GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, September 7, 2012

DRAFT MINUTES

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

9:00 a.m. **SG Interests I, Ltd.**, public hearing/no action, site visit observations, request for the Sperry/Clinger 11-90-1 gas well project, including five gas wells, located in northwest Gunnison County, legally described as HES 68 in Sections 11, 12 and HES 137 in Section 11, all in Township 11 South, Range 90 West, 6th P.M., west of Highway 133

9:30 a.m. **SG Interests I, Ltd.**, work session/possible action, request for the Borich 11-89-32 gas well project, including five gas wells, located in northwest Gunnison County, in Section 32, Township 11 South, Range 90 West, 6th P.M., east of Highway 133

10:00 a.m. **Gunnison Valley Properties, LLC**, work session/no action, presentation of Sketch Plan, request for a year-round sand and gravel operation on 109-acres of a 220-acre parcel; 62-acres of which will be excavated. The operation will include the extraction, crushing, screening, washing and stockpiling of approximately 200,000 tons of sand and gravel per year. Asphalt and concrete batching is also proposed to be conducted at the facility. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50 to Tomichi Creek, legally described as a being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50

11:00 a.m. **Gunnison Valley Properties, LLC**, site visit/no action, (see project description above), Planning Commission will meet at the access road into the property, south - off Highway 50

Lunch

1:00 p.m. **Hal Hearne, Vista Business Park**, work session/possible action, Sketch Plan request to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25-2.15 acres, for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation, located approximately 4 miles east of the City of Gunnison, south of Highway 50, in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., 43950 Highway 50

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
Regular Meeting
September 7, 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
Alternate Commissioner- Jeremy Rubingh
Alternate Commissioner- A. J. Cattles

Director of Community Development- Joanne Williams
Assistant Director of Community Development- Neal Starkebaum
Planner- Cathie Pagano
Community Development Department Services Manager-Beth Baker

Absent- Commissioner Kent Fulton

Others present as listed in text

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With a quorum present Chairman Ramon Reed opened the regular meeting of the Commission.

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MOVED; by Seitz seconded by Wilcox to approve the minutes of August 17, 2012 as amended. The motion passed unanimously.

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SG INTERESTS- SPERRY CLINGER 11-90-1; The Gunnison County Planning Commission (Commission) conducted a public hearing. They discussed the request for the Sperry/Clinger 11-90-1 gas well project, including five gas wells, located in northwest Gunnison County, legally described as HES 68 in Sections 11, 12 and HES 137 in Section 11, all in Township 11 South, Range 90 West, 6th P.M., west of Highway 133.

SITE VISIT OBSERVATIONS:

- **Reed-** Because of the location, in an irrigated meadow, there tends to be high ground water; if there were a spill or leak it could flow directly creek. It is a concern to be addressed.
- **Seitz**- Suggested the cut and fill material be used on site, for a berm.
- **Eskew-** Agreed the cut and fill should be used on site.
- **Wilcox-** The location of the site looked acceptable. It was interesting to see the nearby sites. No big problems were evident.
- **Rubingh**- The creek was dry.
- **Cattles-** The creek next to it was dried up.

SG representative Eric Sanford was present for the public hearing. SG representative Catherine Dickert participated by phone.

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

Community Development Services Manager Beth Baker confirmed adequate notice. The applicant submitted the certified mailing receipts; the Planning Office had the notice published in the Crested Butte News, Gunnison Country Times and the Delta Independent.

APPLICANT'S PRESENTATION:

Sanford explained the application. He said there would be no problem building a larger than average berm, on the west edge of the property, and as much as possible on the southern edge. The reason they don't generally put larger than average berms in the application is they don't know ahead of time how much fill they will have. The top soil can't be used for a berm and has to be stored elsewhere.

Sanford addressed the letter submitted by Mark Carter noting Carter will be noticed through the State process as well. The bottom hole is more than 600 ft. from Carter's lease line. SG will provide an as drilled survey to identify the location. Sanford said there are no ground water requirements in the State process. The bottom whole location will be approximately 7,000 ft. from the well. Dickert explained there could be slight inaccuracies as to where the property lines are shown, in the application. The surface location is based on survey data. The State applications will be submitted when they are approved by the State.

Sanford pointed out Mark Carter's property on a map, and noted the bottom hole location. He said SG will not drill underneath Carter's property. The State requires the survey location and it is identified in the State application. There was a delay in the State application because of the time it took to survey the bottom hole location.

STAFF QUESTIONS;

Assistant Director of Community Development said he had none at this time.

COMMISSION QUESTIONS;

Eskew asked when the copy of the State 2 or 2A application would be submitted; Sanford said it has not been turned in yet because the time it has taken to survey the bottom hole location. Sanford added the State could place conditions on the permit.

Rubingh asked what the distance is from well pad to Spring Creek; Sanford said it is all within 500 ft. Dickert agreed to provide a map.

Reed commented that after reviewing SG's waiver request, it is not clear why it is a necessity to located the well as it has been requested; it will encroach in to the wetlands. Sanford explained the landowner will not agree to another location, because it is his prime meadow, and there will be less of a loss for the land owner. Dickert added there was trouble siting the well pad to the west, out of the wetlands, because of the degree of irrigation on the property.

Reed said a technical infeasibility waiver requires more than the landowner not wanting the pad there: Sanford said he is not applying for a location further to the west.

