

# **GUNNISON COUNTY PLANNING COMMISSION**

**AGENDA: Thursday March 21, 2024**

**221 No. Wisconsin, Suite D**

**In person or on Zoom**

**8:30 a.m. Depart from Gunnison for Site Visit**

**9:00 a.m. Site Visit: LUC-22-00028 | Avalon Subdivision**

The Planning Commission will meet onsite at 48 County Road 740, Cement Creek to conduct a site visit.

**10:00 a.m.**

- Call to order; determine quorum
- Approval of Minutes from the March 7, 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.

## **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.

**11:00 a.m. Continued 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.

**Adjourn**

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

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

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Webinar ID: 863 3723 1015

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**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, March 7, 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:**

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-Sean Pope Planning Technician – Jena Greene Others present as listed in text
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**Absent:** Roland Mason

**Recused:** None

**Zoom:** Julie Baca, Eric Philips

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With a quorum present Vice Chairperson Niederer opened the March 7, 2024 regular meeting of the Planning Commission at 8:45 am.

**Moved by** Schwartz seconded by Baca to approve Planning Commission meeting minutes, dated February 15, 2024. The motion passed unanimously in support.

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**Unscheduled Citizens**

None

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**Joint Public Hearing: LUC-23-00015 Minor Impact Review | Speezy 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.

Confirmation of Adequate Public Notice: Seminick Confirmed adequate public notice.

Applicant Presentation: Tom Speezy attended the meeting on Zoom. All of the information was provided for the hearing in the packet. Noted how the application evolved over time from a land use change to an application the promoted conservation that he and his wife were in strong support of. As the neighboring ranches placed conservation easements, their property was a “donut hole” gap in the

conservation, and they were excited with the opportunity to join their neighbors' efforts and preserve the land in perpetuity.

Planning Staff Comments: Seminick – noted an error in the memo, the protective convenance were provided by staff and reviewed by the county attorneys. Seminick added that the application would preserve an important elk migration corridor.

Questions by Review Body: The difference between a conservation covenant verses a conservation easement was clarified. A conservation easement was a different mechanism and didn't necessarily get reviewed by the county, while a conservation covenant was reviewed by the county, and would be difficult to remove by any future landowner.

Puckett Daniels asked if the conservation parcel could be developed if there wasn't a conservation covenant. Seminick replied yes since the right of way was developed by CDOT for the highway. Seminick added that it would have been difficult to develop but was legally possible. With the approval of the proposed subdivision, the development rights would be transferred to the new "lot 1".

The "red hashed line" on the site plan was clarified to be the geologic hazard are, and it was noted that the new lot, lot 1, would be a developable lot, with recommended conditions of approval for development.

Houck noted that this would help preserve important sage grouse habitat, along with other sensitive wildlife habitat by stitching together two large, conserved areas. Balanced protecting wildlife and meeting community values.

Public Comment: None.

Seminick – didn't draft a recommendation. A recommendation would be drafted by staff to be voted on at the next meeting.

Applicant Response: Appreciated county's patience and diligence in the process. Appreciated that he was able to navigate the planning process as a citizen without external assistance.

Planning Staff Response: None

Planning Commission: Niederer made motion to draft a recommendation to be voted on at the next meeting. Seconded by Baca. The motion passed unanimously in support.

The hearing was continued to March, 21<sup>st</sup>, 2024 at 11 am.

#### Attorney Training:

County Attorney Matthew Hoyt was present for the training. CO Sunshine Law, Ex Parte Communications and Conflicts of Interest. Encouraged all members, especially new members, to ask questions. And

Pagano encouraged planning commission members to reach out to staff with questions about specific projects to avoid creating a conflict or a situation where they would need to recuse themselves from participating in an application meeting.

Personal emails: Colorado open records act. If pc use personal email and text messages. As long as the communications are with staff, then the county has a copy of the communication. Encouraged PC members to avoid using anything other than email or oral communications.

Communication with staff or the County Attorney's office was not considered ex-parte communication.

\*Break\*

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.

Applicant Presentation: Geordie Van Marter was present. Proposing a 4-unit commercial building. The top floor will be offices (business group B), lower levels will be storage or factory use. Mentioned that there was already interest for purchasing, including the from applicant, Van Marter. There was initial concern from the Crested Butte Fire protection district about water supply for buildings in Riverland, but the applicant had worked with Deb Shaner (CBFPFD) to analyze the proposed plans and found that supply would be adequate.

