

# **GUNNISON COUNTY PLANNING COMMISSION**

**PRELIMINARY AGENDA: Thursday March 7, 2024**

**221 No. Wisconsin, Suite D**

**In person or on Zoom**

**8:45 a.m.**

- Call to order; determine quorum
- Approval of Minutes from the February 15, 2024 Planning Commission meeting
- Unscheduled Citizens; A brief period in which the public is invited to make general comments or as questions of the Commission or Staff about items which are not scheduled on the day's agenda.

**9:00 a.m.**

**Joint Public Hearing: LUC-23-00015 Minor Impact Review: Spezze Subdivision**

The Applicant proposes to subdivide a 7.84-acre parcel (PID 3791-000-00-040) at 3528 CO-114 into two lots, 3-acre Lot 1 and 4.54-acre Lot 2. The Applicant proposes to conserve a 29.72-acre parcel (PID 3791-000-00-039) (Conservation Parcel) to the east of CO-114 with perpetual protective covenants, severing residential development rights and any potential future subdivision.

**County Attorney Training**

**Work Session: LUC-24-00003 Minor Impact Review: Riverland Industrial Park**

The applicant is proposing to build a new commercial four-unit building with two stories, and an addition to the existing structure. Within the new four-unit building, each unit will have an overhead garage door entry and an office/storage space on the second story.

**Work Session: LUC-23-00027 Minor Impact Review: Avy Solar**

The Applicant, GVS LLC, represented by Taylor Henderson, proposes an approximately 1.605 Megawatt (MW) solar array located within an area of approximately 3.75 acres on a 71-acre parcel of land owned by the Town of Crested Butte, at 26575 State Highway 135, Crested Butte, CO, commonly known as Avalanche Park.

**Please click the link below to join the webinar:**

<https://us06web.zoom.us/j/86337231015>

Or One tap mobile :

+17207072699,,86337231015# US (Denver)

+17193594580,,86337231015# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 720 707 2699 US (Denver)

+1 719 359 4580 US

Webinar ID: 863 3723 1015

International numbers available: <https://us06web.zoom.us/j/86337231015>

**Adjourn**

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



**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Thursday, February 15, 2024**

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The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom

**Present:**

Chairperson-Roland Mason Vice-Chairperson- Fred Niederer Commissioner- Eric Phillips Commissioner- Julie Baca Commissioner Matt Schwartz Alt. Commissioner- Bill Barvitski Alt. Commissioner Catherine McBreen BOCC – Jonathan Houck BOCC – Liz Smith BOCC – Laura Puckett Daniels	Director of Community and Economic Development- Cathie Pagano Director of Planning- Hilary Seminick Planner-Rachel Blondy Planning Technician – Jena Greene Others present as listed in text
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**Absent:** None

**Recused:** None

**Zoom:**

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With a quorum present Vice Chairperson Mason opened the February 15, 2024 regular meeting of the Planning Commission at 8:45 am. New alternative planning commissioners Bill Barvitski and Catherine McBreen were welcomed, and it was noted that Eric Phillips was now appointed as a Commissioner.

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**Moved by** Niederer seconded by Phillips to approve Planning Commission meeting minutes, dated January 18, 2024. The motion passed unanimously in support.

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**Election of Officers**

Chair - Moved by Baca, seconded by Schwartz, to elect Mason as Planning Commission Chair. The motion passed unanimously in support.

Vice Chair – Moved by Baca, seconded by Phillips, to elect Niederer as Planning Commission Vice Chair. The motion passed unanimously in support.

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**Unscheduled Citizens**

None

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Schwartz noted that he was now serving on Gunnison City Council as a Council member, and that issues would arise where he would need to recuse himself; City Council would be his priority, and that he would recuses himself from County matters in order to participate on City Council.

**Planning Commission and Board of County Commissioners Joint Work Session: Greater Gunnison**

**Community Plan Draft Review.** Review of the draft Greater Gunnison Community Plan, a detailed plan for long-term future land use and potential development north and west of the City of Gunnison within unincorporated Gunnison County.

Also present: Andie Ruggera, City of Gunnison Planner; Anton Sinkewich, City of Gunnison Community Development Director; Martin Schmidt, Gunnison County Public Works Director.

Staff Presentation: Seminick and Pagano gave an overview of the project. The state of Colorado allowed for the county to plan to fit the community. The City of Gunnison had set zone districts, maintains Right-of-Ways, offers utility services, has parks and rec. The intent with this plan was to have a similar plan for the greater Gunnison Area. The Three-mile plan had context-sensitive rules, which lessened with transition to rural area farther away from the city. The idea was to create more community areas, protect agricultural areas, and preserve natural resources.

Where are we now: The project kicked off in September 2022, with Houseal Lavign for the subarea and three-mile plan. The contract with Houseal Lavign was terminated in late summer 2023. The sub area plan still needed to be completed. There was feedback/concern from city staff about cost. Pagano noted that no additional resources had been needed so far, with the exception of Seminick's time for making the draft. County and City staff met 2.14 to make sure they were aligned, and to adjust the schedule.

Clarification for terms: Sub area plan = greater Gunnison community plan; N Gateway sub area plan = N Gateway Community; US 50 gateway subarea = West Gateway; Not previously studied = TBD (not east river) – City wanted to further discussion for this area.

**Key Findings:**

- Infrastructure and utilities – how; where; cost?
- Housing – a persisting community issue; foster a sense of community; implement the regional goals outlined in OVR?
- Connectivity and mobility – enhance and extend current ped and bike infrastructure; promote walkability and inclusive design in future development; safely link neighborhoods across highway 135 and highway 50.
- Neighborhood commercial – allow for commercial uses that are compatible in residential areas, commercial uses should create pedestrian traffic.
- Preparing for the future – formulate compact efficient development policies; incentivize affordable housing development; implement policies against sprawl.
- Image and Identity – policies that foster a sense of identity for N and W gateway communities, explore ways to improve entrances to enhance the feeling of arrival or departure.

Discussion – many in the room were involved during early planning for the project and agreed with the data from the outreach efforts. The data seemed to match what elected officials were hearing from

constituents. Asked for clarity on values guiding development. Recommended merging key findings and guiding principles into one section. Defined location efficient development – development that is close to transit, can be served by utilities, takes less resources to make it a part of the community.

Recommended condensing the list for communication purposes. Asked for a mixture of housing types and incomes in neighborhoods. Connectivity for people to people, work, school, activities. Seemed to match what people wanted.

Plan Goals: complete neighborhoods; walkability/mobility; live/work communities; create a destination; use mix/density; 18-hour community (a place that is active 18 hours a day (coffee-work-happy hour-dinner); ped-scale; neighborhood commercial. Balance of residential vs. business. Ratio of mixed-use areas. What would the density look like to sustain business. Focus on creating opportunities.

Comment: Density vs. ratio – ex of eagle where there is essentially a second downtown where the residential is full and the commercial feels empty. Another piece to consider was balancing short-term rentals vs. residential. Comparing the situation to CB south, trying to add in commercial now that in residential area- something that we should try to avoid.

The city has changed a lot of zoning to allow for businesses to build residential above commercial, but a lot of the new businesses in the city had decided against it. The City was working to make more efficient use of land and infrastructure. Hard to have a vibrant 18-hour community without a good mix of commercial and residential. Identified that there was not a report for the scope of commercial needed like the housing report that identifies how much housing is needed now, knew that there was a desire for more industrial space, but unsure of what else, definitely not a desire for office space. Could take years for the commercial to become more viable after a residential area is developed, like in CB South. Noted dire need for trades people/fundamental services in the valley, thoughts about dedicating space for light industrial. Identified need for community facilities, diversify housing choices, pocket parks, maker spaces, removing barriers.

Seemed that the identified items were universal, were there any elements missing that could be more specific for our community. For example, Gunnison was a college town, how encourage students to come here to stay. Lacking vibrancy. Baca noted that Western wants a vibrant downtown that's walkable, student friendly, recreational trail connection. Consider faculty and staff that live north of town. Incorporate public lands.

Plan Goal: Housing for all – create the opportunity. Build community, housing for diverse incomes, preserve and protect, co-locate housing and transit, compact development, access for all, increase density protect existing inventory, incentive development, reduce bureaucracy, housing diversity, best practices.

Noted that there was a strong need for senior housing; specifically important in all income levels and creating accessible housing (single story). Will the housing be flexible enough to meet the needs of the community in 100 years. Also, there was a lot of substandard housing in the valley, reluctant to touch it due to the housing shortage; lack of availability allows for expensive substandard housing. Pagano replied that the hope was that the creation of new, higher quality housing, would help to solve that

problem by incentivizing landlords to make improvements or lower rents. Sinkewich added that part of the plan was to make land available for the uses to come into. Noted that all around affordability would help appeal to developers. Look towards using incentives, building costs would make it difficult for a developer to come in and make something in a low rent category. Pagano mentioned the Colorado Affordable Housing project, how governments can work to incentivize/create affordable housing.

The current opportunity zone was near the city limits, didn't include north Gunnison. Identified areas are part of legislation, and that would take an act of congress to change. Not a clear policy on what the City required to be fully tapped into utilities, didn't always require annexation, the city was working on fixing that. Currently, need a contiguous boundary to be eligible for annexation/ utilities. \*didn't include easements.

Plan Goal: Mobility Connectivity. Pedestrian friendly, improve road network, go slow, trad street grid, improve existing transit, rec paths, make sidewalks work/network, deemphasize parking, micromobility. \*Considerations for EV charging, since the new code required it.

Land Use Typologies – no zoning in the County, entrepreneurial and maker space, neighborhood commercial, mixed-use, multi-family, medium density residential. \*discussion about difference of mixed use vs. intraparietal/maker space. No determination on ideal lot size yet, further analysis was needed to help figure out ideal lot size, dimensions, setbacks, distribution of types. Overall level of comfort with density. Comparison of pitchfork vs. van tyle areas balancing parking and snow storage...all other things that go with density. Room for cars and dogs. Not putting the parking burden on affordable housing. Room for snowmobile trailers, bikes, etc. Coming up with creative solutions for parking.

North Gateway community neighborhoods: overview. Catalyst sites review. Building envelopes pushed towards highway, parking in the middle, helps delineate town and gets traffic to slow down. Connectivity to the highway is tricky. Thinking about the road network is important. Support for commercial closer to the highway, and residential being further away. Could act as a sound barrier. Schmidt noted that he was working on access plan with CDOT, which included looking at having a secondary road network. Safety action plan for intersections. Depends on the amount of traffic anticipated. Concern that secondary road dead end at private property. This was intended to be a concept. Wanted to show having connectivity to a grid. Emphasis on contemplating connectivity with future development. Acknowledgement that increasing the density would require a secondary road network. No catalyst sites modeled for the west gateway neighborhoods. Services west of Gunnison. Opportunities for connectivity to either city or county services.

Conclusion. Staff would regroup and possibly come back to the commission in a month.

## **Break**

### **Work Session: LUC-22-00028 | Avalon Subdivision**

The applicant proposes subdivision of a 96-acre parcel into 76 residential lots. Single-family homes and secondary residences are proposed to be allowed on each lot. A maximum size of 5,000 square feet is proposed and a minimum of 1,400 square feet for the single-family homes with a two-car garage required. The applicant proposes that 67% of the land will be open space and that there will be an

internal trail system. The applicant is working with the Crested Butte South Metropolitan District for water service and wastewater treatment.

Gary Huresky, Mike Dawson, Norman Whitehead, Eric Frockman were present.

Staff Presentation: Pagano, Overview of the major impact process. Three phases: sketch plan, preliminary plan, final plan. The applicant has submitted a sketch plan. Exploratory/conceptual. High level design, concept, no engineering. Engineering designs were not required or accepted at this part of the process. A joint public hearing with BOCC would be held in the future for this project. Noted that the commission had the opportunity to allow public comment for the work session, but they weren't required to.

Applicant presentation: Huresky gave a presentation. Felt that the location of residential units could benefit the nearby commercial CB South area. The plan was to connect to CB South water and sanitation. Concept that the RTA stop could move there, and a new maintenance building for CB South metro. The developer was thinking of developing the housing units with potential offerings for affordable essential housing. The applicants had toured Saw Tooth and had met with Fading West and would like to create a winning scenario for the community and the developer. 76 lots in concept, potentially 3 different levels: affordable housing, attainable housing-, free/open market. Not sure of ratio for housing breakdown right now.

Whitehead: This project has shifted since covid. Potential for over 100 parking spaces and RTA bus stop near the entrance to CBS. Thought of having higher density closer to the entrance (north) transition to single family residences further down. Working with the district on a new pw building and possible workforce housing. Would like to add berms along the highway for screening with possible connector to CB to CBS trail. Proposed paths interweaving through the development.

Water/Sewer: Test wells drilled onsite tested favorably, thinking to have two to have redundancy and accommodate a 6-inch fire flow, thought to have an onsite potable water treatment plant, and then pump to CB South. Have room to install treatment lines where CB South only treats water out of the wells. Would be taken over by CB South.

Stations for sewer to be pumped to CB South metro. Irrigation would function similar to larkspur. Would be taken over by CB South.

Roads/Connectivity: The plan was that the new roads through the subdivision would be maintained by CB South Metro district.

Entrance to CBS would need to be reconfigured with either a stoplight or roundabout. Pagano recommended that the planning commission conduct a site visit, to which the commission agreed was necessary. Though it would be a good opportunity look at the potential impact to 135 and view the location of the proposed beaming, which the applicants thought would be a 125 ft. buffer from 135 to beginning of residential. Discussion concerning the intersection of Cement Creek Rd and Highway 135. Potential for adjusting the road and creating a true T. Schmidt noted that CDOT was the critical stakeholder and ultimate decider for the intersection. Potential for the intention to have a roundabout or traffic light. CDOT favored a roundabout.

Mason noted they should be cognizant how the pedestrian interacted with the road. Huresky noted the potential for new pedestrian walk way, but that would require easements.

POA: Not sure about joining POA, planning to have their own HOA and pay into the CB South Metro District.

Next Steps:

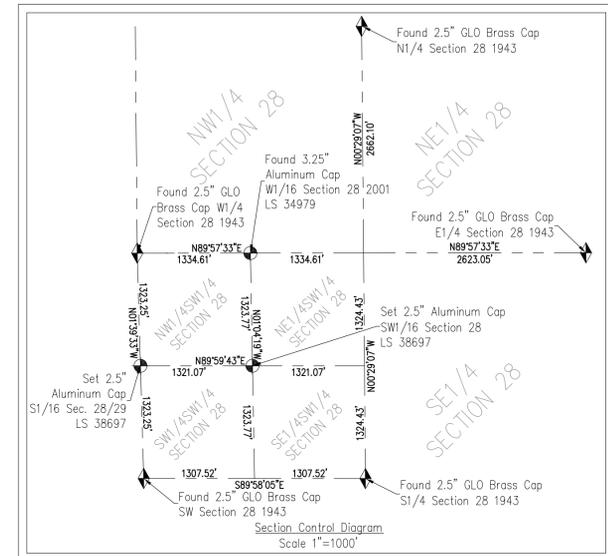
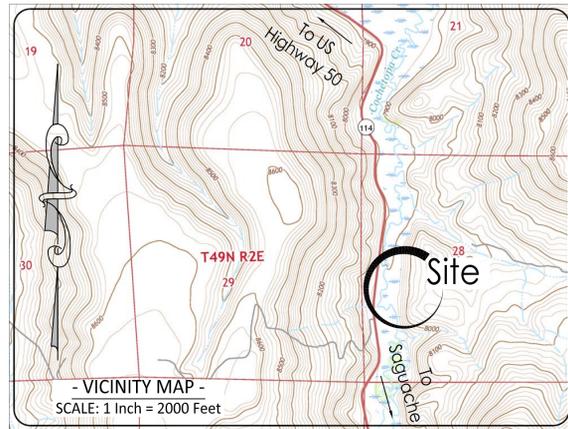
Schedule Work sessions and site visit. Asked for a more defined breakdown for affordable housing. Huresky noted that they would like to work on a better path forward for residents looking to buy affordable housing than deed restricted lots.

Meeting Adjourned at 11:55 am

DRAFT

# Spezze Minor Subdivision

Situated in the NW1/4 SW1/4 of Section 28,  
Township 49 North, Range 2 East of the New Mexico Principal Meridian  
Gunnison County, Colorado



**CERTIFICATE OF DEDICATION AND OWNERSHIP:**

We, Thomas J. Spezze and Tamara M. Spezze, being the owners of the land described as follows:

THAT PORTION OF THE NW1/4SW1/4 OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 2 EAST, N.M.P.M., LYING WEST OF THE WEST RIGHT OF WAY OF COLORADO HIGHWAY 114,

COUNTY OF GUNNISON,  
STATE OF COLORADO.

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

In witness whereof Thomas J. Spezze and Tamara M. Spezze have subscribed their names this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

By \_\_\_\_\_  
Thomas J. Spezze

By \_\_\_\_\_  
Tamara M. Spezze

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, by Thomas J. Spezze and Tamara M. Spezze.