PUBLIC COMMENTS;

Adjacent property owner Dan MacIntyre said the Sperry property was sold by his family to SG. The Macintyre's retained ownership of two parcels. One owned by Dan MacIntryre and the other owned by Larry MacIntrye. He was concerned with the water from Spring Creek, noting the lower half of Spring Creek is currently flowing; not dried up. He has spoken with SG employees about keeping the gates closed; it is problem. He said above the property there is a well with a pump jack; there were problems with noise last year. He is not sure if the noise has been taken care of, because it does not run all the time. He was concerned with the increase in traffic going through his property; he has grandchildren he is concerned with. Dickert explained water is only tested if there is an incident, not on a regular basis. She agreed to forward any water test results to MacIntyre.

Starkebaum acknowledged receipt of comments from Mark Carter.

Reed asked the distance from the well to the creek; Dickert said it is approximately 150 ft.

Seitz asked if there was an easement through the ranch; Sanford said that SG had purchased an easement.

Reed asked MacIntyre if the road was his main access; MacIntyre said it is his main access.

Seitz asked if the lower end of Spring Creek generally flowed all year; MacIntyre said they normally have year round water on the lower end.

Starkebaum asked MacIntyre if Spring Creek flowed at least 60 days per year at the upper end; MacIntyre was unsure.

Sanford will ask land owners if the creek flows at least 60 days per year.

Reed expressed his concern that there was not sufficient reason to grant the requested waiver of unfeasibility. He was inclined to recommend a decision of denial; if there is more information the public hearing could be continued, until the commissioners have an opportunity to review it.

Wilcox said the hearing should be continued until the owner/ applicant provides information about the creek.

Sanford agreed to provide:

- A map noting setbacks from Spring Creek and any wetlands
- A letter from land owner Joe Sperry with information on how many days per year Spring Creek flows; is it more than 60?
- Reed suggested contacting the water district's field engineer for information on Spring Creek

Dickert agreed to contact biologist Eric Petterson concerning the map in his wildlife report; it does not show riparian wetlands, Dickert will verify it with Petterson.

The Commission continued the public hearing to September 21, 2012, at 9:15 A.M.

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SG INTERESTS BORICH 11-89-32; The Gunnison County Planning Commission (Commission) conducted a work session to review the request for the Borich 11-89-32 gas well project, including five gas wells, located in northwest Gunnison County, in Section 32, Township 11 South, Range 90 West, 6th P.M., east of Highway 133.

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

Reed noted comments from the County LGD David Baumgarten with regards to COGCC approval had been submitted.

Reed asked Sanford to address a letter Sanford had submitted on August 17, 2012, addressing traffic and how water could be delivered to the well. Sanford described several ways water could be brought to the location;

a. SG will truck water for drilling and/or completion from Muddy Creek either west of the entrance road to the Borich or from near Bill Roberts' barn.

b. For drilling and completion SG may pump water directly from Muddy Creek south of the Borich highway entrance. Approximately 150" feet south of the highway access to the Borich, there is an 8'-10' diameter cattle crossing culvert under the highway. We can lay poly in this culvert under the highway and reach the river to the west of the highway. We can pump out of this part of Muddy Creek under our Augmentation Plan.

c. Use the existing buried steel water line to the Jacobs 29-1 and the new pipeline that will be built south to the Borich to move water to/from the McIntyre Flowback Pits. This option is only available if construction schedules align and the steel pipeline is completed and functional at the time of drilling or completion.

d. SG will truck water from a commercial source in Paonia.

e. SG will truck water from the East Muddy near the Rock Creek Ranch office space approximately 1.1 miles west of State Highway 133 on CR 265. This option for bringing water to the Borich 11-89-32 well location is the only proposed alternative which utilizes Gunnison County roads (County Road 265 only). The County Road will be maintained under agreements with Gunnison County.

Reed noted his concern with additional traffic on both the county road and state highway. Sanford said the CDOT application has been submitted and has not been granted yet; the numbers of trips have been detailed in the application. CDOT requires information using the peak or worse case scenario.

Sanford objected to the county being involved with the state permitting; the county does not have jurisdiction over the state highway permitting process.

Reed asked Sanford about the copy of the Army Corps of Engineers permit; Sanford said they have provided the pre-construction application.

The Commission reviewed the draft decision. Reed seated AJ Cattles for the application.

MOVED; by Seitz seconded by Wilcox to approve OG-12-00008 as amended. The motion passed unanimously.

PROJECT SUMMARY:
The applicant requests an Oil and Gas Operations permit for the Borich 11-89-32 gas well project, which includes the construction of a 2-acre well pad and access road to accommodate five gas wells, and installation of gas and water flowlines, to connect to the existing SG Interests gathering system.

Operations Plan:
Drilling: The well will be drilled using a conventional rotary drilling rig, operating 24 hours a day. Cuttings and drilling fluids will be maintained in a plastic lined reserve pit.
Completion: The well will be completed using a conventional daylight rig. Hydraulic fracturing is the planned stimulation for the well.
Transporting: If productive, the gas will be transported by buried pipeline. Produced water will be trucked or transported by buried pipeline.
Production: Production will be performed by conventional means. If artificial lift is required, a pumping unit will be used.
Post-Operation: If production is non-commercial, the well will be plugged and abandoned according to COGCC rules.