Staff Comments: Pope added that this project was being reviewed as a minor impact because the original approval for Riverland Industrial Park Filing No. 1. Had a requirement that every time a new use was contemplated within Riverland Industrial Park it shall be reviewed as a minor impact. Pagano noted that this was how projects in Riverland had been done in the past, and that there weren't a lot of vacant lots left.

Baca commented that this seemed to match the use for the rest of the park.

Niederer asked if this application could meet the standards outlined in 3-111 to reduce the classification impact.

Pope brought up section 3-111 from the LUR for the members of the planning commission to evaluate.

3-111(B)1.a. Demand for Public Services: onsite OWTS that would be built, approval for water use from Toad property management, all other services were lined up. Fire suppression was evaluated and analyzed, and latest flow test showed that flows were adequate. Ric Ems with CBFPD gave approval and asked that the flows be retested in the spring of 2024.

3-111(B)1.b. Impacts on impact area and environment: neighboring uses were similar, proposed to be larger than surrounding buildings, but still consistent with uses and other buildings.

3-111(B)1.c. Impacts related to all existing and proposed development in the impact area: impacts were consistent with the surrounding area.

Baca made a motion to reduce the impact classification from a minor impact to an administrative review. Seconded by Phillips. The motion passed unanimously in support. The standards of review would not change for the project.

Pope would follow up with the applicant concerning next steps.

Baca signed off at 10:32

**Work Session: LUC-23-00027 Minor Impact Review: GVS LLC Solar Array**

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.

Others present in person and on Zoom: Matt Fier, GCEA; Shea Earley, Town of CB; Dannah Leeman, Town of CB; Zach Seder; Drew McMahan.

Applicant Presentation: Taylor Henderson with GVS, LLC was present for the meeting and gave a presentation. Outshine Energy was founded and based in Colorado, projects ranging from 2.5 acres of solar to 40000 acres of wind, and 50+ years of renewable development experience. There was a strong demand within the county for renewable energy, have been working with GCEA to meet the demand. GCEA had the ability to allow for 5-7% of electric generation to be produced locally.

The project would be located in close proximity to the GCEA substation for the Town of Crested Butte, and the trailhead for the Baxter Gulch trail, owned by the Town of Crested Butte, ideal location. Having solar close to the point of consumption is important. The cabinet would be visible from the highway, and a line would be trenched to carry the medium generated electricity to the substation. The parking lot for the Baxter Gulch trailhead would be adjusted to be oriented n/s to enable the installation of the solar modules and more acreage. Conversations were ongoing with the Town of CB and GC Public Works. There was an existing ditch within the fence line (Spanetic ditch company) hoping to provide access for ditch maintenance. (2-4 ft diameter tube below ground) no above ground visibility except in locations where the dirt was uncovered. Of no use of the project to encroach on the ditch, planning to work with the owners.

This would be 3.74 acre, 1.25 Mega wats, fixed tilt array and would be elevated above the snowpack to increase production, app noted that structures wouldn't be higher than 15 feet off the ground. 30-year contract with GCEA, w/ option to extend 40 years. Electricity would go to the Town of CB to offset the Town's municipal metered electric consumption.

Questions from the Planning Commission:

- The facility would be unoccupied. There would be two O and M site visits per year.
- Preferred fencing (by CPW) would be a wildlife friendly fencing. (wood posts with wire fence material).
- number of panels: 3000-3500 estimated. Did the LUR have any requirements or restrictions for the fencing- no.
- The top edge of the panels would be 15 feet tall on the high end, expecting to be lower than that.
- Would there be berms? The applicant wanted to be a good development partner to the community. There was no water available with the site, concerns for drainage.

Pope cited the Landscaping and Buffering Standards: 13-111: E.3. One of the options could be revegetation with native seeds and that would meet the requirements. The main question would be buffering, which was addressed in 13-111:M – buffering: adverse impacts to neighboring properties that would require the applicant to shield the use. The setbacks would be enforced, reviewed with County Attorney's office, project to be reviewed as existed at time of application/work session. The neighboring property was listed as agricultural on assessor's website, but staff classified it as vacant per the LUR standards. The property to the south had a tall fence (estimated 10 ft) fence on the shared fence line and a lot of large trees. Pope encouraged the Planning commission to schedule a site visit to evaluate.

