



Gunnison County, CO
 Community Development Department
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To: Planning Commission
 From: Planning Services Manager Beth Baker
 CC: Director of Community Development- Joanne Williams
 Assistant Director of Community Development- Neal Starkebaum
 Planner- Cathie Pagano
 Date: May 25, 2012

Re: Packet Materials: For the June 1, 2012 - PC Meeting Document or other materials	Info Only	Discussion Item	Action Item
• Draft Agenda- June 1, 2012	X		
• Minutes – May 4th and May 18th		X	X
• Copy of minutes from the last BOCC/PC joint meeting March 30, 2012	X		
Education & Outreach Protocol – Oil and Gas			
Recommendation from Task Force – Oil and GAs			
• Alfred Braun Hut- Public Hearing			
Public comment		X	
Draft decision		X	X
• Vista Business Park- 1st work session			
Staff Memo		X	
Staff Report		X	
Fire District comments		X	
• SG Interests- 2nd continued public hearing			
Nothing new			
• PC Journal	X		

We will e-mail any documents that are not available yet, and anything that is submitted after we distribute the packets.

Thanks,
 Beth

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, June 1, 2012

9:00 a.m. • **Call to order; determine quorum**

Board of County Commissioners/Planning Commission Joint Meeting:

Items to be discussed by the Board and Planning Commission are in the following order:

- A. Strategic Plan - Strategic Results updates:
 - 1. Identify by 2012 and designate by 2013 appropriate areas for habitat protection, agricultural production, and industrial, commercial and residential development.
 - Update from Mike Pelletier
- B. Sage-grouse Subcommittee – Update from Jim Cochran
- C. Oil and Gas
 - 1. Governor’s Taskforce – Letter of Recommendation
 - 2. Amendments – Meeting dates
- D. SDPR MOU’s with municipalities update
- E. Legislation Update – Hap Channel
- F. Carbon Policy Taskforce Report Discussion – Hap Channel
- G. Other Topics

Lunch

1:00 p.m.

- **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.

1:10 p.m.

Alfred Braun Hut, public hearing/work session/possible action, request for new backcountry hut for public use. The hut will be approximately 848 square feet in size and accessed via ski, snowshoe or other non-motorized access. The hut will be open to the public only from November to May and will be closed during the remaining months. The project site is located on US Forest Service land near Taylor Pass, within Section 14, Township 12 South, Range 84 West

1:45 p.m.

Hal Hearne, Vista Business Park, work session/no action, Sketch Plan for a request to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25-2.15 acres, for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation, located approximately 4 miles east of the City of Gunnison, south of Highway 50, in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., also known as 43950 E Hwy 50.

2:45 p.m.

SG Interests I, Ltd., continued public hearing/possible executive session/work session/possible action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133

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

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room at 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed by the staff up to 24 hours before the meeting date. If you are interested in a specific agenda item; you may want to call the Community Development Department (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations please contact the Community Development Department before the meeting.

Draft Minutes for Review

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: Friday, May 4th, 2012

- 8:45 a.m.**
- **Call to order; determine quorum**
 - **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.** **SG Interests I, Ltd.,** public hearing/work session/possible action, request for the Federal 12-89-7 gas well project, including five gas wells, located in northwest Gunnison County, in Section 7, Township 12 South, Range 89 West, 6th P.M., west of Highway 133
- 9:45 a.m.** **SG Interests I, Ltd.,** public hearing/work session/possible action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133
- 10:30 a.m.** **SG Interests I, Ltd.,** work session/possible action, request for the Federal 11-90-24 gas well project, including two gas wells, located in northwest Gunnison County, in Section 24, Township 11 South, Range 90 West, 6th P.M., west of Highway 133
- 11:15 a.m.** **Alfred Braun Hut,** work session/no action, request for new backcountry hut for public use. The hut will be approximately 848 square feet in size and accessed via ski, snowshoe or other non-motorized access. The hut will be open to the public only from November to May and will be closed during the remaining months. The project site is located on US Forest Service land near Taylor Pass, within Section 14, Township 12 South, Range 84 West
- Lunch**
- 1:00 p.m.** **Jacob Schloesser,** work session/possible direction to staff, amended application for a light industrial use – woodworking operation in a detached structure, with outside storage; located at 318 Pine Street, Lot 2, Ragged Meadow, approximately 2 miles west of the Town of Marble
- End of Meeting** of
- 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**

Draft Minutes for Review

**GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
May 4, 2012

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	Director of Community Development- Joanne Williams
Vice-Chairman- Jim Seitz	Assistant Director of Community Development- Neal Starkebaum
Commissioner- Kent Fulton	Planner- Cathie Pagano
Commissioner- Susan Eskew	
Commissioner- Warren Wilcox	
Alternate Commissioner- AJ Cattles	
Alternate Commissioner- Jeremy Rubingh	

With a quorum present Vice-Chairperson Jim Seitz opened the regular meeting of the Commission. Seitz noted Chairman Ramon Reed had recused himself from the SG application discussions, and on the advice of County Attorney David Baumgarten has not indicated why he is doing so.

Unscheduled Citizens: Sandy Shea expressed his concern that the County needs to look at the cumulative impacts of oil and gas development to afford citizens the assurance the impacts are being considered during County reviews. SG representative Eric Sanford suggested the most appropriate place for the discussion should occur is with the Board of Commissioners as they consider changes to the County's oil and gas regulations. Commissioner Warren Wilcox agreed. Commissioner Jim Seitz agreed the cumulative impacts are of concern.

SG INTERESTS –FEDERAL 12-89-7: The Planning Commission (Commission) conducted a public hearing, to review the request for the Federal 12-89-7 gas well project, including five gas wells, located in northwest Gunnison County, in Section 7, Township 12 South, Range 89 West, 6th P.M., west of Highway 133.

With a quorum present Vice-Chairman Jim Seitz opened the public hearing.

Assistant Director of Community Development Neal Starkebaum confirmed adequate public notice; the applicant has submitted the certified mailing receipts, and the Planning Office had the notice published in the newspapers.

SG Interests (SG) representative Eric Sanford was present for the discussion, and SG representative Catherine Dickert participated in the discussion by phone.

Applicant's Presentation:

Sanford noted the parcel is an "odd" shape; the road will be moved about 150' and will be fenced. There will be two access points, the existing Hotchkiss Road, which will be the primary area for all operations and emergency access. They will use an easement held by SG. The secondary access will be from "the Narrows," which will be used during dry conditions. Sanford said the Public Works department has not officially conducted an onsite review of the accesses, but is familiar with it. Starkebaum said the County has been told that SG will not allow access to the public to access the site.

Sanford indicated the Planning Commission does have the right, from SG's perspective, to go on-site, but the private landowners may not agree.

Sanford said the proposed well project will be adjacent to existing pipeline; they have an agreement in place with Hotchkiss Ranches, and it ties in with the previously reviewed SG Interests' Eck Well location.

Sanford indicated SG is continuing to work with the Colorado Division of Parks and Wildlife (CDPAW) to develop a wildlife mitigation plan; which is a combination of time and level of activity restrictions for certain designated habitat. Qualities of habitat are tied to levels of activity during certain seasons; habitat treatment to improve long-term elk and mule deer habitat will likely be an element of that.

Seitz noted there has been some public concern about multiple wells being approved at one time. Sanford said SG is applying through its Bureau of Land Environmental Assessment to use three rigs at one time, including one for which they have requested use during the winter. SG is agreeing to restrict activity to a limited percentage during the winter season, based upon an assessment of impact. The rig used during the winter may move to different locations, but the overall percentage will remain limited.

Rubingh inquired if CDPAW is considering this area in an overall plan so impacts to the area, rather than just individual well locations can be considered. Sanford said the question would need to be posed to CDPAW. Rubingh also asked if there is a State policy and/or standards in place for wildlife habitat mitigation, and if there is research available about mitigation of impacts to wildlife relative to this industry.

Dickert said the agency has been describing populations of species, and looking at actual numbers of elk, stands of vegetation, and considering existing operation elements; some habitat restoration is also being considered outside the actual permit operational area. Details of impact measurement are in process, she said. Sanford indicated the Bureau of Land Management (BLM) Environmental Assessment (EA) includes site-specific information about road locations, 55 locations of well pads, and similar data. SG has provided its Laser Imaging and Data Ranging (LIDAR) mapping to BLM's third-party consultant to inform the EA.

Starkebaum told the Commission combining multiple wells on pads is a design and use the County has encouraged oil and gas industry planners to do, to allow a better review of cumulative impacts and to actually minimize those impacts to land and infrastructure. He added he has spoken with Public Works representative Allen Moores who had no comments about this application, given the accesses proposed for this well project are existing.

Starkebaum said he had asked a representative of CDPAW to attend this meeting; none were available. Starkebaum suggested it would be useful to have a representative of CDPAW attend a future meeting to provide information about CDPAW. Wilcox asked if additional wells could be located on the pads; Sanford indicated should additional wells be desired on the same pads in the future, a separate Environmental Assessment would be required.

Sanford indicated there has been no comprehensive assessment of well potential outside the Bull Mountain Unit. Sanford said there are no pads that SG is reclaiming at this time.

Starkebaum noted that this is an exploration activity, but not all are producing at this time.

Fulton asked what criteria exist for SG to determine drilling will occur in the winter. Sanford responded the EA allows activity to occur within a finite period of time, so drilling in winter would allow SG to achieve the number of wells to be drilled within the time permitted by the EA. If all allowed wells could be drilled in the summer, it would not be likely winter drilling would occur. If the wildlife habitat mitigation is put into place, it will also affect accessibility by season, and decisions about whether winter drilling would occur.

Public Comments:

Gunnison County resident Sandy Shea asked if the Commission needs to visit these sites before taking action. Seitz said he has personally been to the general area, and he now has a general feeling. In some cases, the Commission uses staff observation; Public Works Allen Moores in some cases and staff's reports provide good information to the Commission. Fulton noted the Commission also sees photographs and maps, in the context of having been to several sites they provide the Commission a good understanding of the area. Starkebaum said he has been to the site of this application and the photographs and other documents that have been presented as part of this application are accurately representative.

Seitz said the graphics currently submitted as part of the applications contain considerable detail and are greatly improved over earlier applications. He added Public Works representative Allen Moores had not expressed concerns about the site.

Shea asked if the County has oversight over relocation of the road by 150'. Starkebaum noted current proposed changes to the County's oil and gas regulations will require increased County review and standards for roads over private property, based upon U.S. Forest Service standards for roads constructed on Forest Service property.

Shea asked if any of the wildlife review and mitigation plan has considered fisheries. Sanford indicated the review has included fisheries assessment, but the mitigation plan has focused on big game. Starkebaum said CDPAW has conducted sampling on specific drainages affected by proposed well siting. Shea also asked if there has been discussion with CDPAW about relocating wells to avoid impact to wildlife. Sanford responded CDPAW is not looking at individual sites, and location is dependent upon location of the resource, and discussion has not included prohibition by the agency of

locating in a certain area. Sanford said relocation of a well site is a consideration, they are not considering moving well site locations while CDPAW and SG is working on the area wildlife mitigation plan.