SURFACE OWNERSHIP:
Roberts Land and Cattle LLC
304 Highway 133
Carbondale, CO 81623

WELL LOCATION:
The project is located east of Highway 133, on land legally described as being located in Section 32, Township 11 South, Range 89 West, 6th P.M. Specific location of the site is identified on a map in the Community Development Department file.

ACCESS:
The access is from State Highway 133. The application has been submitted to the CDOT for comment. The applicant has submitted an "Access Road Layout and Grading" prepared by Bell Consulting, LLC, dated 3-1-12.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:
This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, maps, references and documents.

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

The applicant submitted a request for a technical infeasibility waiver for the access road, and gas and produced water pipelines. The access road will cross a wetland and the gas and water pipeline route will cross wetland areas between the well pad and the closest gathering system pipelines. The proposed pipeline alignment does not meet the setback standard in *Section 1-107: Oil and Gas Operation Standards*, H. Waterbody Setbacks.

The applicant has provided a Preconstruction Notification to the U.S. Army Corp of Engineers for the pipelines and access road.

WORK SESSIONS:
Work sessions were held by the Planning Commission on:
July 20, 2012
August 3, 2012
September 7, 2012

SITE VISIT:
The Planning Commission attended a site visit to the well pad on August 3, 2012. The site visited is located on private lands on which the owner will not allow public access. Therefore, only two Planning Commission members, at a time, visited the site. The Commissioners related their observations at the August 17, 2012 meeting, noting that the pad site and access road seems reasonable for the requested Oil and Gas Operation.

PUBLIC HEARING:
A public hearing was held by the Planning Commission on August 17, 2012. At that time, Gunnison County resident Ralph E. Clark III (Butch) referenced a June 11th a letter which includes references dealing with planning for sites and access to sites, in terms of road utilization.

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

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

1. Approval is limited to the location and description of the SG Interests I, Ltd. Borich 11-89-32 Gas Well Project as described in the application. Any change will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Temporary Regulations for Oil and Gas Operations*, or as those may be hereinafter amended.

2. The access road is solely for access to the Oil and Gas Operation and agricultural activities. Any future requested residential use of the road shall require compliance with the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

3. Subject to the Technical Infeasibility Waiver and the Conditions of Approval included in the Decision, below, the application is consistent with *Section 1-107: Oil and Gas Operations Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004.*

4. The applicant has identified that the water supply for drilling and completion operations may be supplied from one or more of the following sources:

    a. SG will truck water for drilling and/or completion from Muddy Creek either west of the entrance road to the Borich or from near Bill Roberts' barn.

    b. For drilling and completion SG may pump water directly from Muddy Creek south of the Borich highway entrance. Approximately 150' feet south of the highway access to the Borich, there is an 8'-10' diameter cattle crossing culvert under the highway. We can lay poly in this culvert under the highway and reach the river to the west of the highway. We can pump out of this part of Muddy Creek under our Augmentation Plan.

    c. Use the existing buried steel water line to the Jacobs 29-1 and the new pipeline that will be built south to the Borich to move water to/from the McIntyre Flowback Pits. This option is only available if construction schedules align and the steel pipeline is completed and functional at the time of drilling or completion.

    d. SG will truck water from a commercial source in Paonia.

e. SG will truck water from the East Muddy near the Rock Creek Ranch office space approximately 1.1 miles west of State Highway 133 on CR 265. This option for bringing water to the Borich 11-89-32 well location is the only proposed alternative which utilizes Gunnison County roads (County Road 265 only). The County Road will be maintained under agreements with Gunnison County.

5. The applicant has requested a term of permit of five years in which to drill all five wells, which the Planning Commission finds appropriate.

6. The applicant submitted a request for a technical infeasibility waiver for the access road, and gas and produced water pipelines. The access road will cross a wetland. The gas and water pipeline route will cross wetland areas between the well pad and the closest existing gathering system pipelines. The proposed road, and pipeline alignment cannot meet the setback standard of *Section 1-107: Oil and Gas Operation Standards*, H. Waterbody Setbacks. There is no economical technology commercially available to construct the road, gas and produced water pipelines in compliance with the waterbody setbacks. Granting of the waiver will not cause substantial injury to the owner or occupant of adjacent lands; and the waiver will not cause substantial injury to the environment. Therefore, the granting of a technical infeasibility waiver for the road and pipelines is appropriate.

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

DECISION:
The Gunnison County Planning Commission, having considered the submitted applications, all exhibits, documentation and public testimony, and having reached the above Findings, hereby approves SG Interests I, Ltd. Borich 11-89-32 Gas Well Project; Oil and Gas Operations Permit No. OG2012-08 with the following conditions:

1. This permit is limited to the description of the SG Interests I, Ltd. Borich 11-89-32 Gas Well Project. Any substantive change will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Temporary Oil and Gas Regulations*, or as those may be hereinafter amended.

2. The applicant shall provide copies of any Spill Reports, associated with the Borich 11-89-32 Gas Well Project, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department.

3. The applicant shall provide copies of reports to the Colorado Oil and Gas Conservation Commission regarding water quality sampling, associated with the Borich 11-89-32 Gas Well Project, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department.

4. The access road is solely for access to the Oil and Gas Operation and agricultural activities. Any future requested residential use of the road shall require compliance with the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

5. If there are changes in the current water supply source for the Operation that requires a significant increase in truck traffic, the Planning Commission may require additional review for the future wells.

6. The applicant shall provide a copy of the full CDOT application and upon issuance, a copy of the CDOT Access Permit. The applicant shall provide a copy of the Army Corp of Engineers Permit.

