GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, April 20, 2012

Draft Minutes for Review

8:45 a.m.
- **Call to order; determine quorum**
- **Approval of Minutes**
- **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

9:00 a.m. **Planning Commission Training** work session/no action, Carrie Sheata, Project Manager, U.S. Army Corp of Engineers, presentation on jurisdictional wetlands and 404 permitting

10:00 a.m. **Planning Commission Training** work session/no action, David Baumgarten, County Attorney, legal topics including but not limited to ex parte communication, sunshine law, preemption and attorney-client privilege

Lunch

1:00 p.m. **Bear Ranch**, public hearing/no action, request for two sleeping quarters in addition to a primary single family residence and a secondary residence, generally described as being located northeast of County Road 12 (Kebler Pass) and west of County Road 2 (Bear Road), on Parcel 3, Bear Ranch Amended Parcels. Work session/possible action

2:00 p.m. **Crested Butte South Metropolitan District,** public hearing/no action, request for expansion of non-residential use at the District shop/office. Expansion to include 2,556 square feet, comprised of a three bay equipment storage building, attached to the existing building. The proposed building does not meet the water body setbacks and will be reviewed for compliance with Section 11-107: Protection of Water Quality. Parcel is located at 280 Cement Creek Road, approximately ½ mile east of the intersection of Highway 135 and Cement Creek Road. Work session/possible action

End of Meeting
- Report of actions taken by BOCC.
- A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
April 20 2012
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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Ramon Reed
Vice- Chairman-Jim Seitz
Commissioner- Susan Eskew
Commissioner- Warren Wilcox
Commissioner-Kent Fulton

Director of Community Development- Joanne Williams
Assistant Director of Community Development- Neal Starkebaum
Planner- Cathie Pagano
Community Development Department Services Manager-Beth Baker

Absent- Commissioners – Jeremy Rubingh and A.J. Cattles
Others present as listed in text

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With a quorum present Chairman Ramon Reed opened the regular meeting of the Commission.

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MOVED; by Seitz seconded by Wicox to approve the minutes of March 30, 2012 as amended. The motion passed unanimously.

MOVED; by Fulton seconded by Seitz to approve the minutes of April 6, 2012 as amended. The motion passed unanimously.

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PLANNING COMMISSION TRAINING; The Planning Commission (Commission) conducted a training work session. Carrie Sheata, Project Manager, U.S. Army Corp of Engineers, made a presentation on jurisdictional wetlands and 404 permitting.

With a quorum present Chairman Reed opened the work session.

U.S. Army Corp of Engineers Project Manager representative Carrie Sheata made a presentation on jurisdictional wetlands and 404 permitting. She said there are two offices on the Western slope, one in Grand Junction and one in Durango.

The Section 10 Rivers and Harbors act, issues permits for construction activity on certain waters of the United States, including tunneling under a stream to transmissions lines above.

The Army Corp consults with US Coast Guard on some issues. The Coast Guard confers on the Navajo Reservoir and the section of 5th Street Bridge, in Grand Junction down to Utah.

Army Corp permits are required prior to doing work in wetlands, streams, or ephemerals.

The Army Corp deals primarily with the Clean Water Act, to restore and maintain the physical, chemical and biological integrity of the waters of the United States.

The Army Corp considers waters even if they only run three months per year. Wetland mapping is redone every five years. Doing work without a permit can result in citations and fines.

The difference between a Section 10 and a 404 permit is; Section 10 regulates anything having to do with the ordinary high water mark and up, if there are wetlands next to it, it is under a 404 permit. The Corp regulates any work on waters of the US, including depositing dirt fill into streams, constructing retaining walls, dams, dikes, rip rap, culverts, etc.

There are three type of permits issued;

- **Nationwide permitting-**regulates permits that have only minimal effects to the aquatic environment. They are the lowest level permit and have the quickest turnaround for issuance of a permit.

- **Regional permitting-**regulates designed for particular regions and specific activities. They consider permits with more impacts than Nationwide.

- I**ndividual permitting-**is required if the project exceeds the limits of a nationwide or regional permit; then an individual permit is required. Individual permitting requires a public notice be issued within 10 days of an application. The processing of an Individual Permit is so varied; it could take between 120 days and several years, depending on how controversial it may be, and the issues to be considered.