My commission expires: \_\_\_\_\_

My address is: \_\_\_\_\_

Witness my hand and official seal: \_\_\_\_\_

Notary Public \_\_\_\_\_

**WARNING AND DISCLAIMER OF FLOODPLAIN AFFECTING USE AND OCCUPANCY OF THIS PROPERTY**

We, Thomas J. Spezze and Tamara M. Spezze, on behalf of ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of floodplain hazard areas that may affect the use and occupancy of this property, and any improvements thereto. We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

By \_\_\_\_\_  
Thomas J. Spezze

By \_\_\_\_\_  
Tamara M. Spezze

**WARNING AND DISCLAIMER OF WILDFIRE HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY**

We, Thomas J. Spezze and Tamara M. Spezze, on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

By \_\_\_\_\_  
Thomas J. Spezze

By \_\_\_\_\_  
Tamara M. Spezze

**COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION**

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. \_\_\_\_\_ recorded at Reception No. \_\_\_\_\_ of the Records of the Clerk and Recorder of Gunnison County.

**BOARD OF COUNTY COMMISSIONERS' APPROVAL**

The within plat of SPEZZE MINOR SUBDIVISION is approved this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

Chairperson, Gunnison County Board of Commissioners  
Attest:

Gunnison  
County Clerk and Recorder

**ATTORNEY'S OPINION:**

I, Marcus J. Lock, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in Thomas J. Spezze and Tamara M. Spezze, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
2. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
3. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
4. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, and a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent recorded March 31, 1903 in Book 101 at Page 297.
5. Right of way granted to Gunnison County in right of way deed recorded June 6, 1934 in Book 248 at Page 111.
6. Restrictions set forth in Restrictive Agreement recorded May 26, 1981 in Book 566 at Page 744.
7. Terms, conditions and provisions of Certificate of Administrative Review, Certification No. 25, Series 2011 recorded June 22, 2011 under Reception No. 607517.
8. Terms, conditions, provisions, burdens and obligations as set forth in Cooperative Agreement for Damage Prevention Fencing recorded October 10, 2013 under Reception No. 623226.
9. Terms, conditions and provisions of Certificate of Administrative Review, Certification No. 46, Series 2018 recorded June 11, 2018 under Reception No. 653696.
10. Easements, conditions, covenants, restrictions, reservations and notes shown hereon.

Marcus J. Lock, Attorney-At-Law  
Supreme Court Registration No. 33048  
For and on behalf of Law of the Rockies, LLC  
525 N. Main St., Gunnison, CO 81230

**SURVEYOR NOTES:**

**SURVEY NOTES:**

1. Basis of Bearings: Bearings shown hereon are based on a bearing of S89°57'33"W, between the West Quarter Corner Section 28 and the W1/6 Section 27 & Section 28, both corners being monumented as shown hereon.
2. Date of field survey: May 13, 2019.
3. Units of linear measurements are displayed in US Survey Feet.
4. SGM will not be responsible for any changes made to this document after it leaves our possession. Any copy, facsimile, etc., of this document must be compared to the original signed, sealed and dated document to insure the accuracy of the information shown on any such copy, and to insure that no such changes have been made.
5. Property descriptions shown hereon are based on the Warranty Deed dated July 30th, 2010 and recorded as Reception No. 599837 in the records of Gunnison County, Colorado.
6. Fences shown hereon have been shown for general reference and do not necessarily depict limits of ownership.
7. The property shown hereon is subject to all easements, rights-of-way, building setbacks or other restrictions of record, as such items may affect this property. This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easement and other encumbrances of record has been taken from the Warranty Deed Dated July 30, 2010 and recorded as Reception No. 599837 in the records of Gunnison County, Colorado.

**GENERAL NOTES:**

1. Confinement of domestic animals: All dogs and cats shall be confined by kenneling, leashing, fencing or other physical constraint at all times. This restriction may be enforced by Gunnison county at the expense of the owner.
2. Colorado's fence out requirements: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
3. Irrigation ditch maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

**SURVEYORS CERTIFICATE:**

I, Erik E. Bjornstad, do hereby certify that I am a professional land surveyor licensed under the law of the state of Colorado, that this plat is a true, correct and complete plat of SPEZZE SUBDIVISION as laid out, platted, dedicated and shown hereon, that such plat was made by me from an accurate survey of said property by SGM Inc. and under my supervision and correctly shows the location and dimensions of the boundary and easements of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land. I further certify that this plat satisfies requirements of the C.R.S. Section 38-33.3-209.

Erik E. Bjornstad  
Colorado PLS # 38697  
For, and on behalf of SGM-Inc.

**GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE:**

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

Gunnison County Clerk and Recorder

**SGM**  
103 W. Tomichi Ave., Suite A  
Gunnison, CO 81230  
970.641.5355 www.sgm-inc.com

Spezze Minor Subdivision  
Gunnison County, Colorado

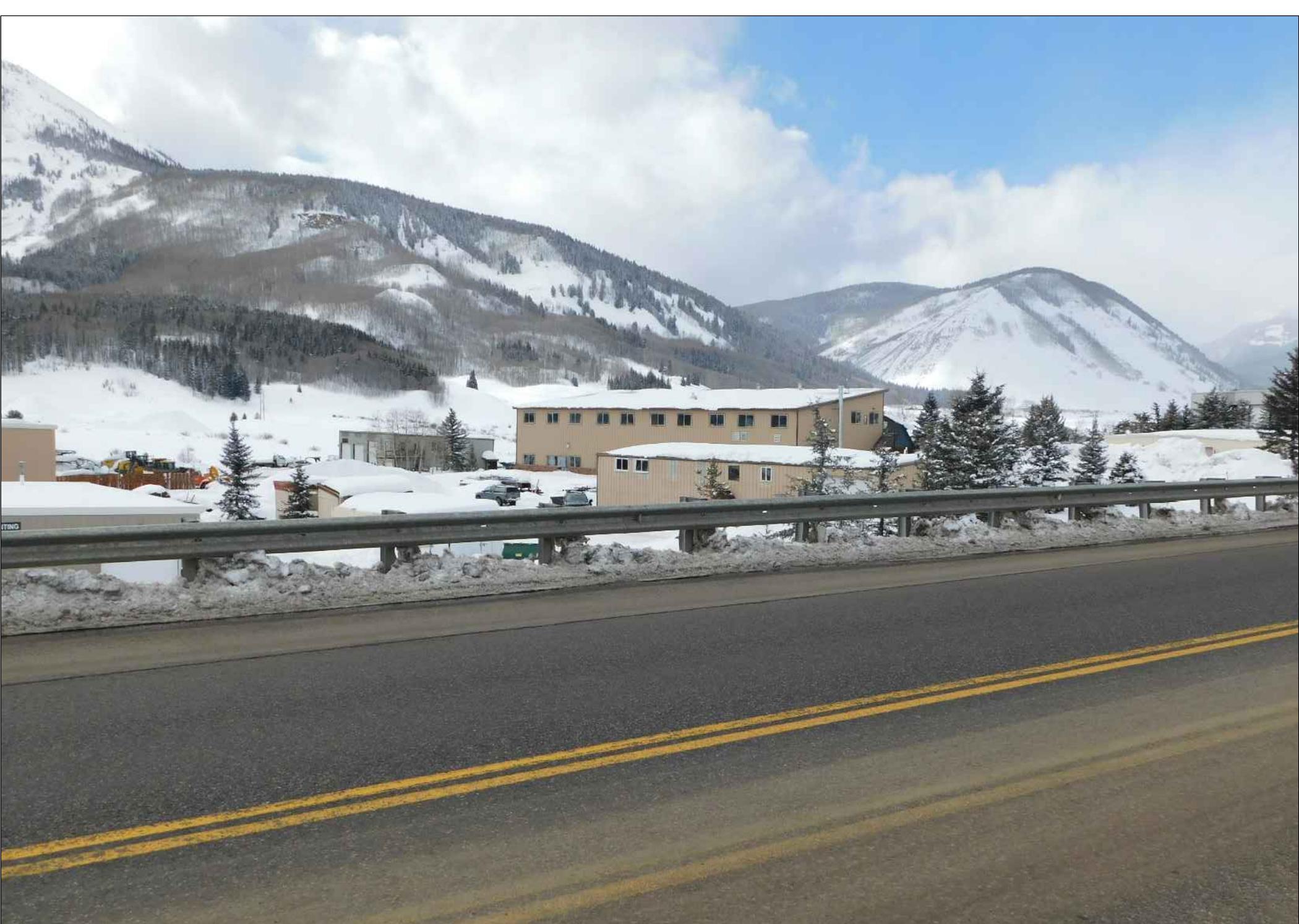
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829	830	831	832	833	834	835	836	837
838	839	840	841	842	843	844	845	846
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856	857	858	859	860	861	862	863	864
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NCW & Associates, Inc.  
CRESTED BUTTE, COLORADO

LOT 8, RIVERLAND AN INDUSTRIAL PARK  
PROPOSED SITE, 2/13/24



NCW & Associates, Inc.  
CRESTED BUTTE, COLORADO

LOT 8, RIVERLAND AN INDUSTRIAL PARK  
EXISTING SITE, 2/10/24

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

**Re: LUC-23-00015 Minor Impact Spezze Subdivision Public Hearing**

**From: Hillary I. Seminick, AICP; Planning Director**

**Date: February 26, 2024**

**Meeting Date: March 7, 2024**

The Applicant, Tom and Tamera Spezze, propose to subdivide a [7.84-acre parcel \(PID 3791-000-00-040\)](#) at 3528 CO-114 into two lots, 3-acre Lot 1 and 4.54-acre Lot 2. The Applicant proposes to conserve a [29.72-acre parcel \(PID 3791-000-00-039\)](#) (Conservation Parcel) to the east of CO-114 with perpetual protective covenants, severing residential development rights and any potential future subdivision. Draft covenants have not been provided at this time; however, would be required to be submitted and reviewed prior to scheduling of a Public Hearing. The new Lot 1 will be served by an individual well, OTWS, and driveway from CO-114. Staff has outlined the substantive issues in the application in this memo, and all applicable Land Use Resolution (LUR) standards have been addressed in Exhibit A. Staff Report.

*Figure 1. Subdivision and Conservation Parcel Configuration*



The [Gunnison County Land Use Resolution \(LUR\)](#) includes Locational Standards (Sec. 10-102) and Residential Density (Sec.10-103) standards; which apply to subdivisions that are not within a Three Mile Area, such as the City of Gunnison, or that are adjacent to an existing population center, such as Crested Butte South. Pursuant to Sec. 10-102, the Board of County Commissioners (BOCC) may approve a subdivision application if it is found that there will be no significant net adverse impact to neighboring uses, the environment, or result in a proliferation of OWTS and/or individual wells. Sec. 10-103 requires four standards be met for lots that are substantially smaller than neighboring lots, and require connection to public wastewater treatment systems, public water supply and transit, neighborhood compatibility, and mitigation of increased density. This application is unique in that it will result in an effective development rights transfer and conservation of a 29-acre parcel. The development impacts would actually be reduced by the proposal, clustering development on the west side of CO-114, and eliminating impacts to an elk migration corridor, a riparian corridor, and the Cochetopa Creek regulatory floodplain.

While not within a mapped geologic hazard area, Lot 1 has an alluvial fan, which is a defined geologic hazard in the LUR. The alluvial fan originates from a dry gulch on BLM land to the west and the head is near the west parcel line of Lot 1, fanning out as it expands east, and extends beyond the eastern property boundary through and across CO-114 to Cochetopa Creek. Alluvial fans are prone to flooding, mud, or debris flows; and are defined geologic hazards. Development is only permitted within an alluvial fan area when the Applicant can demonstrate compliance with Section 11-104.D.3. CMT Technical Services compiled a geotechnical hazard report which outlined the hazards on the site with recommended mitigation measures. The Colorado Geologic Survey and agreed with the assessment and recommendations of the report. The CMT report and CGS outlined the following recommendations, which Staff recommend including as conditions of approval.

1. *A deflection berm should be designed by a geological engineer so it does not impinge on existing structures and infrastructure or future structures.*
2. *CGS recommends that the catchment ditch and deflection berm be designed based on site-specific drainage/hydraulic studies that analyze flow dynamics associated with hyper-concentrated flooding emanating from the channel west of the site.*
3. *Any mitigation measures must be shown on the plans.*
4. *Prior to building permit approval, a lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties and evaluate the collapse potential of the fan deposits.*

The entire land use application can be reviewed on [Citizen Access](#) → Projects → LUC-23-00015 → Attachments.

## **Exhibits**

- A. Staff Report**
- B. Draft Plat**



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

Land Use Change Permit Application: Spezze Subdivision  
 Application No: LUC-23-00015  
 Date application scheduled with Planning Commission: December 21, 2023  
 Joint Public Hearing Date: March 7, 2024  
 Prepared by: Hillary Seminick, AICP

<b>Applicant Name:</b>	Tom and Tamara Spezze																				
<b>Property Owner Name:</b>	Tom and Tamara Spezze																				
<b>Project Description:</b>	<p>The Applicant proposes to subdivide a 7.84-acre parcel (PID 3791-000-00-040) at 3528 CO-114 into two lots, 3-acre Lot 1 and 4.54-acre Lot 2. The Applicant proposes to conserve a 29.72-acre parcel (PID 3791-000-00-039) (Conservation Parcel) to the east of CO-114 with perpetual protective covenants, severing residential development rights and any potential future subdivision. Draft covenants have not been provided at this time; however, would be required to be submitted and reviewed prior to scheduling of a Public Hearing.</p> <p>Table 1. Parcel Dimensions and Uses</p> <table border="1"> <thead> <tr> <th><i>Parcel ID</i></th> <th><i>Parcel Name</i></th> <th><i>Area</i></th> <th><i>Current Use</i></th> <th><i>Proposed Use</i></th> </tr> </thead> <tbody> <tr> <td>3791-000-00-040</td> <td>Lot 1</td> <td>3 Acres</td> <td>Vacant</td> <td>Residential, Single Family</td> </tr> <tr> <td>3791-000-00-040</td> <td>Lot 2</td> <td>4.842 Acres</td> <td>Residential, Single Family</td> <td>No Change</td> </tr> <tr> <td>3791-000-00-039</td> <td>Conservation Parcel</td> <td>29.72 Acres</td> <td>Vacant</td> <td>Conservation</td> </tr> </tbody> </table>	<i>Parcel ID</i>	<i>Parcel Name</i>	<i>Area</i>	<i>Current Use</i>	<i>Proposed Use</i>	3791-000-00-040	Lot 1	3 Acres	Vacant	Residential, Single Family	3791-000-00-040	Lot 2	4.842 Acres	Residential, Single Family	No Change	3791-000-00-039	Conservation Parcel	29.72 Acres	Vacant	Conservation
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3791-000-00-039	Conservation Parcel	29.72 Acres	Vacant	Conservation																	

Figure 1. Subdivision and Conservation Parcel Configuration



**Property Location:**

3528 State Highway 114 Gunnison, CO 81230

**Surrounding Land Uses:**

The surrounding uses include BLM land, vacant land (forested, riparian, hay meadow), and low-density residential.

<b>Adjoining Properties within 500'</b>		
<i>Owner</i>	<i>Area</i>	<i>Primary Use</i>
Bureau of Land Management	4,593 Acres	Public/Federal
Etsy Ranch, Inc.	123 Acres	Agricultural
Etsy Ranch, Inc.	375 Acres	Agricultural
Krueger Ranch Company	152 Acres	Agricultural
Bureau of Land Management	5,534 Acres	Public/Federal
Cox, Wallace	120 Acres	Residential / Agricultural

	Colorado Department of Transportation	NA	Right-of-way
<b>Agency and Department Review:</b>	<p>A copy of the application was sent to the following referral agencies by email on August 31, 2023:</p> <ul style="list-style-type: none"> <li>▪ Bureau of Land Management</li> <li>▪ Colorado Geologic Survey</li> <li>▪ Colorado Parks and Wildlife</li> <li>▪ Colorado Department of Transportation</li> <li>▪ Colorado Division of Water Resources</li> <li>▪ Gunnison County Environmental Health Official</li> <li>▪ Gunnison County Department of Public Works</li> <li>▪ Gunnison County Sage-Grouse/Wildlife Coordinator</li> <li>▪ Gunnison Fire Protection District</li> </ul> <p>The following comments were received in response to the application. The comments have been summarized for clarity. Full transcripts of the respective agency comment may be found in Public Access.</p>		
<b>Pre-Application Conference:</b>	NA		
<b>Status of Application:</b>	Complete		
<b>Attached Exhibits:</b>	<p>You may view the entirety of the application online at: <a href="https://www.gunnisoncounty.org/436/Permit-Database">https://www.gunnisoncounty.org/436/Permit-Database</a>. Please select "projects" and type LUC-23-00015 in the application number field.</p>		
<b>Planning Commission Tasks at Initial Work Session:</b>	<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Hear applicant presentation</li> <li>— Identify and consider issues</li> <li>— Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1.</li> <li>— 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</li> <li>— Set site visit date</li> <li>— Determine if application is ready to be set for public hearing, or if other work session is required</li> </ul>		
<b>Initial Impact Classification:</b>	Minor Impact Project, based upon classification found in <i>Section 6-102: Projects Classified as Minor Impact Projects</i>		
<b>Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)</b>	<b>Demand for public services.</b> The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.		