7. Nothing in this decision is or shall be construed to be a limitation on Gunnison County participating in any future regulatory process for said wells.

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

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

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

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GUNNISON VALLEY PROPERTIES- GRAVEL PIT; The Gunnison County Planning Commission (Commission) conducted a work session to review the request for a year-round sand and gravel operation on 109-acres of a 220-acre parcel; 62-acres of which will be excavated. The operation will include the extraction, crushing, screening, washing and stockpiling of approximately 200,000 tons of sand and gravel per year. Asphalt and concrete batching is also proposed to be conducted at the facility. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50 to Tomichi Creek, legally described as a being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50.

Gunnison Valley Properties representatives Dick Bratton, and Ben Langenfeld, consulting engineer for Greg Lewicki and Associates, were present to discuss the application.

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

Reed explained this is a sketch plan application, one of the three phases. It is the exploratory phase.

Langenfeld conducted a power point presentation; this illustrated what the project would look like. He said it is currently a cattle ranch, and the fields are irrigated. The operation will be placed in the bottom of the pit; but this will not happen until the operation has been in place for several years. When the rock has all been mined and after reclamation there will be a high quality lake. The operation will be split into two phases. Phase one will be the longest, approximately 20 years and Phase two will be several years. There is approximatley109 acres in the state permit. There is a central wetland and various buffers and offsets that will not be mined. The depth will be approximately 49 ft. They will encounter ground water about five ft. down. There will be dewatering, and water will be discharged into the surface water ways.

Langenfeld said on average there will not be more than 200,000 tons or two truckloads per hour. CDOT is not requiring improvement to the highway access.

Langenfeld said the top soil will be salvaged, and the remaining cut will be used in the construction of a berm, for visual mitigation. The overage will go into back fill. The hours of operation will be 6 A. M. to 7 P.M., Monday through Saturday. There will be less activity in the winter months. Larger jobs could require running the operation seven days per week; they suggest they would notify the county 15 days prior to operating seven days per week. The crusher will be near the office, for about two years of the mining, and then the crusher will be in the pit; to mitigate and minimize the impacts. The process then would be kept in the bottom of the pit. They will reclaim as they go, not leaving the reclamation of the entire project to the end. The steepest slope will be two to one, to allow placing most of the backfill in the slopes. Everything will be brought back to natural rangeland except the lakes.

Impacts and mitigations

Langenfeld explained most of the visual impacts will be from Highway 50, traveling east by Signal Peak, looking towards Signal Peak will be the approximate pit area. There will be the processing equip, the pits themselves and trucks. Most activity will occur in the pit. Most of the plant components are not tall. The crusher will be close to the highway for several years of operation, until the pit is deep enough to move the equipment. The ultimate visual impacts should be minimal. They will plant trees and construct a berm to help mitigate the visual impacts.

The noise generated is estimated to be 55 decibels during the day, and 50 decibels during the evening. The equipment operators will be trained to operate the backup alarms as quietly as possible. Langenfeld added there are quiet backup alarms that could be used. There will be a baseline noise study.

Dust control and impacts- will fall under the state permitting for the site itself and the equipment. It is a wet material so dust should be minimal. They will water roads and stockpiles. They will vegetate the overburden and stockpiles that will be there over 90 days; it is a state regulation.

They estimate mining 200,000 tons, with a possibility of 350,000 tons per. Most of the material will be used in Gunnison and Crested Butte.

The impacts to wildlife will be minimal. This operation will generate wetlands. This is not a sage grouse habitat.

Smoke and vapor impacts are regulated by the state. The plant will be located at bottom of pit, the asphalt silo is tall. The asphalt and cement will be produced primarily in summer.

Water impacts will be dealt with by dewatering with pit pumps below where they will be working. The water will be run through a pond to settle out any sediment. The ground water quality is good. This is procedure is used successfully throughout the state. Surface water will travel through the site, just as the ground water does.

Most of the water consumption will occur during reclamation and with the creation of the lakes. The central wetland on the site will take the water by pumping and running the water through irrigation pipe, this should off-set the negative impacts. The Army Corps of Engineers agrees.

The revegetation plan is designed and protected by the state, addressing noxious weed control.

Starkebaum noted receipt of referral comments from:

- Colorado Parks and Wildlife representative J. Wenum
- County Sage Grouse Coordinator Jim Cochran
- City of Gunnison Planning and Zoning Commission

Seitz asked for a follow up with experts dealing with the birds. He also asked what the applicant will do for dust control on the off season. Langenfeld said when the operation is closed and they are not running trucks the need will be low. Reed and Seitz were concerned with the stock piles and the dust generated. Langenfeld explained for the majority of the time the 30 ft. piles of material will be in the 50 ft deep pit. The stock piles will need to watered by the operator. Reed requested more information on how the dust will be addressed.

Wilcox questioned the need for the material, tonnage per year, and the life of the pit. He pointed out to successfully maintain the pit at 45 ft below the water table pumping can be very expensive. He asked if an operator been identified. He agreed there is always a need for competition.

Langenfeld reiterated the need for competition. He explained the land owner obtains the permits and then finds an operator. The operator should know what is expected of them.