Wetlands are areas which are inundated or saturated, under normal circumstances, with surface or ground water at frequencies to support wetland vegetation. They are generally swamps, marshes, bogs or similar areas. They look at soil, hydrology and vegetation.

The permitting process begins with a determination of whether or not the Corp has jurisdiction. That is determined through wetlands delineation, often done by a private consultant. There are circumstances when an applicant agrees there is a wetlands and the Corp has jurisdiction without conducting wetlands delineation.

Waters are considered jurisdictional if the water can be followed down to where it enters or reenters the waters of the U.S. The water may fan out and end, not going any farther; in that case they are most likely non-jurisdictional.

The Corp will conduct a pre-application meeting, at which time they will try to determine if they have jurisdiction or not. If it is determined they do have jurisdiction, the application for a permit is made, and then there is a 30 day public notice and comment period. The government agencies have that time to make comments. The pre-application conference is very useful for complex and controversial projects. The purpose of the pre-application conference is to define the project's purpose, reduce impacts, and make it easier to complete the project.

There are so many variables to each site that there is no black and white way to handle every situation. Permitting decisions consider the effects to wetlands, adherence to guidelines, public interest, and agencies interest, etc. Permitting requires complying with special constrictions, and not contributing to the degradation of the waters of the U.S.

The Army Corp does respond to emergency situations, such as threat to life, destruction of property, etc. They process those permits in as little as 24 to 48 hours.

The Commission thanked Ms. Sheata for her time, and help understanding the Army Corp of Engineers work with the wetlands.

PLANNING COMMISSION TRAINING; The Planning Commission (Commission) conducted a training work session. David Baumgarten, County Attorney, discussed legal topics including ex parte communication, sunshine law, preemption and attorney-client privilege, and reducing risks of personal liability.

With a quorum present Chairman Reed opened the work session.

Moved; by Fulton, seconded by Wilcox for the Commission to go into executive session with County Attorney David Baumgarten, Planning Director Joanne Williams, Assistant Director of Planning Neal Starkebuam, and Planner Cathie Pagano, for the purpose of discussing legal topics including ex parte communication, sunshine law, preemption and attorney-client privilege, and reducing risks of personal liability. The motion passed unanimously.

The Commission went into executive session at 10:10 a.m. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney; that I represent the Gunnison County Planning Commission; that I attended all of the above referenced executive session; that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____ _____

David Baumgarten
Gunnison County Attorney

A. **Chairperson Statement Regarding Executive Session**

Pursuant to C.R.S. 24-6-402(4)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Planning Commission; that I attended all of the above referenced executive session; and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____ _____

Chairperson Ramon Reed
Gunnison County Planning Commission

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The Commission came out of executive session at 11:55 a.m. Chairperson Reed stated that the discussion had remained on the for the purpose of discussing legal topics including ex parte communication, sunshine law, preemption and attorney-client privilege, and reducing risks of personal liability.

Commissioner Susan Eskew left the meeting for the day.

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BEAR RANCH SECONDARY RESIDENCE; The Planning Commission (Commission) conducted a public hearing, to review a request for two sleeping quarters in addition to a primary single family residence and a secondary residence, generally described as being located northeast of County Road 12 (Kebler Pass) and west of County Road 2 (Bear Road), on Parcel 3, Bear Ranch Amended Parcels.

With a quorum present Chairman Reed opened the public hearing.

Community Development Services Manager Beth Baker confirmed adequate public notice; the applicant has submitted the certified mailing receipts and the proof of posting, and the Planning Office had the notice published in the Crested Butte News and Gunnison Country Times.

Bear Ranch representative Tom Newland explained the application. He provided photos of the buildings and the relationships of them on site. The Victorian structures H2 and H3 will have just bedrooms and bathrooms, no kitchens. They are brand new replica structures.

Seitz said the pictures were a good addition to the discussion, and go along way to illustrate the over all layout.

Staff-
Planner Cathie Pagano had no comments.

Commission-
The commissioners had no comments.

Public-
No public attended the public hearing, and there no written comments submitted.

Reed closed the public hearing at 1:15 p.m.

The Planning Commission conducted a work session to review the draft recommendation of approval.

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 Bear Ranch 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. No 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 (subdivision or multi-family development) is proposed as part of this application.

Section 10-103: ***Residential Density.***
Not applicable, no residential development (subdivision or multi-family 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 which includes non-residential and utility buildings on the parcel; 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 for a secondary structure intended for sleeping identified in *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.

