP

COMMENTS

1. The owner of each Lot shall have a common right of usage of the utility easements to provide utility service to each Lot
2. All homeowners acknowledge the requirements of Colorado's "Fence Out" law, CRS SS 35-46-101 et seq., and the Right-to-Ranch Policy adopted by Gunnison County, as may be amended.

Plat Notes:

Pursuant to Section 5-209 H. of the Gunnison County Land Use Resolution:

Confinement of Domestic Animals: Each Lot Owner within this subdivision acknowledges and agrees that domestic animals must be controlled by kenneling, leash, fencing, or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible individual.

Colorado's Fence Out Requirements: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property in accordance with C.R.S. 35-46-101 et seq.

Irrigation Ditch Maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.

Dated this _____ day of _____, A.D. 20____.

 Timothy E. Pearson
 Colorado L.S. No. 34979

TITLE CERTIFICATE

I, Jacob A. With, an attorney at law duly licensed to practice before the Courts of Record in the State of Colorado, certify that I have examined title to all lands herein dedicated and shown upon this plat, and title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances except as follows:

1. All matters shown hereon.
2. 2022 and subsequent years' taxes, a lien not yet due and payable.
3. Inclusion within any special taxing district.
4. Patent recorded October 5, 1882 in book 45 at page 9.
5. Easement recorded June 8, 1948 in book 278 at page 219.
6. Resolution recorded November 5, 1993 in book 734 at page 711.
7. Easements and restrictive covenant set forth in deed recorded November 5, 1993 in book 734 at page 689 and in corrective deed recorded April 13, 2021 at reception number 675047.
8. Deed of trust recorded at reception number 681580.
9. Certificate of Administrative review recorded at reception number 682441.

Signed this _____ day of _____, 20____.

 Attorney at Law

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends _____ approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held on this _____ day of _____, A.D. 20____.

 Chairperson

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of ELK CREEK RANCH HOMESTEAD is approved this _____ day of _____, A.D. 20____ and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

ATTEST: _____
 Chairperson

 County Clerk

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado on this _____ day of _____, A.D. 20____, Reception Number _____, Time _____.

 County Clerk and Recorder

By: Deputy

ELK CREEK RANCH HOMESTEAD	
WITHIN THE SE1/4NW1/4 SECTION 35, T50N, R1W, N.M.P.M. GUNNISON COUNTY, COLORADO STREET ADDRESS: TBD W. DENVER AVE.	
PEARSON SURVEYING P.O. BOX 652 GUNNISON, CO 81230 970-641-2910 PROJECT # 22-1-1	DATE : 6/29/22 LATEST REVISION DATE : 6/12/23
SHEET 1 OF 2	

