GUNNISON COUNTY, COLORADO
PLANNING DEPARTMENT STAFF REPORT for MINOR IMPACT
John Nichols

Land Use Change Permit Application:	John Nichols
Application No.:	LUC #2012-23
Date application scheduled with Planning Commission:	September 21, 2012
Prepared by:	Neal Starkebaum, Assistant Director

APPLICANT:	John Nichols and Dena Hildreth P.O. Box 12709 Crested Butte, CO 81224
REPRESENTATIVE:	Dena Hildreth 86 Muligan Drive Crested Butte, CO 81224
STATUS OF APPLICATION:	Work session and site visit on September 21, 2012
ATTACHED EXHIBITS:	▪ Application ▪ Letter of approval from the Riverland Lot Owners Association, Scott Hargrove, President, August 14, 2012
PLANNING COMMISSION TASKS AT INITIAL WORK SESSION:	— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine an initial impact classification, considering both by definition and criteria of Section 3-111: B. 1. — 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 — Determine if application is ready to be set for public hearing, or if other work session is required

PARTIALLY EXEMPT LAND USE CHANGE	This land use change application is partially exempted from the requirements of the *2001 Gunnison County Land Use Resolution*, pursuant to *Section 1-106 Partially Exempted Land Use Changes*. There are no unmitigable conflicts with County land use standards, so long as the structures and uses are maintained in compliance with the Declaration of Protective Covenants for Riverland Industrial Park, and Section 1-105: Sections Necessary for Immediate Preservation of Public Health and Safety. **SECTIONS APPLICABLE TO PARTIALLY EXEMPTED USES.** The following specific sections of this *Resolution* are general in nature, are necessary for the immediate preservation of public health and safety, and are applicable to the maximum extent feasible to all new construction of, or expansion to, those land use changes that are partially exempted from this *Resolution* by Section 1-106: *Partially Exempted Land Use Changes,* which shall comply, to the maximum extent feasible, with the following sections in this *Resolution*, that are necessary for the immediate preservation of public health and safety: **1. SECTION 11-103:** *Development in Areas Subject to Flood Hazards*. **2. SECTION 11-104:** *Development in Areas Subject to Geologic Hazards*. **3. SECTION 11-107**: *Protection of Water Quality*. **4. SECTION 12-105**: *Water Supply*. **5. SECTION 12-106**: *Sewage Disposal/Wastewater Treatment*. **6. SECTION 12-107**: *Fire Protection*. **7. SECTION 11-109: D:** *Domestic Animal Controls*; and Section 11-106: F.1. b. 6: *Domestic Animal Controls*. **8. SECTION 13-107**: *Installation of Solid-fuel-burning devices*. **9. SECTION 13-114:** *Exterior Lighting*. **B. ADDITIONAL SECTION APPLICABLE TO PARTIALLY EXEMPTED COMMERCIAL, INDUSTRIAL OR OTHER NON-RESIDENTIAL LAND USE CHANGES.** In addition to complying with the requirements listed at 1 through 9, above, new construction of, or expansion to, commercial, industrial or other non-residential land use changes that are partially exempted from this *Resolution* by Section 1-106: *Partially Exempted Land Use Changes*, shall comply to the maximum extent feasible with Section 12-103: *Road System.*
PROJECT DESCRIPTION:	The request for a concrete batching operation and outside storage of heavy equipment, concrete trucks, and general construction equipment.
RIVERLAND COVENANTS:	The Declaration of Protective Covenants of Riverland Industrial Park, approved by the Board of County Commissioner the *Declaration of Protective Covenants for Riverland Industrial Park*, recorded with the Gunnison County Clerk and Recorder, at Book 584, Page 304, Reception No. 363535, on September 14, 1982, state: A. Permitted uses. It is the intention of the DECLARANT to provide a project specifically suited for industrial and heavy commercial use. In furtherance of his intention, permitted uses include the

