

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, January 4, 2024**

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:**

Chairperson-Andy Sovick Vice-Chairperson- Roland Mason Commissioner-Fred Niederer Commissioner- Julie Baca Alt. Commissioner- Eric Phillips BOCC – Jonathan Houck BOCC – Liz Smith BOCC – Laura Daniels	Director of Community and Economic Development- Cathie Pagano Director of Planning- Hilary Seminick Planner-Rachel Blondy Planning Technician – Jena Greene Others present as listed in text
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Absent: Commissioner Matt Schwartz, Alt. Commissioner Annie Beal

Recused: None

Zoom:

With a quorum present Chairperson Sovick opened the January 4, 2024, regular meeting of the Planning Commission at 8:57 am.

Moved by Mason seconded by Niederer to approve Planning Commission meeting minutes, dated December 21, 2023. The motion passed unanimous.

9:01 am: Joint Public Hearing: LUC-22-00052 Minor Impact Review: Elk Ranch Homestead Subdivision

With a quorum present Chairperson Sovick opened the joint public hearing. Applicant Bobette Sylvester-McCarroll and attorney Jacob With were present.

Staff noted that adequate public notice was given, as noted in section 2 of the staff memo. No Planning Commissioners or BOCC members present noted any ex parte communication or needed to recuse themselves.

Applicant presentation: The applicant’s attorney, Jacob With noted that the last meeting included an in-depth conversation about the covenants and potential annexation to the City of Gunnison. His update for the commission that the agreement for access to city water and wastewater was still pending but moving forward. The documents were drafted, there were some smaller items being discussed, but he expected that it would be approved soon.

McCarroll added that they had 2 potential paths forward. One, the approval of pending agreement with the City which would allow them to tie into utilities or their second option of an avenue of existing agreement with the county to use county sewer and dig wells for the each of the three proposed parcels.

Staff Presentation: Seminick gave an overview of the project. The applicant is proposing to subdivide the 14 acre parcels near the Gunnison Public Schols into 3 parcels. The resulting parcels would be 5.85, 5.85, and 2.5 acres. An image showing the Proposed building envelopes and driveway access off of Denver Street for all parcels was presented. The applicants were in the process of obtaining water and sewer access through the city of Gunnison, but also had well rights in place for all parcels if needed. Seminick noted that the location of the parcel was adjacent to residential area, there were no comments concerning wildlife impacts, and staff didn't anticipate any significant impacts to transportation.

Seminick acknowledged and clarified some concerns that were had been brought up in public comments. There was some public comment concerning the pre annexation agreement with the city. Seminick noted that the agreement with the city was a separate process. This application was concerning the subdivision of the lots. Seminick added that the County encouraged the applicant to work with the city for connection to city water and sewer and supported the pending pre annexation agreement.

The applicant added that currently they were restricted to only build 3 homes with the approval of the subdivision. The plan was that the applicant would build on the new northern parcel, the applicant's daughter and son-in-law would build on the middle parcel, and the southern parcel was to be sold.

Seminick distributed additional public comment had been sent in on 1/3/2024 (the night before the meeting) by Bill O'Rourke (380 CR 15).

My Family and I live on county rd 15. This county road is very small but sees and enormous amount of traffic! Most of the traffic is pedestrian but I think the addition of more vehicular traffic can only be accomplished with some major road improvements! There is already a major need for the county and city to work together to avoid what I believe is and inevitable problem in the future. This road should be designated a school zone! The area, a popular recreation area, needs more signage to help users be aware of the county road and proper places to park for this area. The recreation path dumps onto county road 15 without any signage, warning people they are stepping onto a county road! Peoples' dogs are loose and I have had several dogs and people run right out in front of me onto the road! Classes use this road. The middle school therapist walk this road several times a day with students they are counseling. We regularly see students, with and without teachers, using the road and surrounding areas as an outdoor Classroom. We have only lived on this road since 2015. But I am amazed we have not seen any major occurrences on county road 15. I have witnessed people speeding down the road looking for river access, one gentleman I spoke with said " I don't know where I'm going" he was wearing his waders looking for fishing access and the " correct place to park"! This is a mismanaged county road, as it is, that the city and county need to come together and address! If we are going to add more traffic, (create a loop from 8th and Denver) I think the developer should pay to cover the ditch south of the road and widen the road and open visibility by clearing willows AT A MINIMUM! I am opposed to this "minor impact land use change for the three-lot subdivision", and I think the county and city should be as well! Anyone is welcome to contact me if they would like to talk about this further.

Thank you for your time, Bill O'Rourke

Seminick had asked assistant County Manager for Public Works, Martin Schmidt to comment on O'Rourke's comment. Seminick read Schmidt's comment for the hearing: He confirmed that there was no proposal for the access to the parcels to come from CR15, and per conversations with the fire department, that was acceptable access, and that there would not be increased vehicular usage on CR 15 from this application. Seminick noted that the public comment therefore didn't apply. Schmidt had further added in his comment that the width of CR 15 and how it impacted the County's ability to perform maintenance and install improvements.

