TO: **Planning Commission**

SUBJECT: ***DRAFT* Minor Impact Decision**
John Nichols
LUC #2012-23
Lot 4, Riverland Industrial Park Filing No. 1

PREPARED BY: **Neal Starkebaum, Assistant Planning Director**

DATE: **Planning Commission Meeting, November 2, 2012**

APPLICANT: **John Nichols**
P.O. Box 2972
Crested Butte, CO 81224

PROJECT DESCRIPTION:
John Nichols, represented by Dena Hildreth, has submitted a land use application for a concrete batching operation and outside storage of heavy equipment, concrete trucks, and general construction equipment. This, as shown on a site plan, signed by the Riverland Architectural Review Board, dated August, 2012 and elevation drawings, submitted with the application.

LOCATION:
Lot 4, Riverland Industrial Park, Filing No. 1; located south of the Town of Crested Butte, west of Highway 135.

WATER:
The operation will be served by the Riverland Industrial Park central water system.

WASTEWATER:
No wastewater will be generated by the use.

ACCESS:
Roads within Riverland Industrial Park are private and have been constructed to County standards. The applicant has legal access through Riverland Industrial Park to Highway 135.

COVENANTS:
The *Declaration of Protective Covenants of Riverland Industrial Park*, approved by the Board of County Commissioner and 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.

PROPERTY OWNERS ASSOCIATION APPROVAL:
The Riverland Lot Owners Association conditionally approved the proposed use; in a letter from Scott Hargrove, Association President, dated August 14, 2012.

COMPLIANCE WITH COUNTY LAND USE REGULATIONS:
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.

COMPLIANCE WITH DIVISION 5-600: COMMERCIAL AND INDUSTRIAL USES:
The proposal complies with all standards within this Division.

LANDSCAPING:
Landscaping is required by the Covenants; each lot is required to have a minimum of 15 trees with a minimum average height of five feet within 18 months of being issued a building permit. Landscaping was previously installed when the building permit was issued. The applicant indicates that he will plant in excess of the required landscaping, as identified on the site plan, which shows 30 – 6' evergreens and 10 - 12' deciduous trees. The landscaping along Highway 135 will be planted on an 8' high berm. All landscaping will be irrigated. Gunnison County requires a landscaping development improvements agreement to ensure installation and survival of the landscaping.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on November 2, 2012. At that time …….

COMPLIANCE WITH COUNTY LAND USE POLICIES:
This land use change request is partially exempted from the requirements of the *Gunnison County Land Use Resolution*, pursuant to *Section 1-106 Partially Exempted Land Use Changes*. Compliance to the maximum extent feasible with provisions of Section 1-105: Sections Necessary for the Immediate Preservation of Public Health and Safety is required. There are no unmitigable conflicts with County land use standards, so long as the structure is constructed and maintained in compliance with the *Declaration of Protective Covenants for Riverland Industrial Park* and *Gunnison County ISDS Regulations*.

SECTION 11-103: *Development in Areas Subject to Flood Hazards.*
The parcel is not located in an area subject to flood hazards.

SECTION 11-104: *Development in Areas Subject to Geologic Hazards.*
The parcel is not located in an area subject to geologic hazards.

SECTION 12-107: *Protection of Water Quality*.
Not applicable. The Slate River is in excess of 100 feet from the site.

SECTION 12-105: *Water Supply*.

This use will be served by the Riverland Industrial Park central water system.

SECTION 12-106: *Sewage Disposal/Wastewater Treatment.*
No wastewater will be generated by the use.

SECTION 12-107: *Fire Protection*.
The lot is located within the Crested Butte Fire Protection District.

SECTION 11-209: D: *Domestic Animal Controls*; and *Section 5-206*: F.1.b.(6.): *Domestic Animal Controls*.
Applicable.

SECTION 13-107: *Installation of Solid Fuel-Burning Devices.*
Not applicable.

SECTION 13-114: *Exterior Lighting*.
No exterior lighting is required.

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 5-303: *Road System*.

SECTION 12-103: *Road System*.
Roads within Riverland Industrial Park are private and are privately maintained. The applicant has legal access to State Highway 135.

FINDINGS:
The Gunnison County Planning Commission, based on the facts set forth in this Decision and on the material facts represented by the applicant, whether or not repeated herein, finds that:

1. This application is a Minor Impact Review.

2. The Riverland Lot Owners Association has reviewed and approved of the proposed use, subject to their conditions identified in the letter, Scott Hargrove, President, Riverland Lot Owners' Association, dated August 14, 2012.

3. This land use change permit is in compliance with *Section 1-105 Sections Necessary For Immediate Preservation Of Public Health And Safety of the new Gunnison County Land Use Resolution.*

4. Roads within Riverland Industrial Park are private and are privately maintained. The applicant has legal access to State Highway 135.

5. Use of individual lots must comply with the *Declaration of Protective Covenants* for Riverland Industrial Park, including, but not limited to, compliance with those provisions which may affect employees, parking, the hours of operation, provision of landscaping, snow storage and other aesthetic and public health and welfare concerns.

6. The applicant has identified the installation of 30 – 6' evergreen trees and 10 – 12' deciduous trees, to provide landscaping for the development, in compliance with the requirements of the Riverland Lot Owners Association (letter from Scott Hargrove, President, Riverland Lot Owners' Association, dated August 14, 2012).

7. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site 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.*

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

DECISION:
The Gunnison County Planning Commission, having reviewed and evaluated this application and having reached the above Findings, determines that LUC #2012-23, Concrete Batching Operation, Lot 4, Riverland Industrial Park, Filing No. 1, John Nichols, is approved with the following conditions and that approval be memorialized by a recorded Certificate of Minor Impact Approval, including the language of these conditions and notations:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan. 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.* The application is solely for a concrete batching operation. No approval is granted for the use of the lot for an asphalt batching operation.

2. A cost estimate for the landscaping stock and installation labor, referencing the landscaping plan, as shown on the submitted site plan shall be submitted to the Gunnison County Attorney's office. A Landscaping Development Improvements Agreement, prepared by the Gunnison County Attorney's office, shall be executed by the Board of County Commissioners. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.

5. A performance bond, letter of credit or other means of surety acceptable to the County, shall be submitted to the County Attorney's office, for the costs of the landscaping, including stock and labor for installation, plus 25 percent, and that said surety be retained by the County for a period of two growing seasons to ensure the survival of the landscaping. The applicant has identified the installation of 30 – 6' evergreen trees and 10 – 12' deciduous trees for landscaping. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.

3. 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.

4. 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.

6. Approval of this permit is not effective until the Certificate of Minor Impact Approval is recorded with the Gunnison County Clerk and Recorder.