GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, July 6, 2012

DRAFT MINUTES

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

9:00 a.m. **SG Interests I, Ltd.**, continued public hearing/possible executive session/no action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133

10:00 a.m. **Bear Ranch, represented by Tom Newland**, continued public hearing/work session/possible action, request for the construction of a 21,762 square foot single-family residence, in excess of the maximum thresholds identified in *Section 13-105: Residential Building Sizes and Lot Coverages*, located northeast of County Road 12 (Kebler Pass) and west of County Road 2. The parcel is legally described as Parcel 5, Bear Ranch Amended Parcels.

10:45 a.m. **John Hess, Director of Planning and Community Development, Town of Crested Butte**, work session/no action, presentation on updates to the Town of Crested Butte Area Plan

Lunch

1:00 p.m. **Leave for Crested Butte Campground and RV site visit**

1:30 p.m. **Kevin and Cari Freeman, Crested Butte Campground and RV**, site visit/no action, request for an 18-site campground/recreational vehicle park, located on Lots 24 and 25, Riverland Industrial Park, F#2, south of the Town of Crested Butte, west of Highway 135

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
July 6, 2012
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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Ramon Reed
Vice-Chairman-Jim Seitz
Commissioner-Susan Eskew
Commissioner-Warren Wilcox
Commissioner-Kent Fulton
Alternate Commissioner- AJ Cattles
Alternate Commissioner-Jeremy Rubingh

Assistant Director of Community Development- Neal Starkebuam
Administrative Assistant- Michelle Spain

Others present as listed in text

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SG Interests, Federal 11-90-9: The Gunnison County Planning Commission (Commission) conducted a continued public hearing to discuss the request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133. Seitz opened the meeting.

SG representative Eric Sanford was present and SG representative Catherine Dickert participated by phone.

Chairman Ramon Reed recused himself from the meeting.

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

Dickert said the State had approved the location assessment. Sanford said the BLM has not completed their review yet.

Assistant Director of Community Development Neal Starkebaum noted Staff has not received any further information from the Forest Service.

County Attorney David Baumgarten said an executive session was needed. He explained the terms of an executive session.

Executive Session:

Moved by Fulton and seconded by Rubingh for the Commission to go into executive session County Attorney David Baumgarten, and Assistant Director of Community Development Neal Starkebaum for the purpose of discussing SG Interests Federal 11-90-9 gas well. The motion passed unanimously.

The Commission went into executive session at 9:10 a.m. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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Attorney Statement Regarding Executive Session

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

Date: _____ _____

David Baumgarten
Gunnison County Attorney

CHAIRPERSON STATEMENT REGARDING EXECUTIVE SESSION

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

Date: _____ _____

********, Vice- Chairperson Jim Seitz Planning Commission

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The Commission came out of executive session 9:30 a.m. Vice-Chairperson Seitz stated that the discussion had remained on the topic.

The Commission noted there had been no response from Parks and Wildlife, on the Federal 11-90-9. They did not feel they could move forward without the comments. Baumgarten asked if the County could help SG get a response; the commissioners agreed to help also, if necessary. Dickert said SG would be following up Parks and Wildlife, concerning their lack of response.

Commissioner Rubingh stated the continued public hearing should be continued again. Sanford was against the continuation of the public hearing; SG should not have to wait on all other jurisdictions to respond.

Commissioner Fulton made a motion to continue the continued public hearing to August 17th, 2012 @ 9 A.M., seconded by Rubingh, the motion passed unanimously.

Staff will contact COGCC for all updates.

BEAR RANCH- OVERSIZED RESIDENTIAL RESIDENCE; The Gunnison County Planning Commission conducted a continued public hearing, and a work session, to review the request for the construction of a 21,762 square foot single-family residence, in excess of the maximum thresholds identified in *Section 13-105: Residential Building Sizes and Lot Coverages*, located northeast of County Road 12 (Kebler Pass) and west of County Road 2. The parcel is legally described as Parcel 5, Bear Ranch Amended Parcels.

With a quorum present Chairman Ramon Reed opened the continued public hearing.

Bear Ranch representatives Tom Newland, Sarah Broughton and Paul Hanford were present for the continued public hearing.

Newland submitted the proposed revisions to the structure. He described the location of the parcel and the proposed residential structure.