	<p><b>Impacts on impact area and the environment.</b> The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p><b>Impacts related to all existing and proposed development and proposed development in impact area.</b> The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>	
<p><b>6-103: STANDARDS FOR APPROVAL OF MINOR IMPACT PROJECTS</b></p>	<p>ALL APPLICABLE STANDARDS. The proposed land use change shall comply with, and the burden shall be on the applicant to demonstrate through competent evidence that the proposed land use change complies with all applicable requirements of this Resolution;</p> <p>and B. COMPATIBILITY WITH COMMUNITY CHARACTER. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area; and</p> <p>C. COMPLIANCE WITH SPECIFIC STANDARDS. In addition, the following standards shall apply to individual types of Minor Impact Projects:</p> <p>1. ADDITIONAL STANDARDS APPLICABLE TO VACATION, AMENDMENT OR REPLAT OF SUBDIVISION PLATS. The Board may approve a Minor Impact application to vacate, amend or replat any recorded subdivision plat if all of the following additional standards are met: a. LEGAL PLAT OF RECORD. The plat to be vacated, amended or replatted shall be a legal plat of record; when the plat is proposed to be vacated the applicant(s) shall be the owner of all the lands identified on the plat to be vacated.</p> <p>b. VACATION SHALL NOT DENY ACCESS. Vacation, amendment or replatting of all or part of the plat shall not interfere with the use of, nor deny access by public thoroughfare to public land, adjoining properties, utility service, or other improvements. In granting a vacation, the Board may reserve easements for access, and for the installation or maintenance of utilities, ditches, and similar improvements.</p> <p>c. NOT DAMAGE ANY LOT OWNER. The plat vacation, amendment or replat shall not result in damage to any individual lot owner.</p>	
<p>EA or EIS is required for this project</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Project located in Special Geographic Area</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Phasing proposed</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Is a Partially Exempted land use change (Section 1-106)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

**APPLICABILITY OF LAND USE RESOLUTION STANDARDS:**

STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , not requested as part of this application.
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , not requested as part of this application.
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<p><i>Applicable.</i> The Application cannot meet the primary locational standard because it is not adjacent to an existing population center or within three miles of an incorporated municipality; however, the LUR allows the Board to approve an application for subdivision if it is found</p> <p><i>That in addition to meeting all of the applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.</i></p> <p>The Applicant is proposing to effectively transfer the development right from the eastern conservation area to a new parcel on the western side of State Highway 114. This would cluster development and reduce overall impacts to habitat. Impacts to traffic, proliferation of wells or OWTS, wildlife, and general neighborhood context would either be the same or functionally reduced by clustering development in the corridor.</p>
10-103: Residential density	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable.</i> As noted above, the proposal cannot meet the primary locational standard because it is not adjacent to an existing population center or within three miles of an incorporated municipality. When a new subdivision lot is not substantially similar to neighborhood parcels, in this case the request is for a smaller lot, four conditions need to be met.</p> <ol style="list-style-type: none"> <li>1. Development served by public wastewater treatment system;</li> <li>2. Development serviced by other services and facilities (such as transit, water supply);</li> <li>3. Compatible with the neighborhood; and</li> <li>4. Impact of increased density is mitigated.</li> </ol> <p>This is a unique Application because it is not requesting additional density; rather, an effective transfer of development rights to create a right in a more suitable location. While the application cannot meet conditions 1, 2, and 3; the proposal would conserve a 29+ acre parcel in perpetuity and preserve an important elk migration corridor.</p>
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable,</i> not requested as part of this application.
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable,</i> the practices are voluntary.

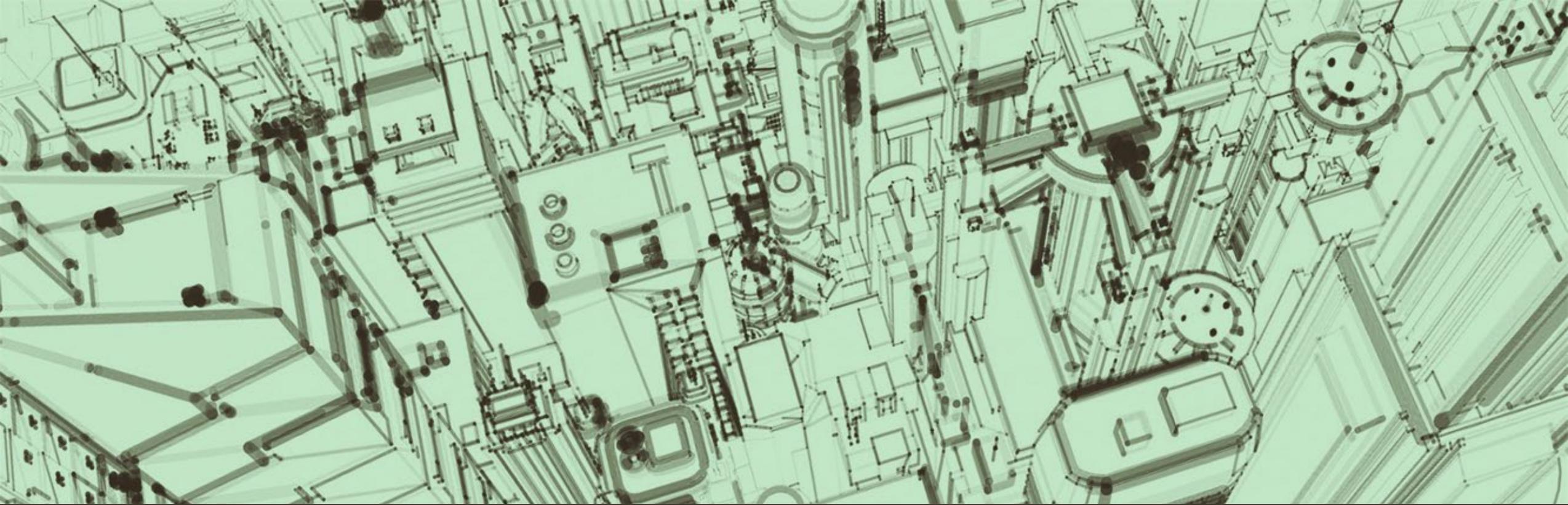
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , the new residential parcel, Lot 1, is not located within a floodplain. The Conservation Parcel is located in a regulatory floodplain.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable</i>, while the parcel is not located within a mapped geologic hazard area, Colorado Geologic Survey (CGS) review is required for all proposed subdivision that will create lots less than 35 acres within unincorporated Gunnison County (Colorado Revised Statute (CRS) 30-28-136). The application was initially referred on August 31<sup>st</sup>, and CGS comment received on September 21<sup>st</sup> included a request for a site-specific geologic hazard report to investigate any potential hazard associated with an alluvial fan revealed on high-resolution LiDAR-derived digital elevation models. The alluvial fan originates from a dry gulch on BLM land to the west, and it's head is near the west lot line, fanning out as it expands east, and extends beyond the eastern property boundary through and across CO-114 to Cochetopa Creek. Alluvial fans are prone to flooding, mud, or debris flows; and are defined geologic hazards. Development is only permitted within an alluvial fan area when the Applicant can demonstrate compliance with Section 11-104.D.3.</p> <p><i>a. Hazard Cannot be Avoided</i>  Areas beyond the alluvial fan have slopes up to 36% grade. Development within these areas is more complex and creates more site disturbance than clustering development closer to CO-114. Additionally, the recommendations in the “<i>State Hwy 114 Geologic Hazards Letter</i>” by CMT Technical Services on November 20, 2023 noted that potential mass wasting and slope instability can be mitigated by reducing impact of development on steeper slopes and minimizing vegetation loss.</p> <p><i>b. Restricted to the Least Hazardous Areas</i>  As noted above, development should not be located within steep slopes because that could lead to destabilization of the alluvial fan area.</p> <p>AND Section 11-104.G.4 <i>Development in Alluvial Fan Hazard Area</i></p> <p><i>a. Protective Measures</i>  This standard requires that development be protected during a hazard event such as a debris or mud flow. The CMT report recommended a catchment ditch and berm structure that could</p>

		<p>deflect water and debris in a runoff event. CGS review of the letter concurred with the findings of the CMT report, further requiring that:</p> <ol style="list-style-type: none"> <li>1. <i>The deflection berm should be designed by a geological engineer so it does not impinge on existing structures and infrastructure or future structures.</i></li> <li>2. <i>CGS recommends that the catchment ditch and deflection berm be designed based on site-specific drainage/hydraulic studies that analyze flow dynamics associated with hyper-concentrated flooding emanating from the channel west of the site.</i></li> <li>3. <i>Any mitigation measures must be shown on the plans.</i></li> <li>4. <i>Prior to building permit approval, a lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties and evaluate the collapse potential of the fan deposits.</i></li> </ol> <p>Staff recommends the above conditions be included in the approval.</p> <p>b. <i>Disturbance Above Alluvial Fan</i> Disturbance in the drainage above an alluvial fan is prohibited. The application does not propose disturbance in the prohibited area. Staff recommends this be included in approval conditions.</p>
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable</i>, the parcel falls within a mixed wildfire risk; and the majority of the fathering parcel area falls within a high wildfire hazard area. The proposed new Parcel 1 is in a high wildfire hazard. The Conservation Parcel is in both high and very high wildfire hazard, and Parcel 2 has a small portion in a very high wildfire risk. Development is not proposed in Parcel 2 or the Conservation Parcel. Any future development on Parcel 1 will be required to comply with the provisions of this Section and that of the International Residential Building Code and Wildfire Urban Interface Code, as amended.</p>
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable</i>; the property is located within Gunnison Sage-Grouse habitat and the eastern “Conservation Area” is within an elk migration corridor. An administrative review certificate has been issued addressing potential impacts to sage-grouse (No. 46, Series 2018). The Applicant proposes to conserve the eastern parcel in perpetuity,</p>

		<p>“from any future land or residential development”. The proposed conservation area would establish a conservation corridor along Cochetopa Creek, preserving an elk migration corridor.</p> <p>The Application will be referred to the Gunnison Sage-Grouse Biologist and Colorado Parks and Wildlife (CPW) for review and comment. CPW did not have significant concerns with the application. The applicant received a Certificate of Administrative Review (No. 142-2023) which found that the proposed activity would adversely impact Gunnison Sage-Grouse or their habitats beyond which have already occurred, with conditions. These standard conditions were agreed upon in the Administrative Review Certificate by the Applicant.</p>
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , the subdivision proposal will create a new lot on the west side of SH 114 that is upland of the Cochetopa Creek and physically separated by the highway.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , subdivision is not located on a Ridgeline.
11-109: Development that affects agricultural lands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the development is adjacent to agricultural operations; however, there are no impacts anticipated by this proposal.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; the property currently has snowplowed access on State Highway 114.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development not located on an Inholding in a federally designated wilderness area.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development not located above timberline.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the Applicant received a CDOT access permit for a single-family residence in October 2023 (Permit No. 323142). The Application was referred to Gunnison County Public Works and CDOT for review and comment. Neither agency had further comments on the application.
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><i>Applicable</i>, the Applicant received a water decree (Case No. 2022 CW 3027) for a conditional water right for a well, a water storage right for an augmentation pond, and an augmentation plan for any depletions resulting from construction of a new well.</p> <p>The application was referred to the Colorado Division of Water Resources (DWR) for review and comment on August 31, 2023. An extension was requested on September 14<sup>th</sup>, 2023. County Staff followed up with DRW on December 12, 2023. As of December 14, 2023; the County has not received comment from the agency regarding this application.</p>

		<p>Section 3-110.C.2 <i>Review and Comment by Review Agencies and Departments</i> provides 21 days for referral agencies to submit comments on a given application, not to be extended for more than a 30-day review period unless there is cause for the extension. The County has a long history of collaborating with referral agencies and generally provides extensions to ensure opportunity to comment; however, receiving a comment is not a requirement of this section to proceed with this land use change review.</p> <p>The Applicant has demonstrated they have sufficient water supply for a new residential well and augmentation plan for the new parcel; therefore the provisions of Section 12-105.C.2 <i>Submit Evidence of Adequacy of Individual Supplies</i> has been satisfied.</p>
12-106: Wastewater treatment	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , a wastewater treatment system is required of the proposed development. Future development would be required to comply with the provisions of this section.
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the application was referred to the Gunnison Fire Protection District. The District did not express any concerns regarding the proposal.
13-102: B.: Location within municipal three-mile plan area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<i>Not Applicable</i> , not located within three miles of an incorporated municipality.
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the proposed new lot meets these standards.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the existing development meets these standards and the proposed new lot provides adequate area to comply with these standards.
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , Minor Impact applications are exempt from this Section.
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , not requested as part of this application.
13-110: Off-Road Parking And Loading	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , development is not proposed at this time, the size of the future residence would establish parking requirements. There is ample area for parking on the new lot.
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the Applicant will preserve the entirety of the Conservation Parcel's native riparian vegetation.

13-112: Snow Storage	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; additional snow storage is not required for proposed subdivision.
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; not requested as part of this application.
13-114: Exterior Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; not requested as part of this application.
13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; development is not proposed at this time.
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , development is not proposed at this time.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , the application does not meet the applicability thresholds of Sec. 13-117.B.
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; not requested as part of this application.
13-119: Standards To Ensure Compatible Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; change in use is not requested as part of this application.



# GUNNISON COUNTY PLANNING COMMISSION

March 7, 2024 Training – CO Sunshine Law, Ex Parte Communications and Conflicts of Interest



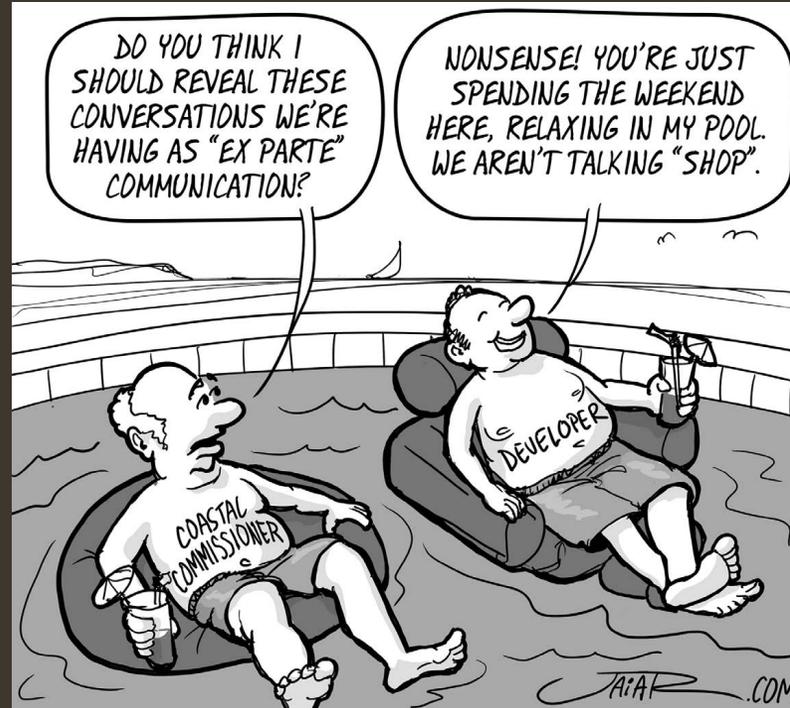
# TOPICS

- Colorado Sunshine Law – the Open Meetings Law



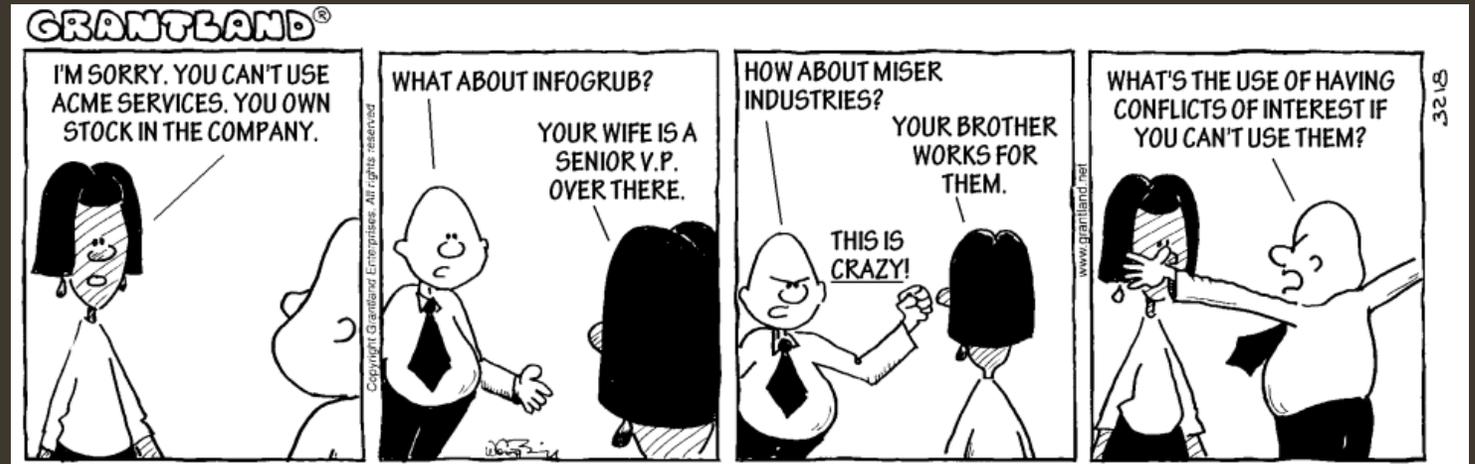
# TOPICS

- Ex Parte Communications



# TOPICS

- Conflicts of Interest





# Colorado Sunshine Law – Open Meetings Law (OML)



# Colorado Sunshine Law – Open Meetings Law (OML)

- C.R.S. §§ 24-6-401 – 24-6-402
- Law originated in citizen initiative known as the “Colorado Sunshine Act of 1972”

