TO:	**Planning Commission**
SUBJECT:	**Planning Commission Draft Decision** **Bear Ranch Sleeping Quarters** **LUC-12-00004**
DATE:	**April 20, 2012**
PREPARED BY:	**Cathie Pagano, Planner**
APPLICANT:	**Bear Ranch, represented by Tom Newland**

PROJECT DESCRIPTION:
Bear Ranch, represented by Tom Newland has applied for a Land Use Change permit to convert two existing accessory structures on Parcel 3, Bear Ranch Amended Parcels, from utility/storage use to sleeping quarters. The primary residence (Bldg 4G) is 2,058 square feet, the secondary residence is 912 square feet. Building H-2 (proposed sleeping quarters) is 1657 square feet and Building H-3 (proposed sleeping quarters) is 1,968 square feet. The total residential square footage proposed is 6,595 square feet. 10,000 square feet is the maximum allowable residential square footage on a parcel, without a Land Use Change permit. The use of one sleeping quarters requires an Administrative Review Land Use Change permit. The *LUR* does not identify an impact classification for more than one sleeping quarters. Section 6-102. I. requires a Minor Impact Land Use Change permit for more than one secondary residence. Based on this and review of Section 3-111: B. staff determined the initial impact classification of the application as Minor Impact.

The subject parcel is located northeast of County Road 12 (Kebler Pass) and west of County Road 2.The parcel is legally described as Parcel 3, Bear Ranch Amended Parcels and is located at 3401 Ragged Road.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- Attachment 8, site plans, prepared by Rowland + Broughton, dated September 23, 2011.
- Attachment 9, architectural drawings, prepared by Rowland + Broughton, dated September 23, 2011.

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact pursuant to *Section 6-102:* and with consideration of *Section 3-111: B.*

MEETING DATES:
The Planning Commission held work sessions and public hearings to discuss the GCEA application on the following dates:

- March 16, 2012 Work session
- April 20, 2012 Public Hearing

- April 20, 2012 Work session

SITE VISIT:
The Planning Commission did not conduct a site visit for this application. The majority of the Commission had previously visited the site for a different Bear Ranch Land Use Change application.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on April 20, 2012. The following comments were received at the public hearing:

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent, by certified mail and hand delivery to review agencies for comments. A referral was sent to the Division of Wildlife, Gunnison Fire Protection District, and Gunnison County Public Works. No comments were received.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*
Section 9-100: *Uses Secondary to a Primary Residence.*
Applicable, there is an existing primary residence on the parcel and a secondary residence was approved by LUC-10-00012. The current application requests two additional sleeping quarters on the subject parcel. The proposed sleeping quarters are smaller than the primary residence and the total proposed floor area of the primary residence, secondary residence and sleeping quarters does not exceed the 10,000 square foot residential maximum. The proposed residential buildings are in close proximity to each other, are not visually obtrusive, nor do they increase land use impacts. Adequate parking is available on the parcel for the proposed buildings. The existing and proposed residential buildings will share water supply and a wastewater treatment system.

Section 9-200: *Special Residential Uses.*
Not applicable. No special residential uses are proposed.

Section 9-300: *Commercial and Industrial Uses.*
Not applicable, no commercial industrial use is proposed as part of this application.

Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*
Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: *Miscellaneous Uses and Activities.*
Not applicable. No miscellaneous uses or activities are proposed.

Section 10-102: *Locational Standards for Residential Development.*
Not applicable, no residential development is proposed as part of this application.

Section 10-103: *Residential Density.*
Not applicable, no residential development is proposed as part of this application.

Section 11-103: *Development In Areas Subject to Flood Hazards*.

Not applicable, the subject parcel is not in the 100-year floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Applicable, the subject parcel is in an area of geologic hazards identified as unstable slopes. The applicant previously submitted two reports titled "Subsoil Study for Foundation Design, Proposed Buildings, Western Village, Bear Ranch, Gunnison County, Colorado," dated November 17, 2008 and "Preliminary Geologic Site Assessment Bear and L Ranches, Gunnison County, Colorado," dated September 29, 2006; both prepared by HP Geotech.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, Parcel 3, Bear Ranch is located in an area of moderate wildfire hazard. The applicant previously submitted a Wildfire Hazard Mitigation Plan dated July 6, 2009 prepared in accordance with recommendations provided by Houghland & Associates in a report dated July 17, 2008 titled, "Bear Ranch Project in Gunnison County: Residential Access Road and Other Recommendations."