Langenfeld said it is likely they will need to use more than one pump, to dewater, because of the large amount of water. He acknowledged it is doable- but costly; it is a nuts and bolts requirements. Wilcox pointed out the difficulty of actually dewatering. He noted the economy is slow at this time and the need for the material may not be there. Reed pointed out the Valco pit has a 500 year material supply, but said that does not speak to the need for competition. Wilcox said he also controls a large material stockpile. Lagenfeld said they can always mine less. Wilcox questioned the timing for the closure of the pit, if the demand for material remains low: Langenfeld explained by doing reclamation in a phased manner, the operator could pull out for a temporary shutdown phase. Reed pointed out if the demand for material remains slow, it will be a longer period of time before the crusher could be moved away from the highway.

An additional work session will be conducted followed by a joint public hearing will be conducted.

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GUNNISON VALLEY PROPERTIES- GRAVEL PIT; The Gunnison County Planning Commission (Commission) conducted a site visit to review the a request for a year-round sand and gravel operation on 109-acres of a 220-acre parcel; 62-acres of which will be excavated. The operation will include the extraction, crushing, screening, washing and stockpiling of approximately 200,000 tons of sand and gravel per year. Asphalt and concrete batching is also proposed to be conducted at the facility. The property is located approximately ½ mile east of the City of Gunnison, south of Highway

50 to Tomichi Creek, legally described as a being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50.

No minutes were taken during the site visit.

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VISTA BUSINESS PARK: The Gunnison County Planning Commission (Commission) conducted a work session to review the Sketch Plan request to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25-2.15 acres, for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation, located approximately 4 miles east of the City of Gunnison, south of Highway 50, in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., 43950 Highway 50.

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

Applicant Hal Hearn said he had spoken to a real-estate consultant who suggested he reconfigure lots 10 and 11; dividing them into three lots instead of two. He said it adds to the affordability; smaller businesses could purchase a lot. Reed suggested he incorporate the additional lot into the preliminary plan.

Reed seated Rubingh for the vote.

MOVED; by Rubingh seconded by Seitz to approve the recommendation to the BOCC, LUC-11-00035 Sketch Plan, as amended. The motion passed unanimously.

> ***SKETCH PLAN IS EXPLORATORY.*** *Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.*
>
> ***SKETCH PLAN EXPECTED TO EVOLVE.*** *Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.*
>
> ***ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN.*** *To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.*

PROJECT DESCRIPTION:
Hal Hearn, the applicant, has submitted a Major Impact Sketch Plan application to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25 to 2.15 acres. The subdivision is intended to be used for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation. Residences are limited by the Protective Covenants to no larger than 2,500 square feet and will be served by an individual sewage disposal system. Each lot will be served by a central well or wells and an individual sewage disposal system that meets the standards for the proposed use on each lot.

There will be a common open space area, approximately 2.2 acres in size, along the northeastern portion of the parcel. Two augmentation ponds are proposed as part of the applicant's water supply plan and the locations are identified on the development layout plan. Lot 12 (Outlot) will remain as is with the existing house, barn, shop, and out-buildings. The applicant proposes to clean up Lot 12 and restore the 98-year old Vader barn. The applicant proposes mitigation of the view shed from Highway 50 via landscaping, berming, screening and building material selection.

Access to the proposed subdivision will be provided via two access points on the east and west side of the parcel. There are existing access roads from Highway 50 at each of those points but new access permits from the Colorado Department of Transportation will be required. A new road within the subdivision will provide access to the individual lots.

The parcel is located approximately two miles east of the City of Gunnison within the City's Three Mile Plan area. The parcel is legally described as 28.07 acres in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., also known as 43950 Highway 50.

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

- Exhibit G, Development Layout Plan, prepared by NCW & Associates, Inc. dated March 10, 2012
- Exhibit G2, Landscaping Plan, prepared by NCW & Associates, Inc. dated February 3, 2012
- Wetlands delineation, prepared by Colorado Land & Water Specialists, LLC, dated April 16, 2011
- Easement agreement between R.I. Vaders & Sons, Inc, Letha Vader (Grantors) and William K. Edwards and Link, LLC (Grantees) dated February, 2012
- Memorandum from David Baumgarten, County Attorney, September 5, 2012, regarding comments from the City of Gunnison on retail sales

IMPACT CLASSIFICATION:
The project, by definition, is a Major Impact pursuant to Section 7-101:A.

MEETING DATES:
The Planning Commission held work sessions and public hearings to discuss the Vista Business Park application on the following dates:

- June 1, 2012 Work Session
- June 22, 2012 Work Session
- June 22, 2012 Site Visit
- July 20, 2012 Work Session
- August 3, 2012 Joint Public Hearing
- August 17, 2012 Work Session
- September 7, 2012 Work Session

SITE VISIT:
The Planning Commission conducted a site visit on June 22, 2012. The Commission noted the topography, adjacent uses, and natural features of the parcel.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on August 3, 2012. The following comments were received:

- An email from Bob Benell, dated June 18, 2012, opposing the provision of joint industrial and residential use
- An email from Aaron McLennan, dated August 2, 2012, expressing concerns related to traffic safety, noise, air and light pollution, and visual impacts
- A letter from Ralph E. Clark, III, dated June 11, 2012, related to flooding and hazardous materials
- Aaron McLennan, regarding traffic and water supply
- Joe Puchek, stating that the combination of residential and industrial uses is incentive for people to start businesses. He also said that the proposed berming and landscaping will enhance the area.
- Sally Hayes, expressed concerns about noise, air and light pollution. She would like to see more assurances about air quality.
- Bob Gyedesen, stated that the residential component of the development is beneficial because people need to live onsite to make businesses feasible.
- Jeff Wilkinson, said this is the best parcel in the County for the proposed use.
- Jeff Dykes, said that he is in favor of the mixed use aspect of the development.
- Bill Edward, property owner, expressed general support for the project.
- Debby Heffner, said that workers need areas like the proposal.
- An email from Shan Hays, August 9, 2012,concerns with the potential light and air pollution
- An email from Aaron MacLennan, August 10, 2012, concerns with visual entrance to the community.