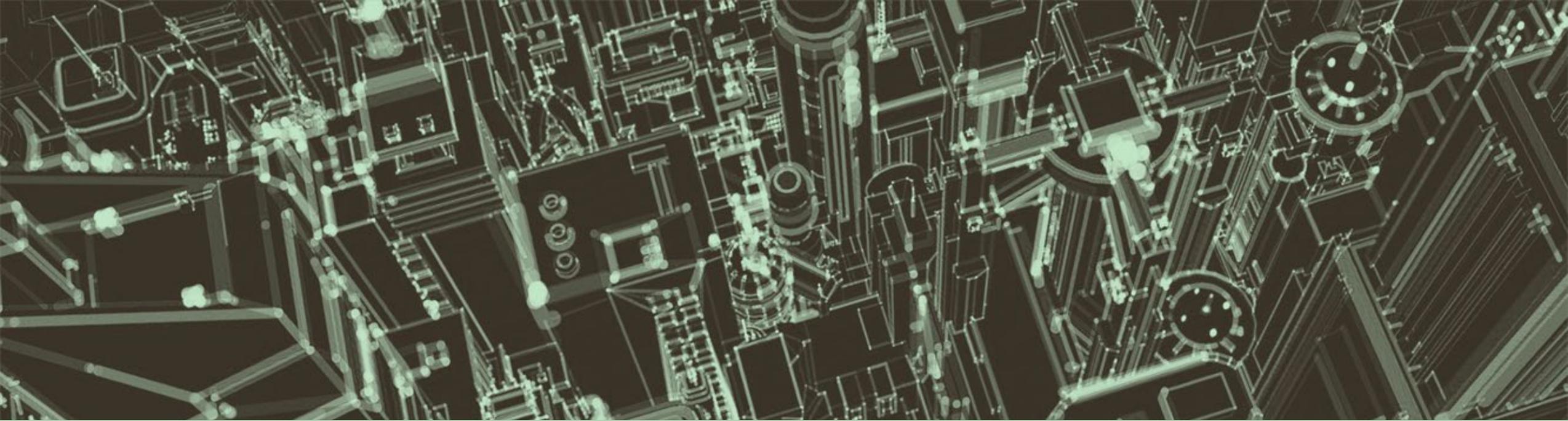
**PURPOSE:** *It is declared to be a matter of statewide concern and the policy of this state **that the formation of public policy is public business and may not be conducted in secret.***<sup>1</sup>

# Colorado Sunshine Law – Open Meetings Law (OML)

- Generally requires that all meetings of a quorum or three or more members (whichever is fewer) of any local public body, where public business is discussed or formal action taken, must be open to the public.
  - Meeting is broadly defined as gathering in person, by telephone, electronically or by other means of communication.
  - Meeting can only be held after full and timely notice to the public.
  - The Planning Commission is a local public body.

# Colorado Sunshine Law – Open Meetings Law (OML)

Local Body	Any board, commission, or other advisory decision-making body of a political subdivision of the state; or entity delegated governmental decision-making function
Subject to OML	If three or more members of the body (or two if two is a quorum) conduct business
Timely Notice	Notice must be publicly posted at least 24 hours prior to the meeting
Minutes	Must be taken and promptly recorded as well as open to public inspection
Executive Session	Must announce topic for discussion and cite to specific subpart of C.R.S. 24-6-402(4)  Vote of 2/3 of quorum present required to enter executive session  No formal action or adoption can take place in executive session  Discussion electronically recorded UNLESS a privileged attorney-client communication
Attorney Client Privilege	Waived only by majority vote of the Commission, never by a single member  All communication between CAO and Commission must remain confidential unless privilege waived



# Ex Parte Communications



# Ex Parte Communications

- Broadly defined as any written or verbal communication initiated outside of a regularly noticed public hearing between an official with decision-making authority and one or more of the parties, but not all of the parties, concerning a matter currently being considered or about to be considered by that official.
  - Seeks to influence or present information relating to the matter that the official will be deciding.
- Applicable in quasi-judicial actions involving a “determination of rights, duties, or obligations of specific individuals on the basis of the application of presently existing legal standards or policy considerations to past or present facts developed at a hearing conducted for the purpose of resolving the particular interest in question.”<sup>2</sup>
  - Planning Commission determination on a Land Use Resolution (LUR) application is a quasi-judicial action – it bears many similarities to adjudicatory role performed by courts.

<sup>2</sup> *Cherry Hills Resort Development Company v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988).

# Ex Parte Communications

- Improper because all applicants requesting a decision by a local body acting within the scope of its powers are entitled to DUE PROCESS
  - 5<sup>th</sup> Amendment of the US Constitution – no person shall be deprived of “life, liberty or property without due process of law.”
  - 14<sup>th</sup> Amendment of the US Constitution – “nor shall any state deprive any person of life, liberty or property without due process of law.”
  - Colorado Constitution, Article II, Section 25 – “no person shall be deprived of life, liberty or property without due process of law.”
- Property rights are at question in land use applications so all three provisions above are applicable

# Ex Parte Communications

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## PROCEDURAL DUE PROCESS

Minimum standards of fairness in process regarding land use regulations and actions

- (1) Right to notice and to be heard
- (2) Planning Commission obligation to adhere to statutory time requirements
- (3) Regulations can't be uncertain or vague

## SUBSTANTIVE DUE PROCESS

Advancement of legitimate government interests – related to public health, safety and welfare

- (1) Valid purpose for the regulation
  - (2) Means adopted to achieve the purpose must be substantially related to it
  - (3) Impact on individual property owner cannot arbitrarily or capriciously deprive them of legitimate use of property
-

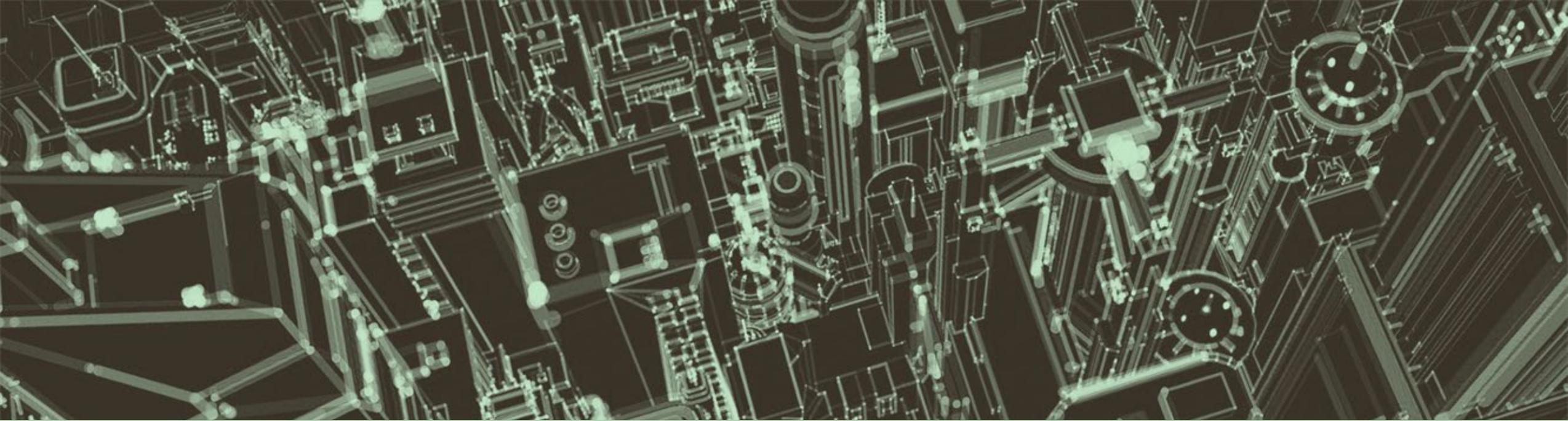
# Ex Parte Communications

- Planning Commission is a quasi-judicial decision-making body and any ex parte communications related to applications pending or coming before you are improper because:
  - (1) Applications where property rights are determined require due process or that the matter be heard by an impartial body;
  - (2) Quasi-judicial decisions like you make must be supported by facts and based upon evidence in the record which is only matters presented at the hearing, nothing outside of it;
  - (3) If parties are allowed to cross-examine the other side, they cannot cross-examine or question ex parte communications they were not a party to;
  - (4) If your decision is challenged, any ex parte communications could be grounds for reversing the decision.

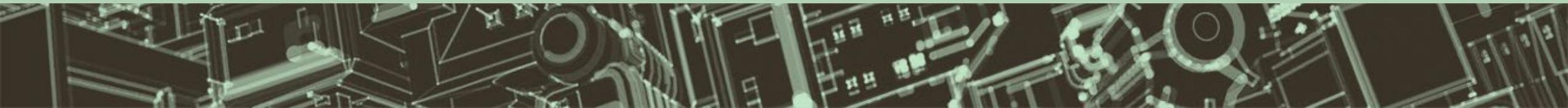
# Ex Parte Communications

## Tips for Avoiding ex parte contacts (in-person, verbal, phone etc.)

- Stop the person and advise them you are sitting as a judge/adjudicator in the matter and cannot hear things outside of the hearing.
- Encourage participation in the public hearing by testimony or written submission.
- General policy discussions are unlikely to disqualify a commissioner, endanger due process or deprive applicant of a fair decision but discussions about facts of a particular matter or a commissioner's decision on a specific question might demonstrate bias.
- Disclose at the hearing and on the record about the contact, your response and whether you can make an impartial decision despite the contact.
- Consider if you should abstain from voting on the matter, does it affect your impartiality, create an appearance of impropriety or create a conflict?



# Conflicts of Interest



# Conflicts of Interest

**It is not a conflict of interest to have an opinion, a conflict arises when you act on that opinion and personally benefit from it rather than putting the general public interest first.**

## Colorado Code of Ethics §§ 24-18-101 – 24-18-113

C.R.S. 24-18-101	Citizens in public office may face conflicts between their public duty and private interests
C.R.S. 24-18-102(6)	Local government officials are elected or appointed officials of a local government
C.R.S. 24-18-103(1)	Holding public office or employment is a public trust, created by the public's confidence in the integrity of officials or employees performing duties for the benefit of the people of the state
C.R.S. 24-18-108.5(2)	A member of a local board, commission, council or committee shall not take official action that may have a direct economic benefit on a business or undertaking that the member has a direct or substantial financial interest in

# Conflicts of Interest

- If a planning commissioner has a direct financial interest in a decision being made or an issue being resolved a certain way = CONFLICT OF INTEREST
- Steps to take if a CONFLICT OF INTEREST arises
  - (1) DISCLOSE the conflict
  - (2) ABSTAIN from voting
  - (3) DO NOT PARTICIPATE either by lobbying your fellow planning commissioners or speaking for/against as a public citizen

# Conflicts of Interest\*

## IMPARTIALITY

Two council members help with petition opposing issuance of a permit for a massage parlor license

- Member A actively involved, wrote opinion piece in newspaper urging public to oppose
- Member B limited involvement with organizing the petition

- Member A's conduct is a conflict of interest and should disqualify self
- Member B's conduct does not amount to a conflict of interest and can participate and vote on the permit

## FINANCIAL OR PROPERTY INTEREST

- Member of church on planning board that received an application for rezoning church land so it could be sold
- Member of planning board owned land abutting proposed subdivision application
- Councilman owned land on edge of reclassified property as cemetery/golf course

- Church member's indirect personal interest enough to disqualify
- Member must disqualify and can't vote
- Councilman's interest too remote and speculative and no need to disqualify

## BUSINESS ASSOCIATIONS

- Applicant is personal accountant for zoning board member
- Member of zoning board owned land which was sold to applicant requesting variance from another body
- Planning board member also architect that could benefit from urban renewal project
- Applicant and planning commissioner both members at same golf club but no personal relationship

- Zoning board member must disqualify self
- Shouldn't participate even with no direct role
- Must disqualify as personal interest/gain
- No direct or indirect interest so no need to disqualify

## APPEARANCE OF FAIRNESS

- Councilman votes against and then later for upzoning application, and 48 hours after upzoned acts as lawyer for developer
- Zoning board member testify against variance at planning commission, variance needed before zoning board can give subdivision approval

- Timing between vote and working as lawyer gave appearance of impropriety and was improper
- Zoning board member must disqualify even though no pecuniary gain

## PERSONAL INTEREST OR ANIMOSITY

Not every interest will disqualify, instead the commission member must have an interest in the matter or a particularly personal relationship with a party

In order to disqualify, personal interest must lead to favoring or hostility towards one party or bias must imperil open-mindedness and fairness, evaluated by specific facts and on a case-by-case basis

\* Case cites for examples found at, *Memo RE: Conflicts of Interest*, April 16, 2021.



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**To: Gunnison County Planning Commission**

**RE: LUC-24-00003 | Minor Impact I Worksession I Riverland Industrial Park**

**Date: March 1, 2024**

**Date of Worksession: March 7, 2024**

### **1. Project Summary**

The applicant is proposing to build a new commercial four-unit building with two stories, and an addition to the existing structure. Within the new four-unit building, each unit will have an overhead garage door entry and an office/storage space on the second story. Between both floors, each unit will be between 2,612 and 2,686 sq. ft., totaling approximately 10,600 sq. ft. The applicant is also proposing a 1,356 sq. ft. addition along the northeastern side of the existing 2,947 sq. ft. building. The total square footage proposed, including the existing buildings, is approximately 14,900 sq. ft. The proposed uses of these buildings are light industrial and for storage. The proposed buildings will significantly expand the commercial/industrial uses that exist on Lot 8, Riverland Industrial Park Filing No. 1.

The original approval for this lot was for KJM Condominiums under LUC-2006-39. Per BOCC Resolution No. 24-1982, every time a new use is contemplated within Riverland Industrial Park Filing No. 1, it shall be reviewed under the LUR at least as a Minor Impact Project.

### **2. Impact Classification**

The Project as proposed has been classified as a Minor Impact Project, based upon classification found in BOCC Resolution No. 24-1982, every time a new use is contemplated within Riverland Industrial Park Filing No. 1, it shall be reviewed under the LUR at least as a Minor Impact Project

### **3. Land Use Resolution Compliance**

The proposal has been comprehensively reviewed for compliance with applicable standards of the Land Use Resolution in Exhibit A, Staff Report. Staff has outlined how the proposal meets more substantive LUR standards below.

#### **10-104: Locational standards for commercial, industrial, or other non-residential uses**

Because the project is located within a platted industrial park, and current commercial and industrial operations exist in this area, staff finds that this location is well suited to the proposed use.

### Section 12-105: Water Supply

The project as proposed will tie into the existing central system at the Riverland Industrial Park. See the Water Payment Confirmation document for an approval letter from Kat Loughan with Toad Property Management, explaining that all water-related fees are in good standing. See section 12-107 below regarding water supply for fire protection.

### Section 12-106: Wastewater treatment

Applicant has applied for an OWTS Permit under permit number OWTS-23-00210. The system has been reviewed by staff and meets County standards for OWTS systems.

### Section 12-107: Fire protection

Crested Butte Fire Protection District (CBFPD) has determined that the water supply for the Riverland Industrial Park system is adequate at 640gpm and has given verbal approval to move forward with the project. CBFPD is requesting to test the fire flows for the RIP system again in the Spring of 2024 to confirm adequate water supply for fire suppression.

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

The Riverland Industrial Park Filing No. 1 Covenants state that that Lots 1-25 shall have a visible height of less than 24 ft. This application is for Lot 8 and the max height of the structure is shown as 27'6" on the *Building Plans*. The *Riverland Industrial Park Filing No. 1 Covenants* define "visible height" in Section 4:C.2.a as:

- *"The term "visible height" as used in the following height limitations shall mean the average height of the visible facades of any building or structure as seen from Colorado Highway 135, measured from the finished grade to the highest point of the roof or parapet. The visible height of any building shall be determined by taking the average height of each facade as set forth above that is visible from any point on Colorado Highway 135. The visible height shall be determined by taking the sum of the height of each facade determined as hereinafter set forth, and dividing it by the number of facades visible from highway 135. The height of each visible facade shall be determined by measuring the height at each end and in the middle of said facade."*

After reviewing the *Visibility Analysis*, staff finds that the proposed buildings will not be obtrusive for the area and meet the intent of the Riverland Covenants. Additionally, per the standards of this Section, the LUR allows for commercial buildings to have a maximum height of 30'. This may be a point that Planning Commission wishes to review and discuss further.

### Section 13-111: Landscaping and Buffering

The applicant proposes minimal landscaping and buffering along Riverland Dr., with 3 cottonwood trees to be planted. The initial landscaping plan to buffer the buildings from Hwy. 135 was completed during the original Land Use Change under permit number LUC-06-00039. Staff finds that due to the location within the Riverland Industrial Park, along with the adjacent industrial and mixed use properties, the proposed development would not cause adverse impacts to the adjacent properties. If there are no adverse impacts to neighboring properties, then there is no requirement to create a buffer between the adjoining properties. Additionally, the Riverland Industrial Park Filing No. 1 Covenants do not contain landscaping requirements. See below for the standards of Section 13-111:M – *Buffering*.

