TO:	**Planning Commission**
SUBJECT:	**Planning Commission Draft Decision** **Crested Butte South Metropolitan District Expansion** **LUC-12-00005**
DATE:	**April 20, 2012**
PREPARED BY:	**Cathie Pagano, Planner**
APPLICANT:	**Crested Butte South Metropolitan District, represented by Jack Dietrich and Norman Whitehead**

PROJECT DESCRIPTION:
The applicant is proposing expansion of the District office and shop area. The existing District building is 2,085 square feet and the applicant proposes to add 2,345 square feet. This addition will include a three bay equipment storage addition to the existing shop. The building will include a drainage system which will catch snow melt and drips coming from the equipment, pass it through an oil and sand separator and send it to a new lift station which will pump it to the District's wastewater treatment facility.

The proposed expansion and the existing building will total 4,430 square feet. This expansion is classified as an Administrative Review project under *Section 5-103:K*. However, the proposed expansion also infringes on the inner restrictive buffer of a waterbody as identified in *Section 11-107: E.2*. Any encroachment into the inner restrictive buffer requires a Minor Impact Land Use Change Permit. The applicant has included both proposals in one application to be reviewed and processed at the same time.

The applicant is also proposing a boundary line adjustment between the District parcel and the parcel to the north, which is owned by Jack Dietrich. This boundary line adjustment is classified as an Administrative Review project and final review and approval is by the Board of County Commissioners. The purpose of the boundary line adjustment is to allow the proposed expansion to meet the 50-foot setback requirements.

The subject parcel is located at 280 Cement Creek Road, approximately ½ mile east of the intersection of Cement Creek Road and Highway 135. The parcel is legally described as 2.116 acres in the SE1/4 NW1/4, Section 27, Township 14 South, Range 85 West, 6th p.m.

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

- Equipment Storage Addition Site Plan, Elevations, and Floor Plan, prepared by NCW & Associates, Inc. dated April 5, 2012
- Letter from CB South Metropolitan District regarding storage of vehicles dated April 11, 2012

- Equipment Storage Addition Water Quality Protection Plan Topographic Features, Grading Plan, and Drainage Facilities, prepared by NCW & Associates, Inc. dated March 6, 2012
- "Showing of Unavoidability" and Water Quality Protection Plan submittal prepared by Jack Dietrich, dated March 7, 2012

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact pursuant to *Section 11-107: E.3.b.*

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

- March 30, 2012 Work session
- March 30, 2012 Site Visit
- April 20, 2012 Public Hearing
- April 20, 2012 Work session

SITE VISIT:
The Planning Commission conducted a site visit and viewed the waterbody and location of the proposed expansion.

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

- Comments in an email from John and Janice Shaw stating they have no objection to the expansion.

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, Crested Butte Fire Protection District, and Gunnison County Public Works. Comments were received from Allen Moores, Gunnison County Public Works, dated March 22, 2012.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*
Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable. No residential use proposed.

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

Section 9-300: *Commercial and Industrial Uses.*
Applicable, the applicant is proposing a non-residential storage and shop expansion.

D.1: Non Residential Accessory Uses: The proposed use is not accessory to a residential use; nor is any residential use proposed.
D.2: Food Service Requirements: No food service is proposed as part of this application.

D.3: Electrical Disturbances: No use of equipment that creates electrical disturbances is anticipated at the site.
D.4: Fire and Explosive Hazards: No materials or products that decompose by detonation are proposed to be stored at the site.
D.5. Glare and Heat: No glare or heat producing activities are anticipated or expected at the site.
D.6. Exterior Lighting: The exterior lighting shall be designed so that all direct rays and glare are confined to the subject parcel.
D.7. Odors: No odors from storage activities at the site are anticipated or expected.
D.8. Radioactivity: No radioactive materials are proposed to be stored on site.
D.9. Vibration: No activities that cause vibration are expected to occur along the property boundaries.
D.10. Noise: No new noise is anticipated as a result of the expansion of the storage/shop building.

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 proposed building addition is not in the 100-year floodplain.

Section 11-104: ***Development in Areas Subject to Geologic Hazards*****.**
Not applicable, the subject parcel is not located in a geologic hazard area.

Section 11-105: ***Development In Areas Subject to Wildfire Hazards.***
Not applicable, the subject parcel is not located in a high wildfire hazard area.

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*****.**
Applicable, the proposed expansion is within 25 feet of a waterbody. The proposed building expansion is within 10 feet of the wetlands.

E.3.a. Pre-Existing Construction Materials Extraction. Not applicable, the proposed use is not a pre-existing construction materials extraction.
E.3.b. Showing of Unavoidability. The applicant noted in a March 7, 2012 submittal that "The Crested Butte South Metropolitan District owns a 2.16 acre parcel, commonly referred to as the shop parcel. The filled area that the District has available is a total of 0.43 acres or 20% of the total parcel owned by the

District and we need to maximize the use of this area in order to store the equipment already owned by the District. We need to be within the 25 feet inner restrictive buffer setback in order to construct the three bay addition to the District's shop and not go through permitting and fill more wetlands…. The planned three bay additions size has been kept to a minimum and is just large enough to house the equipment and the proposed new well. This makes the encroachment into the 25-foot inner buffer zone unavoidable.
…The construction of the storage addition will greatly reduce adverse impacts because the equipment will be parked inside so all snow melt, oil and antifreeze drips will be captured in the planned floor drain system, passed through an oil and sand separator, then pumped to the District's state of the art wastewater treatment facility. This will minimize or eliminate current and future impacts from potential contamination."