		following: 1. All manufacturing businesses or industries 2. Contractor's yard or storage buildings; 3. Warehousing and mini-storage; 4. All wholesale uses; 5.Automobile service and repair; 6.Machinery and transportation equipment, storage, sales, rental, and service; 7.Public utilities; 8.Freight or trucking terminals; 9.Building material storage.yard; 10.Mixing plants for asphalt, concrete, plaster, or mortar; 11.Bulk storage of petroleum products; 12.Kennels or hospitals for animals; 13.Commercial laundries. Letter of approval from the Riverland Lot Owners Association, Scott Hargrove, President, August 14, 2012
INITIAL IMPACT CLASSIFICATION:		Minor Impact Project, based upon classification found in *Section 6-102: Projects Classified as Minor Impact Projects*
OTHER CRITERIA OF IMPACT CLASSIFICATION (SEC. 3-111. B. 1.)		**Demand for public services.** 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. **Impacts on impact area and the environment.** The proposed land use change is expected to generate a minor or a major impact on the impact area. **Impacts related to all existing and proposed development and proposed development in impact area.** 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.
AGENCY AND DEPARTMENT REVIEWS:		➢ Town of Crested Butte ➢ Crested Butte Fire Protection District ➢ Colorado Parks and Wildlife ➢ Gunnison County Public Works Department
PROPERTY LOCATION:		Lot 4, Riverland Industrial Park, F#1. located south of the Town of Crested Butte, west of Highway 135
SURROUNDING LAND USES:		East – across Highway 135 – agricultural (Lacy) West – Industrial – United Companies Gravel Pit North - Lots within Riverland Industrial Park South - United Companies Batch Plant
EA or EIS	☐ Yes ☒ No	

is required for this project		
Project located in Special Geographic Area	☐ Yes ☒ No	
Phasing proposed	☐ Yes ☒ No	
Is a Partially Exempted land use change (Section 1-106)	☐ Yes ☒ No	
PRE-APPLICATION CONFERENCE:		Optional – No Pre-App

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	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-102: Home occupations	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-103: Bed and breakfast	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-203: Mobile home communities	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-302: Farm or ranch stand	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-303: Dude ranches and resorts	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-304: Adult-oriented uses	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
Division 9--400 Minerals and Construction Materials		Lot 4, Riverland Industrial Park is a Partially Exempted Land Use Change Not applicable.
9-501: Special events	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-502: Temporary structures	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-503: Satellite dishes	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-504: Attached wireless communications devices	☐ Yes ☐ No ☒ N/A	Not requested as part of this application

9-505: Freestanding wireless communications structures	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-506: Child care center	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-507: Group home	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	☐ Yes ☐ No ☒ N/A	Not affected by this application
9-509: Camping on individual parcel	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
9-600: Essential housing	☐ Yes ☐ No ☒ N/A	Not requested as part of this application
10-102: Locational standards for residential development	☐ Yes ☐ No ☒ N/A	Not applicable.
10-103: Residential density	☐ Yes ☐ No ☒ N/A	Not applicable.
10-104: Locational standards for commercial, industrial or other non-residential uses	☐ Yes ☐ No ☒ N/A	Partially exempt. Permitted Use within Riverland Industrial Park F#1
11-102: Voluntary best management practices	No submittal requirements and no standard	
11-103: Development in flood hazard areas	☐ Yes ☐ No ☒ N/A	The property is not within a flood hazard area.
11-104: Development in geologic hazard areas	☐ Yes ☐ No ☒ N/A	The property is not within an identified geologic hazard area.
11-105: Development in wildfire hazard areas	☐ Yes ☐ No ☒ N/A	The site is in a low wildfire hazard area.
11-106: Protection of wildlife habitat areas	☒ Yes ☐ No ☐ N/A	Referral sent to CPW
11-107: Protection of water quality	☒ Yes ☐ No ☐ N/A	Partially exempt. Not within 125' of a water body.
11-108: Standards for development on ridgelines	☐ Yes ☐ No ☒ N/A	The property is not a ridgeline project.
11-109: Development that affects agricultural lands	☐ Yes ☐ No ☐ N/A	There are agricultural lands in the immediate area.
11-110: Development beyond snowplowed access	☐ Yes ☐ No ☒ N/A	Not beyond snowplowed access.
11-111: Development on Inholdings in national wilderness	☐ Yes ☐ No ☒ N/A	The property is not an inholding within national wilderness area.
11-112: Development above timberline	☐ Yes ☐ No ☒ N/A	The property is not above timberline.
12-103: Road system	☐ Yes ☐ No ☒ TBD	Truck traffic will access onto Highway 135. Existing access permitted for industrial uses.