Shea said he is concerned about the Commission's taking action on well applications while the mitigation plan is being formulated. Starkebaum indicated the County has to rely on CDPAW comments for individual applications while the agency is working on the mitigation plan.

Shea asked at what point exploration becomes development/production to assess total impacts of truck traffic and similar issues.

Wilcox expressed the opinion that an operator will develop its plan in the most efficient way, to minimize new construction and other costs, and most of what the County would like to see is going to be in the best interest of the operator's development as well.

Sanford indicated the information disclosed by SG within the EA is the best-known information about development within the five-year timeline considered by the EA.

Shea asked if the County has a requirement for distances between well pads. Starkebaum indicated the State has purview, and so the County does not.

Rubingh asked if the wildlife mitigation plan is a legal issue for SG, and if CDPAW recommendations for this particular well will be adhered to. Sanford said when leases are sold they include generalized stipulations; the CDPAW wildlife mitigation plan provides more specificity for restrictions on timing and activity. Sanford said any stipulation or conditions of approval are complied with.

There being no further discussion, the public hearing was closed.

The Commission discussed the staff draft for Planning Commission decision on this application.

Vice-Chairman Seitz seated Commissioner Cattles on this issue and for the Federal 11-90-24 gas well project later this morning,

MOVED; by Wilcox and seconded by Fulton to approve OG-12-00007/ Federal 12-89-7 Gas Well Project as amended. The motion passed unanimously, with Chairman Reed having recused himself.

PROJECT SUMMARY:

The applicant requests an Oil and Gas Operations permit for the Federal 12-89-7 Gas Well Project, which includes the construction of a well pad, five gas wells and installation of gas and produced water pipelines to connect to the existing collection system.

Operations Plan:

Drilling: The well will be drilled using a conventional rotary drilling rig, operating 24 hours a day. Cuttings and drilling fluids will be maintained in a plastic lined reserve pit.

Completion: The well will be completed using a conventional daylight rig. Hydraulic fracturing is the planned stimulation for the well.

Transporting: If productive, the gas will be transported by buried pipeline. Produced water will be trucked or transported by buried pipeline.

Production: Production will be performed by conventional means. If artificial lift is required, a pumping unit will be used.

Post-Operation: If production is non-commercial, the well will be plugged and abandoned according to COGCC rules.

SURFACE OWNERSHIP:

Hotchkiss Ranches, Inc.
c/o Brian K. Farmer
P.O. Box 479
Hotchkiss, CO 81419

MINERAL OWNER:

Dept. of Interior - Bureau of Land Management
2465 S. Townsend Avenue
Montrose, CO 81401

PROJECT LOCATION:

The gas well project is located west of Highway 133, on the Hotchkiss Ranch, within Section 7, Township 12 South, Range 89 West, 6th P.M. Specific location of the site is identified on a map in the Community Development Department file.

ACCESS:

The applicant states primary and winter access to the well project will be via an existing improved private road, from Highway 133, with a secondary access from the north on the private Narrows Road, from County Road 265. No additional improvements are necessary to the existing road access from the south.

Additionally, SG Interests and Gunnison Energy Corporation have an existing agreement with Gunnison County to maintain County Road 265, for the application of magnesium chloride by Gunnison County, with financial reimbursement provided by SG Interests and Gunnison Energy.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:

This review and recommendation 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, maps, references and documents.

GUNNISON COUNTY, COLORADO TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS: The application was reviewed for compliance with the *Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations, May 18, 2004*, and is defined as a Minor Oil and Gas Operation Project.

The proposed pipeline alignment will generally follow the existing road, to connect with the planned Eck 12-90-1 well pipeline gathering system. The applicant submitted a request for a technical infeasibility waiver for the pipeline construction. The pipeline will be within 500 feet of waterbodies (three wetland areas) along the pipeline alignment. The proposed pipeline construction does not meet the setback standard in *Section 1-107: Oil and Gas Operation Standards, H. Waterbody Setbacks*.

WORK SESSIONS:

Work sessions were held by the Planning Commission on:

April 6, 2012

May 4, 2012

SITE VISIT:

The applicant indicated that the land owner refuses to permit access to the public for the site visit. No site visit was conducted by the Planning Commission. The Commission members indicated that they were comfortable with not conducting a site visit, as several had been by the proposed site previously, were familiar with the general area and the photos in the application were representative of the site.

PUBLIC HEARING:

A public hearing was held by the Planning Commission on May 4, 2012. At that time Sandy Shea asked the Commission several questions about site visits, road standards, review of potential wildlife and fisheries impacts, wildlife impact mitigation and authority for spacing between well pads.

A letter was received from Sandy Shea, dated April 12, 2012, identifying concerns about planning for gas well operations in Gunnison County.

All testimony presented, and the full record of that hearing, including all testimony, is hereby incorporated into this record.

FINDINGS:

The Gunnison County Planning Commission, having considered the application, all exhibits and public testimony finds that:

1. Approval is limited to the location and description of the SG Interests I, Ltd. Federal 12-89-7 Gas Well Project as described in the application. Any change 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 *Temporary Regulations for Oil and Gas Operations*, or as those may be hereinafter amended.
2. Subject to the Technical Infeasibility Waiver and the Conditions of Approval included in the Decision, below, the application is consistent with *Section 1-107: Oil and Gas Operation Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004*.

3. The applicant has requested a term of permit of five years in which to drill all five wells, which the Planning Commission finds appropriate.
4. The applicant has identified waterbodies (three wetland areas) within 500' of the proposed pipeline route.
5. The applicant submitted a request for a technical feasibility waiver for the pipeline alignment. The pipelines will be within 500 feet of waterbodies (three wetland areas) along the route. The pipeline alignment cannot meet the setback standard of *Section 1-107: Oil and Gas Operation Standards, H. Waterbody Setbacks*. There is no economical technology commercially available to construct the gas and produced pipelines in compliance with the waterbody setbacks. Granting of the waiver will not cause substantial injury to the owner or occupant of adjacent lands; and the waiver will not cause substantial injury to the environment. Therefore, the granting of a technical infeasibility waiver for the pipelines is appropriate.
6. The applicant submitted a *Wildlife and Vegetation Assessment Report*, prepared by Rocky Mountain Ecological Services, Inc. dated February 2012, which included several recommended actions to provide mitigation for impacts to wildlife, which have been incorporated as conditions of approval.
7. 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 these applications; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having considered the submitted applications, all exhibits, documentation and public testimony, and having reached the above Findings, hereby approves SG Interests I, Ltd. Federal 12-89-7 Gas Well Project; Oil and Gas Operations Permit No. OG2012-07 with the following conditions:

1. This permit is limited to the description of the SG Interests I, Ltd. Federal 12-89-7 Gas Well Project. Any substantive change 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 *Temporary Oil and Gas Regulations*, or as those may be hereinafter amended.
2. The applicant shall provide copies of any Spill Reports, associated with the Federal 12-89-7 Gas Well Project, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department.
3. The applicant shall provide copies of reports to the Colorado Oil and Gas Conservation Commission regarding water quality sampling, associated with the Federal 12-89-7 Gas Well Project, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department.
4. The access road shall be maintained in compliance with the Stormwater Management Plan.
5. All trash shall be placed in bear-proof dumpsters.
6. The applicant shall employ best management practices to ensure that noise produced by generators and other loud equipment do not impact wildlife.
7. Nothing in this decision is or shall be construed to be a limitation on Gunnison County participating in any future regulatory process for said wells.
8. 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.
9. 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. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.
10. Approval of this permit 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.

SG INTERESTS- FEDERAL 11-90-9; The Planning Commission (Commission) conducted a public hearing, to review request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133
Chairman Ramon Reed recused himself from all SG Interests agenda items, for the entire day.

Seiz said the Commission conducted a site visit of this site last week.

With a quorum present Vice-Chairman Jim Seitz opened the public hearing.

Assistant Director of Community Development Neal Starkebaum 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 newspapers.

SG Interests (SG) representative Eric Sanford was present for the discussion, and SG representative Catherine Dickert participated in the discussion by phone.

Applicant's Presentation:

Sanford said this is the formerly-approved Henderson 6-11 well site. The proposal is for five well pads. The proposed locations have been sited because of topography, parcel boundaries, and because the SG geologist has recommended the location based upon location of the resource.

Starkebaum noted copies of Form 2A from the Colorado Oil and Gas Conservation Commission (COGCC) had been submitted to the Commission this morning.

Fulton asked if comments have been received from biologist Eric Pederson; Dickert indicated they have not, but she will obtain them.

Eskew said she wished the Commission had a copy of a map of severe winter elk range habitat that CDPAW's representative Brian McGehee had available when the Commission conducted its onsite visit last week.

Sanford indicated the wildlife mitigation plan is intended to mitigate the impact of this well.

Starkebaum noted McGehee's written response identifies the site is located within an elk "winter concentration level," which is a level of impact lower than severe winter habit.

Sanford said the location is close to a road SG already plows, so the location is appropriate.

Starkebaum pointed out the proposed pad is 500' from Henderson Creek. Sanford said SG has no geologist's report indicating the alternate location would not be appropriate.

Sanford said visual issues were also considered and the proposed site accomplishes a preferable location. The location has considered a number of issues.

Site Visit Observations:

- **Wilcox-** This is an area of slumpy, sticky mud that if major equipment were to be supported, would have to be in a cut. The site is fairly level, away from water; the road does not seem to be overly steep or have problems with snowmelt. His personal experience is once animals become used to human activity they become numb to it, and it allays some of his concern. Because of activity there, wildlife probably has some capacity to be used to human activity there.
- **Cattles-** He was shocked to see going over a hill into the basin could affect the stream. He would tend to want to move the well location to the other side of the hill. The visual impact would be limited because it would be a more concentrated area. There would be more cut and fill, but it could conserve some elk habitat.
- **Rubingh-** He thought more research might be done on this location; agreed with the statements made by Cattles.
- **Eskew-** She agreed with Cattles. She thinks noise and traffic might be disturbing to elk, and more consideration of site location might be appropriate.

- **Seitz-** He said after looking at the hillsides there would be less cut and fill by the bowl. The basin is wholly in sight as one goes the down road, so he is unsure how the activity on this location might affect the elk. He had asked Sanford if the stockpiled area has been considered for another area of containment so the drainage might be contained within the basin. Sanford indicated there may be berms placed on the down side of the pad, and another containment area would be within 500' of the creek, which would not be allowed by County's requirements.

Commissions Comments:

Cattles expressed concerns about pushing elk onto more private land; the elk are a sustainable resource, both issues which ought to be considered in the site location. Sanford indicated about 90 percent of the Bull Mountain Unit plan is ranching. CDPAW takes into account the mitigation plan, by allowing a percentage of activity within a certain season, and the activity will be moved around over the years, changing the affected ranches from year to year.

