

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Thursday, March 7, 2024**

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The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom

**Present:**

Vice-Chairperson- Fred Niederer Commissioner- Eric Phillips Commissioner- Julie Baca Commissioner Matt Schwartz Alt. Commissioner- Bill Barvitski Alt. Commissioner Catherine McBreen BOCC – Jonathan Houck BOCC – Liz Smith BOCC – Laura Puckett Daniels	Director of Community and Economic Development- Cathie Pagano Director of Planning- Hilary Seminick Planner-Sean Pope Planning Technician – Jena Greene Others present as listed in text
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**Absent:** Roland Mason

**Recused:** None

**Zoom:** Julie Baca, Eric Philips

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

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

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**Unscheduled Citizens**

None

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

The Applicant proposes to subdivide a 7.84-acre parcel (PID 3791-000-00-040) at 3528 CO-114 into two lots, 3-acre Lot 1 and 4.54-acre Lot 2. The Applicant proposes to conserve a 29.72-acre parcel (PID 3791-000-00-039) (Conservation Parcel) to the east of CO-114 with perpetual protective covenants, severing residential development rights and any potential future subdivision.

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

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

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

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

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

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

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

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

Public Comment: None.

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

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

Planning Staff Response: None

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

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

#### Attorney Training:

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

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

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

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

\*Break\*

Work Session: LUC-24-00003 Minor Impact Review: Riverland Industrial Park

The applicant is proposing to build a new commercial four-unit building with two stories, and an addition to the existing structure. Within the new four-unit building, each unit will have an overhead garage door entry and an office/storage space on the second story.

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

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

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

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

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

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

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

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

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

Pope would follow up with the applicant concerning next steps.

Baca signed off at 10:32

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

The Applicant, GVS LLC, represented by Taylor Henderson, proposes an approximately 1.605 Megawatt (MW) solar array located within an area of approximately 3.75 acres on a 71-acre parcel of land owned by the Town of Crested Butte, at 26575 State Highway 135, Crested Butte, CO, commonly known as Avalanche Park.

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

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

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

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

Questions from the Planning Commission:

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

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

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

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

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

Other staff concerns:

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

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

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

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

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

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

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

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

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

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

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

Meeting adjourned at 12:15 pm