12-104: Trails	☐ Yes ☐ No ☒ N/A	No trails exist on the property.
12-105: Water Supply	☐ Yes ☐ No ☒ N/A	Water supply provided by the Riverland Industrial Park central system
12-106: Wastewater treatment	☐ Yes ☐ No ☒ N/A	No wastewater treatment is necessary for the use.
12-107: Fire protection	☒ Yes ☐ No ☐ N/A	The property is within the Crested Butte Fire Protection District. Referral sent to the District.
13-102: B.: Location within municipal three-mile plan area	☐ Yes ☐ No ☒ N/A	The site is within the Town of Crested Butte's Three-Mile Area Plan. Referrral sent to Town of Crested Butte
13-103: General Site Plan Standards And Lot Measurements	☐ Yes ☐ No ☒ N/A	Not applicable.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	☐ Yes ☐ No ☒ N/A	Not applicable.
13-105: Residential Building Sizes And Lot Coverages	☐ Yes ☐ No ☒ N/A	Not applicable.
13-106: Energy And Resource Conservation	☐ Yes ☐ No ☒ N/A	Not applicable.
13-107: Installation Of Solid-Fuel-Burning Devices	☐ Yes ☐ No ☒ N/A	Not applicable.
13-108: Open Space And Recreation Areas	☐ Yes ☐ No ☒ N/A	Not applicable.
13-109: Signs	☐ Yes ☐ No ☒ N/A	No signs have been requested with this application.
13-110: Off-Road Parking And Loading	☐ Yes ☐ No ☒ N/A	Not applicable.
13-111: Landscaping And Buffering	☒ Yes ☐ No ☒ N/A	The applicant has identified berming and landscaping to be incorporated into the site to provide buffering from Highway 135, as shown on the site plan, approved by the Riverland Lot Owners Association.
13-112: Snow Storage	☐ Yes ☐ No ☒ N/A	Not applicable.
13-113: Fencing	☐ Yes ☐ No ☒ N/A	Not identified in the application.
13-114: Exterior Lighting	☐ Yes ☐ No ☒ N/A	None identified.
13-115: Reclamation And Noxious Weed Control	☒ Yes ☐ No ☐ N/A	Required by Riverland Industrial Park covenants.

13-116: Grading And Erosion Control	☐ Yes ☐ No ☒ N/A	Partially Exempt. Riverland Industrial Park Covenants 4.REGULATION OF IMPROVEMENTS AND ARCHITECTURAL AND SITE DEVELOPMENT REQUIREMENTS. states: B. 6. Drainage shall be facilitated by drainage swales and installation of culverts under driveways and streets as necessary.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	☐ Yes ☐ No ☒ N/A	Partially Exempt. Riverland Industrial Park Covenants 4. REGULATION OF IMPROVEMENTS AND ARCHITECTURAL AND SITE DEVELOPMENT REQUIREMENTS. states: B. 6. Drainage shall be facilitated by drainage swales and installation of culverts under driveways and streets as necessary.
13-118: Water Impoundments	☐ Yes ☐ No ☒ N/A	No water impoundments are included in this application
13-119: Standards To Ensure Compatible Uses	☒ Yes ☐ No ☐ N/A	The use is a permitted use within the existing Riverland Industrial Park and has been previously approved by the Board of County Commissioners as being an appropriate site for industrial uses.