Public Comments:

Gunnison County resident Sandy Shea noted elk are an indicator species. He said where the elk go, so do the prey. He said he hoped the Commission would delay its action until the wildlife mitigation plan is complete, possibly as a way to spur SG to get the agreement signed with CDPAW.

Starkebaum noted the application is as proposed, and SG has not proposed a change in location. Sanford indicated SG is unwilling to change the site location based upon one location. Seitz noted comments from CDPAW are only recommendations.

Sanford requested recognition this is subject to State and Federal permitting requirements. He added this location is outside the wildlife mitigation plan. The County also has the opportunity to respond as the Local Government Designee (LGD) on the wildlife issue. Starkebaum clarified that the comments from CDPAW were not available when the Gunnison County LGD made comments regarding this proposal.

Rubingh said the CDPAW comments have been received on this application, which provides the opportunity to strengthen the ongoing attempt by the involved agencies and industry to cooperatively work together.

Cattles added it's difficult to move ahead without knowing what the wildlife mitigation plan includes, but he was encouraging more of a cooperative effort and more information made available about the mitigation plan.

Seitz noted without the presence of the County Attorney, the Commission may need to delay its decision. Rubingh inquired what additional information would be available if action were delayed, as the reality of having the wildlife mitigation plan is questionable. Starkebaum said because the County has been in litigation about this, the County Attorney would be requested to attend the next meeting of the Commission.

Sanford indicated additional information about noise will be forthcoming. Relocation of the site will not be proposed, partially because both State and Federal applications would have to be amended. He does not know if the wildlife mitigation will be signed within the next two weeks.

Starkebaum noted staff had previously been directed by the Commission to draft a decision document for approval. Comments from the CDPAW have provided information which was not available at the time.

The Commission continued the public hearing to May 18, 2012, at 10 a.m.; they requested the presence of the County Attorney, noting it would possibly include an executive session.

SG Interests- Federal 11-90-24; The Planning Commission conducted a work session to discuss the request for the Federal 11-90-24 gas well project, including two gas wells, located in northwest Gunnison County, in Section 24, Township 11 South, Range 90 West, 6th P.M., west of Highway 133.

Chairman Ramon Reed recused himself from all SG Interests agenda items, for the entire day.

With a quorum present Vice-Chairman Jim Seitz opened the work session.

SG representative Eric Sanford was present for the discussion, and SG representative Catherine Dickert participated in the discussion by phone.

The Commission reviewed the draft decision document.

MOVED; by Fulton and seconded by Wilcox to approve OG-12-00004/ Federal 11-90-24 as amended. Commissioner Cattles was seated for the vote by previously noted designation of the Vice-Chairman, Chairman Reed had recused himself. . The motion passed unanimously.

PROJECT SUMMARY:

The applicant requests an Oil and Gas Operations permit for the Federal 11-90-24 Gas Well Project, which includes the construction of a well pad, two gas wells, construction of a new road and installation of gas and produced water pipelines to connect to the existing collection system.

Operations Plan:

Drilling: The well will be drilled using a conventional rotary drilling rig, operating 24 hours a day. Cuttings and drilling fluids will be maintained in a plastic lined reserve pit.

Completion: The well will be completed using a conventional daylight rig. Hydraulic fracturing is the planned stimulation for the well.

Transporting: If productive, the gas will be transported by buried pipeline. Produced water will be trucked or transported by buried pipeline.

Production: Production will be performed by conventional means. If artificial lift is required, a pumping unit will be used.

Post-Operation: If production is non-commercial, the well will be plugged and abandoned according to COGCC rules.

SURFACE OWNERSHIP:

Nick Hughes
708 1250 Road
Delta, CO 81416

MINERAL OWNER:

Dept. of Interior - Bureau of Land Management

PROJECT LOCATION:

The gas well project is located west of County Road 265, within Section 24, Township 11 South, Range 90 West, 6th P.M. Specific location of the site is identified on a map in the Community Development Department file.

ACCESS:

The applicant states access to the gas well project will be via an existing private road, from CR 265. A new access road of approximately 1.6 miles will be constructed from the exiting Narrows Road.

Additionally, SG Interests and Gunnison Energy Corporation have an existing agreement with Gunnison County to maintain County Road 265, for the application of magnesium chloride by Gunnison County, with financial reimbursement provided by SG Interests and Gunnison Energy.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:

This review and recommendation 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, maps, references and documents.

GUNNISON COUNTY, COLORADO TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS: The application was reviewed for compliance with the *Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations, May 18, 2004*, and is defined as a Minor Oil and Gas Operation Project.

The applicant provided a letter, dated March 22, 2012, stating that the well pad and pipelines are not within 500 feet of any waterbodies. However, the applicant has submitted a request for a technical infeasibility waiver for the road construction for access to the gas well project. The road alignment is within 500 feet of a waterbody (unnamed creek) where the road will intersect with the Narrows Road. The proposed road improvements do not meet the setback standard in *Section 1-107: Oil and Gas Operation Standards, H. Waterbody Setbacks*.

WORK SESSIONS:

Work sessions were held by the Planning Commission on:
March 16, 2012
May 4, 2012

SITE VISIT:

No site visit was conducted by the Planning Commission.

PUBLIC HEARING:

A public hearing was held by the Planning Commission on April 6, 2012. At that time Sandy Shea asked several questions about the operation.

All testimony presented, and the full record of that hearing, including all testimony, is hereby incorporated into this record.

FINDINGS:

The Gunnison County Planning Commission, having considered the application, all exhibits and public testimony finds that:

1. Approval is limited to the location and description of the SG Interests I, Ltd. Federal 11-90-24 Gas Well Project as described in the application. Any change 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 *Temporary Regulations for Oil and Gas Operations*, or as those may be hereinafter amended.
2. Subject to the Technical Infeasibility Waiver and the Conditions of Approval included in the Decision, below, the application is consistent with *Section 1-107: Oil and Gas Operations Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004*.
3. The applicant has identified waterbodies (wetlands) within 500' of the proposed road.
4. The applicant submitted a request for a technical feasibility waiver for the road alignment. The new road will be within 500 feet of a waterbody (unnamed creek) where it intersects with the Narrows Road. The proposed road alignment cannot meet the setback standard of *Section 1-107: Oil and Gas Operation Standards, H. Waterbody Setbacks*. There is no economical technology commercially available to access the well pad in compliance with the waterbody setbacks. Granting of the waiver will not cause substantial injury to the owner or occupant of adjacent lands; and the waiver will not cause substantial injury to the environment. Therefore, the granting of a technical infeasibility waiver for the road location is appropriate.
5. The applicant submitted a *Wildlife and Vegetation Assessment Report*, prepared by Rocky Mountain Ecological Services, Inc. dated January 2012, which included several recommended actions to provide mitigation for impacts to wildlife, which have been incorporated as conditions of approval.
6. 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 these applications; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having considered the submitted applications, all exhibits, documentation and public testimony, and having reached the above Findings, hereby approves SG Interests I, Ltd. Federal 11-90-24 Gas Well Project; Oil and Gas Operations Permit No. OG2012-04 with the following conditions:

1. This permit is limited to the description of the SG Interests I, Ltd. Federal 11-90-24 Gas Well Project. Any substantive change 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 *Temporary Oil and Gas Regulations*, or as those may be hereinafter amended.
2. The applicant shall provide copies of any Spill Reports, associated with the Federal 11-90-24 Gas Well Project, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department.
3. The applicant shall provide copies of reports to the Colorado Oil and Gas Conservation Commission regarding water quality sampling, associated with the Federal 11-90-24 Gas Well Project, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department.
4. The access road shall be maintained in compliance with the Stormwater Management Plan.
5. All trash shall be placed in bear-proof dumpsters.

6. The applicant shall employ best management practices to ensure that noise produced by generators and other equipment does not impact wildlife.
7. Nothing in this decision is or shall be construed to be a limitation on Gunnison County participating in any future regulatory process for said wells.
8. 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.
9. 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. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.
10. Approval of this permit 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.

Alfred Braun Hut: The Planning Commission (Commission) conducted a work session to review the request for new backcountry hut for public use. The hut will be approximately 848 square feet in size and accessed via ski, snowshoe or other non-motorized access. The hut will be open to the public only from November to May and will be closed during the remaining months. The project site is located on US Forest Service land near Taylor Pass, within Section 14, Township 12 South, Range 84 West.

With a quorum present Chairman Ramon Reed opened the work session.

Planner Cathie Pagano reported the U.S. Forest Service has already approved this use; a copy of the approval is included in the information provided to the Commission.

Al Byer said the Alfred Braun non-profit hut system has been in operation for six years. They are affiliated with the Tenth Mountain System. There is a growing demand by back-country ski users. The proposed hut would provide an additional staging spot for the Elk Mountain Traverse event.

Al Byer said there is a gap in the hut system, and this location was chosen on that basis. It is not visible from the top of Taylor Pass or from the road. It will provide a nice link between the Gunnison area and White River. There is no road going to the hut site, and no new roads or trails proposed. A photovoltaic system will provide the lighting. A woodstove will provide the heat; the non-profit skids the wood supply in by snowmobile.

Reed asked for clarification of whether the hut is or is not above timberline. Pagano and Byer indicated the location appears to be "right on the line." Reed responded the Environmental Assessment (EA) states the hut will be above tree-line. Because it is at or near timberline, Reed suggested, based upon satellite photos available from Google, the *Land Use Resolution* be considered, though its standards would not cause the use to be deterred or denied. Applicant representative Byer distributed photos of the site to the Commission.

Reed asked how snowmobilers would be aware this is a non-motorized area. Byers indicated the hut information page on the Tenth Mountain website identifies this as a non-motorized area, and small green signs will be posted on the property on non-permanent posts which are removed in the summer. Its operation is primarily on an honor system; any enforcement is accomplished by the U.S. Forest Service. During the summer the hut and its wood storage shed are locked; outhouses are unlocked.

High Country Citizens' Alliance (HCCA) representative Matt Reed noted though there may be some wildlife impact, HCCA supports this kind of use.

A public hearing will be scheduled for June 1, 2012; Reed directed staff to draft a decision for approval.

It was noted there is a concern about time, due partially to a need to schedule helicopter use for construction materials. Because of publication timing constraints, no earlier hearing date is possible. Pagano suggested the applicant submit its Building Permit application so that review can be accomplished in tandem with this process.

Schloesser – Light Industrial Use Request; The Planning Commission (Commission) conducted a work session, to discuss the amended application for a light industrial use – woodworking operation in a detached structure, with outside storage; located at 318 Pine Street, Lot 2, Ragged Meadow, approximately 2 miles west of the Town of Marble.

With a quorum present Chairman Ramon Reed opened the work session.