- A. APPLICABILITY. Every land use change that is classified as Minor or Major Impact Project, pursuant to Section 3-111: Classification of Impact shall provide landscaped buffering between adjacent uses when topographical or other natural barriers do not provide reasonable screening and when the County finds that:
  - i. NEIGHBORING PROPERTIES. There is a need to shield neighboring properties from any adverse external effects of a proposed land use change; or
  - ii. ADVERSE IMPACTS. There is a need to shield the land use change from negative impacts or adjacent land uses in high-density land use changes, and/or when building design and siting do not provide privacy.

Planning Commission may wish to discuss this point further and decide whether additional landscaping will be required for this project, or if they find that there is a need to shield this project from neighboring properties due to adverse impacts or external effects.

#### **4. Exhibits**

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-23-00027. Click on "Attachments".

- A. Staff Report
- B. Site Plan
- C. Visibility Analysis



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

Land Use Change Permit Application: McNamara, Expansion of Use at KJM Condos, Riverland Filing No. 1  
Application No: LUC-24-00003  
Date application scheduled with Planning Commission: March 7, 2024  
Prepared by: Sean Pope

<b>Applicant Name:</b>	Geordie Van Marter
<b>Property Owner Name:</b>	Kevin McNamara
<b>Project Description:</b>	<p>The applicant is proposing to build a new commercial four-unit building with two stories, and an addition to the existing structure. Within the new four-unit building, each unit will have an overhead garage door entry and an office/storage space on the second story. Between both floors, each unit will be between 2,612 and 2,686 sq. ft., totaling approximately 10,600 sq. ft. The applicant is also proposing a 1,356 sq. ft. addition along the northeastern side of the existing 2,947 sq. ft. building. The total square footage proposed, including the existing buildings, is approximately 14,900 sq. ft. The proposed uses of these buildings are light industrial and for storage. The proposed buildings will significantly expand the commercial/industrial uses that exist on Lot 8, Riverland Industrial Park Filing No. 1.</p> <p>The original approval for this lot was for KJM Condominiums under LUC-2006-39. Per BOCC Resolution No. 24-1982, every time a new use is contemplated within the Riverland Industrial Park Filing No. 1, it shall be reviewed under the LUR at least as a Minor Impact Project.</p>
<b>Property Location:</b>	338 Riverland Dr., Crested Butte, CO Lot 8, Riverland Industrial Park Filing No. 1
<b>Surrounding Land Uses:</b>	<p><u>Neighboring Lots withing Riverland Industrial Park</u></p> <ul style="list-style-type: none"> <li>- Lot 7 – Greg Wiggins – Mixed Use</li> <li>- Lot 9 – John Nichols – Mixed Use</li> <li>- Lots 10/11 – CB Self Storage LLC – Commercial</li> <li>- Lot 14 – William A Frame III – Commercial</li> </ul>
<b>Agency and Department Review:</b>	<p>A copy of the application was sent to the following referral agencies by email on February 7, 2024:</p> <ol style="list-style-type: none"> <li>1. Gunnison County Public Works</li> <li>2. Gunnison County Building &amp; Environmental Health Official</li> </ol>

		3. Crested Butte Fire Protection District (CBFPD)
<b>Pre-Application Conference:</b>		
<b>Status of Application:</b>		
<b>Attached Exhibits:</b>		
<b>Planning Commission Tasks at Initial Work Session:</b>		<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Hear applicant presentation</li> <li>— Identify and consider issues</li> <li>— Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1.</li> <li>— 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</li> <li>— Set site visit date</li> <li>— Determine if application is ready to be set for public hearing, or if other work session is required</li> </ul>
<b>Initial Impact Classification:</b>		Minor Impact Project, based upon classification found in <i>Section 6-102: Projects Classified as Minor Impact Projects</i> . Specifically, per BOCC Resolution No. 24 – 1982, every new use within Riverland Industrial Park Filing No. 1 is required to be reviewed at the level of Minor Impact
<b>Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)</b>		<p><b>Demand for public services.</b> The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p><b>Impacts on impact area and the environment.</b> The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p><b>Impacts related to all existing and proposed development and proposed development in impact area.</b> The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
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	
<b>APPLICABILITY OF LAND USE RESOLUTION STANDARDS:</b>		

STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, 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 applicable, 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 applicable, not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-300: Commercial and Industrial Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable</p> <ol style="list-style-type: none"> <li>1. <u>NON-RESIDENTIAL ACCESSORY USES.</u> <ol style="list-style-type: none"> <li>a. The upper level of the proposed building will be office space and light storage.</li> </ol> </li> <li>2. <u>FOOD SERVICE REQUIREMENTS</u> N/A</li> <li>3. <u>ELECTRICAL DISTURBANCES.</u> N/A</li> <li>4. <u>FIRE AND EXPLOSIVE HAZARDS</u> N/A - There will be no hazardous materials stored which will decompose by detonation.</li> <li>5. <u>GLARE AND HEAT.</u> N/A - There will be no operations producing intense glare or heat.</li> <li>6. <u>EXTERIOR LIGHTING</u> <ol style="list-style-type: none"> <li>a. The exterior lighting will comply with Gunnison County's LUR standards. Downlighting only with the bulb being shrouded. See <i>Exterior Lighting</i> for details.</li> </ol> </li> <li>7. <u>ODORS.</u></li> </ol>

		<p>N/A - There will be no commercial use resulting in detectable odors.</p> <p>8. <u>RADIOACTIVITY</u> N/A</p> <p>9. <u>VIBRATION.</u> N/A - There will be no perceivable vibration originating from the building as it will be used for office space and construction storage/shop space for light construction. - Staff adds that because the occupants are unknown at this time, the precise level of vibration is TBD. Due to the project's location in a platted industrial park, staff does not have concerns about this standard.</p> <p>10. <u>NOISE.</u> Applicant states that "there will be no obtrusive noise emanating from this building. It will be used for office space and storage/ shop space for light construction." - Staff comments are the same as above for #9 in regards to noise.</p>
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application

9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application is not for essential housing.
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application is not for residential development.
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application is not for residential development.
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	<p>Applicable. Project is located within the Riverland Industrial Park Filing No. 1. The subsections of this 10-104 are “or” statements, and staff finds that this project meets the standards of subsections 1.c-e, 2 and 3. See below for the standards and staff responses to each subsection:</p> <p>C. ALTERNATIVE LOCATIONAL STANDARDS. When the applicant has demonstrated that a proposed commercial, light industrial, industrial or other non-residential development cannot satisfy the primary locational standard, the location may be approved if the BOCC finds that in addition to meeting all of the other applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood uses, wildlife, visual quality, air or water quality, and the proposed use complies with the following:</p> <p>1.c. LOCATION WELL-SUITED TO SPECIFIC USE. The proposed location is particularly well-suited for</p>

		<p>the specific use (recreational facilities, including dude ranches or resorts); provided, however, that location in a high traffic area or on a highway artery shall not, in and of itself, qualify a proposed commercial development for approval; or</p> <ul style="list-style-type: none"> <li>- The project is located within a platted industrial park which is well-suited to industrial uses. Staff finds that this location is well suited to the proposed use.</li> </ul> <p>d. NEED OR USE IS WELL-SUITED IN A PARTICULAR AREA. There is a documented need for the specific use in the proposed location; or</p> <ul style="list-style-type: none"> <li>- While specific documentation may not exist for the expansion of commercial uses in the Riverland Industrial Park, it can be reasonably inferred based on known community needs, that the North end of the valley could use more commercial and industrial services. Staff finds that the application meets the standards of this Section.</li> </ul> <p>e. USE IS DESIGNED TO SERVE A SPECIFIC RESIDENTIAL AREA. The development will be located and designed primarily to serve an integral part of a specific residential area or development, and shall provide services that are reasonably likely to reduce vehicle trips between the residential area and population centers.</p> <ul style="list-style-type: none"> <li>- The Riverland Industrial Park was created to serve the Northern Valley with industrial services. This Industrial Park reduces the vehicle miles traveled to the main population center of Gunnison. Staff finds that the application meets the standards of this Section.</li> </ul> <p>2. COMPATIBLE WITH EXISTING USES ESTABLISHED IN IMPACT AREA. The proposed use is compatible with uses established in the impact area.</p> <ul style="list-style-type: none"> <li>- The project is located in a platted industrial park which has been heavily impacted with</li> </ul>
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		<p>the current industrial uses. Staff finds that the proposed use is compatible with the existing uses in the area.</p> <p>3. NO SIGNIFICANT NET ADVERSE EFFECT. There will be no significant net adverse effect, including cumulative impacts when there is a reasonable probability that there are cumulative impacts, of the proposed and existing developments on adjacent land uses, County or other infrastructure, or public health, safety or welfare, or the environment.</p> <ul style="list-style-type: none"> <li>- Due to the project's location in a platted industrial park, and that this is an expansion of use for an existing developed lot, staff finds that there will be no significant adverse effect on the area.</li> </ul>
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant will comply to the maximum extent feasible with the standards of this Section.
11-103: Development in flood hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. Per County &amp; FEMA mapping, the project is located within an unnumbered Zone A (a Special Flood Hazard Area). Norman Whitehead P.E. created a <i>Floodplain Map</i> using the <i>USGS Streamflow Reports</i> as inputs into a HEC RAS model (a common method to analyze streams and floodplains). The output of this was a <i>Floodplain Map</i> which illustrates the more accurate map of where flood hazards exist. This map shows that the project is located well outside of the floodplain.</p> <p>Per County, State, and FEMA requirements, the applicant has supplied an <i>Elevation Certificate</i>, which shows the lowest floor of the structure is 1.6' above the Base Flood Elevation (BFE). Per the standards of this Section, the lowest floors' minimum height above the BFE is 1.0'.</p> <p>Staff finds that the application as submitted, complies with the standards of this Section.</p>
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located within a geologic hazard area.

11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant has provided a <i>Defensible Space Plan</i> which shows a 5' hardened zone around each new structure and the addition to the existing structure, as well as defensible space up to the property line. This plan has been reviewed and approved by staff, meeting the standards of this Section.
11-106: Protection of wildlife habitat areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located within a mapped wildlife habitat area.
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no water bodies are located on the parcel.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located on a ridgeline.
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project does not affect agricultural lands.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project 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	Not applicable, project is not located on an inholding in the national wilderness.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Martin Schmidt, Assistant County Manager for Public Works, issued an <i>Access Permit</i> on December 16, 2023, under permit number AP-23-00127.  The applicant expects there to be approximately 8 vehicle trips per day. The low volume of vehicle trips (<100/day) does not require any traffic study.  Staff finds the proposal as submitted meets the standards of this Section.
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no trails are proposed as part of this application
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The project as proposed will tie into the existing central system at the Riverland Industrial Park. See the <i>Water Payment Confirmation</i> document for an approval letter from Kat Loughan with Toad Property Management, explaining that all water-related fees are in good standing.
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant has applied for an OWTS Permit under permit number OWTS-23-00210. The

		system has been reviewed by staff and meets County standards for OWTS systems.
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. CBFPD has determined that the water supply for the Riverland Industrial Park (RIP) system is adequate at 640gpm and has given the verbal approval to move forward with the project. CBFPD is requesting to test the fire flows for the RIP system again in the Spring of 2024 to confirm.
13-102: B.: Location within municipal three-mile plan area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. In an email from Mel Yemma, Long-Range-Planner with the Town of Crested Butte, dated February 27, 2024, she stated "After reviewing the proposal, in seeing that the proposed development is within an existing subdivision that existing infrastructure is available to serve, we do not have any comments on the proposed development."
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. The proposed development is within the areas indicated on the <i>KJM Condominiums Plat</i> that are "Reserved for Expansion by Construction of Additional Buildings Containing Up to 4 Additional Condominium Units, Subject to Approval By Gunnison County, Which Has Not Been Obtained."</p> <p>Because the areas were indicated on the Plat, and the proposed development is within these boundaries, staff finds that the proposed development meets the standards of this Section.</p> <p>Additionally, the <i>Riverland Industrial Park Filing No. 1 Covenants</i> state that that Lots 1-25 shall have a visible height of less than 24 ft. This application is for Lot 8, and the max height for the building is shown as 27'6".</p> <p>The Riverland Industrial Park Filing No. 1 Covenants define "visible height" in Section 4:C.2.a as:</p> <p><i>"The term "visible height" as used in the following height limitations shall mean the average height of the visible facades of any building or structure as seen from Colorado Highway 135, measured from</i></p>

		<p><i>the finished grade to the highest point of the roof or parapet. The visible height of any building shall be determined by taking the average height of each facade as set forth above that is visible from any point on Colorado Highway 135. The visible height shall be determined by taking the sum of the height of each facade determined as hereinafter set forth, and dividing it by the number of facades visible from highway 135. The height of each visible facade shall be determined by measuring the height at each end and in the middle of said facade.”</i></p> <p>The applicant states that <i>“The existing neighboring building to the NW is 30’ tall. Additionally, the neighboring grade is 6’ higher. River lands covenants state that their concern with the height comes from viewing the property from HWY 135. Our proposed building is well within the shadow of the neighboring building which is why The Riverland HOA passed our building during their review process.”</i></p> <p>After reviewing the <i>Visibility Analysis</i>, staff finds that the proposed buildings will not be obtrusive for the area and meet the intent of the Riverland Covenants.</p> <p>This may be a point of discussion for Planning Commission.</p>
<p>13-104: Setbacks From Property Lines And Road Rights-Of-Way</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable. The proposed development is shown to be setback 10’ from Riverland Drive, which does not meet the standard 25’ front setback from a subdivision road, per Table 7: Setbacks From Property Lines and Road Rights-Of-Way. However, the <i>Riverland Industrial Park Filing No. 1 Covenants</i> state under Section 4.A.3, describing the landscape buffer zones (i.e. setbacks), that “A minimum of ten feet at all property lines contiguous with an interior road boundary.”</p> <p>Staff finds that the proposal as submitted complies with the standards of this Section because it complies with the <i>Riverland Industrial Park Filing</i></p>

		<i>No. 1 Covenants</i> , which were approved by the County.
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application not for residential buildings.
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no solid fuel burning devices are proposed as part of this application.
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. Pursuant to Section 13-108:E, applicant has provided a landscaping plan according to Section 13-111.
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Per Table 8: Off-Road Loading Spaces for Non-Residential Uses, the applicant must provide a minimum of 1 parking space for the total non-residential use of 11,000 sq. ft.. The applicant shows 14 parking spaces on the site plan. Staff finds that the project as proposed meets the standards of this Section.
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. The applicant proposes minimal landscaping and buffering along Riverland Dr., with 3 cottonwood trees to be installed. The initial landscaping plan to buffer the buildings from Hwy. 135 was completed during the original Land Use Change under permit number LUC-06-00039. Staff finds that due to the location in the Riverland Industrial Park, there is no requirement to buffer the uses because it is not necessary to shield the project from neighboring properties, and there are no adverse impacts to neighboring properties. See below for the standards of Section 13-111:M – <i>Buffering</i>.</p> <p>1. APPLICABILITY. Every land use change that is classified as Minor or Major Impact Project, pursuant to Section 3-111: Classification of Impact shall provide landscaped buffering between adjacent uses when topographical or other natural barriers do not provide reasonable screening and when the County finds that:</p> <p>a. NEIGHBORING PROPERTIES. There is a need to shield neighboring properties from</p>

		<p>any adverse external effects of a proposed land use change; or</p> <p>b. ADVERSE IMPACTS. There is a need to shield the land use change from negative impacts or adjacent land uses in high-density land use changes, and/or when building design and siting do not provide privacy.</p> <p>Planning Commission may wish to discuss this further and decide whether further Landscaping and Buffering is necessary.</p>
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant shows 2,064 sq. ft. of snow storage on the property. The driveway and parking spaces are existing and they are not changing from the existing use.
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-114: Exterior Lighting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant plans to use Kichler Cylinder Single Light 7" Tall Outdoor Wall Sconces for the project. See the <i>Exterior Lighting</i> attachment in the file for details. Staff finds the proposed lighting complies with the standards of this Section.
13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. Applicant may be required to apply for a reclamation permit at the time of building permit. In an email from Nathan Burke with Gunnison County Public Works, dated February 29, 2024, he confirmed that this project will not require a reclamation permit and the access has been reviewed and approved.
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, the project does not meet the applicability standards of this Section.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable, Per BOCC Resolution No. 24-1982, a landscaping and drainage plan is required to approved by Gunnison County.
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-119: Standards To Ensure Compatible Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Staff has reviewed the applicants' responses to the subsections here and finds no conflict with this project to the neighboring lots. See the standards with staff comments below:

		<p>1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth.</p> <p>a. The application as submitted does not create any hazards or nuisances that are anything beyond the light industrial and storage proposed. This use is consistent with the other uses within the Riverland Industrial Park and the adjoining lots.</p> <p>2. ADVERSE IMPACTS TO ADJOINING LAND. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.</p> <p>a. Any adverse impacts may require additional landscaping and buffering. This will be discussed in Section 13-111. Additionally, the applicant responses to #7 LANDSCAPING, they note that “We already have a landscape plan, but additional landscaping would be acceptable.”</p> <p>Planning Commission may wish to discuss this further</p>
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**LEGEND**  
 NARROWLEAF COTTONWOOD TREE (COTTON-LESS)  
 POPULUS ANGUSTIFOLIA  
 3 @ 15' TALL (1.5" CALIPER)

 SEEDED NATIVE GRASSES  
 RIVENDELL HIGH ALTITUDE LOW GROW MIX

 - Harden Zone 5' crushed gravel  
 - Remaining defensible space

- NOTES**
1. CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES.
  2. TREE LOCATIONS V.I.F. BY CONTRACTOR TO AVOID UTILITIES, STRUCTURES AND HARDSCAPE AREAS.
  3. CONTRACTOR RESPONSIBLE TO INSTALL LANDSCAPING, TREES, SEED, AND IRRIGATION IN ACCORDANCE WITH COLORADO NURSERY ASSOCIATION STANDARDS AND APPLICABLE BUILDING CODES.
  4. CONTRACTOR RESPONSIBLE TO INSTALL PERMANENT DRIP IRRIGATION TO TREES AND IRRIGATION BACK-FLOW PREVENTER AT WATER SUPPLY.
  5. CONTRACTOR RESPONSIBLE TO INSTALL TEMPORARY ABOVE GROUND SPRAY IRRIGATION TO SEEDED AREAS. TEMPORARY SYSTEM TO BE REMOVED AFTER GRASSES ARE ESTABLISHED.