Staff had no comments.

Reed expressed concerns with the interior lighting and all the windows; it could disturb campers in the wilderness. Broughton said the interior lighting will be limited in the planning stages. The window treatments will be addressed. The light spill is being considered by the owner and his representatives. Newland added he had walked the Ragged Trail area and the large standing trees are buffering the visual impacts, and there are no designated camping areas. Hanford noted the owners are trying to duplicate the light level of the early 1800s. Commissioner Rubingh expressed concerns with the atrium area lighting.

Commissioner Fulton asked if this design was final; Broughton said there could be a further reduction in square footage. Newland said they are requesting approval for the larger footprint, with the possibility of reducing it, if need be. They would not be required to bring the application back to the Commission if the square footage was reduced. Assistant

Director of Community Development Neal Starkebaum said Staff would determine if the any changes made are in compliance with the County regulations. Broughton explained the design would not change drastically.

Public Comments:

Phil Chamberlin said the interior lighting questions were good.

There were not additional comments from Staff or the Commission.

The continued public hearing was closed.

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

MOVED; by Fulton and seconded by Wilcox to approve LUC-12-00015, as amended. They motion passed unanimously.

PROJECT DESCRIPTION:
Bear Ranch, represented by Tom Newland has applied for a Land Use Change permit to construct a 21,762 square foot single-family residence in excess of the maximum thresholds identified in Section 13-105: *Residential Building Sizes and Lot Coverages*. The maximum residential building size, allowed without a Land Use Change permit is 10,000 square feet. The maximum aggregate square footage allowed on a parcel, without a Land Use Change permit is 12,500 square feet. The applicant proposes that 8,221 square feet will be a below grade basement. The remaining 14,182 square feet will be divided among two above ground floors (8,656 square feet on the main level and 5,835 square feet on the upper level). Tom Newland, the owner's authorized representative, has stated, in a June 28, 2012 letter, that the residence is still in the design stages and they are requesting that an additional 1,000 square feet of space be allowed to give the owner some cushion during final design which could result in the building being 22,762 square feet. No other buildings are proposed on the subject parcel.

The subject parcel is located northeast of County Road 12 (Kebler Pass) and west of County Road 2.The parcel is legally described as Parcel 5, Bear Ranch Amended Parcels and is located at 3401 Ragged Road.

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

- Letter from Tom Newland, "Re: Amendment to the Bear Ranch Parcel 5 Minor Impact Review Submittal for a Primary Residence 10,000 sq. ft. or larger and aggregate square footage of 12,500 or more sq. ft.," and attachments including floor plans and elevations, prepared by Rowland + Broughton, dated June 27, 2012.
- Attachment 6, Model of Visual Impacts Proposal
- Attachment 9, Site Plan and Building Plans for Property

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact pursuant to *Section 6-102: C. Primary Residence 10,000 sq. ft. or Larger (amended).*

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

- May 18, 2012 Work session
- June 22, 2012 Public Hearing
- July 6, 2012 Continued Public Hearing
- July 6, 2012 Work session

SITE VISIT:
The Planning Commission did not conduct a site visit for this application. The majority of the Commission had previously visited the site for a different Bear Ranch Land Use Change application. Commissioners Eskew and Cattles had not previously visited the site and agreed that they may schedule a time with the applicant to view the site at their discretion.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on June 22, 2012 and a continued public hearing on July 6, 2012. No comments were received at the public hearing.

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent, by certified mail and hand delivery to review agencies for comments. A referral was sent to the Division of Wildlife, Gunnison Fire Protection District, and Gunnison County Public Works. Comments from the Division of Parks and Wildlife are noted in Section 11-106.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*
Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable. No secondary uses are proposed as part of this application.

Section 9-200: *Special Residential Uses.*
Not applicable. No special residential uses are proposed as part of this application.

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

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

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

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

Section 10-103: *Residential Density.*
Not applicable, no residential development (subdivision or multi-family development) is proposed as part of this application.

Section 11-103: *Development In Areas Subject to Flood Hazards*.
Not applicable, the subject parcel is not in the 100-year floodplain.