Assistant Director of Community Development Neal Starkebaum acknowledged that several written comments have been received by the Department and distributed to the Commission.

Site Visit Observations:

- **Seitz** -noted the weather was not good on the visit. He indicated he had heard very little and was amazed at the sounds he did not hear and was expecting to hear. He noted as a woodworker himself, he had noticed the level of insulation that reduced the sound.
- **Eskew** -said she has good hearing, and does not like noise. She had listened intently while the machinery was operated. She said the sounds of birds, the stream and others talking were louder than sounds coming from inside.
- **Rubingh**- said his observations were similar, he thinks the noise issue can be put to rest -[based upon what was heard onsite].
- **Cattles**- observed the place does not look like an industrial facility, it looks like a barn.
- **Wilcox** -said he is a little hard of hearing, and the operation was hard to hear. He could hear the sounds of the birds above the sounds of the operations.
- **Reed**- agreed with those comments.

Starkebaum read through the list of written comments received by the Community Development Department and the Planning Commission. All written comments can be found in the Community Development file.

Reed initiated discussion of sections of the *Land Use Resolution* that are applicable to this application.

The Commission reviewed the *Gunnison County Land Use Resolution* (LUR) locational standards; they considered the alternative locational standards, because this site is not located within a Three-Mile Area.

Commissioner Kent Fulton excused himself from the discussion, because he was not on the site visit. He remained at the table.

Seitz noted information had been submitted about other available properties in the area and because of cost or location they were not a reasonable alternative. Reed noted there are no industrial or light industrial areas within the Town of Marble. This is a rural area which does not have typical urban facilities available in the area.

Wilcox said he has a hard time seeing this site is being used as an industrial use.

Rubingh acknowledged the correspondence received relative to the application provides some clarity. He noted concerning water requirements, this is a light industrial use which requires no water. He also noted the operation is not a sawmill. Reed said and Rubingh agreed a condition can be placed on any approval that there be no processing of raw materials as part of the operation. Seitz asked Schloesser if the machinery is set up to saw round logs; Schloesser answered it is not.

Seitz read from a letter in the record dated July 2009 from Schloesser which stated the milling activity can be done in Denver. In response to other questions, Schloesser said most of his jobs are offsite, with one or two employees, who are independent contractors, and the business is not set up to have more employees.

Starkebaum noted neighbors' concerns about the business growing in the future, and asked Schloesser asked if he were agreeable to place threshold limitations on the business so if it is sold the neighbors would have assurance of the level of activity. Schloesser indicated that would be fine.

Seitz said visual concerns are also an issue. He noted the LUR currently does not limit storage. Starkebaum corrected the statement, noting the amount of storage is limited by how much has been proposed in the application submittal. Reed suggested one condition might be that the area be limited to one acre of the 10 which are included in Schloesser's parcel.

The Commission reviewed LUR Section 9-301 E re: maximum building size and owner resident/ attached employee housing.

Reed reviewed the LUR light industrial standards. Seitz noted his surprise the noise impacts are limited to the property because he believed it would be difficult to meet.

Schloesser said his proposed hours of operation are Monday through Saturday, 8am-6pm. Seitz commented some of the work may be noise producing while some is not. Seitz doesn't want to limit Schloesser's use of his building but machinery may not be operated during certain time periods; other work such as hand sanding or finishing could be done at any time. Wilcox said there is other equipment at the site which could make just as much or more noise. Rubingh agreed the machinery shouldn't be operated outside of those hours. Starkebaum pointed out if the mitigation of the noise has been implemented than operating hours shouldn't be an issue.

The Commission discussed compatibility. Rubingh commented that there are similar uses going on in the area and the proposed application meets the compatibility requirement. Wilcox said there are areas that don't have HOA's and some people are attracted to that; he recommended the people who want more rules should purchase land in a subdivision with covenants. He said he doesn't find the use offensive. Eskew said she was surprised to see the operation at the site visit because based on the neighbor comment she expected a different use. She said Schloesser has done a good job complying with the regulations. Seitz said he agrees it has a chance of working if it's conditioned properly. Reed said he hasn't seen any evidence the property values have decreased as a result of this operation.

Mike Preston asked that Reed not vote because he's biased and because he's rewritten Schloesser's application and the County regulations. Reed clarified any amendments to the Land Use Resolution are reviewed and approved by the Board of County Commissioners. Fulton excused himself from voting. AJ Cattles was seated for purposes of directing staff. Cattles moved to direct staff to draft a recommendation of approval; Eskew seconded the motion. The Commission voted unanimously.

The Commission discussed the findings and recommendations to be included in the draft decision. The commissioners recommended that:

- activity outside be limited to moving materials in and out
- no milling activity
- hours of operation M-S, 8-6pm, with no heavy machinery outside those hours
- maximum traffic trips and number of two full time employees
- machinery operation done with doors closed

Reed adjourned the meeting at 3:20 pm. .

/S/ Joanne Williams- Director of Community Development
Cathie Pagano –Planner Gunnison County Community Development

Draft Minutes for Review

GUNNISON COUNTY PLANNING COMMISSION PRELIMINARY AGENDA: Friday, May 18th, 2012

- 9:45 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.

10:00 a.m. **SG Interests I, Ltd.**, continued public hearing/possible executive session/work session/possible action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133

11:00 a.m. **Ragged Mountain Fire District**, work session/no action, request for 6,750 square foot building for fire equipment and storage, and for a staging area for the fire district, located in northwest Gunnison County, within the NW1/4 SE1/4, Section 11, Township 13 South, Range 90 West, 6th p.m.

Lunch

1:00 p.m. **Bear Ranch, represented by Tom Newland**, work session/no action, request for the construction of a 22,712 square foot single-family residence, in excess of the maximum thresholds identified in *Section 13-105: Residential Building Sizes and Lot Coverages*, located northeast of County Road 12 (Kebler Pass) and west of County Road 2. The parcel is legally described as Parcel 5, Bear Ranch Amended Parcels.

- 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

Draft Minutes for Review

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
May 18, 2012

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	Director of Community Development- Joanne Williams
Commissioner-Kent Fulton	Assistant Director of Community Development- Neal Starkebaum
Vice-Chairman- Jim Seitz	Planner-Cathie Pagano
Commissioner-Susan Eskew	Community Development Department Services Manager-Beth Baker
Commissioner-Warren Willcox	
Alternate Commissioner- AJ Cattles	
Alternate Commissioner-Jeremy Rubingh	

Others present as listed in text

With a quorum present Chairman Ramon Reed opened the May 18, 2012 the Gunnison County Planning Commission meeting.

Moved by Seitz seconded Wilcox to approve the minutes of April 20, 2012 as amended. The motion passed unanimously.

SG INTERESTS: The Gunnison County Planning Commission (Commission) conducted a continued public hearing. They discussed- OG-12-00006, a request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133.

Chairman Ramon Reed recused himself from the continued public hearing.

With a quorum present Vice Chairman Jim Seitz opened the continued public hearing.

SG Interests representative Eric Sanford was present for the continued public hearing and Catherine Dickert was present via phone conversation.

Park Service representative John Holtz was present via phone conversation.

Seitz said at the public hearing two weeks prior, the Commission had just received information from the Park Service, the Commission decided to continue the public hearing, and give the public an opportunity to review the information and participate in the process.

Holtz said he did not have any additional information to add, but would be participating to answer questions. Seitz asked when the COGCC will provide information; Holtz said the 40-day comment period has closed. They have not heard back from the COGCC. Typically they will defer it to the Forest Service process. Holtz had no comments beyond the written comments, previously submitted.

Dickert noted there had been some deficiencies in SG's application; needed more information on water resources for fresh water. She is currently drafting a response.

County Attorney David Baumgarten asked if the comments made by the County LGD had been incorporated and reviewed by the Feds: Holtz did not think so. Baumgarten asked if there is a date one could expect response from the Oil and Gas Commission. Holtz said it should be fairly soon.

Assistant Director of Community Development Neal Starkebaum said Forest Service representative Ryan Taylor had indicated they are still waiting for information from SG. They have not determined a date for scoping comments on this project. The NEPA process will then follow. That scoping could take about a month. The COGCC will not make a determination until the Forest Service decides on the NEPA process.

Moved; by Rubingh seconded by Fulton for the Commission to go into executive session with County Attorney David Baumgarten, Director of Community Development Joanne Williams, and Assistant Director of Community Development

Neal Starkebaum, for the purpose of discussing alternate paths to be taken at this juncture in the process. The motion passed unanimously.

The Commission went into executive session at 10:25 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).*

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. Vice-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: _____

Jim Seitz Vice-Chairperson
Gunnison County Planning Commission

The Commission came out of executive session at 10:50 a.m. Vice- Chairperson Seitz stated that the discussion had remained on the topic, and no decisions were made.

Baumgarten suggested the PC continue the public hearing with instructions to staff and counsel to speak with the COGCC and Federal agency about leasing, siting and permitting, and what to do about wildlife. Staff will prepare a report.

MOVED by Wilcox and seconded by Fulton to continue the public hearing to June 1, 2012 @ 2:45 P.M. The motion passed unanimously.

Sanford objected to continuing the public hearing.

RAGGED MOUNTAIN FIRE DISTRICT; The Gunnison County Planning Commission (Commission) conducted a work session to discuss the request for 6,750 square foot building for fire equipment and storage, and for a staging area for the fire district, located in northwest Gunnison County, within the NW1/4 SE1/4, Section 11, Township 13 South, Range 90 West, 6th p.m.

With a quorum present Chairman Ramon Reed opened the work session.

Applicant's representatives Mary Norris, Joanne Fagan and John Norris were present for the work session.

Fagan said the building will be used for the fire equipment. The equipment is now stored in Paonia and that is not efficient. The proposed building exceeds 5,000 sq. ft., the bulk of the building sits on a raised structural floor that will be 4,500 sq. ft.

Reed said Public Works and Environmental Health had submitted comments.

Planner Cathie Pagano said Colorado Geologic Survey (CGS) had not submitted their final comments. She noted the parcel is in a rock fall hazard area.

Fagan explained the upstairs would be used for the emergency equipment and a bathroom. The downstairs would be water storage. The building will not be manned. It would not be used for training. Most of the training activity is done in Paonia. It is a basic structure; the floor is a suspended floor with fire trucks on it. The floor slopes at more than eight percent, so it is suspended. There will be enough room to store four fire trucks.

Reed asked if they have the access permit; Fagan said they do.

Seitz asked if there are flashing lights at the intersection of the new and old highway; John Norris said they do have acceleration or deceleration lanes; there is not much traffic on the road.

Wilcox noted this would be a central location in the district.

Seitz asked if Bear Ranch was in the district; John Norris said yes it is, but Bear Ranch has its own firefighting equipment.

Reed asked where the nearest residence is to this station; John Norris said nothing is close, at least a quarter of a mile or more.

Reed asked about the rock fall; Norris said it is on the BLM to the north. They will construct a rock catch wall on the other side of the wall.