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 Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Wildlife Coordinator, Gunnison County Emergency Services, Gunnison County Trails Commission, City of Gunnison, Colorado Department of Transportation, Colorado Division of Water Resources, Colorado Division of Parks and Wildlife, Gunnison Fire Protection District.

City of Gunnison: The subject property is located within three miles of the City of Gunnison. The City, in a letter dated April 25, 2012, comments noted that, "it seems that this application is compatible with some of the adjacent uses….The Planning and Zoning Commission absolutely opposes any proposed uses in this subdivision that would permit retail sales. The City Planning and Zoning Commission supports the application's intent to develop a highway landscape buffer to mitigate visual impacts…Please note that the Gunnison Rising Annexation has very detailed landscape and buffer standards and it would be appropriate to require very specific performance buffer and landscape standards associated with this proposed subdivision.

Gunnison County Environmental Health: Richard Stenson, in a memorandum dated April 25, 2012 noted, "An ISDS can be feasible for each lot for residential use….It is important to note that prior to Gunnison County approval for ISDS permits on lots considering the following proposed uses, review and approval by the U.S. EPA Class V Underground Injection Control Program (EPA UIC) will be required: auto service repair, machinery and transportation equipment service, mixing plants, commercial laundries, wood and mineral processing/milling.

Additionally, the applicant stated the use of 'An oil and sand separator will be required for all floor drains.' Floor drains that could drain into the septic systems or soils will also require review and approval under the EPA UIC Program for each of the above listed uses.

Gunnison County Wildlife Coordinator: Jim Cochran, in a letter dated April 10, 2012 noted, "The parcel is not within Gunnison Sage-grouse priority habitat (score $\geq$ 15) as mapped using the 2012 habitat Prioritization tool (Gunnison Sage-grouse Strategic Committee 2012). The overall habitat score for this parcel is -30 due to existing impacts. The highly developed industrial and residential setting makes this property a logical candidate for this type of development and is much preferable to development of a 'new' area with Gunnison Sage-grouse habitat….this proposal, if approved, will not impact Gunnison Sage-grouse or their habitats beyond that which has already occurred."

Gunnison County Fire Protection District: In an email dated May 22, 2012 from Hugo Ferchau, Assistant Fire Marshal, the District noted they had no concerns related to access and requested that a dry hydrant be installed adjacent to the augmentation pond.

Colorado Division of Water Resources: Comments from Karlyn Adams, Water Resource Engineer, dated April 26, 2012, noted that a "court decreed plan for augmentation is required to offset depletions caused by the pumping of any wells within the subdivision."

Colorado Division of Parks and Wildlife: Comments from Jeff Oulton, Acting Area Wildlife Manager, dated April 10, 2012, notes that the "proposed project to subdivide the parcel should not create any major impacts to wildlife beyond those that already exist at the site with one exception. Gunnison's prairie dogs are present on the property and are a candidate for listing under the Federal Endangered Species Act…Should it be deemed necessary to have the prairie dogs removed from this site, CPW requests prior notification and opportunity to relocate, conduct research, or use these animals for other conservation needs. If the above actions are not feasible, it is understood that it may be necessary for the applicant to conduct lethal control to remove the Gunnison prairie dogs from the site.

CPW also agrees with recommendations made by Gunnison County Wildlife Coordinator concerning the control of pets, specifically dogs and cats, and requests compliance to help minimize any negative impacts to wildlife due to increased interaction."

Colorado Department of Transportation: In an email from Dan Roussin dated April 24, 2012, noted that "The applicant will need to provide a traffic study that shows that the development will not increase the traffic volume by 20%. If the development does increase the traffic volume on either road then a new access permit will be required with this development. Looking at the two access points (Industrial Park Road and Vader Road), I have concerns with the possible sight distance issues because of the curvature of the road."

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.*
Applicable, the applicant has identified permitted commercial and industrial uses that will be allowed in the development. All commercial and industrial uses shall comply with the standards of this Section.

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, the residential development proposed as part of the subdivision is accessory to the primary use of commercial or industrial for each lot. The proposed development is within the City of Gunnison Three Mile Plan area.

Section 10-103: *Residential Density.*
Not applicable, the residential development proposed as part of the subdivision is accessory to the primary use of commercial or industrial for each lot. The proposed development is within the City of Gunnison Three Mile Plan area.

Section 10-104: *Locational Standards for Commercial, Industrial, and other Non-Residential Uses.*
Applicable, the proposed development is within the City of Gunnison Three Mile Plan area and the City of Gunnison has commented on the proposal, stating, "Based on the existing Three-Mile map, the property is designated as Rural Residential (1 unit per 5-35 or more acres) and is located outside of the Urban Growth Boundary….While the proposed industrial use is not contemplated by the Three-Mile Plan because it is not immediately adjacent to existing city Industrial zones, the adjacent area is the Signal Peak Industrial Park. It seems that the application is compatible with some of the adjacent uses."