ELK CREEK RANCH HOMESTEAD
 WITHIN THE SE1/4NW1/4
 SECTION 35, T50N, R1W, N.M.P.M.
 GUNNISON COUNTY, COLORADO

CITY OF GUNNISON

MCLAIN

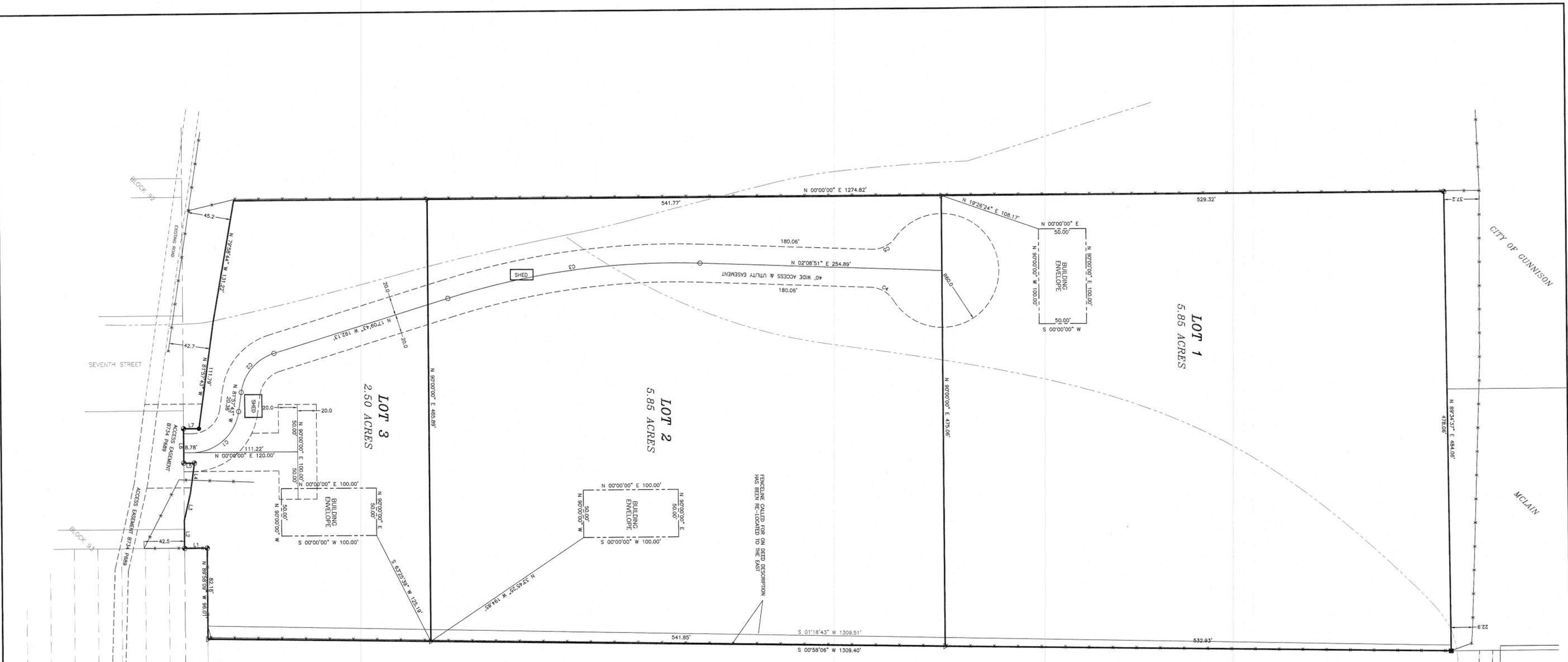
COUNTY ROAD NO. 15

GUNNISON WATERSHED
 10000
 DISTRICT

LOT 1
 5.85 ACRES

LOT 2
 5.85 ACRES

LOT 3
 2.50 ACRES



NOTES:
 1. Property was located by field measurements to found monuments shown. Basis of bearings is NORTH between City of Gunnison monuments at the intersection of Tomichi Avenue and Main Street and a similar monument at the intersection of Ohio Avenue and Main Street.

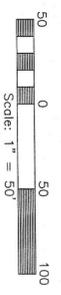
CURVE TABLE

NUMBER	ARC LENGTH	CHORD	DIRECTION	CHORD EXTENSION
C1	46.50'	50.00'	N 00°00'00" E	53.59'
C2	209.81'	600.00'	N 02°08'51" E	298.34'
C3	29.46'	50.00'	N 00°00'00" W	28.28'

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 00°01'51" W	24.60'
L2	N 89°58'09" W	29.23'
L3	N 81°57'43" W	31.88'
L4	S 00°00'00" W	11.14'
L5	N 89°58'09" W	36.25'
L7	N 00°00'00" E	16.24'

- LEGEND**
- Found rebar with aluminum cap T.S. 23502*
 - ▲ Found rebar with aluminum cap T.S. 11250†
 - △ Found rebar with plastic cap T.S. 34979*
 - Fence
 - - - Easement boundary
 - - - Ditch



ELK CREEK RANCH HOMESTEAD
 WITHIN THE SE1/4NW1/4
 SECTION 35, T50N, R1W, N.M.P.M.
 GUNNISON COUNTY, COLORADO
 STREET ADDRESS: 18D W. DENVER AVE.

PEARSON SURVEYING
 P.O. BOX 652
 GUNNISON, CO 81230
 970-641-2910
 PROJECT # 22-1-1

DATE : 2/5/22
 LATEST REVISION DATE : 6/12/23

SHEET 2 OF 2