The Commission directed staff to schedule a public hearing and have a draft decision of approval prepared for that meeting.

The draft decision of approval will include;

- The Environmental Health Memo
- The CGS comments

The public hearing will be conducted June 15, 2012.

Commissioner Rubingh left the meeting for the day.

BEAR RANCH- OVER SIZED RESIDENCE; Gunnison County Planning Commission (Commission) conducted a work session to discuss the request for the construction of a 22,712 square foot single-family residence, in excess of the maximum thresholds identified in *Section 13-105: Residential Building Sizes and Lot Coverages*, located northeast of County Road 12 (Kebler Pass) and west of County Road 2. The parcel is legally described as Parcel 5, Bear Ranch Amended Parcels.

With a quorum present Chairman Ramon Reed opened the work session.

Applicant's representatives Tom Newland, architect Brian Sipe, and Paul Panther were present for the discussion.

Newland submitted a life and safety management plan for the Bear Ranch project.

Newland showed several photos of the project; the view from building H-1, in relation to the rest of the town. He said the issues of sewer, water and roads are up to standard. A state approved water and sewer system is in place. He addressed obtrusive visibility; he showed a site plan illustrating where the building is going to be. The building would be in the center of the 6,500 acre ranch. It would not be seen from Kebler Pass, or any place other than the ranch.

Newland said the relationship of the H-1 structure illustrates how the development has been clustered. The H-1 structure is larger but does not "stick out." The overall ranch is in agricultural production. There is a large hillside blocking the view from the South and East. The existing topography will be used to mitigate the visibility. They will use either stucco or adobe and natural colors. The house will be 22,700 sq. ft.; 8,200 sq. ft. is below grade- 15,000 sq. ft. above ground. There will be no other structures on this parcel.

Fulton asked which parcel this would be on; Newland said parcel five.

Fulton asked how they picked this location; Newland said it is a central location and close to the infrastructure.

Seitz pointed out the extreme size of the proposed house is an issue; very rarely do we review a request for a residence of this size. Seitz asked how the structure would be heated; Newland said propane and in floor heating.

Reed was concerned with the adjacent property owners; Newland pointed out the adjacent parcels are owned by Bear Ranch.

Reed asked about the roof; Sipe said the design has changed to metal roofing.

Cattles asked if they will be screening with trees and landscaping; Newland said they will likely remain more natural.

Newland explained they will use generators for backup power.

Steve Schechter what are the snow loads; the atrium will be designed for the snow load.

Attorney Luke Danielson asked what portion of the year the residence will be occupied; Newland said two to three months in the summer, two to three weeks in the winter, and during hunting season.

The majority of the commissioners did not think an additional site visit would be necessary; Commissioner Eskew would like to visit the site, and is welcome to do so.

The commissioners directed staff to schedule a public hearing, and prepare a draft decision of approval for their review following the public hearing.

Reed adjourned the meeting at 2 P.M..

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

**PC / BOCC Joint Meeting Minutes
March 30, 2012**

Board of County Commissioners & Planning Commission Joint Meeting: The Planning Commission (Commission) and Board of County Commissioners conducted a joint meeting. Board Members (BOCC) Hap Channell, and Paula Swenson, County Attorney David Baumgarten, County Manager Matthew Birnie, and Director of GIS Mike Pelletier attended the meeting.

They discussed:

A. Strategic Plan - Strategic Results updates:

Identify by 2012 and designate by 2013 appropriate areas for habitat protection, agricultural production, and industrial, commercial and residential development.

GIS Director Mike Pelletier explained the BOCC had appointed a team to explore the BOCC's above mentioned strategic result. The team included Director of Community Development Joanne Williams, Assistant Director of Community Development Neal Starkebaum, Planner Cathie Pagano, County Attorney David Baumgarten, Director of GIS Mike Pelletier, and Wildlife Coordinator Jim Cochran. The team has worked on the issue for approximately one year. He said the team had developed - *Strategic Result B-1, Phase 1, Analysis and Recommendations*.

The recommendations included:

1. Area adjacent to existing population centers or areas that can be feasibly annexed to existing water and sanitation districts are appropriate for higher residential densities.
2. Incentive-based policies and programs to encourage reduced density in areas that are not or cannot feasibly be served by central systems should be strengthened.
3. Gunnison County should propose that development within the City of Gunnison Three Mile Area be excluded from strict limitations imposed upon sage-grouse priority habitat.
4. Staff recommends that the County continue to support current locations for agricultural production, support the conservation of existing ranchland through the use of conservation easements and protect the continued viability of ranching through the opportunity of the Ranchland Process. However, designation of agricultural areas is not recommended.
5. Municipalities can provide incentives for commercial and industrial development by provision of proximity to transportation and utility infrastructure.
6. Heavy industrial uses in Gunnison County are identified for their heavy industrial potential and the issues with each site are discussed.

Pelletier explained through the team's analysis it was determined there are currently 10,614 developed residential parcels in Gunnison County, and 5,684 vacant parcels; 49% outside the three main municipalities, 35% countywide, 20% within sewer districts, and 11% within the three main municipalities. Given those numbers the team determined there is a 40 year supply of vacant lots outside the towns. The City of Gunnison has a 74 year supply of vacant lots and the Town of Mt. Crested Butte has a 52 year supply of vacant lots.

Pelletier summarized noting that areas adjacent to existing population centers or areas that can be feasibly included into existing water and sanitation districts are appropriate for higher residential densities. In areas outside population centers the team recommended the County work to strengthen incentive based policies and programs for reduced density; including increased funding for conservation easement programs, modifications to current density transfer regulations, more effective use of clustering to reduce density in key areas, and continued support for the Ranchland Process.

Pelletier said the team used a Habitat Prioritization Tool which illustrates the habitat areas in both public and private areas; it is soils based information.

Pelletier explained the Gunnison Basin Sage-grouse Strategic Committee (GBSGSC) created soils based habitat prioritization tool that provides a means to create an overall or seasonal habitat score throughout sage-grouse occupied habitat. Habitat is scored; a priority habitat (as scored ≥ 15), equates to over 313,000 acres on private and public land. A reasonable approach to quantifying this policy on private land is to assume priority habitat on public land is protected and Gunnison and Saguache Counties should protect their proportional share of private land. He said there are 17,339 acres of ≥ 15 in private land with conservation easements in Gunnison County. That is 58% of the total private acreage.

Pelletier said the Habitat Prioritization Tool can start to say, if allowed to use existing conservation easements, only 24,000 acres is scoring higher than 15 and there are 47,000 acres available. It begins to show there is a doable process, which could help with not having the Gunnison Sage-grouse listed.

Wildlife Coordinator Jim Cochran noted the Fish and Wildlife service wants to see the potential threat reduced, and how has it been reduced. Fragmentation and direct loss of habitat has been identified as the greatest threat to Gunnison Sage-grouse. The mandate is reduce or eliminate the threat.

Commissioner Reed requested a map identifying all undeveloped parcels and what type of habitat each parcel is. He said it would enable the Planning Commission to get to the specifics in understanding the problems of development.

Reed asked the BOCC for their policy; where should development be allowed, and growth encouraged? Channell agreed a policy is needed. Pelletier noted conserved acres have outpaced developed acres by two to one. The Gunnison County track record of conservation easements is very good in comparison to other Colorado counties.

Channell requested more information on -residential lots; where are those improved lots? The commissioners agreed they need policy information from the BOCC. The BOCC agreed to move forward with policy discussions.

Channel thanked the team members for their work, and for the valuable information.

B. Oil and Gas Update:

County Attorney David Baumgarten said the COGCC regulations have gone through a major rewrite, which was informed by two pieces of legislation; the intent of State is not only to exact the minerals, but also to protect the health, welfare, and environment.

Baumgarten said the BOCC is reviewing the oil and gas proposed amendments which were sent to them by the Planning Commission. The BOCC will review and suggest additional amendments, and areas of interest and concern.

Baumgarten noted there has been a Memo of Understanding (MOU) executed between Gunnison County and the State. It was a historic agreement in Colorado. Traditionally the State has acted as though there was no place for local government, in oil and gas matters. But with the MOU there has been an agreement there is room for local government.

The State regulations allow for a Local Government Designee (LGD.) The LGD will be inspecting sites and collecting information and working with the State. The County cannot enforce the State's regulations. The State does not have enough staff to visit all the permitted wells. It is the intent of the State now to allow inspection by local government- at the cost of the County.

Baumgarten said the County is in ongoing litigation with SG Interests. SG has asked the court to declare the County has no authority to regulate any area of local oil and gas exploration.

Baumgarten explained there are three categories of preemption- expressed, implied, and operational.

Baumgarten said the review of individual applications is high, but urged the discipline be kept at the highest level; we do not want to misstep.

Baumgarten said the Federal Government has released a draft Environmental Assessment (EA) on the large scale leasing of land in the North Fork area; Gunnison is making comments. Staff does not feel the EA is sufficient. There is also a draft EA for the Bull Mountain area. SG Interests is requesting a comprehensive leasing unit

Reed asked about the inspections the County LGD will do for the State; County Manager Matthew Birnie said the State wants local input, and our LGD will report to the State. The County did budget for these expenses.

Reed pointed out spill reports have been distributed and he encouraged the commissioners to review them.

The next joint meeting of the Board of County Commissioners and Planning Commission will be conducted, June 1, 2012.

Task Force on Cooperative Strategies Regarding State and Local Regulation of Oil and Gas Development: Protocols Recommendations

EDUCATION AND OUTREACH PROTOCOLS

Purpose: Colorado communities seek to promote a responsible approach to oil and gas development by proactive coordination among the oil and gas industry, the Colorado Oil and Gas Conservation Commission (COGCC), local governments, and the public. This can be achieved and maintained through enhanced involvement of local governments, through Local Government Designees (LGDs), at all phases of development and through coordinated public education and outreach.