Section 11-103: *Development In Areas Subject to Flood Hazards*.
Applicable, portions of the subject parcel are within the 100-year floodplain. The location of the floodplain is delineated on Exhibit G, Development Layout Plan, prepared by NCW & Associates, Inc. dated March 10, 2012. Preliminary Plan review requires the applicant to formulate detailed, designed/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address those issues, in a site-specific manner.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Not applicable, the subject parcel is not in an area of geologic hazards.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, the subject parcel is in an area of low wildfire hazard. A copy of the application was referred to Gunnison Fire Protection District (District) for review and comment. The District did not identify any concerns related to wildfire on the subject parcel.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The application was referred to the Division of Parks and Wildlife (DPW). Comments from DPW noted, "the proposed project to subdivide the parcel should not create any major impacts to wildlife beyond those that already exist at the site with one exception. Gunnison's prairie dogs are present on the property and are a candidate for listing under the Federal Endangered Species Act. The applicant has been in contact with CPW biologists and is aware of this status." Gunnison County Wildlife Coordinator, Jim Cochran, also commented on the proposed use and stated: "The parcel is not within Gunnison Sage-grouse priority habitat (score $\geq$ 15) as mapped using the 2012 habitat Prioritization tool (Gunnison Sage-grouse Strategic Committee 2012). The overall habitat score for this parcel is -30 due to existing impacts. The highly

developed industrial and residential setting makes this property a logical candidate for this type of development and is much preferable to development of a 'new' area with Gunnison Sage-grouse habitat….this proposal, if approved, will not impact Gunnison Sage-grouse or their habitats beyond that which has already occurred."

The Planning Commission requested that Nick Gallowich, District Area Wildlife Manager for Gunnison East, attend a work session to provide additional information. The Planning Commission requested information about accidents between cars and deer. Commissioner Reed expressed specific concern that the proposed use may increase the incidences of the car/deer accidents along Highway 50. Gallowich responded that the location of the proposed Vista Business Park between existing industrial and commercial uses makes it unattractive to deer and does not increase the likelihood of additional accidents. The Commission also inquired about the status of Gunnison's prairie dog. Gallowich indicated that at this time the DPW is not relocating the animals and if the property owner wishes to relocate or exterminate them they will not object.

Section 11-107: *Protection of Water Quality*.
Applicable, the proposed development is within 125 feet of a water body. A wetlands delineation has been prepared by Colorado Land & Water Specialists, LLC and the location of the wetlands and the floodplain are identified on Exhibit G, Development Layout Plan. The applicant has proposed building envelopes in compliance with this Section that meet the inner restrictive buffer requirements. A water quality protection plan, in compliance with this Section, shall be required at Preliminary Plan.

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 adjacent 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 and the Colorado Department of Transportation. The applicant has identified the general locations of roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan. A copy of the application has been referred to Gunnison County Public Works and CDOT.

Allen Moores noted, "The standards to which the proposed road will be constructed, will be addressed at the required meeting our office and the applicant. It would appear that an easement is required for the proposed east access point."

Dan Roussin of CDOT noted, "The applicant will need to provide a traffic study that shows that the development will not increase the traffic volume by 20%. If the development does increase the traffic volume on either road then a new access permit will be required with this development. Looking at the two access points (Industrial Park Road and Vader Road), I have concerns with the possible sight distance issues because of the curvature of the road."

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

Section 12-105: *Water Supply*.
The applicant proposes 4-6 shared wells for the development. Attorney Kendall Burgemeister submitted a letter of feasibility (Tab P of the application) for the proposed development. A copy of the application was referred to the CO Division of Water Resources. Comments from the Division include: "This area of Tomichi Creek is over-appropriated; therefore, a court decreed

plan for augmentation plan is required to offset depletions caused by the pumping of any wells within the subdivision. The applicant indicates that they intend on developing a plan for augmentation, however a plan has not yet been submitted to the Water Court. Until a plan is approved by the water court, this subdivision will not have a legal water supply."

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, Individual sewage disposal systems are proposed for each lot. A copy of the application was referred to the Environmental Health Official. Stenson commented that, "An ISDS (Individual Sewage Disposal System) can be feasible for each lot for residential use. A Gunnison County ISDS application and permit would be required. It is important to note that, prior to Gunnison County approval for ISDS permits on lots considering the following proposed uses, review and approval by the United States Environmental Protection Agency Class V Underground Injection Control Program (EPA UIC) will be required. Additionally, the applicant stated the use of 'An oil and sand separator will be required for all floor drains.' (Section IV and elsewhere) Floor drains that could drain into the septic system or soils will also require review and approval under the EPA UIC Program for each of the above listed uses.

I have met with Mr. Hearne during discussions with the EPA and he has expressed the willingness to comply with the EPA UIC Program. I recommend UIC Program considerations during the Gunnison County Planning Commission review for this application."

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 the District commented that everything "including access" looks fine. The District requested that the applicant install a dry hydrant on the subject parcel.

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 NCW & Associates, titled, "Exhibit G, Development Layout Plan" dated March 10, 2012 meets these criteria.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
This section applies; the proposed improvements meet the commercial and industrial setback requirements. The proposed development complies with all setback requirements adjacent to other parcels. The setbacks between the proposed lots comply with the 15-foot setback required between adjacent commercial and industrial uses.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the submitted protective covenants restrict the maximum residential building size to 2,500 square feet.