Production would be primarily in the summer, concern for lack of sun during highest point of consumption (wintertime) especially in CB, which has adopted building regulations that use electric for Power. The applicant had other members outside of the Town of CB looking to purchase renewable energy credits. This array would more than cover the consumption of the Town of Crested Butte

How did this work with the 3-mile plan? Town of CB has Compass plan which addresses 3-mile area. The county and the Town did not have a 3-mile plan. Application meets town of CB's and the County's energy goals. This parcel is outside of the Town's annexed area, but project was referred to the town.

Site is contained within an active avalanche area, the amount of avalanche mitigation to build housing in this location would be too cost prohibitive to make this a suitable location for housing. This project still allows for passive recreation.

Other staff concerns:

10-104: locational standards – it was up to the planning commission to decide if this project met a public facility or utility. Staff thought that the project was in line with both standards. Phillips was in support, agreed that it met both standards. Noted that an alternate location wouldn't be as close to the substation and that this land was limited to possible uses.

Niederer asked if the applicant could provide a detailed plan for avalanches. What was the plan if the modules were destroyed by an avalanche. Project would be financed from project equity, and financing would have a covenant that would cover the full replacement of the project. Would have an obligation to replace the panels as quickly as possible.

Schwartz: Public utility definition, as this was a private company partnering with GCEA. Clarification of public utility. Seminick added that there were other locational standards, and that the compass plan was acting as the Town's three-mile plan document. And would also meet the primary location standards.

Staff will need to see a building permit in future. A condition of approval could be an in-depth avalanche study. Phillips asked that the maximum number of solar panels be proposed for the area.

Trailhead relocation: The applicants had been corresponding to CBMBA and the Town of CB about this. They did not want to disrupt trail use or access.

Staff was concerned about impacts to trails and trail access during construction. The applicant noted that GCEA substation had ample parking. The plan was to move the parking lot at the trailhead before construction on the project and planned to reopen the trail as soon as possible. Had a call with GCEA and the Town to make sure they were all on the same page.

Earley added that access to the trailhead would be maintained, and that the construction team would use a different driveway. The only anticipated downtime for the trailhead would be building the new parking lot.

Staff had concerns about user conflicts from Baxter Gulch trail users and construction team and suggested that phasing for fencing be considered to help mitigate any potential conflicts. The applicant noted that the orientation of the trail head was just shifting, not being significantly relocated, and that the beginning of the trail would be shifted to another side of the parking lot. Wouldn't be a significant change. Phillips asked that there be a condition that the existing signage be transferred to the new parking lot trailhead.

Landscaping and Buffering: A site visit would be scheduled to better evaluate and the discussion was to be continued. The applicant had discussions with neighbors. Niederer noted that historically objections on similar projects came from members of the public that just drove the highway that wasn't necessarily just neighbors. He recommended that the applicant be prepared for comments from 135 travelers as well.

Fencing – The proposed fencing was a wildlife exclusion fence, not necessarily a wildlife friendly fence, and thought it was appropriate for this project. No concern from Colorado Parks and Wildlife (Clayton Bondurant CPW Dist. Wildlife manager for Gunnison West area 16).

Next steps: Schedule another work session. Commission members agreed that going on site would be a benefit, but decided to do it on their own time before the next work session. Staff would coordinate scheduling with the applicant.

Meeting adjourned at 12:15 pm

**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: March 11, 2024**

**Meeting Date: March 21, 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. 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 the Staff Report available at [Citizen Access](#).

*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.*

A draft recommendation has been provided for Planning Commission review and consideration.

### **Exhibits**

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

- A. Draft Recommendation**
- B. Draft Plat**

**TO:** Planning Commission

**SUBJECT:** Planning Commission Recommendation  
Tom Spezze  
Spezze Subdivision  
LUC-23-00015

**DATE:** March 11, 2024

**PREPARED BY:** Hillary I. Seminick, Planning Director

At a continued Joint Public Hearing on \_\_\_\_\_, 2024 the Planning Commission \_\_\_\_\_ the following Minor Impact Recommendation in a \_\_\_/\_\_\_ vote; moved by Commissioner \_\_\_\_\_ and Seconded by Commissioner \_\_\_\_\_.