*defensible space mowed and maintained grass under all*

**OWNER:**  
 KEVIN MCNAMARA  
 (970)209-4998  
 PO BOX 2843  
 CRESTED BUTTE  
 COLORADO  
 81224

**ARCHITECT:**  
 MAC DESIGN AND CONSTRUCTION  
 (719)578-1212

**KJM CONDOMINIUMS**  
 LOT 8  
 RIVERLAND INDUSTRIAL PARK  
 CRESTED BUTTE,  
 COLORADO

Issuance	Date
SUBMISSION	05.01.23
SUBMISSION	05.23.23

Revisions	Date	No.
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**Sheet Information**  
 Sheet Title:  
 LANDSCAPE  
 PLAN

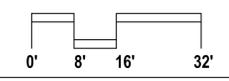
Sheet Number:  
**L1.01**



RESERVED FOR EXPANSION OF UNIT A-1, SUBJECT TO APPROVAL BY GUNNISON COUNTY, WHICH HAS NOT BEEN OBTAINED.

NORTH

SCALE: 1/16" = 1'-0"





Sean Pope, Planner

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**To: Gunnison County Planning Commission**

**RE: LUC-23-00027 | Minor Impact I Work Session I Avy Solar Array**

**Date: March 1, 2024**

**Date of Work Session: March 7, 2024**

### 1. Project Summary

The Applicant, GVS LLC, represented by Taylor Henderson, proposes an approximately 1.605 Megawatt (MW) solar array located within an area of approximately 3.75 acres on a 71-acre parcel of land owned by the Town of Crested Butte, at 26575 State Highway 135, Crested Butte, CO, commonly known as Avalanche Park. The total project area, including the driveway and trailhead relocation is approximately 5 acres. The parcel of land is primarily used for recreation with the Baxter Gulch Trailhead and parking area. A large stand of evergreens was cleared in 2021 to prevent the spread of pine beetle, and the removal was not related to this project.

Improvements include the installation of the solar array, a realignment of the Baxter Gulch Trailhead and parking area, and a wildlife exclusionary fence around the perimeter of the project area. The project intends construction to be finished in one phase over a five-month period, with minimal impacts Baxter Gulch Trailhead access, as the Applicant has been working in coordination with the Town and the Crested Butte Mountain Bike Association (CBMBA). If approved and constructed, the project will off-set all of the Town of Crested Butte's electrical municipal electric meter consumption.

### 2. Impact Classification

The Project as proposed has been classified as a Minor Impact Project, based upon classification found in *Section 6-102:J – New Commercial, Industrial 10,000 sq. ft. or Five Acres or Less*. Per the *Site Plan*, the total acreage covered by the Solar Array is approximately five acres.

### 3. Land Use Resolution Compliance

The proposal has been comprehensively reviewed for compliance with applicable standards of the Land Use Resolution in Exhibit A, *Staff Report*. Staff has outlined how the proposal meets more substantive LUR standards below.

#### 9-300: Commercial and Industrial Uses

See below for the applicable standards of this Section along with staff comments:

#### FIRE AND EXPLOSIVE HAZARDS

Applicant does not anticipate using any materials or products that “decompose by detonation.” Additionally, they are working with CBFPD to potentially implement [a KNOX rapid access system](#). KNOX is a rapid access system for first responders and will be located in order to provide

access at the Project's main entry point. A defensible space plan will be required at the time of building permit to mitigate the wildfire hazard at the site. Staff adds that this will be a condition of approval that will be required at the time of building permit.

#### GLARE AND HEAT.

Based on the information provided, staff believes that the project meets the standards of this section. The Applicant notes, "*The solar modules do not reflect sunlight as the modules, by definition, are designed to absorb all available sunlight in order to maximize the Project's production and output. Further, current best-in-class modules are covered with an anti-reflective layer to ensure no sunlight is lost. The Project will be oriented due south and the face of the modules will not front State Highway 135 or any nearby receptors.*" Additionally, there are research articles that show the minimal glare impacts of PV modules, such as [this study](#) conducted by the National Renewable Energy Lab ([NREL](#)).

#### EXTERIOR LIGHTING

No exterior lighting proposed at this time. Applicant shall comply with Section 13-114 if exterior lighting is added.

#### VIBRATION.

N/A - There may be detectible vibration at the time of construction, but this will be minimal, if at all. Once construction is complete, there will be no vibration. Staff finds that there may be some vibration caused during the construction period, but it may not be detectable without instruments.

#### NOISE

N/A – There will be noise at the time of construction. Once construction is complete, there will be no noise produced at the site.

### Section 10-104: Locational Standards for Commercial, Industrial, or Other Non-Residential Uses

This Section applies to all proposed commercial uses with the exception of Public Facilities or Utilities. The proposal may be exempt from the provisions of this section if the decision-making body, in this case the Planning Commission, finds the proposal meets the following standards. Staff comments are included in each section below:

- a. *ESSENTIAL TO PUBLIC WELFARE. That the proposed facilities or utilities are essential to public health, safety and welfare; and*
  - i. The project as proposed will supply renewable energy to the Town of Crested Butte, of which the Applicant states, "The Project will off-set all of the Town of Crested Butte's electrical municipal electric meter consumption." Staff adds that this project is in alignment with the Gunnison County's strategic plan per Section B.3, which the aim is to reduce greenhouse gas emissions by 50% from 2005 levels by 2030.
- b. *ALTERNATIVE SITE UNAVAILABLE OR NOT SATISFACTORY. That suitable alternative sites that meet the standards of this Section are not available, or would not provide a location adequate to provide the necessary services.*

- i. There are limited parcels near enough to the Town of Crested Butte to provide adequate access to solar power. Applicant provides a description within the *General Application Summary*,:
  1. *The project is "... sited the Project with consideration criteria including A.) Gunnison Sage Grouse habitat, B.) ability to inject power into GCEA's electrical system, C.) proximity to electrical consumption on GCEA's system, D.) no conservation easement overlap, E.) alternative land uses and associated values, F.) reception of stakeholders in the vicinity, and G.) ability to produce solar electricity without obstruction."* And goes on to state that *"... Applicant and GCEA came to the selection of subject Property site through an exhaustive review of available options."*
- ii. Staff agrees with the Applicant in their analysis above and concludes that an alternative site for this type of project is unavailable and/or unsatisfactory.

#### Section 11-104: Development in Areas Subject to Geologic Hazards

The Applicant has provided an avalanche study by Arthur I. Mears, P.E., dated June 25, 2020 showing that the project location is within an avalanche hazard area. The report states under the recommendations that "The high (Red) avalanche hazard zone should be avoided for all types of land use, except open space." The application as submitted only intends to construct the solar array within the Blue Zone hazard, however, there is a small section, approximately 0.25 acres, of the solar array shown on the site plan that may extend within the red zone. This expansion would be subject to further approval and appropriate mitigation measures. See note 5 at the top left corner Exhibit B. *Site Plans*, Sheet E-101-02, which reads "Red Zone Risk Analysis will be undertaken as part of project design. Placement of any equipment in Red Zone generally to be avoided and will be subject to risk and mitigation assessment." Meaning that if any portion of the project extends into the Red Zone, additional risk and mitigation measures will be required. Staff has discussed this with the Applicant and understands that these mitigation measures would include physical barriers for protection. If any development is proposed within the red zone, a condition of approval would be added so that additional review by staff or Planning Commissions would be required.

Reviewing this project further, Section 11-104:G.1.d – *Utilities* applies to this project. This Section states:

- *"All utilities shall be located and constructed to minimize or eliminate the possibility of damage to them by an avalanche. This shall include burying utility lines that cross avalanche hazard areas and protecting above-ground utility facilities located in moderate or high avalanche hazard areas by the use of avalanche barriers or diversion techniques."*

The project as proposed does not include any avalanche barriers or diversion techniques, however, the Applicant has provided the *Avalanche Study* and is proposing building the solar array according to the recommendations within. All the utilities within the project area will be required to minimize the possibility of damage by an avalanches. Details of this mitigation and design will be required at the time of building permit.

### Section 11-109: Development That Affects Agricultural Lands

Preservation of a 25' maintenance easement from either edge of a ditch bank is required of any Land Use Change permit. The culverted Spann-Nettick Ditch runs northwest to southeast across the property, and is depicted as the "Exhibit B. Site Plans, Sheet E-101-3 . This maintenance easement may be reduced with notarized written consent from the ditch owner(s).

The Applicant is working with the Town of Crested Butte and the ditch owners to obtain permission to reduce the maintenance easement to 15'. Until the ditch owner provides notarized consent, the Applicant shall comply with the standards of this Section and maintain the 25' setback from the ditch. In order to allow for this encroachment into the setback, a condition will be added to the approval document, stating that any encroachments into the 25' ditch setback will require notarized consent from the ditch owner and the project could expand into the agreed upon setback.

Fencing crosses the ditch in two locations and in one area, fences out a portion of the ditch. ditch owner may remove the fence to perform any "reasonably necessary" operations. Colorado Parks and Wildlife (CPW) initially expressed concerns about this fencing, as discussed below in Section 13-113: *Fencing*, however. However, after clarifying that the ditch was culverted, they did not have any concerns about the exclusionary fencing in this application.

### 12-104: Trails

This project includes the rerouting approximately 100 yards of the Baxter Gulch Trail around the proposed fence of this project. Applicant does not anticipate any impacts to use of the trailhead during the construction period. They are also coordinating with the Town of Crested Butte and the Crested Butte Mountain Bike Association to mitigate any negative impacts to access of the trailhead. The construction period is anticipated at approximately five months, and the trail and parking lot relocation is planned to take place before construction begins and ahead of the busy season use of Baxter Gulch Trailhead and Trail. During the construction period, there will be approximately 20 people on site at any one time. See the *Construction Period Vehicle Trips (Approximate)* Table on page 16 of the *General Application Summary*. Planning Commission may wish to discuss this further with the Applicant to better understand the impacts to the Baxter Gulch Trailhead and parking area during the construction phase of this project.

### 13-108: Open Space And Recreation Areas

Pursuant to Section 13-108:E, Applicant has provided a landscaping plan according to Section 13-111 below. While evaluating the landscaping plan, Planning Commission should keep in mind the intention of Section; *"This Section intends to insure that new development provides for or contributes to park and recreation facilities for the community and residents of new developments, to provide passive and active recreation opportunities, and to preserve open space for the purpose to protect sensitive natural areas, agricultural forage areas and view corridors."* Staff finds that the application as submitted meets the standards of this Section, as the minimal revegetation of the area will help preserve both open space and view corridors.

### 13-111: Landscaping and Buffering

All Minor Impact Projects shall include a landscaping plan per this Section. Per 13-111:E.3 – *Restoration With Native Plant Material*, the Applicant has indicated that disturbed areas will be revegetated with native grasses and the Applicant will work with the Gunnison County Weed Coordinator for an appropriate seed mix. Water will be provided off-site and hauled to the project location. Additionally, a Defensible Space plan will be required at the time of building permit.

The Applicant is not proposing any buffering for this project, this shall be reviewed pursuant to Section 13-111:M – Buffering.

- A. APPLICABILITY. Every land use change that is classified as Minor or Major Impact Project, pursuant to Section 3-111: Classification of Impact shall provide landscaped buffering between adjacent uses when topographical or other natural barriers do not provide reasonable screening and when the County finds that:
  - a. NEIGHBORING PROPERTIES. There is a need to shield neighboring properties from any adverse external effects of a proposed land use change; or
  - b. ADVERSE IMPACTS. There is a need to shield the land use change from negative impacts or adjacent land uses in high-density land use changes, and/or when building design and siting do not provide privacy.

This will be a topic of discussion for Planning Commission, as conditions of both a and b above must be met for this Section of the LUR to not apply. Based on the materials submitted, the application may meet both standards. This will be a topic of discussion for Planning Commission to determine whether or not this project will require buffering, and if so, to what extent.

#### 13-113: Fencing

Per Section 13-113:B.1.d – *Fences for Wildlife Habitat Areas*, and the unique nature of this project, the CPW exclusionary fence may be utilized for this project. In an email from Clayton BonDurant, CPW District Wildlife Manager for Gunnison West - Area 16, dated February 2, 2024, included an informal comment that expressed concerns about the fencing crossing the ditch and how it may cause potential issues with animals such as beavers within the ditch. Staff followed up with a phone call to clarify that the ditch was culverted and discussed the exclusionary fence with Mr. BonDurant. After these clarifications, Mr. BonDurant did not have any concerns about this fence being used for the project.

#### **4. Exhibits**

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-23-00027. Click on "Attachments".

- A. Staff Report
- B. Site Plans



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

Land Use Change Permit Application: GVS LLC – Solar Array  
 Application No: LUC-23-00027  
 Date application scheduled with Planning Commission: March 7,  
 2024  
 Prepared by: Sean Pope

<b>Applicant Name:</b>	GVS LLC, represented by Taylor Henderson
<b>Property Owner Name:</b>	Town of Crested Butte
<b>Project Description:</b>	<p>The Applicant, GVS LLC, represented by Taylor Henderson, proposes an approximately 1.605 Megawatt (MW) solar array located within an area of approximately 3.75 acres on a 71-acre parcel of land owned by the Town of Crested Butte, at 26575 State Highway 135, Crested Butte, CO, commonly known as Avalanche Park. The total project area, including the driveway and trailhead relocation is approximately 5 acres. The parcel of land is primarily used for recreation with the Baxter Gulch Trailhead and parking area. A large stand of evergreens was cleared in 2021 to prevent the spread of pine beetle, and the removal was not related to this project. Improvements include the installation of the solar array, a realignment of the Baxter Gulch Trailhead and parking area, and a wildlife exclusionary fence around the perimeter of the project area. The project intends construction to be finished in one phase over a five-month period, with minimal impacts Baxter Gulch Trailhead access, as the applicant has been working in coordination with the Town and the Crested Butte Mountain Bike Association (CBMBA). If approved and constructed, the project will off-set all of the Town of Crested Butte’s electrical municipal electric meter consumption.</p>
<b>Property Location:</b>	26575 State Hwy. 135, Crested Butte, CO
<b>Surrounding Land Uses:</b>	<p><u>North/northwest:</u></p> <ol style="list-style-type: none"> <li>1. Parcel No. 325502000006 – 5 acres, owned by Gunnison County, location of PAWS and Gunnison County Public Works facility.</li> <li>2. Parcel No. 325500002022 – 35 acres, residential, Lot 8, Trappers Crossing South Subdivision</li> <li>3. Parcel No. 325502002001 – (across hwy. 135) 174 acres, owned by Town of Crested Butte, Parcel B, Town Ranch Subdivision</li> </ol> <p><u>West:</u></p> <ol style="list-style-type: none"> <li>1. Parcel No. 325500005046 – 45 acres, residential, Lot 17, Trappers Crossing at Wildcat Subdivision</li> </ol>

	<p><u>South/southeast:</u></p> <ol style="list-style-type: none"> <li>1. Parcel No. 325500005045 – 66 acres, residential, Lot 18, Trappers Crossing at Wildcat Subdivision</li> <li>2. Parcel No. 325500000160 – 35.1 acres, vacant (agricultural per Assessor’s office)</li> </ol>
<b>Agency and Department Review:</b>	<p>A copy of the application was sent to the following referral agencies by email on January 30, 2024:</p> <ul style="list-style-type: none"> <li>- Colorado Parks &amp; Wildlife (CPW)</li> <li>- Town of Crested Butte</li> <li>- Crested Butte Fire Protection District (CBFPD)</li> <li>- Colorado Department Of Transportation (CDOT)</li> <li>- Gunnison County Public Works</li> <li>- Colorado Geologic Survey (CGS)</li> <li>- Gunnison County Electric Association (GCEA)</li> <li>- Crested Butte Mountain Bike Association (CBMBA)</li> </ul>
<b>Pre-Application Conference:</b>	
<b>Status of Application:</b>	In Review
<b>Attached Exhibits:</b>	
<b>Planning Commission Tasks at Initial Work Session:</b>	<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Hear applicant presentation</li> <li>— Identify and consider issues</li> <li>— Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1.</li> <li>— 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</li> <li>— Set site visit date</li> <li>— Determine if application is ready to be set for public hearing, or if other work session is required</li> </ul>
<b>Initial Impact Classification:</b>	Minor Impact Project, based upon classification found in <i>Section 6-102:J – New Commercial, Industrial 10,000 sq. ft. or Five Acres or Less</i> . Per the <i>Site Plan</i> , the total acreage covered by the Solar Array is approximately five acres.
<b>Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)</b>	<p><b>Demand for public services.</b> The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p><b>Impacts on impact area and the environment.</b> The proposed land use change is expected to generate a minor or a major impact on the impact area.</p>