Fire protection is to be provided through a distribution system which will provide sufficient access to water for firefighting. In addition, all residences on the parcel will contain a sprinkler system for fire suppression.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The application was referred to the Division of Wildlife. No comments were received.

Section 11-107: *Protection of Water Quality*.
Not applicable, there are no water bodies within 125 feet of the proposed development.

Section 11-108: *Standards For Development On Ridgelines.*
Not applicable. The site is not located on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*
Not applicable, the subject parcel will not directly affect agricultural lands.

Section 11-110: *Development Of Land Beyond Snowplowed Access*.
Not applicable, the site is not located beyond snowplowed access.

Section 11-111: *Development On Inholdings In The National Wilderness.*
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: *Development On Property Above Timberline.*
Not applicable, the site is not located above timberline.

Section 12-103: *Road System*.
Applicable, a copy of the application was referred to Gunnison County Public Works. Allen Moores, Assistant Director, indicated that he did not have concerns relative to the proposed use.

Section 12-104: *Public Trails*.
There is no public trail existing or proposed on this site.

Section 12-105: *Water Supply*.

The applicants have submitted documentation from the State of Colorado verifying that a State-approved water supply system for drinking water and domestic use is permitted.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, the applicant has installed a domestic wastewater treatment system, permitted by the State of Colorado.

Section 12-107: *Fire Protection*.
The proposed development is located within the Gunnison Fire Protection District. The application was referred to the Gunnison Fire Protection District and no comments were received.

Section 13-103: *General Site Plan Standards And Lot Measurements.*
The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan prepared by Rowland + Broughton, "Attachment 8," dated September 23, 2011 meets these criteria.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
This section applies; the proposed improvements meet the setback requirements.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the proposed buildings, combined with the existing primary residence and the existing secondary residence will be 6,595 square feet. The maximum residential square footage allowed, without a Land Use Change permit, is 10,000 square feet. The aggregate square footage is 9,058; the maximum allowed, without a Land Use Change permit, is 12,500 square feet.

Section 13-106: *Energy and Resource Conservation.*
Applicable, this section will be applied at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: *Open Space And Recreation Areas*
Not applicable, no requirement of open space is required for this application.

Section 13-109: *Signs.*
There are no signs proposed as part of the submitted application.

Section 13-110: *Off-Road Parking And Loading.*
The number of parking spaces complies with **Tables 5-11 and 5-12** of this section**.**

Section 13-111: *Landscaping And Buffering.*
A landscaping plan is required and has been submitted as part of the site plan. The applicants propose that landscape planting areas be seeded with native dryland grasses.

Section 13-112: *Snow storage*.

Design elements have been included within the site layout design allowing for adequate snow storage.

Section 13-113: *Fencing*
Applicable, this section applies and any fencing proposed shall comply with this section.

Section 13-114: *Exterior Lighting.*
Applicable, this section applies and any exterior lighting proposed shall comply with this section.

Section 13-115: *Reclamation And Noxious Weed Control.*
A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: *Grading And Erosion Control.*
Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: *Drainage, Construction And Post-Construction Stormwater Runoff.*
Not applicable

Section 13-118: *Water Impoundments.*
Not applicable, this project does not propose a water impoundment.

Section 13-119: *Standards to Ensure Compatible Uses.*
The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

Article 15: *Right-to-Ranch Policy*.
This section is not applicable; there are no agricultural lands that will be affected by the uses on the subject parcel.

FINDINGS:
The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.

2. The proposed residential buildings comply with the residential square footage maximums identified in *Section 13-105*.

3. The proposed sleeping quarters comply with standards of *Section 9-101: E*.

4. This application is consistent with the standards and requirements of this *Resolution*.

5. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

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-12-00004 be classified as a Minor Impact, and be 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.