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

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, Parcel 5, Bear Ranch is located in an area of moderate wildfire hazard. The applicant previously submitted a Wildfire Hazard Mitigation Plan dated July 6, 2009 prepared in accordance with recommendations provided by Houghland & Associates in a report dated July 17, 2008 titled, "Bear Ranch Project in Gunnison County: Residential Access Road and Other Recommendations."

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

Section 11-106: *Protection of Wildlife Habitat Areas.*
The application was referred to the Division of Wildlife. J Wenum submitted the following comments in an email dated May 9, 2012, "CPW will not be providing comments on this project…After review by my staff it was felt that the impacts from the project have already occurred with previous associated development and there are no additional/significant impacts to wildlife/wildlife habitat by the addition of the single-family residence, even in larger than the county maximum threshold of 10,000 square feet."

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

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

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

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

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

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

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

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

Section 12-105: ***Water Supply*****.**
The applicants have submitted documentation from the State of Colorado verifying that a State-approved water supply system for drinking water and domestic use is permitted.

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

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

Section 13-103: ***General Site Plan Standards And Lot Measurements.***
The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan prepared by Rowland + Broughton, "Attachment 9," dated April 12, 2012 meets these criteria.

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

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
Applicable, the proposed single family residence (H-1) square footage of 22,762 square feet exceeds the maximum threshold allowed without a Land Use Change permit.

G.1. ***Finding of No Obtrusive Visibility Required for Approval***

G.1.a. ***Minimize Visibility of Structure by Siting***

The application notes that proposed residence has been sited to utilize the existing topography of the site. The building footprint is shielded from view from the south and east by a large hillside.

G.1.b. ***Minimize Visibility of Structure by Screening***

There is existing scrub oak located to the west of the building that partially screens the building from view. The residence is part of the overall Bear Ranch development, which has been clustered in the center of 4,600-acre development, making it difficult to see the development from surrounding areas. Views from the south, where most of the adjacent properties are located, are completely blocked by the existing topography. Architectural techniques used to further screen the building include use of natural colors found on the site and non-reflective building materials.

G.1.c. ***Location of Utilities Underground***

All utilities to the residence will be buried underground.

G.2. ***Obtrusive Visibility Shall Cause Denial***

The structure is not obtrusively visible from outside of the subject parcel.

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

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

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

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

Section 13-110: ***Off-Road Parking And Loading.***
The number of parking spaces complies with **Appendix Table 3 and this section.**

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

Section 13-112: ***Snow storage****.*
Design elements have been included within the site layout design allowing for adequate snow storage.

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

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

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

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

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

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

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

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

FINDINGS:
The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.

2. The visibility of the single-family residence has been minimized by siting, utilizing existing topography to the shield the building.

3. The visibility of the single-family residence has been minimized with existing scrub oak and topography that make the building difficult to see from surrounding areas.

4. The visibility of the single-family residence has been minimized through the use of natural colors and non-reflective building materials.

5. The proposed single-family residence will not be obtrusively visible from outside of Parcel 5.

6. All utilities to the proposed single-family residence will be buried.

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

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

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC-12-00015 be classified as a Minor Impact, and be approved with the following conditions:

1. The existing topography and scrub oak shall be maintained in such a way that the single family residence remains unobtrusively visible.

2. All utilities to the single family residence shall be buried underground.

3. Non-reflective building materials and natural colors that are similar to the tones of the existing landscape at the site shall be used in design and construction of the single family residence.

4. The total square footage of the single family residence, H-1, shall not exceed 22,762 square feet, as measured by the Gunnison County Building Office.

5. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

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

7. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

8. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

9. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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CRESTED BUTTE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT- The Gunnison County Planning Commission (Commission) conducted a work session with John Hess the Director of Planning and Community Development, for the Town of Crested Butte. He gave a presentation on updates to the Town of Crested Butte Area Plan.

No minutes taken.

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CRESTED BUTTE CAMPGROUND AND RV; The Gunnison County Planning Commission (Commission) conducted a site visit/, to review the request for an 18-site campground/recreational vehicle park, located on Lots 24 and 25, Riverland Industrial Park, F#2, south of the Town of Crested Butte, west of Highway 135

Site Visit – No minutes taken

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The Commission left for a site visit at 1:00 P.M. and the meeting was adjourned following the site visit.

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/S/ Michelle Spain- Beth Baker
Administrative Assistant
Gunnison County Community Development Department