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*
Applicable, the proposed development is within the City of Gunnison Three-Mile Plan, however there are no adopted standards in the Intergovernmental Agreement for open space, therefore the county standards apply.

The application is required to comply with Section 13-108: F.1 through the inclusion of landscaping elements and property line setbacks. The applicant has identified 2.2 acres (or 7.7% of the total acreage) of defined open space on the Development Layout Plan. Landscaping elements and setbacks are also identified on the Development Layout Plan and on the Landscaping Plan (Exhibit G2). Twelve spruce trees, 37 cottonwood trees, and 21 new shrubs are proposed in the landscaping plan.

Section 13-109: *Signs.*
There are no signs proposed as part of the Sketch Plan application. Staff has discussed this Section with the applicant and recommended that a sign proposal be submitted with the Preliminary Plan.

Section 13-110: *Off-Road Parking And Loading.*
Applicable, individual parcels and uses are required to comply with this Section**.**

Section 13-111: *Landscaping And Buffering.*
A landscaping plan is required and has been submitted as Exhibit G2, Landscaping Plan. The applicant is proposing twelve spruce trees, 37 cottonwood trees, and 21 new shrubs. Additional landscaping requirements are identified on Page 4 of the narrative of the Sketch Plan application and include specific requirements for individual lots that are included in the protective covenants.

Section 13-112: *Snow storage*.
Applicable, the applicant is required to include language in the covenants identifying the HOA as responsible for snow removal and become familiar with the requirements of this Section.

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. Additionally, commercial and industrial uses are required to comply with the exterior lighting requirements of Section 9-301: D.6. *Exterior Lighting.* The protective covenants address exterior lighting requirements in Section 5.7.

Section 13-115: *Reclamation And Noxious Weed Control.*
Applicable, the applicant has acknowledged that a reclamation plan, prepared in compliance with this Section, shall be required at Preliminary Plan. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: *Grading And Erosion Control.*
Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan. 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.*
Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan.

Section 13-118: *Water Impoundments.*
Not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

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 application, by definition, is classified as a Major Impact.

2. The proposed development is not located adjacent to a municipality but is within the City of Gunnison Three Mile Plan area.

3. Gunnison County and the City of Gunnison have an Intergovernmental Agreement for the Three Mile Plan area.

4. The Planning Commission and the Board of County Commissioners have identified that the proposed site is an appropriate location for industrial uses. The site is adjacent to existing industrial uses and has access to Highway 50.

5. The Planning Commission has expressed concern that compatible uses and siting within the development be considered. It has been noted that some heavy industrial uses may not be appropriate adjacent to other "lighter" commercial uses (e.g. a smelter next to landscaping nursery) and any accessory residences.

6. There are no signs proposed as part of this Sketch Plan application. Sign elements as allowed by Section 13-109: *Signs* may be proposed as part of the Preliminary Plan.

7. Pursuant to Section 7-102:Standards of Approval for Major Impact Projects:

   1. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution,* pursuant to Section 7-103, *i.e.*, compliance of the proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

   2. The proposed land use change is required to be compatible with, or to enhance the character of existing land uses in the area surrounding the subject property, and shall not adversely impact the future development of the area surrounding the subject property.

   3. No phasing has been proposed by the applicant within this Sketch Plan submittal, and none is being recommended by the Planning Commission at this time.

   4. All uses have been identified on lots within this proposed subdivision.

8. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this *Resolution*, then the application shall be denied at the Preliminary or Final Plan review stage.

9. 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 Sketch Plan, site observations and public testimony, has reached the above findings and recommends to the Board of County Commissioners that LUC-11-00035 be classified as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

1. A traffic study in compliance with Section 12-106: E. is required to be submitted as part of the Preliminary Plan application.

2. Draft protective covenants or deed restrictions are to be submitted within the Preliminary Plan including language regarding confinement of domestic animals, fence-out requirements, and irrigation ditch maintenance, requirements for "EPA-Injection Wells", hours of operation and administration of the water supply.

3. A detailed assessment of the types of uses that will or will not be allowed and the level of County review that will be required for varying uses is required to be submitted as part of the Preliminary Plan application.

4. Gunnison County will determine, based upon test results required to be submitted as part of the Preliminary Plan application, whether, pursuant to Section 12-105: G.8., additional well testing will be required during January or February to ensure that a year-round, consistent supply of water will be available to this development.

5. Integration of the standards of Section 13-119: Standards to Ensure Compatible Uses, as well as other measures to mitigate issues raised during this Sketch Plan review are required within the Preliminary Plan submittal.

6. A Water Quality Management/Monitoring Plan, including provisions for baseline surface and groundwater testing, frequency and the types of constituents to be tested for, is required within the Preliminary Plan submittal.

7. The applicant shall demonstrate progress towards obtaining the necessary water rights and augmentation plan approvals within the Preliminary Plan submittal.

8. Visual representations, including mock-ups or photographic depictions of the development from Highway 50, are required within the Preliminary Plan submittal.

9. Lighting standards for exterior lighting and signage lighting, that addresses night lighting and safety towards Highway 50, are required within the Preliminary Plan submittal.

10. The applicant shall submit the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

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

12. This Sketch Plan approval 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.

13. 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 Sketch Plan.

14. Approval of this Sketch Plan 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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Reed adjourned the meeting at 1:45 P.M.

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