Recommendations:

	Description	Responsible Party(ies)	Timeline	Deliverables
1	Encourage local governments to designate an LGD and to participate in the COGCC's LGD program. Encourage LGDs to communicate industry proposals and issues with local elected officials and the public as soon as possible. However, if there is no LGD, then the municipal or county clerk may be the contact for a local jurisdiction. Provide strong encouragement to oil and gas operators to engage local government officials and the public as early in the COGCC permitting process as possible to solicit input. Initial outreach to the LGDs should occur before the application for permit to drill is filed with the COGCC. Issues to be addressed will vary on site-by-site basis.	Colorado Counties, Inc. (CCI), Colorado Municipal League (CML), individual local governments, COGCC, Colorado Dept. of Local Affairs (DOLA), Colorado Oil and Gas Association (COGA), Colorado Petroleum Ass'n (CPA), and individual oil and gas operators	Immediate, Ongoing	<ul style="list-style-type: none"> • COGCC, CCI, CML, and DOLA will work with local governments to promote and encourage participation in the LGD program. • Communicate strong encouragement to operators to engage local governments. • Provide adequate opportunity for local governments to engage with operators and COGCC prior to decision-making process through meetings and work sessions, as appropriate. • COGA, CPA, and DOLA develop local government best practices recommendations, including those relevant to pre-application engagement.
2	Inform LGDs of opportunity to request additional 10 days to review permits and to request assistance from Colorado Department of Public Health and Environment (CDPHE). COGCC shall inform LGDs if formal consultation with CDPHE or CPW is to occur on a drilling permit application (APD).	COGCC	Immediate, Ongoing	<ul style="list-style-type: none"> • Identify and communicate phases of the APD process for local government interaction with oil and gas operators and COGCC.
3	Take actions to ensure that the two new LGD liaisons at COGCC will be effective in working with local governments, oil and gas operators, and the public.	COGCC	Immediate, Ongoing	<ul style="list-style-type: none"> • Provide description of new LGD liaisons roles and functions to LGDs

4	Provide for a mutual understanding of oil and gas industry and local government practices by facilitating distribution of accurate information. Local governments, oil and gas operators, and COGCC should collaborate to, for example, identify the potential development impacts, duration of drilling operations, and proposed mitigation to protect public health, safety, welfare and the environment.	CCI, CML, individual local governments, COGCC, DOLA, COGA, CPA, and individual oil and gas operators	Short-term, Ongoing	<ul style="list-style-type: none"> • COGCC and DOLA to develop a guidebook for conducting effective strategic work sessions.
5	Formalize and promote opportunities for technical training of LGDs and other training/briefings for the general public. This should include annual training for new LGDs and periodic work sessions for LGDs or local government entities, based on need.	COGCC	Short-term, Ongoing	<ul style="list-style-type: none"> • Develop training curriculum for new LGDs and agenda for LGD/local government annual work session. • Schedule trainings and work sessions for implementation in 2012. • Develop education regarding COGCC rules pertaining to LGDs.
6	Provide general education presentations in community forums, covering the entire state periodically.	COGCC, DOLA, CDPHE	Periodically, beginning June 2012.	<ul style="list-style-type: none"> • Develop and distribute informational materials and presentations for the public on LGD program and opportunities for LGD input into permitting.
7	Local governments and operators should consider using an Memorandum of Understanding (MOU) and/or Intergovernmental Agreement (IGA), as appropriate, to address issues of local concern (e.g. standard conditions of approval, public outreach, etc.).	COGCC, DOLA, CDPHE, CCI, CML, individual local governments, COGA, CPA, and individual oil and gas operators	Ongoing	<ul style="list-style-type: none"> • Maintain library of sample MOUs between operators and local governments and IGAs between local governments and COGCC on COGCC website. • Inform local governments of availability of library.
8	Promote opportunity for COGCC staff to obtain information regarding local government process and requirements, as appropriate. Local government are encouraged to notify COGCC early in the process of developing local regulations.	COGCC, LGDs, CML, CCI, and individual local governments	Ongoing	<ul style="list-style-type: none"> • Provide COGCC with information on local processes or requirements, as appropriate. • COGCC to create links on website to information on local government processes and requirements.

INSPECTION PROTOCOLS

Purpose: The COGCC should consider delegating its inspection functions when requested by local governments, pursuant to its permissive authority under the Oil and Gas Conservation Act (OGCA), 34-60-106(15), C.R.S. Enforcement of COGCC rules and the OGCA, consistent with statute, will continue to be led by the COGCC.

Recommendations:

Description	Responsible Party(ies)	Timeline	Deliverables
<p>1. Delegated inspectors¹ have the same authority as COGCC inspectors as to those matters for which they will be inspecting. Upon assignment of inspection authority, inform operators and surface owners of delegated inspectors' right of access to development sites for inspections per COGCC rules and IGA.</p>	<p>Local government, COGCC</p>	<p>Immediate, Ongoing</p>	<ul style="list-style-type: none"> • COGCC to communicate assignment authorities to surface owners and operators. • Provide a copy of the IGA memorializing relationship between COGCC and local entity, as appropriate.
<p>2. Ensure that delegated inspectors, as to those matters for which they will be inspecting, meet the same training requirements as state inspectors.</p> <p>Ensure a consistent understanding of the program's expectations by local governments, COGCC, oil and gas operators, and the public.</p>	<p>COGCC</p>	<p>Short-term</p>	<ul style="list-style-type: none"> • Develop minimum qualifications for delegated inspectors, consistent with COGCC inspector requirements and consistent with the scope of inspection assignments. • Develop curriculum for certifications consistent with COGCC Inspector requirements and consistent with the scope of inspection assignments.
<p>3. A delegated inspectors' area of jurisdiction will be defined in the MOU and IGA.</p>	<p>COGCC, local government</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> • When an IGA is entered into, COGCC will post the change in inspection authority on its website.
<p>4. Develop and implement a training curriculum that ensures delegated inspectors meet the criteria for assignment of inspection authority identified above, consistent with scope of the inspection assignment.</p>	<p>COGCC</p>	<p>Short-term</p>	<ul style="list-style-type: none"> • Develop a program to train delegated inspectors to be fully trained inspectors consistent with other COGCC inspectors. • Utilize COGCC inspection farms for inspections conducted by delegated inspectors trained by the COGCC.

¹ The term "delegated inspectors" as used herein refers to inspectors to whom the COGCC has delegated its inspection authority, pursuant to 34-60-106(15), C.R.S.

				<ul style="list-style-type: none"> • Establish thresholds and frequency parameters for routine inspections.
5	COGCC should address issues identified by delegated inspectors acting pursuant to assigned authority in the same 24-48 hour response period applied to complaints.	COGCC	Ongoing	<ul style="list-style-type: none"> • Provide a description of the COGCC inspection/report/response process to local governments and public.

REPORTING AND RESPONSE PROTOCOLS

Purpose: The COGCC, oil and gas operators, local governments, and the public benefit from a transparent and navigable system for reporting on notices of alleged violations (NOAV), self-reported incidents, or emergencies related to oil and gas operations. Additionally, the COGCC, oil and gas operators, local governments, and the public benefit from a user-friendly and consistent approach to the dissemination of information related to complaints, responses to reported complaints, NOAVs, self-reported incidents, or emergencies. Enhanced accountability of oil and gas operators and the state is demonstrated through deliberate management of expectations and effective two-way communication.

Recommendations:

Description	Responsible Parties	Timeline	Deliverables
<p>1 An operator should provide its 24-hour contact information to the Local Emergency Planning Committee (LEPC) and other local emergency responders.</p>	<p>Local government, other agencies, COGA, CPA, and individual oil and gas operators</p>	<p>Immediate, Ongoing</p>	<ul style="list-style-type: none"> Industry will provide to the LEPC, or other emergency responder, contact information during the permitting process. This information should be updated when the emergency contact changes.
<p>2 COGCC will transmit to local government an electronic copy of an NOAV that has been issued in its jurisdiction, including links to enforcement documents related to ongoing matters, or other relevant notifications that are available in the COGCC database. Spill reporting will follow procedures under COGCC Rule 906.</p>	<p>COGCC, COGA, CPA, and oil and individual gas operators</p>	<p>Short-term, Ongoing</p>	<ul style="list-style-type: none"> COGCC will develop protocols for communicating NOAVs or related enforcement documents to LGDs or other designated authority. Review Form 29 (Local Government Designee) and update accordingly to capture new opportunities for LGD notification options.
<p>3 Enhance user-friendliness of the COGCC database to foster transparency, accountability, and public trust in the safety of oil and gas development operations by adding additional tools that assist members of the community to use the most relevant parts of the database.</p>	<p>COGCC, local government, COGA, CPA, and individual oil and gas operators</p>	<p>Short-term</p>	<ul style="list-style-type: none"> COGCC will update website and publications where necessary according to feedback received by LGDs, industry, public, and other entities. COGCC will provide a new area on the homepage that will facilitate ease of use by members of the public.
<p>4 Provide information to the public regarding COGCC's enforcement and complaint-response processes and resulting penalties.</p>	<p>COGCC</p>	<p>May 2012</p>	<ul style="list-style-type: none"> Develop brochure, FAQ, and public outreach materials to explain enforcement and compliance process & history of past enforcement activities. Provide contact information so that the public can follow-up in appropriate way.



STATE OF COLORADO

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COLORADO



DEPARTMENT OF
NATURAL
RESOURCES

April 18, 2012

Governor John W. Hickenlooper
Speaker Frank McNulty, Colorado House of Representatives
President Brandon Shaffer, Colorado Senate

John W. Hickenlooper
Governor

Mike King
Executive Director

RE:*Recommendations from the Task Force Established by Executive Order 2012-002 Regarding Mechanisms to Work Collaboratively and Coordinate State and Local Oil and Gas Regulatory Structures*

Dear Governor Hickenlooper, Speaker McNulty, and President Shaffer,

On February 29, 2012, Governor Hickenlooper issued Executive Order B 2012-002, establishing a Task Force to develop cooperative strategies regarding the regulation of oil and gas development and to report its recommendations to the Governor, Speaker of the House and President of the Senate no later than April 18, 2012.

The Task Force members, comprised of representatives from counties, municipalities, the state, the industry, civic organizations and the public share an interest in efficient and effective oil and gas regulation that provides for the responsible development of our resources. Through the Task Force, the state and local jurisdictions, in collaboration with the oil and gas industry, believe they have established mechanisms to achieve complementary implementation of regulations that benefit our economy and protect our public health, safety, welfare, environment and wildlife.

The Task Force convened on March 9 and met once per week through April 12, in addition to two additional subcommittee working sessions. At the meetings, the Task Force was briefed on the Colorado Oil and Gas Conservation Commission's (COGCC) Local Government Designee (LGD) program, the COGCC inspection program, and received an overview of COGCC's permitting process and regulatory timelines. Members learned about the legal underpinnings for Memorandums of Understanding (MOU) and Intergovernmental Agreements (IGA) between the state and local jurisdictions with regard to inspection authority. The Task Force also heard policy perspectives from Gunnison County, a local jurisdiction that recently entered into an MOU and has a pending IGA with the State, as well as from LGDs in jurisdictions where oil and gas activity has long been established. Finally, the Task Force received over 1,600 public comments. All meetings of the Task Force were publicly noticed and streamed on the internet. All documents considered or generated by the Task Force were posted on a dedicated web page and available for the public to download and review.

Task Force members agreed that coordinated regulation through a collaborative approach is desirable. The Task Force focused on enhancing the LGD process and possible use of COGCC's authority to delegate

Board of Land Commissioners • Division of Reclamation, Mining & Safety • Colorado Geological Survey
Oil & Gas Conservation Commission • Water Conservation Board • Division of Forestry
Division of Water Resources • Division of Parks and Wildlife

inspection duties. The Task Force created a subcommittee to develop specific protocols on an expanded and improved LGD program, and the opportunity to use local inspectors through COGCC's delegation authority. The subcommittee convened two working sessions and generated recommended protocols with deliverables that are included in the attached tables.