Houck clarified for the room that there was no access being proposed for this application to CR 15, all access would be off of Denver St. This application was interesting because surrounding parcels were annexed into the city and this one was not.

Daniels asked for clarification concerning the water provision. She wanted to know if the applicant's intention was that if the agreement was signed with the city before development began that the applicants would connect to city water, even though there were existing wells. The applicant expressed that their preference was to tap into the city water, but they had built the well early on in the process in order to begin building. They had been through a long and complicated process with the city and that they were trying to build in summer 2024, and if the water connection was not an option at that time that they would connect to the well.

Applicant further clarified that all the parcels would only be accessed through the south. The only time that the property would be accessed through the north would be to hay the fields, and for easements that had been granted to the City for well drilling.

Public Comment: Susan Teal (380 CR 15). Teal noted that in the notice of joint public hearing they received mentioned the access to the proposed parcel from the north. She noted that there were already traffic conflicts on the road between vehicles and pedestrians. Safety was the main concern since the school used part of the area for an outdoor classroom, and more signage was needed for the road.

Seminick addressed the comment. She apologized for the confusing language of the notice. The county did originally require two points of egress for the application of the subdivision, but the northern access point was dropped.

Mclain Family (440 CR 15): Concerned about people turning around at the end of the road.

Planning Commission Comments: Sovick asked the BOCC and the PC to ask staff to draft a recommendation of approval to be discussed and reviewed at the next public hearing. The planning commission asked staff to draft a recommendation of approval to be reviewed at the public hearing for the application to be continued to 9am, January 18, 2024. The next steps were to review the recommendation of approval at the next planning commission meeting and could be then further reviewed by the BOCC possibly through another public hearing if the BOCC thought it was needed.

9:40 am: Planning Commission Work Session: LUC-23-00052 Impact Classification Reduction from Minor Impact to Administrative Review, Lot 3, Red Mountain Ranch Estates Subdivision

With a quorum present Chairperson Sovick opened the work session. Jim Jose, architect, Paul O’Conner, Builder, and Liz Berholtz were present on behalf of the applicant.

Staff Overview: Rachel Blondy gave an overview of the project. This application is similar to another project in the same subdivision that was recently reviewed by commission. The applicant was applying for a impact classification reduction because the current proposed building location was breaking the ridgeline vantage from highway 135. The current proposed building location was in the flattest location on the southern part of the property. Moving it would drop the building area into 30-50% grade, which wouldn’t be allowed, or if they moved to the northern part, the driveway would be more of an eyesore than what was currently proposed. A driveway to vacant land had been approved and built last summer, which Blondy noted, did not entitle the applicate to build there, but was a factor that the planning commission to consider.

Applicant Overview: Jose added that he and the design team had begun working on this project with the impression that convenience for Red Mountain Ranch and Red Mountain Estates were the same, and that they had designated building envelopes that were grandfathered in with the approval of their covenants when the subdivision was created. The construction of the driveway what really challenging due to the grade. When they had further examined other locations on the property for potential building sites, they determined that that the designated envelope was the best location for building. O’Conner noted that this was a lower lot in this subdivision and that the ridgeline was protected by its location and the surrounding trees.

Mason added that he was familiar with the area. This home would be more visible than the previous application for this area, but the previous project had a lot more adequate screening. Acknowledged that this was a challenging lot to build but was concerned about the visibility. Philips echoed Masons concerns.

Niederer asked how the process would work to go from a minor impact to an admin review. The planning commission would need to find that the application had met one of the three criteria. No other feasible sites - there were other feasible sites on the lot, but there were access challenges; full screening exists or is protected – this project would be highly visible from 135; or Significant screening, which this application seemed to meet. The intent of the ridgeline vantage wasn’t that you wouldn’t see the homes, but that the homes wouldn’t pierce the sky from the ridgeline. If the planning commission didn’t find that the application met one of the criteria for a classification reduction, the project would come through a minor impact review, and it would go through a public hearing process.

Jose further added that there he thought there was no “breach” of the ridgeline. Mason, who was on zoom from his home and could see the site, noted that there was a backdrop with trees behind it. Seminick clarified that the ridgeline was measured from the road

Planning Commission Discussion: Sovick noted that Jose’s application was super helpful and detailed with the images provided and thought that the impact was fairly insignificant. Niederer added that he thought that the applicant had placed the building site in the most thoughtful location possible. No commissioners expressed opposition to the application.

Seminick added that the last application included a recommendation to include a covenant to permanently protect the vegetation that provided screening behind the structure which protected the ridgeline vantage.

Motion: Niederer made a motion to approve the impact classification reduction from a minor impact review to an administrative review based on the proposed building site location as compared to elevation changes and complexity of the building, and that the background screening was sufficient, with the condition that a protective covenant be put in place to protect the vegetation. Seconded by Bacca.

The commissioners stated that they would like to review the covenant, and the applicants agreed with the condition.

The motion passed unanimously in support.

The work session was closed at 10:15

*** Administrative Services confirmed adequate public notice. The staff had the public notice published in the Crested Butte News and the Gunnison Country Times. The applicants have submitted the certified mailing receipts and the proof of posting.

Meeting Adjourned at 10:15