The proposed location of the expansion is already disturbed and is currently used as outdoor parking and storage.

1. Land Use Change is water dependent and authorized. Not applicable, the land use change is not water dependent.
2. Denial would deny all economically viable use of the parcel. Not applicable, there are existing improvements on the parcel.
3. Construction outside restrictive inner buffer substantially contributes to hazardous conditions. Not applicable, hazardous conditions do not exist at the subject parcel.
4. Location is necessary for an essential service. Applicable, the proposed location of the building expansion is necessary to continue facilitation of an essential public service—water supply and wastewater treatment.
5. Is a flood control measure. Not applicable, the proposed building is not a flood control measure.
D.2. Plan for Water Quality Protection. The applicant has submitted a plan for water quality protection, dated March 7, 2012 and drawings from NCW & Associates, Inc. dated March 6, 2012. The plan details grading plans, snow storage areas, location of erosion control logs, and proposed landscaping. The applicant does not propose to store any sand or soil on site during construction. Excavated material will be hauled to suitable sites. All District vehicles, except the 3,500 gallon tanker truck will be parked inside of the proposed building. In a letter from the applicant dated April 11, 2012, it is noted that the District plans to construct a garage/sludge loading facility at the wastewater treatment plant site within the next five years. At the time that building is constructed the tanker truck will be parked inside at that new facility.

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. Comments from Allen Moores, Assistant Director of Public Works state that, "This is an existing use that will not add any additional traffic. The area proposed for the garage is presently being used for parking of the equipment."

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

Section 12-105: *Water Supply*.
Applicable, any additional water supply required will be provided by the District's central water supply system.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, wastewater treatment will be provided by the District's central wastewater treatment system.

Section 12-107: *Fire Protection*.
Applicable, the proposed development is located within the Crested Butte Fire Protection District. The application was referred to the Crested Butte 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 NCW & Associates, Inc, "Equipment Storage Addition Site Plan," dated April 5, 2012 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, pending the approval of the proposed boundary line adjustment.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Not applicable, no residential buildings are proposed.

Section 13-106: *Energy and Resource Conservation.*
Not applicable, this section only applies to residential buildings.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Not applicable, no solid-fuel burning devices are proposed.

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

Section 13-109: *Signs.*
Not applicable, 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 applicant proposes to construct a landscaping buffer around the existing and proposed shop entrance area. The buffer will be protected by an erosion control log during construction and until landscaping and grasses are established.

Section 13-112: ***Snow storage****.*
Design elements have been included within the site layout design allowing for adequate snow storage. No snow storage is permitted within 25 feet of the water body.

Section 13-113: ***Fencing***
Not applicable, no fencing is proposed.

Section 13-114: ***Exterior Lighting.***
Applicable, this section applies and any exterior lighting proposed shall comply with this section and shall be solely confined to the site as required in *Section 9-300: D.6.*

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.***
Applicable, the applicant has submitted documentation from a Colorado-licensed engineer that the proposal complies with the standards of this Section. NCW & Associates, Inc prepared "Crested Butte South Metro District, Equipment Storage Addition, Construction and Post-Construction Stormwater Runoff," dated February 1, 2012 in compliance with this Section.

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 garage/shop addition will be within the inner restrictive buffer of a water body.

3. Utilization of Best Management Practices, as identified in Section 11-102 will assist in mitigating impacts to wetlands.

4. The applicant has submitted a water quality protection plan, prepared by NCW & Associates, Inc. dated March 6, 2012.

5. The applicant has shown clear and convincing evidence that the encroachment into the inner restrictive buffer is unavoidable. Meeting the inner restrictive buffer setbacks would limit the ability of the District to provide an essential service (water supply and wastewater treatment) and construction of addition will enable the District to park most equipment indoors, thereby minimizing impacts to the waterbody.

6. The garage/shop addition has been designed to minimize encroachment into inner restrictive buffer and the water body.

7. The proposed garage/shop addition will allow for District equipment and vehicles to be parked indoors, minimizing impacts to the waterbody.

8. To monitor mitigation, photographic and written documentation of the proposed mitigation techniques shall be provided by the applicant.

9. The applicant is also applying for a boundary line adjustment to facilitate compliance with the setback requirements.

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

11. 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-12-00005 be classified as a Minor Impact, and be approved with the following conditions:

1. There shall be no outside parking of District vehicles, except the tanker truck.

2. The tanker truck shall be parked indoors at a new facility at the wastewater treatment plant within five years of the recordation of the Minor Impact Certificate.

3. The applicant shall comply with and implement all mitigation measures identified in the Water Quality Protection Plan prepared by NCW & Associates, Inc. dated March 6, 2012.

4. The applicant shall utilize Best Management Practices, as identified in *Section 11-102.*

5. The applicant shall provide photographic and written documentation to verify compliance with identified mitigation techniques. This documentation shall be provided prior to site disturbance, at the time of the foundation inspection, at the time of the frame inspection, and at the time of the final inspection. No inspection shall be passed without the photographic and written documentation first being provided to the Community Development Department.

6. The Minor Impact Certificate shall not be recorded until the boundary line adjustment application has been approved and recorded in the Gunnison County Clerk and Recorder's office.

7. 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*.

8. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

9. 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.

10. 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.

11. 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.