The Task Force does not make recommendations for new laws, but instead recommends a collaborative process through which issues can be resolved without litigation or new legislation. The Task Force determined that whether there is sufficient reason to amend COGCC rules on substantive issues listed in the Executive Order, such as those impacting landowners, should be resolved on an issue-by-issue basis through a robust stakeholder process. Colorado Association of Homebuilders, for example, has expressed a concern regarding setbacks, and a stakeholder group to discuss COGCC drilling setbacks has already been convened and its next meeting is on April 19, 2012.

The Task Force discussed jurisdictional issues regarding substantive regulations but determined that drawing bright lines between state and local jurisdictional authority was neither realistic nor productive. A more constructive approach will result from collaboration and coordination as outlined above. Through these processes, and the protocols that give them structure, questions around jurisdictional regulatory schemes will most effectively be resolved.

Sincerely,



Mike King, Chair

On behalf of Task Force members:

Diana Allen, Member, Lakewood City Council (on behalf of Colorado Municipal League)

Brian Bagley, Attorney, Longmont (on behalf of President, Colorado Senate)

Reeves Brown, Executive Director, Colorado Department of Local Affairs

Stan Dempsey, President, Colorado Petroleum Association

Barbara Green, Attorney, Denver (on behalf of Colorado Conservation Voters)

Jack Hilbert, Commissioner, Douglas County Board of County Commissioners (on behalf of Colorado Counties, Inc.)

Tommy Holton, Mayor, Ft. Lupton and Colorado Oil and Gas Conservation Commissioner

Tisha Conoly Schuller, Chief Executive Officer, Colorado Oil and Gas Association

Casey Shpall, Deputy Attorney General

Andy Spielman, Attorney, Denver and Colorado Oil and Gas Conservation Commissioner

Ken Wonstolen, Attorney, Denver (on behalf of Speaker, Colorado House of Representatives)

TO: Planning Commission

SUBJECT: Planning Commission Draft Decision
Alfred A. Braun Hut System
LUC-12-00012

DATE: June 1, 2012

PREPARED BY: Cathie Pagano, Planner

APPLICANT: Alfred A. Braun Hut System, represented by Board member Al Beyer

PROJECT DESCRIPTION:

The applicant is proposing an 848 square foot backcountry ski hut for use from November to May. The hut will sleep up to 8 people and will be operated by the Alfred Braun Hut System. The USFS has reviewed and approved the use and issued a Decision Notice that is included in the application materials. Users of the hut will access it over the snow via non-motorized transport (ski, snowshoe, etc.); motorized access is discouraged. The proposed hut will be located between the existing Friends Hut and Braun Hut and is near Taylor Pass.

The hut will be maintained and resupplied via skier or snowmobile towing sleds. The hut may also be accessed during the off season (summer) months for maintenance which would be done on foot. Construction of the hut is anticipated to occur during the summer of 2012. Construction crews will access the site from Aspen and will drive to within 1/3 mile of the hut and then walk to the hut. Construction materials will be helicoptered from a staging area near Lindley Hut to the proposed hut site. It is anticipated that four days of helicopter use will be required to transport all materials.

The subject parcel is located in the SW ¼ Section 14, Township 12 South, Range 84 West, south of Taylor Pass.

PLANS/REPORTS/SUBMITTALS:

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

- Site plan and floor plan, prepared by Al Beyer Design, Inc. dated March 16, 2012
- Taylor Pass Hut Decision Notice/FONSI, prepared by Gunnison Ranger District, Uncomphagre and Gunnison National Forests, Gunnison County, Colorado and Aspen/Sopris Range District, White River National Forest, Pitkin County, Colorado, dated January, 2012.
- Environmental Assessment for Taylor Hut Pass Proposal prepared by Gunnison Ranger District, Uncomphagre and Gunnison National Forests, Gunnison County, Colorado and Aspen/Sopris Range District, White River National Forest, Pitkin County, Colorado, dated January, 2012.

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact pursuant to *Section 6-103: L*.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Crested Butte South Metropolitan District application on the following dates:

- May 4, 2012 Work session
- June 1, 2012 Public Hearing
- June 1, 2012 Work session

SITE VISIT:

The Planning Commission did not conduct a site visit.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on June 1, 2012. The following comments were received at the public hearing:

- Comments from Linda and Gareth Roberts in an email dated May 22, 2012 expressing support for the proposal

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 Water Resources, Division of Parks and Wildlife, US Forest Service, Gunnison Fire Protection District, Crested Butte Fire Protection District, Gunnison County Trails Commission, Gunnison County Environmental Health and Gunnison County Public Works.

Comments were received from the Division of Water Resources and Gunnison County Environmental Health, and the Gunnison Fire District and are noted in the applicable sections.

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 backcountry hut.

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.*

Applicable, the subject parcel is not in an area mapped for geologic hazards.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*

Applicable, the subject parcel is not in an area of mapped wildfire hazards. A copy of the application was sent to the Gunnison and Crested Butte Fire Protection Districts. Comments from Dennis Spritzer, Gunnison Fire Marshal noted in comments in an email dated April 10, 2012 that he had "no fire issues with this submittal."

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, the proposed expansion is not within 25 feet of a waterbody.

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.*

Applicable, the site is located beyond snowplowed access and over the snow access is proposed.

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.*

Applicable, the site is located above timberline. The proposed building is 848 square feet and shall not exceed 20 feet in height as identified in this Section. The proposed helicopter access for construction of the building will be short in duration, approximately four days and will not pose detrimental impacts to the surrounding area.

Section 12-103: *Road System.*

Not applicable, no road access is proposed to the site. A copy of the application was sent to Gunnison County Public Works, no comments were received.

Section 12-104: *Public Trails.*

There is no public trail existing or proposed on this site. Access will be over the snow.

Section 12-105: *Water Supply.*

Applicable, the proposed water supply for the hut proposed is to be provided by melting snow. Karlyn Adams of the Colorado Division of Water Resources noted that, "The source of the proposed water supply would be tributary to the Taylor River, which is tributary to the Gunnison River. The Taylor River is over-appropriated. The applicant should be aware that out of priority diversions of precipitation or other surface water could be subject to curtailment in the event of a call."

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

Applicable, wastewater treatment will be provided by an ISDS. Richard Stenson, Environmental Health Official, noted that, "The application is for a commercial-recreational use Hut approximately 1.5 miles south of Taylor Pass. (14S 84W SW1/4 Section 14) I understand that an ISDS (pit privy) would be utilized for the sanitary plan. Guests to the Hut would pack in their own drinking water. There are no plans for wells or springs for water usage for the Hut. An ISDS (Individual Sewage Disposal System) appears to be feasible for this use. A Gunnison County ISDS application and permit will be required."

Section 12-107: *Fire Protection.*

Applicable, the proposed development is located within the Gunnison Fire Protection District. Comments from Dennis Spritzer, Gunnison Fire Marshal indicate that he has no concerns regarding the proposed use.

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 Al Beyer Design, Inc, dated March 16, 2012 complies with this Section.

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.*

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*

Applicable, this Section shall be applied at the time of building permit application.

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. There will be no parking at the hut; users will park at designated trailheads where there is existing, adequate parking.

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 maintain existing vegetation at the site.

Section 13-112: *Snow storage.*

Not applicable, no snow storage is required or proposed for this use.

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.*

Not applicable, the proposed hut is not within 100 feet of a water body or mudflow.

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 applicant has received approval from the U.S. Forest Service in a Decision Notice/FONSI, dated January 2012 and submitted as part of this application.
3. The proposed location of the hut is in an area near or above timberline.
4. The applicant is proposing the use of a helicopter to transport construction materials for approximately four days.
5. The use of the helicopter was reviewed and approved by the U.S. Forest Service and does not pose any detrimental impacts to the area.
6. Motorized access to the hut is discouraged by the Alfred A. Braun Hut System and the U.S. Forest Service.
7. This application is consistent with the standards and requirements of this *Resolution*.
8. 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-12-00012 be classified as a Minor Impact, and be approved with the following conditions:

1. The use of a helicopter for transportation of construction materials shall be permitted in accordance with Section 11-112: Development on Property Above Timberline.
2. 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*.
3. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
4. 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.

5. 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.
6. 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, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org/planning.html
Email: planning@gunnisoncounty.org

To: Planning Commission
From: Cathie Pagano, Planner
Date: May 23, 2012
Re: Major Impact Sketch Plan

Vista Business Park (LUC-11-00035) is scheduled for its first work session with the Planning Commission on June 1, 2012. It has been some time since the PC has reviewed a Major Impact project and I wanted to review some of the major points of Sketch Plan. As always, please contact me prior to the meeting if you have any questions or concerns.

Sketch Plan is described in Section 7-103:B and Section 7-200. Please review those sections prior to the June 1 meeting.

Section 7-103: B describes Sketch plan as exploratory and conceptual:

SKETCH PLAN IS EXPLORATORY. Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.

SKETCH PLAN EXPECTED TO EVOLVE. Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.

ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN. To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.

The intent of Sketch Plan is to begin the discussion with the applicant and identify critical issues that are to be addressed during Preliminary Plan and often require more detailed information, engineered plans, etc.

Section 7-202: Sketch Plan Review Process for Major Impact Projects, identifies the steps and timelines for the Sketch Plan review. The applicant has completed steps A-E.

A copy of the Sketch Plan application has been sent to the applicable referral agencies (identified in the staff report) and comments have been received from most agencies. The deadline for submittal of comments has passed, so I do not expect to receive additional comments from agencies at this point in the process.

The Planning Commission's task will be to conduct a work session(s) to identify and consider issues related to the application. Additional work sessions may be conducted to afford sufficient time to review the application materials and to identify and consider any issues related to the application. I have tentatively scheduled a site visit for June 22.