		<b>Impacts related to all existing and proposed development and proposed development in impact area.</b> The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.
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	
<b>APPLICABILITY OF LAND USE RESOLUTION STANDARDS:</b>		
<b>STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE</b>	<b>Plan complies, or compliance will be determined during review</b>	<b>Staff Comments/ References to specific documentation</b>
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 applicable, 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 applicable, 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 applicable, not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-300: Commercial and Industrial Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable  Applicant states in application: <i>“The solar modules do not reflect sunlight as the modules, by definition, are designed to absorb all available sunlight in order to maximize the Project’s production and output. Further, current best-in-class modules are covered with an anti-reflective layer to ensure no sunlight is lost. The Project will be oriented due south and the face of the modules will</i>

		<p><i>not front State Highway 135 or any nearby receptors.”</i></p> <p><i>“The Project will not create any noise disturbance to nearby neighbors. Road noise from State Highway 135, the adjacent Public Works facility, and GCEA’s nearby Crested Butte workstation and substation are each higher than any discernible audible noise from the Project.”</i></p> <p><i>“During the operations of the Project, the Project will be accessed two to three (2-3) times a year for routine, scheduled maintenance and landscaping as necessary.”</i></p> <p><i>“Project-related components will have a height of no more than fifteen (15) feet.”</i></p> <ol style="list-style-type: none"> <li>1. <u>NON-RESIDENTIAL ACCESSORY USES.</u> N/A</li> <li>2. <u>FOOD SERVICE REQUIREMENTS</u> N/A</li> <li>3. <u>ELECTRICAL DISTURBANCES.</u> N/A</li> <li>4. <u>FIRE AND EXPLOSIVE HAZARDS</u> Applicant does not anticipate using any materials or products that “decompose by detonation.” Additionally, applicant is working with CBFPD to potentially implement a KNOX rapid access system. A defensible space plan will be required at the time of building permit to mitigate the wildfire hazard at the site.</li> <li>5. <u>GLARE AND HEAT.</u> Based on the information provided, staff believes that the project meets the standards of this section.</li> </ol>
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		<p>The applicant notes, “<i>The solar modules do not reflect sunlight as the modules, by definition, are designed to absorb all available sunlight in order to maximize the Project’s production and output. Further, current best-in-class modules are covered with an anti-reflective layer to ensure no sunlight is lost. The Project will be oriented due south and the face of the modules will not front State Highway 135 or any nearby receptors.</i>”</p> <p>Additionally, there are research articles that show the minimal glare impacts of PV modules, such as this on conducted by <a href="#">NREL</a>.</p> <p>6. <u>EXTERIOR LIGHTING</u> No exterior lighting proposed at this time. Applicant shall comply with Section 13-114 if exterior lighting is added.</p> <p>7. <u>ODORS.</u> N/A</p> <p>8. <u>RADIOACTIVITY</u> N/A</p> <p>9. <u>VIBRATION.</u> N/A - There may be detectible vibration at the time of construction, but this will be minimal, if at all. Once construction is complete, there will be no vibration.</p> <p>Applicant notes that, “<i>For a short period of approximately three (3) to four (4) during construction of Applicant’s minor impact land use change, vibrations may occur during daytime working hours as construction team installs posts for racking into the ground.</i>”</p>
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		10. <u>NOISE.</u> N/A – There will be noise at the time of construction. Once construction is complete, there will be no noise produced at the site.
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no residential development is proposed.
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no residential development is proposed.

Yes  No  N/A

10-104: Locational standards for commercial, industrial or other non-residential uses

Not applicable – Staff believes that the application meets the standards 10-104:A.2 – *Public Facility or Utilities*. However, Planning Commission is the decision making body. See Below for the standards of this Section, along with a definition of a Public Utility:

The Project is a public utility located a parcel of property both owned by, and adjacent to, the Town of Crested Butte. The project will be exempt if the decision-making body finds:

a. Essential to Public Welfare

The project as proposed will supply renewable energy to the Town of Crested Butte, of which the applicant states, “The Project will off-set all of the Town of Crested Butte’s electrical municipal electric meter consumption.” Staff adds that this project is in alignment with the Gunnison County’s strategic plan per Section B.3, which the aim is to reduce greenhouse gas emissions by 50% from 2005 levels by 2030.

b. Alternative Site Unavailable or Not Satisfactory.

There are limited parcels near enough to the Town of Crested Butte to provide adequate access to solar power. As stated in the *General Application Summary*, the applicant has “... *sited the Project with consideration criteria including A.) Gunnison Sage Grouse habitat, B.) ability to inject power into GCEA’s electrical system, C.) proximity to electrical consumption on GCEA’s system, D.) no conservation easement overlap, E.) alternative land uses and associated values, F.) reception of stakeholders in the vicinity, and G.) ability to produce solar electricity without obstruction.*” And goes on to state that “... *Applicant and GCEA came to the selection of subject Property site through an exhaustive review of available options.*” Staff agrees with the Applicant in their analysis above and

		<p>concludes that an alternative site for this type of project is unavailable and/or unsatisfactory</p> <p>The LUR defines Public Utility as “has the meaning set forth at C.R.S. 40-1-103.” As defined by the State, <i>The term “public utility”, when used in articles 1 to 7 of this title, includes every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation, water corporation, person, or municipality operating for the purpose of supplying the public for domestic, mechanical, or public uses and every corporation, or person declared by law to be affected with a public interest, and each of the preceding is hereby declared to be a public utility and to be subject to the jurisdiction, control, and regulation of the commission and to the provisions of articles 1 to 7 of this title.</i></p> <p>Planning Commission will determine whether or not this application is for a public utility.</p>
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Applicant will comply with this Section to the maximum extent feasible.</p> <p>Applicant states in application:  <i>“To the extent applicable, Applicant and Applicant’s selected construction management company will incorporate Voluntary Best Management Practices as set forth in Section 11-102 of the Land Use Resolution.”</i></p>
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not applicable, project is not within a mapped flood hazard area.</p>
11-104: Development in geologic hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. Pursuant to LUR Section 11-104:G.1 – <i>Development in Avalanche Hazard Areas</i></p> <p>Onsite observation indicated the subject property is located within an avalanche hazard area and a required plan including mapped area and narrative have been submitted, outlining avoidance and mitigation of this hazard titled, “Snow Avalanche</p>

		<p>Hazard Mapping And Recommendations,” prepared by Arthur I. Mears, P.E. dated June 25, 2020.</p> <p>The applicant has provided the aforementioned <i>Avalanche Study</i>, showing that the project location is within an avalanche hazard area. The report states under the recommendations that “The high (Red) avalanche hazard zone should be avoided for all types of land use, except open space.” The application as submitted only intends to construct the solar array within the Blue Zone hazard, however, there is a small section of the solar array that may extend within the red zone. This expansion would be subject to further approval and appropriate mitigation measures. See note 5 at the top left corner of one of the Site Plans, on sheet E-101-02, which states “RED ZONE RISK ANALYSIS WILL BE UNDERTAKEN AS PART OF PROJECT DESIGN. PLACEMENT OF ANY EQUIPMENT IN RED ZONE GENERALLY TO BE AVOIDED AND WILL BE SUBJECT TO RISK AND MITIGATION ASSESSMENT.” Meaning that if any portion of the project extends into the Red Zone, additional risk and mitigation measures will be required.</p> <p>Staff has discussed this with the applicant, and understands that these mitigation measures would include physical barriers for protection. A condition of approval can be added to this project which would require additional review by staff or Planning Commissions for any expansion of the project into the Red Zone.</p> <p>Reviewing this project further, Section 11-104:G.1.d – <i>Utilities</i> applies to this project. This Section states:</p> <ul style="list-style-type: none"> <li>- <u><i>“All utilities shall be located and constructed to minimize or eliminate the possibility of damage to them by an avalanche. This shall include burying utility lines that cross avalanche hazard areas and protecting above-ground utility facilities located in moderate or high avalanche hazard areas by</i></u></li> </ul>
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		<p><u>the use of avalanche barriers or diversion techniques.”</u></p> <p><u>The project as proposed does not include any avalanche barriers or diversion techniques, however, the applicant has provided the <i>Avalanche Study</i> and is proposing building the solar array according to the recommendations within.</u></p> <p><u>In an email from Jill Carlson, Land Use Review with CGS, dated February 19, 2024, states that “The Colorado Geological Survey has no objection to approval of LUC-23-00027, a Minor Impact application for a Town of Crested Butte Solar Array.”</u></p>
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – project is located in ‘very high’ local level wildfire hazard area. Pursuant to Section 11-105:F.3 – <i>Demonstrate Compliance with the International Wildland Urban Interface Code (IWUIC), AS Adopted and Amended by Gunnison County</i>, applicant will need to create Defensible Space plan that includes the impacted area and extends 30’ beyond the edge of the Solar Array. The Defensible Space plan will be required at the time of building permit.</p>
11-106: Protection of wildlife habitat areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Applicant shows exclusionary wildlife fencing in application.</p> <p>In an email dated February 2, 2024, Clayton BonDurant, District Wildlife Manager for Gunnison West – Area 16, commented:</p> <ul style="list-style-type: none"> <li>- <i>“Thank you for the information. At this time CPW does not have a formal comment on the project. Informally, we would recommend that they move the Northwest portion of the fence east of the ditch. The ditch might act as a thorough fair for wildlife and moving the fence could help with movement around the</i></li> </ul>

		<p><i>solar array. Additionally moving the fence to the east of the ditch would avoid potential issues with beavers damaging the fence or other wildlife species getting inside the enclosure that would otherwise not get inside.”</i></p> <p>Staff followed up with a phone call to clarify that the ditch was culverted and discussed the exclusionary fence with Mr. BonDurant. After these clarifications, Mr. BonDurant did not have any concerns about negative impacts to wildlife.</p>
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not Applicable – there are no Wetlands or Waterbodies as defined by the LUR within the project area. See Section 11-109 for information about the Spann-Nettick Ditch Diversion.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application

11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – The Spann-Nettick Ditch Diversion traverses the parcel and has been redirected into a polymer diversion tube. Pursuant to Subsection G.2 – <i>Irrigation Ditch Easements</i>, a maintenance easement of 25’ shall be maintained and indicated on the site plan. The applicant has shown this set back on the site plan and may obtain notarized consent from the ditch owner to reduce the 25’ setback from the ditch.</p> <p>The Applicant is working with the Town of Crested Butte and the ditch owners to obtain permission to reduce the maintenance easement to 15’. Until the ditch owner provides notarized consent, the Applicant shall comply with the standards of this Section and maintain the 25’ setback from the ditch. In order to allow for this encroachment into the setback, a condition will be added to the approval document, stating that any encroachments into the 25’ ditch setback will require notarized consent from the ditch owner and the project could expand into the agreed upon setback.</p> <p>The proposed fence does cross the ditch. Staff finds that because the ditch is culverted in this area, the fence should not inhibit normal ditch maintenance operations, since the ditch is underground. Should the fence inhibit any ditch maintenance, the ditch owner may remove the fence to perform any “reasonably necessary” operations. Staff is requesting that the applicant obtain consent from the ditch owner to install a fence across the ditch.</p>
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project 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	Not applicable, project is not located within an inholding in the national wilderness.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
12-103: Road system	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable –

Section 12-103:A – Compliance With Road and Bridge Construction Standards.

- Staff anticipates a written approval from Public Works for the driveway and parking lot realignment.

Section 12-103:B – Compliance with Municipal Standards.

- In a letter from the Town of Crested Butte, dated February 14, 2024, the Town supports the approval for this Land Use Change project, including the road modifications. See the *Town of Crested Butte Letter of Support* for details.

Section 12-103:E – Traffic Study

- See the *Construction Period Vehicle Trips (Approximate)* Table on page 16 of the *General Application Summary* for details of expected traffic impacts during construction. Vehicle trips per day are estimated to be an average of 6 and a maximum of 16 per day during the first phase of construction, then having an average of 10-24 per day and a maximum of 38 over the next 4 months of construction. After construction is complete, routine maintenance is expected to involve a single light-duty pickup truck which will access the project site a few times per year during normal business hours.

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Section 12-103:G.a – Access onto State and Federal Highways.

- In the *CDOT Access Approval Email* from Brian Killian, CDOT Region 3 Access Program Manager, dated July 12, 2023, CDOT does not require an access permit for this project, as the project is not anticipated to generate enough traffic to trigger a CDOT access permit.

		<p><u>Section 12-103:G.b – Access onto a County Road or a Public Road That Does Not Require a CDOT Access Permit.</u></p> <ul style="list-style-type: none"> <li>- Applicant has coordinated with Public Works for the shared access and potential impacts to their facility. The modifications proposed are the realignment of the driveway and parking lot. See the <i>Access Easement</i> file for details of the existing access easement on the property.</li> </ul> <p>In regard to the changes to existing infrastructure on the property, the applicant states:</p> <p><i>“With the exception of the following two updates to the existing infrastructure within the Property, no further improvements to the infrastructure are planned:</i></p> <ol style="list-style-type: none"> <li><i>1. A directional alignment adjustment to the Baxter Gulch Trailhead parking lot, and</i></li> <li><i>2. Ingress/egress to the Project’s access gate from the existing infrastructure to the Baxter Gulch Trailhead parking lot.”</i></li> </ol>
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – applicant has shown that the trailhead modification on site map. This includes rerouting approximately 100 yards of the Baxter Gulch Trail around the proposed fence of this project. The applicant does not anticipate any impacts to use of the trailhead during the construction period. They are also coordinating with the Town of Crested Butte and the Crested Butte Mountain Bike Association to mitigate any negative impacts to access of the trailhead.</p> <p>The construction period is anticipated at approximately four months, and the trail &amp; parking lot relocation is planned to take place before construction begins and ahead of the busy season use of Baxter Gulch Trailhead and Trail. During the construction period, there will be approximately 20 people on site at any one time. See the <i>Construction Period Vehicle Trips (Approximate)</i> Table on page 16 of the <i>General Application Summary</i>.</p>

12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable – a solar array is a passive use that does not require water supply. The only water required will be during construction and revegetation, which will be trucked to the project site.
12-106: Wastewater treatment	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, a solar array is a passive use and does not require wastewater treatment.. During construction, there will be portable toilets or other temporary sanitary sewer facilities will be used.
12-107: Fire protection	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable:  <u>Section 12-107:A &amp; B: Applicant Shall Contact Fire Protection District &amp; Standards for Vehicle Access</u> - Applicant has contacted CPFPD and will need to show approval of this project prior to construction.
13-102: B.: Location within municipal three-mile plan area	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable – The project is located within three miles of the Town of Crested Butte. In a letter from the Town of Crested Butte, dated February 14, 2024, the Town supports the approval for this Land Use Change project. See the <i>Town of Crested Butte Letter of Support</i> for details.
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable – the total area impacted is approximately five acres, as shown in purple on the <i>Site Plan</i> . The lot is a legal lot that is over 35 acres, and the building envelope proposed allows for development that is not in conflict with Article 11 – <i>Resource Protection Standards</i> . Application as proposed complies with the standards of this Section.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable – Application as submitted complies with the standards of this Section. The adjacent parcel to the south east (parcel #: 325500000160) is vacant and classified as non-residential, and the improvements meet the required 15' from to the adjoining property line. The setback from State Highway 135 ROW is 40', and the setback from the adjacent parcel to the north east is 35'. The setbacks from the adjacent residential parcels is over 2000'.
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application

13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-108: Open Space And Recreation Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable –</p> <p>13-108.E states that: <i>MINOR IMPACT COMMERCIAL AND INDUSTRIAL USES. Unless otherwise required by this Resolution or other adopted policy or regulation of Gunnison County to contribute a prorated share to the purchase and maintenance of open space, and/or developed recreation areas, commercial and industrial uses that are classified as Minor Impact Projects pursuant to Section 6-102: Projects Classified as Minor Impact shall provide open space by including landscaping elements pursuant to Section 13-111: Landscaping and Buffering, and setbacks from property lines pursuant to Section 13-104: Setbacks from Property Lines and Road Rights-of-Way.</i></p> <p>Staff Response: The proposal is to develop a five acre solar array on a 71 acre parcel, 66 acres will remain as undeveloped open space. Applicant has provided a landscaping plan according to Section 13-111 and the proposal meets the minimum setback requirements of Section 13-104..</p>
13-109: Signs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Applicant will submit a Sign Permit at the time of building permit.</p> <p>There will be a sign posted and maintained on the main access to the project, identifying: address, facility name, and emergency contact information.</p>
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Appendix Table 3 describes the parking needs for various commercial uses; however, the table does not include a parking space calculation for passive solar array use. Once project is complete, the parking and loading impacts are negligible, with a light duty pickup truck servicing the site a few times per year during normal business hours. Service vehicles will utilize the trailhead parking area. See Section 12-103 for details about parking &amp; loading impacts during the construction phase.</p>

Yes  No  N/A

13-111: Landscaping And Buffering

Applicable: All Minor Impact Land Use Change applications shall include a landscaping plan pursuant to this section. The Applicant has indicated that disturbed areas will be revegetated with native grasses and the Applicant will work with the Gunnison County Weed Coordinator for an appropriate seed mix. Water will be provided off-site and hauled to the project location. .