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**PROJECT DESCRIPTION:**

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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. The new Lot 1 will be served by an individual well, OTWS, and driveway from CO-114.

Legal Description: 14.2 acres in SE1/4, NW ¼ of Section 35, Township 50N, Range 1W, N.M.P.M. County of Gunnison, State of Colorado

**PLANS/REPORTS/SUBMITTALS:**

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

- Application 5/4/23
- CDOT Access Permit 5/9/23
- Narrative 5/9/23
- Neighbor Signatures 5/9/23
- Site Plan 5/9/23
- Water Decree Memo 5/9/23
- Water Decree 5/9/23
- Sage Grouse Review and Admin Review Certificate 9/15/23
- CDOT Access Permit 11/6/23
- Geologic Hazard Report 12/5/23
- Draft Plat 1/29/24
- Conservation Covenant 3/11/2024

**IMPACT CLASSIFICATION:**

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The proposal is classified as a Minor Impact Project, and meets the standards of *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units that are subdivision lots.*

**MEETING DATES:**

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The Planning Commission and the Board of County Commissioners held work sessions and a joint public hearing to discuss the application on the following dates:

- December 21, 2023 Work session
- March 7, 2024 Joint public hearing
- March 21, 2024 Continued joint public hearing

**SITE VISIT:**

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A site visit was not conducted because the Planning Commissioners were familiar with the site.

**PUBLIC HEARING:**

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The Planning Commission conducted a joint public hearing on March 7, 2024 that was continued to March 21, 2024.

**REVIEW AGENCY REFERRAL COMMENTS:**

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A copy of the complete application was sent via electronic mail on August 31, 2023 to the following agencies:

- City of Gunnison Fire Marshall
- Gunnison County Public Works
- Colorado Department of Transportation
- Gunnison County Environmental Health Official
- Colorado Parks and Wildlife
- Colorado State Division of Water Resources
- Colorado Geologic Survey
- Bureau of Land Management

Comments from the agencies and are noted in the applicable sections below.

**COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:**

**Section 10-102: Locational Standards for Residential Development.**

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

*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.*

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.

**Section 10-103: Residential Density.**

*Applicable.* 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.

1. Development served by public wastewater treatment system;
2. Development serviced by other services and facilities (such as transit, water supply);
3. Compatible with the neighborhood; and
4. Impact of increased density is mitigated.

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.

**Section 11-103: Development in Flood Hazard Areas**

Not Applicable, 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**

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.

*a. Hazard Cannot be Avoided*

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 “*State Hwy 114 Geologic Hazards Letter*” 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.

*b. Restricted to the Least Hazardous Areas*

As noted above, development should not be located within steep slopes because that could lead to destabilization of the alluvial fan area.

**AND Section 11-104.G.4 Development in Alluvial Fan Hazard Area**

*a. Protective Measures*

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 deflect water and debris in a runoff event. CGS review of the letter concurred with the findings of the CMT report, further requiring that:

1. *The 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.*
5. *Disturbance Above Alluvial Fan. Disturbance in the drainage above an alluvial fan is prohibited. The application does not propose disturbance in the prohibited area.*

#### **Section 11-105: Development in Wildfire Hazard Areas**

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.

#### **Section 11-106: Protection of Wildlife Habitat Areas.**

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, "from any future land or residential development". The proposed conservation area would establish a conservation corridor along Cochetopa Creek, preserving an elk migration corridor.

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.

#### **Section 11-107: Protection of Water Quality.**

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.

**Section 12-103: Road System.**

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.

**Section 12-105: Water Supply.**

Applicable, 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.

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 14th, 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.

Section 3-110.C.2 Review and Comment by Review Agencies and Departments 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.

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 Submit Evidence of Adequacy of Individual Supplies has been satisfied.

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

The development will be served by an OWTS.

**Section 12-107: Fire Protection.**

The application was referred to the Gunnison Fire Protection District. The District did not express any concerns regarding the proposal.

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

All structures will meet the standards of this section.

**Section 13-104: Setbacks from Property Lines and Road Rights-of-Way.**

The existing meets these standards and the proposed new lot provides adequate area to comply with these standards.

**Section 13-110: Off-Road Parking and Loading.**

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.