GUNNISON COUNTY, COLORADO PLANNING DEPARTMENT STAFF REPORT SKETCH PLAN for MAJOR IMPACT FOR VISTA BUSINESS PARK

Land Use Change Permit Application: Vista Business Industrial Park
 Application No.: LUC-11-00035
 Date application scheduled with Planning Commission: May 18, 2012
 Prepared by: Cathie Pagano

APPLICANT NAME:	Hal Hearne
PROPERTY OWNER NAME:	WK Edwards
PROJECT DESCRIPTION:	The applicant requests to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25-2.15 acres. The subdivision is intended to be used for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation.
PROPERTY LOCATION:	The parcel is legally described as being approximately 28 acres in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, NMPM, also known as 43950 E Hwy 50.
SURROUNDING LAND USES:	Industrial, Vacant, Residential.
AGENCY AND DEPARTMENT REVIEWS:	<ul style="list-style-type: none"> ▪ Gunnison County Public Works, comments dated April 24, 2012 ▪ Gunnison County Wildlife Coordinator, comments dated April 10, 2012 ▪ Gunnison County Emergency Services, no comments received ▪ Gunnison County Environmental Health, comments dated April 25, 2012 ▪ Gunnison County Trails Commission, no comments received ▪ City of Gunnison, comments dated April 25, 2012 ▪ Gunnison Fire Protection District, comments dated May 21, 2012 ▪ Division of Parks and Wildlife, comments April 10, 2012 ▪ Division of Water Resources, comments dated April 26, 2012 ▪ CDOT, comments via email dated April 24, 2012
PRE-APPLICATION CONFERENCE:	A pre-application conference was conducted with Hal Hearne. Informal comments included: discussion of access, water supply, application requirements, sage grouse and other related issues.
SKETCH PLAN STATUS OF APPLICATION:	<p>The Vista Business Park Sketch Plan was determined completed March 27, 2011; the original application was submitted December 20, 2011.</p> <p>The <i>Land Use Resolution</i> requires that Sketch Plan review accomplishes:</p> <ul style="list-style-type: none"> ▪ Discussion of the proposal. ▪ A process to formulate detailed, design/engineered solutions to issues and concerns identified during Sketch Plan review and to address, in a site-specific manner, all other issues that are relevant to the Sketch Plan. ▪ Submittal by the applicant is required to address specific sections of the <i>Land Use Resolution</i> and to address compliance with Sketch Plan conditions.

PLANNING COMMISSION TASKS AT INITIAL SKETCH PLAN 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 — Review staff comments identifying compliance of application with standards, and other standards with which the application must comply in order to be approved — Identify and consider issues — 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 joint public hearing, or if other work session is required
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	

PROTECTIVE COVENANTS OUTLINE INCLUDING DESIGN CRITERIA:

	Complies with Sketch Plan submittal requirements	General Comments/References to specific documentation
▪ Responsibilities of property owners or homeowners' association defined	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
▪ Property owners' enforcement; and Gunnison County is party to enforcement.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 16.2.A of the covenants.
▪ Amendment or termination of the protective covenants is subject to approval by Gunnison County.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Section 16.4.C. identifies that no amendment to the plat or covenants shall be made effective until approved by the Board of County Commissioners and recorded in the Clerk and Recorder's office.
▪ Defined building heights, compatibility with terrain, and sizes of all structures.	<input type="checkbox"/> Yes <input type="checkbox"/> No	The covenants do not address this at time but building height and size maximums must be identified.
▪ Architectural style, types and colors of exterior materials to be used, including siding and roofing.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 5.4 and 5.5 of covenants
▪ Solid fuel-burning devices requirements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 5.9 of covenants (prohibited)
▪ Exterior lighting requirements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 5.7 of covenants
▪ Open space maintenance and allowed uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 3.2 of covenants
▪ Signs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 4.D of covenants (Article 6, page 9)
▪ Parking restrictions described	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 4.G of covenants (Article 6, page 9)
▪ Requirements for landscaping on individual lots	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 4 (Article 6, page 9) of covenants

▪ Snow removal required of homeowners association	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 9.11 of covenants
▪ As applicable, standards included to ensure compatible use	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> TBD	To be determined during review process.
▪ Limits on domestic animals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Article 8 of covenants
▪ Fencing requirements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 7.15 of covenants

APPLICABILITY OF LAND USE RESOLUTION STANDARDS:

Standard, by LUR section, division and/or article	Sketch Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
7-102: Standards that apply to all Major Impact applications:		
7:102: A.: The proposed land use change is required to comply with, and the burden is on the applicant to demonstrate through competent evidence, that the proposed land use change complies with all applicable requirements of this <i>Resolution</i> .		
▪ 7-102: B.: Compatibility with community character; no adverse impact future development of the development area.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Compliance to be determined during review
▪ 7-102: C.: Phases stand alone	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
▪ 7-102: D.: Uses identified on all subdivision lots	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Industrial, commercial, residential uses proposed.
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	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 requested as part of this application
9-301: Applicability and General Standards Commercial and Industrial Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable, Section 3.1.C.3; 7.11-71.4 of covenants
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	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 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 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 requested as part of this application

9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	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 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 requested as part of this application; prohibited in Section 8.3 of covenants
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	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 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	The proposed development is within a municipal three mile plan area.
10-103: Residential density	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The proposed development is within The City of Gunnison Three Mile Plan area and the City of Gunnison has commented on the proposal, stating, "Based on the existing Three-Mile map, the property is designated as Rural Residential (1 unit per 5-35 or more acres) and is located outside of the Urban Growth Boundary....While the proposed industrial use is not contemplated by the Three-Mile Plan because it is not immediately adjacent to existing city Industrial zones, the adjacent area is the Signal Peak Industrial Park. It seems that the application is compatible with some of the adjacent uses."
10-104: Locational standards for commercial, industrial or other non-residential uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The proposed development is within The City of Gunnison Three Mile Plan area and the City of Gunnison has commented on the proposal (see above).
11-102: Voluntary best management practices	No submittal requirements; no standard of compliance	
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Information from NCW & Associates show the location of the 100-year floodplain does not impact the subject property.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject property is not in an area of geologic hazard mapping. Staff does not find any indication of geologic hazards at the site that would require additional review.

11-105: Development in wildfire hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is in an area of low wildfire hazard.
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>The subject parcel is in sage grouse occupied habitat and a copy of the application was referred to the Gunnison County Wildlife Coordinator and Colorado Division of Parks and Wildlife.</p> <p>Jim Cochran, County Wildlife Coordinator noted, “the highly developed industrial and residential setting makes this property a logical candidate for this type of development and is much preferable to development of a ‘new’ area with Gunnison Sage-grouse habitat...this proposal, if approved, will not impact Gunnison Sage-grouse or their habitats beyond that which has already occurred.”</p> <p>CODPW noted, “the proposed project to subdivide the parcel should not create any major impacts to wildlife beyond those that already exist at the site with one exception. Gunnison’s prairie dogs are present on the property and are a candidate for listing under the Federal Endangered Species Act. The applicant has been in contact with CPW biologists and is aware of this status.”</p>
11-107: Protection of water quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicant has identified an area of wetlands on the subject parcel (Tab N). All building envelopes are required to maintain a minimum 25-foot setback from the wetland. A water quality protection plan, in compliance with this Section, shall be required at Preliminary Plan.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not on a ridgeline.
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel and/or proposed development do not affect agricultural lands.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not beyond snowplowed access.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not an inholding.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not above timberline.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>The applicant has identified the general locations of roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan. A copy of the application has been referred to Gunnison County Public Works and CDOT.</p> <p>Allen Moores noted, “The standards to which the proposed road will be constructed, will be addressed at the required meeting our office and the applicant. It would appear that an easement is required for the proposed east access point.”</p> <p>Dan Roussin of CDOT noted, “The applicant will need to provide a traffic study that shows that the development will not increase the traffic volume by 20%. If the development does increase the traffic volume on either road then a new</p>

		access permit will be required with this development. Looking at the two access points (Industrial Park Road and Vader Road), I have concerns with the possible sight distance issues because of the curvature of the road.”
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	No public trails are present or proposed as part of this application.
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicant proposes 4-6 shared wells for the development. Attorney Kendall Burgemeister submitted a letter of feasibility (Tab P) for the proposed development. A copy of the application was referred to the CO Division of Water Resources. Comments from the Division include: “This area of Tomichi Creek is over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells within the subdivision. The applicant indicates that they intend on developing a plan for augmentation, however a plan has not yet been submitted to the Water Court. Until a plan is approved by the water court, this subdivision will not have a legal water supply.”
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Individual sewage disposal systems are proposed for each lot. A copy of the application was referred to the Environmental Health Official. Stenson commented that, “An ISDS (Individual Sewage Disposal System) can be feasible for each lot for residential use. A Gunnison County ISDS application and permit would be required. It is important to note that, prior to Gunnison County approval for ISDS permits on lots considering the following proposed uses, review and approval by the United States Environmental Protection Agency Class V Underground Injection Control Program (EPA UIC) will be required. Additionally, the applicant stated the use of ‘An oil and sand separator will be required for all floor drains.’ (Section IV and elsewhere) Floor drains that could drain into the septic system or soils will also require review and approval under the EPA UIC Program for each of the above listed uses. I have met with Mr. Hearne during discussions with the EPA and he has expressed the willingness to comply with the EPA UIC Program. I recommend UIC Program considerations during the Gunnison County Planning Commission review for this application.”
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	A copy of the application was sent to the Gunnison Fire District for review. Comments from the District include “Everything looks fine as far as the fire department is concerned including access. The one request we would have is that there be a dry hydrant installed to the augmentation pond. This would not be a requirement, but a request.”
13-102: B.: Location within municipal three-mile plan area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The subject parcel is within the City of Gunnison three-mile plan area. A copy of the application was sent to the City for review. Comments include: “While the proposed industrial use is not contemplated by the Three-Mile Plan because it is not immediately adjacent to existing city industrial zones, the adjacent area is the Signal Peak Industrial Park. It seems that this application is compatible with some of the adjacent uses. Historically, the City has been vocal about proposed uses with associated retail sales because sales tax is a critical component of the City’s General Fund. The Planning and Zoning Commission absolutely opposes any

		proposed uses in this subdivision that would permit retail sales.”
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Application meets the minimum requirements of this Section.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Proposed development complies with commercial/industrial setback requirements as identified in this Section.
13-105: Residential Building Sizes And Lot Coverages	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The proposed covenants restrict the maximum residential building size to 2,500 square feet.
13-106: Energy And Resource Conservation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	This Section would be applied to any new residence at the time of building permit application.
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	No solid fuel burning devices are proposed as part of this application and they are prohibited in the covenants.
13-108: Open Space And Recreation Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The proposed development is within the City of Gunnison Three-Mile Plan, however there are no adopted standards in the Intergovernmental Agreement for open space, therefore the county standards apply. The application is required to comply with Section 13-108: F.1 and 2. through the inclusion of landscaping elements and property line setbacks and the inclusion of 30% open space. The applicant has identified areas of defined open space on the site plan.
13-109: Signs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Signs proposed as part of individual industrial/commercial uses are required to comply with this Section.
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Individual parcels and uses are required to comply with this Section.
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicant is required to submit a “conceptual landscaping plan” pursuant to this Section and has identified landscaping on page 4 of Sketch Plan Narrative.
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicant is required to include language in the covenants identifying the HOA as responsible for snow removal and become familiar with the requirements of this Section.
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Any fencing proposed shall comply with this Section.
13-114: Exterior Lighting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	All exterior lighting shall comply with this Section and Section 9-301: 6.
13-115: Reclamation And Noxious Weed Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicant has acknowledged that a reclamation plan, prepared in compliance with this Section, shall be required at Prelim. Plan.
13-116: Grading And Erosion Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The sketch plan design shall be guided by the requirements of this Section.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The sketch plan design shall be guided by the requirements of this Section.
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not proposed 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	The proposal 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.
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