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CRESTED BUTTE SOUTH METO DISTRICT EXPANSION OF SHOP; The Planning Commission (Commission) conducted a public hearing, to discuss a request for expansion of non-residential use at the District shop/office. The expansion will include 2,556 square feet, comprised of a three bay equipment storage building, attached to the existing building. The proposed building does not meet the water body setbacks and will be reviewed for compliance with Section 11-107: Protection of Water Quality. Parcel is located at 280 Cement Creek Road, approximately ½ mile east of the intersection of Highway 135 and Cement Creek Road.

With a quorum present Chairman Reed opened the public hearing.

Community Development Services Manager Beth Baker confirmed adequate public notice; the applicant has submitted the certified mailing receipts and the proof of posting, and the Planning Office had the notice published in the Crested Butte News and Gunnison Country Times.

Engineer Norm Whitehead and Attorney Jill Norris where present to represent Crested Butte South Metro District.

Site Visit Comments-

- **Wilcox-** the site visit was informative; there were no real outstanding issues, it looked like the right place
- **Seitz-**agreed with Wilcox. He may have a question of the roof shedding that could cause erosion of the bank.
- **Reed**- even though the acreage is large the buildable site is small
- **Fulton-** the site as planned is the most effective use of space

Whitehead explained they are requesting an addition of a three bay equipment storage building. They have redesigned the site, and moved the building two feet. They have designed a trench to catch the drainage off the roof. The trench will be rock and the bank is also rock. He said in the long run it may be better because of the plowing operation. They have added a retaining wall, which will extend to the front of the building.

Staff-
Planner Pagano said the snow storage is on the side of the building and it encroaches into the 25ft. inner buffer. Whitehead explained they have not moved the snow storage area; it is in the original area.

Commission-

Reed asked if the building could be moved 10ft forward on the site. Moving the building forward 10 ft. might result in less snow shedding off the roof, getting in the wetlands. Whitehead was unsure how much farther the building could be moved forward and still get all the equipment in the building; because of the turning radius needed.

Reed said the north side of the building will encroach almost the full 25 ft. into the inner buffer. He was not aware of any attempts made by the applicants to minimize the encroachment. The back side of the garage is the main concern, because of the snow melt off the roof. That snow could be hard packed and heavy and cause damage to the wetlands. The 25ft setback is meant to protect the wetlands. One of the things not allowed in the 25ft inner buffer is snow storage. Whitehead said the roof lines would be adversely affected and the equipment could have insufficient turning radius as a result of moving the building forward 10 ft.

Seitz said he wasn't as concerned with the snow off the roof, as erosion.

Reed reiterated his concern with the protection of the wetlands and the encroachment of the building into the wetlands.

Wilcox said what snow comes off the roof, is so much cleaner than what comes off a pile of graded snow.

Seitz asked if the parking area would have curbing or paving. Whitehead said they have added a containment berm, and have planned to eventually pave the parking lot.

No public comment-

No public attended the meeting. There was an e-mail received from a CB South resident in favor of project.

Reed closed the public hearing at 1:25 p.m.

The Planning Commission conducted a work session to review the draft recommendation of approval.

Following a brief discussion by the Commission, Wilcox, Fulton and Seitz said they would accept the plans as submitted.

MOVED; by Wilcox and seconded by Fulton to approve LUC-12-00005 as amended. The motion passed with Wilcox, Fulton, and Seitz voting yes and Reed voting no.

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 Crested Butte South Metropolitan District 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, wastewater treatment and road maintenance for Crested Butte South.
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 or on a containment slab 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 are 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. Snow storage is permitted as identified on the site plan titled, "Equipment Storage Addition Site Plan," dated April 4, 2012 and prepared by NCW & Associates, Inc.

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, wastewater treatment, and road maintenance) and construction of the 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 the 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 property line 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 equipment vehicles, except the tanker truck.

2. The tanker truck shall be parked indoors or on a containment slab 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.

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END OF DAY MEETING:

- There has been no recent action by the Board which directly impacts the Commission
- May 8th is the next BOCC work session on the oil and gas amendments

Reed adjourned the meeting at 3:00 p.m.

_____
/S/ Beth Baker
Community Development Department Services Manager
Gunnison County Community Development Department