**Section 13-111: Landscaping and Buffering.**

Natural vegetation will be utilized in meeting this standard.

**Section 13-112: Snow storage.**

Compliance of this standard will be reviewed at the time of building permit applications.

**Section 13-114: Exterior Lighting.**

All Exterior lighting shall comply with this standard and will be reviewed at the time of building application submittal.

**Section 13-115: Reclamation And Noxious Weed Control.**

A reclamation permit shall be required if 10,000 sq.ft or greater of disturbance is proposed.

**Section 13-116: Grading And Erosion Control.**

A reclamation permit shall be required if 10,000 sq.ft or greater of disturbance is proposed.

**FINDINGS:**

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The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.
2. This application is consistent with the standards and requirements of this *Resolution*.
3. The parcels will be served by onsite wells and wastewater treatment.
4. The Conservation Parcel will be conserved by the covenant provided.
5. A Sage-grouse report was completed on September 1, 2023. This proposal will not adversely impact the Gunnison Sage-grouse or their habitats.
6. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

**RECOMMENDATION:**

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The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-22-00052 be classified as a Minor Impact and approved, denied or approved with the following conditions:

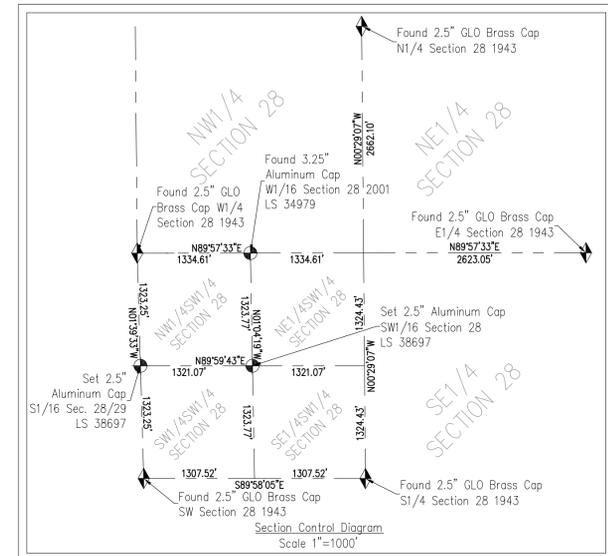
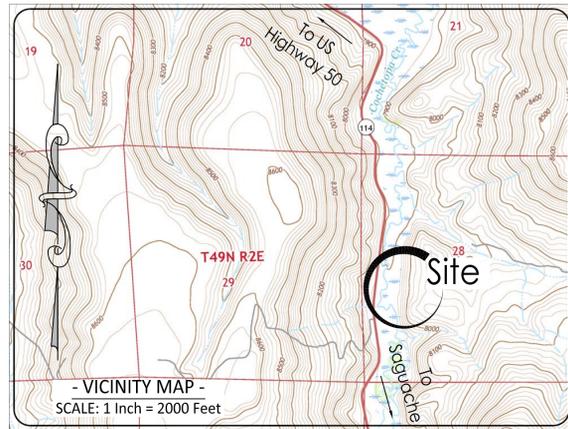
1. This permit is limited to activities described within the “Project Description” of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading,

or that the applicant failed to disclose facts necessary to make any such fact not misleading.

4. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
5. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.
6. Future development will comply with the recommendations of the November 20, 2023 CMT Technical Services Geologic Hazard Report Project No. 23.6138.
  - a. The deflection berm should be designed by a geological engineer so it does not impinge on existing structures and infrastructure or future structures.
  - b. 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.
  - c. Any mitigation measures must be shown on the plans.
  - d. 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.
  - e. Disturbance Above Alluvial Fan. Disturbance in the drainage above the alluvial fan is prohibited. The application does not propose disturbance in the prohibited area.

# 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 Date  
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 W1/16 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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2011-226.002  
EB  
08/10/2023  
Approved: \_\_\_\_\_ PLS: \_\_\_\_\_  
Spezze2019 Minor Subdivision

- PRELIMINARY -  
FOR REVIEW ONLY

Spezze Minor  
Subdivision

G:\Gunnison\2011\2011-226.001 Spezze Minor Subdivision.dwg Plotfile: 8/10/2023 3:18 PM By: Erik Bjornstad