The applicant has stated that, *“The minor impact land use change Project will retain and, as part of construction, plant and reseed the underlying ground with low-growth, water conserving native grasses and ground cover. Grass length will be maintained on an “as-needed” basis. Landscaping will be minimal and will be kept in a suitable condition for the area and to support the operation of the Project.”*

13-111:M.1. Buffering, Applicability

A Minor Impact project is required to provide “... landscaped buffering between adjacent uses when topographical or other natural barriers do not provide reasonable screening **and when the County finds that** (emphasis added):”

- a. *NEIGHBORING PROPERTIES - There is a need to shield neighboring properties from any adverse external effects of a proposed land use change; or*
- b. *ADVERSE IMPACTS - There is a need to shield the land use change from negative impacts or adjacent land uses in high-density land use changes, and/or when building design and siting do not provide privacy.*

The Applicant states that they do not need to shield the project from neighboring properties, as this land use is complementary to the adjacent land uses. The one non-residential lot is buffered by an existing 10’ wooden fence and a stand of trees on the neighbors property. With this existing buffering and the similar land adjacent land uses, should not

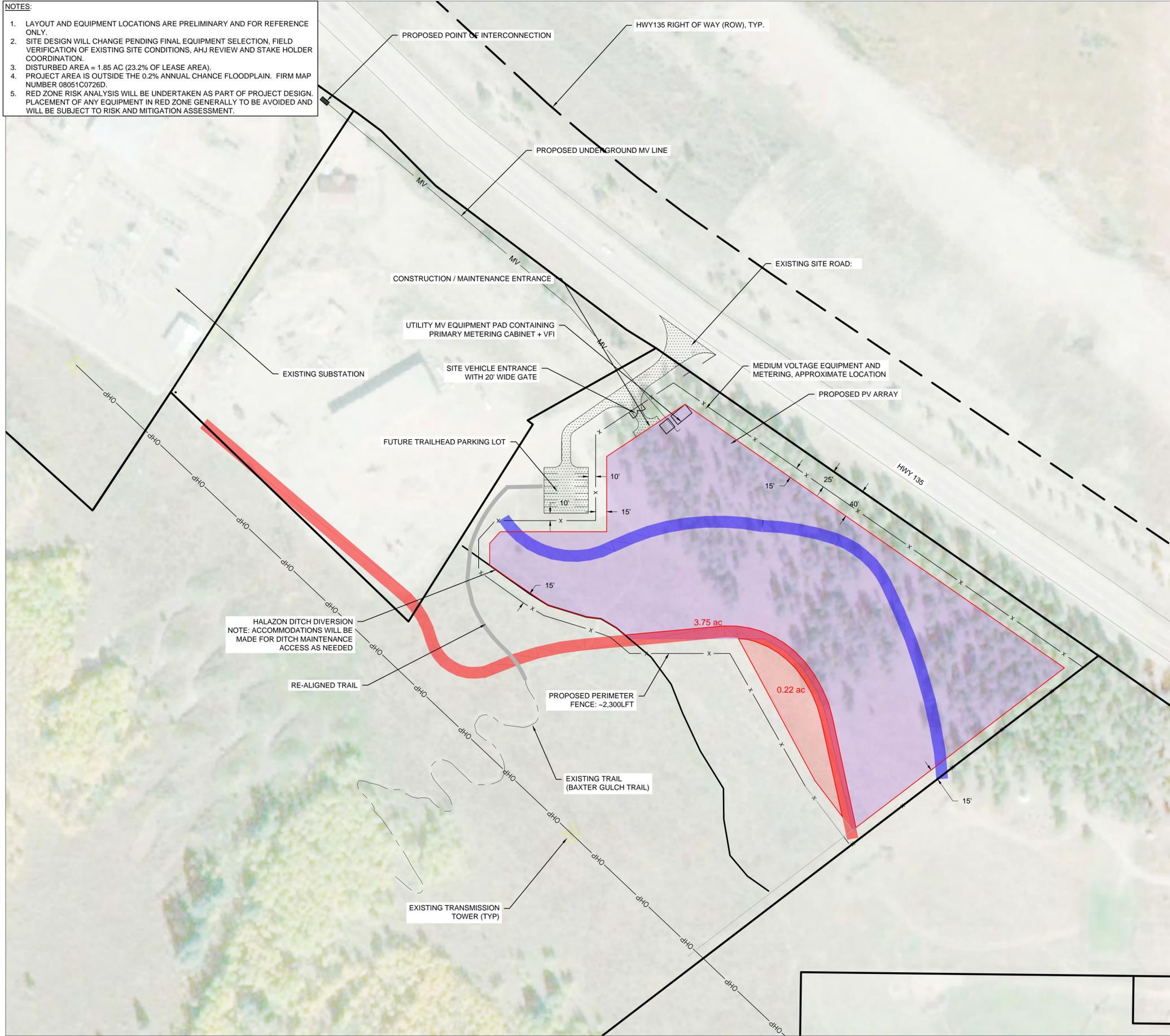
		<p>cause any adverse impacts to the neighboring properties.</p> <p>The applicant goes on to explain that buffering the project with berms will cause drainage issues and cause the project to become a Major Impact Project due to the additional area of impact. Additionally, there is also no practical solution to watering any vegetative buffers, as the property has no existing water rights. Because of these reasons, the applicant has not provided a buffering plan per this Section.</p>
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Applicant is utilizing an existing road that is maintained by Public Works. Public Works has no concerns about snow storage impacts of this project.</p>
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Per Section 13-113:B.1.d – <i>Fences for Wildlife Habitat Areas</i>, and the unique nature of this project, a CPW approved fence may be used for this project. The Applicant has proposed an 8 foot tall wildlife exclusion fence. Non-residential fences are not subject to the six-foot height limitation. Clayton BonDurant, CPW District Wildlife Manager for Gunnison West – Area 16, dated February 2, 2024, stated:</p> <ul style="list-style-type: none"> <li>- <i>“At this time CPW does not have a formal comment on the project. Informally, we would recommend that they move the Northwest portion of the fence east of the ditch. The ditch might act as a thorough fair for wildlife and moving the fence could help with movement around the solar array. Additionally moving the fence to the east of the ditch would avoid potential issues with beavers damaging the fence or other wildlife species getting inside the enclosure that would otherwise not get inside.”</i></li> </ul>

		<p>Staff followed up with a phone call to clarify that the ditch was culverted and discussed the exclusionary fence with Mr. BonDurant. After these clarifications, Mr. BonDurant did not have any concerns about this fence being used for the project.</p> <p>Staff followed up with a phone call to clarify that the ditch was culverted and discussed the exclusionary fence with Mr. BonDurant. After these clarifications, Mr. BonDurant did not have any concerns about this fence being used for the project.</p>
13-114: Exterior Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not applicable – Applicant states in application:</p> <p><i>“No outdoor lighting is planned; however, if any outdoor lighting is implemented it will be hooded and directed so as not to shine directly upon adjoining property or public road rights-of-way.”</i></p> <p>If any exterior lighting is proposed, it shall comply with the standards of this Section.</p>
13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – No cutting, grading, or filling is planned for the solar array area, as the structural piles will be driven directly into the existing topographic contours of the site. See page 5 of the <i>Applicant Response to Completeness Review</i> for details. The permanently disturbed area is less than 10,000 sq. ft. and will not require a Reclamation Permit.</p> <p>Applicant shall coordinate with the Gunnison County Public Works Weed Management coordinator to utilize an appropriate seed mix for revegetation.</p>
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not Applicable – There is no grading of the site proposed. See Section 13-115 for details.</p>
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Applicant shall address the standards of this Section at the time of Building Permit.</p>
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not applicable, no water impoundments are proposed.</p>
13-119: Standards To Ensure Compatible Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable – Staff has reviewed the <i>Applicant Response to Completeness Review</i> and determined that they meet the standards below:</p>

		<p>1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth.</p> <p>a. During construction, the project will cause minimal hazards and nuisances. If any dust mitigation is required during construction, the applicant will mitigate by using water to mitigate. After construction, the project has the potential to benefit future growth by providing renewable energy for the Town of Crested Butte.</p> <p>2. ADVERSE IMPACTS TO ADJOINING LAND. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.</p> <p>a. The primary concern is that the use would be required to provide buffering in order to shield the neighboring parcels and State Highway 135. This will be a topic of discussion in Section 13-111. Based on the materials submitted, staff believes that the project will not cause significant net adverse impacts to adjoining land as the residential properties are over 2000' away from the project and the neighboring land uses are either vacant or commercial/light industrial.</p> <p>Additionally, the adjacent parcel (No. 3255000000160) which is currently vacant and listed as Agricultural on the Assessors Website (note: this does not mean it meets the standards of</p>
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		Agricultural as defined in the LUR). Any dust mitigation that is necessary during the construction phase will be mitigated by using water trucked to the site.

- NOTES:**
- LAYOUT AND EQUIPMENT LOCATIONS ARE PRELIMINARY AND FOR REFERENCE ONLY.
  - SITE DESIGN WILL CHANGE PENDING FINAL EQUIPMENT SELECTION, FIELD VERIFICATION OF EXISTING SITE CONDITIONS, AHJ REVIEW AND STAKE HOLDER COORDINATION.
  - DISTURBED AREA = 1.85 AC (23.2% OF LEASE AREA).
  - PROJECT AREA IS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FIRM MAP NUMBER 08051C0726D.
  - RED ZONE RISK ANALYSIS WILL BE UNDERTAKEN AS PART OF PROJECT DESIGN. PLACEMENT OF ANY EQUIPMENT IN RED ZONE GENERALLY TO BE AVOIDED AND WILL BE SUBJECT TO RISK AND MITIGATION ASSESSMENT.



**SYSTEM SUMMARY**

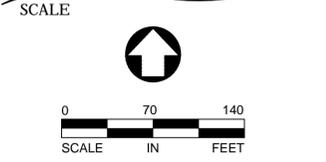
MAX DC SYSTEM VOLTAGE	1,500 V
TOTAL DC SYSTEM SIZE	APPROXIMATELY 1.605MW <sub>DC</sub>
INVERTER OUTPUT VOLTAGE	480V OR 600 V
INVERTER AC OUPUT	125 KW <sub>AC</sub>
AC SYSTEM SIZE (@ POI)	1.125MW <sub>AC</sub>
RACK TYPE	FIXED TILT
MODULE ORIENTATION	SOUTH
ASHRAE WEATHER STATION	GUNN CRESTED BUTTE REGL.



**PROJECT**  
**GVS, LLC**

**LOCATION**  
**38.859556,-106.972417**  
**GUNNISON COUNTY, CO**

**SUBMITTAL**  
**MINOR IMPACT LAND**  
**USE CHANGE -**  
**COMMERCIAL**



**SETBACKS**

FROM ROW*	40 FT
FROM ADJOINING PROPERTY**	15 FT
*STATE HIGHWAY	
** COMMERCIAL ADJOINING NON-RESID.	

#	DATE	DESCRIPTION

**PROFESSIONAL CERTIFICATION**

I HEREBY CERTIFY THAT THE DESIGN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY NOT FOR CONSTRUCTION OR PROCUREMENT**

**DRAWN BY**  
**CL**

**CHECKED BY**  
**ST**

**DATE**  
**2023.04.21**

**PROJECT #**  
**2020-184.1**

**LEGEND**

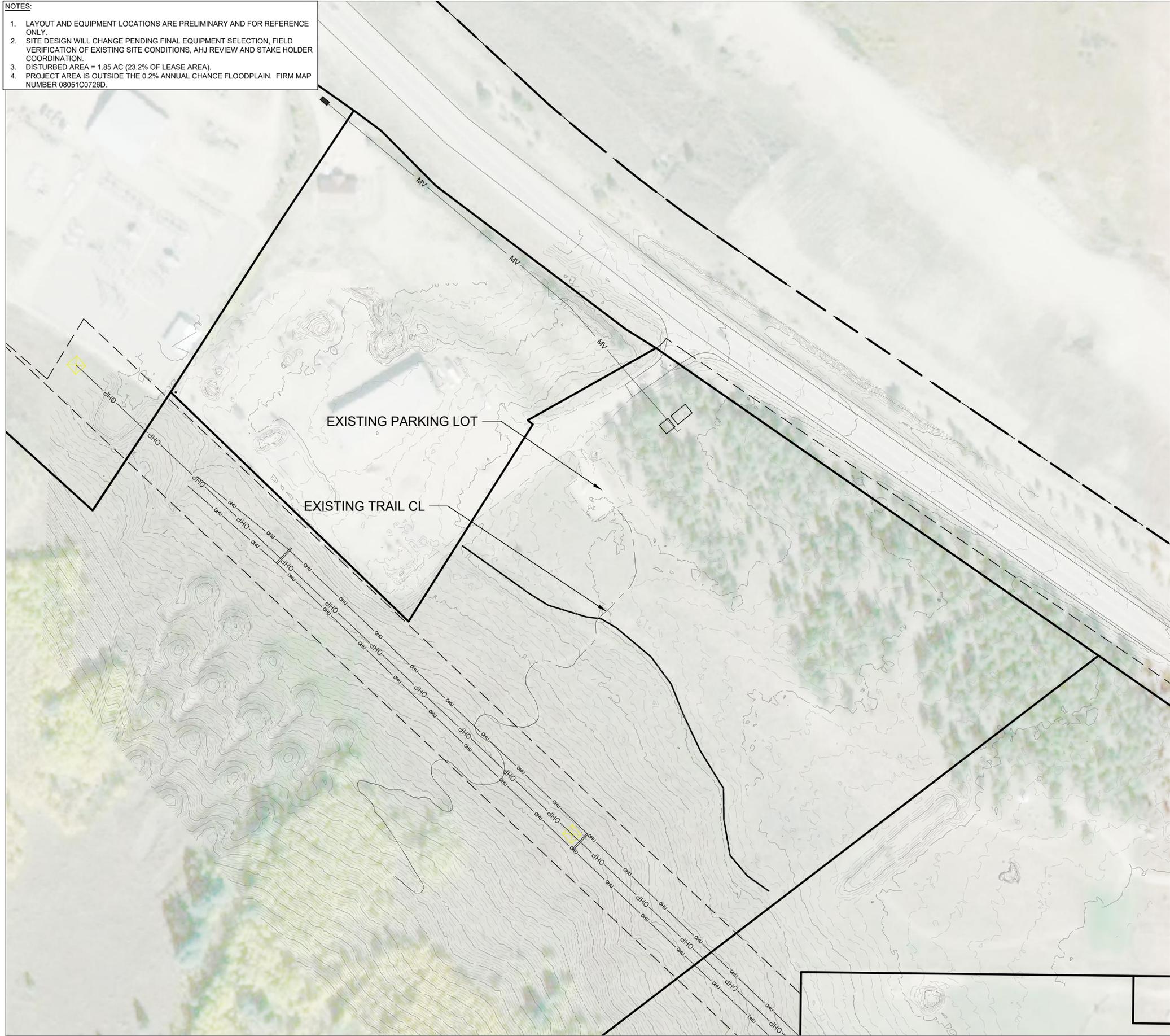
— x —	PROPOSED SITE FENCE
— OHP —	OVERHEAD LINES (E)
— (Red Line) —	RED ZONE LINE
— (Blue Line) —	BLUE ZONE LINE
— (Red Area) —	RED ZONE RISK ANALYSIS AREA SEE NOTE 5
— (Dotted Line) —	SITE ACCESS - ROAD
— (Purple Area) —	MODULE AREA (3.86 ACRE)

**SHEET NAME**  
**OVERALL SITE PLAN**

**SHEET NUMBER**  
**E-101-02**

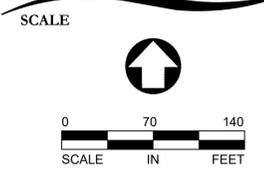
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- DISTURBED AREA = 1.85 AC (23.2% OF LEASE AREA).
- PROJECT AREA IS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FIRM MAP NUMBER 08051C0726D.



**PROJECT**  
**GVS, LLC**

**LOCATION**  
**38.859556,-106.972417**  
**GUNNISON COUNTY, CO**  
**SUBMITTAL**  
**MINOR IMPACT LAND**  
**USE CHANGE -**  
**COMMERCIAL**



#	DATE	DESCRIPTION

**PROFESSIONAL CERTIFICATION**

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**DRAWN BY**      **CHECKED BY**  
**CL**                **ST**

**DATE**            **PROJECT #**  
**2023.04.21**    **2020-184.1**

**LEGEND**

	OVERHEAD LINES (E)
	EXISTING PARKING/ROAD
	UTILITY EASEMENT
	PROPERTY LINE
	TRAIL CL
	EXISTING PARKING LOT

**SHEET NAME**  
**EXISTING CONDITIONS**

**SHEET NUMBER**  
**E-101-04**

