DRAFT – FOR REVIEW

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.**, continued public hearing/no action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133

9:05 a.m.

Gunnison Valley Properties, LLC, work session/possible action, 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

10:15 a.m. **O.A. Pesnell, Monson Creek Outfitters**, work session/no action, request for the use of two cabins for year-round guest lodging and sleigh and hay rides. Seasonal use (May – October) as a staging area for guided horseback tours onto adjacent BLM lands, and as a waypoint for jeep tours on adjacent BLM lands; with jeep rentals originating in the City of Gunnison; 59005 Highway 50, north of Highway 50, Doyleville, legally described as being located in the NW/4NE/4, NW/4 Section 1, N/2SW/4, the SE/4SW/4, part of SW/4 Section 1 and NE/4, NE/4SE/4 lying north of Highway 50 Section 2, Township 48 North, Range 3 East, N.M.P.M., 465-acres

11:15 a.m. **Jacob Schloesser**, work session/possible action, amended application for a light industrial use – woodworking operation in a detached structure, with outside storage; located at 318 Pine Street, Lot 2, Ragged Meadow, approximately 2 miles west of the Town of Marble

Lunch

1:00 p.m. **Gravity Groms LLC**, work session/no action, request for a new commercial use for a private indoor gravity progression recreation facility, within an existing 12,000 square structure, including jumps, ramps, rails, trampolines, and foam-pits, for freestyle skiing, snowboarding, biking and skateboarding enthusiasts, for use and training. The site is located at 20143 Highway 135, approximately 6 miles south of the Town of Crested Butte, west of Highway 135, legally described as being located in the SW/4SW/4 Section 27 and NW/4 Section 34 Township 14 South, Range 85 West

Adjourn

January 18, 2013
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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

Assistant Director of Community Development- Neal Starkebaum
Planner – Cathie Pagano
Others present as listed in text

Commissioners Absent-Kent Fulton
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With a quorum present Chairman Ramon Reed opened the regular meeting of the Commission.

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SG Interests I, Ltd- Federal 11-90-9., The Gunnison County Planning Commission (Commission) conducted a continued public hearing/no action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133.

Chairman Ramon Reed has recused himself from this review.

With a quorum present Vice-Chairman Jim Seitz opened the continued public hearing.

Assistant Director of Community Development Neal Starkebaum noted he had spoken with Ryan Taylor, USFS; the Forest Service and the decision on the Categorical Exclusion would not be available until late February 2013.

Eric Sanford, SGI, was present and reiterated his objection to the continuation.

The commission continued the public hearing to March 1, 2013 at 9:00 a.m.

Gunnison Valley Properties, LLC- Request for Gravel Operaion: The Gunnison County Planning Commission (Commission) conducted a work session to review the Sketch Plan for 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.

Commissioner Warren Wilcox has recused himself from this review.

Gunnison Valley Properties representative Dick Bratton, and Ben Langenfeld, consulting engineer for Greg Lewicki and Associates, were present.

The Commission reviewed the draft recommendation for approval of sketch plan.
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Moved by Seitz to approve the recommendation of approval of the applicants sketch plan as amended, no second was made.

Assistant Director of Community Development Neal Starkebaum asked the Commission to discuss why there was no second to the motion. Cattles said he has concerns about the location because it is in the entrance corridor to Gunnison; although he said it is a good idea because of the economic value. Eskew agreed there are concerns with the location and she doesn't see the need for the gravel pit. Reed said for the most part the application does meet the criteria of the *Gunnison County Land Use Resolution* (LUR.) He added the aspects of the project which bother him are the visual impacts combined with the location and the size of pit. He said the type of screening proposed won't be permanent vegetation to block the view of the gravel pit, but he said he doesn't see this gravel pit as ever being not an eye-sore.

Moved by Seitz seconded by Rubingh to approve the recommendation of approval of the applicants sketch plan as amended.

Reed said he thinks if the Sketch Plan is approved then the Preliminary/Final Plan will be approved in some form. Seitz disagreed noting just because Sketch Plan is approved it doesn't indicate approval for Preliminary /Final Plan. Rubingh pointed out there is room to work on the issues and it would be strange to direct staff to draft a recommendation of approval and then decide they don't want to approve the document.

Bratton said he's just as concerned about the aesthetics of the project as the Commission. He said the neighborhood is already industrial. He said this is very high quality gravel and you have to go where the resource is located. He opined the property east of his property (Signal Peak) is the "ugliest" in the County. He said his project could help clean up the area. Bratton said everyone can participate in creating a visual mitigation solution into the City of Gunnison.

Seitz said he believes in the County review process and there will be time for further discussion; there isn't any reason not to move forward. He added that staff had done a good job drafting the recommendation of approval, following the direction given by the Commission. Rubingh agreed with Seitz.

The motion passed four to one, with Commissioners Seitz, Rubingh, Cattles, and Eskew voting for the motion; and Chairman Reed voting against the motion.
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O.A. Pesnell, Monson Creek Outfitters; The Gunnison County Planning Commission (Commission) conducted a work session to review the request for the use of two cabins for year-round guest lodging and sleigh and hay rides. Seasonal use (May – October) as a staging area for guided horseback tours onto adjacent BLM lands, and as a waypoint for jeep tours on adjacent BLM lands; with jeep rentals originating in the City of Gunnison; 59005 Highway 50, north of Highway 50, Doyleville, legally described as being located in the NW/4NE/4, NW/4 Section 1, N/2SW/4, the SE/4SW/4, part of SW/4 Section 1 and NE/4, NE/4SE/4 lying north of Highway 50 Section 2, Township 48 North, Range 3 East, N.M.P.M., 465-acres.

Applicant O.A. Pesnell described the proposed project as an outfitting business to include jeep tours, horseback rides and other recreational amenities. The horseback rides would leave directly from the ranch. Pesnell said Assistant Director of Community Development Neal Starkebaum notified him of potential issues with well permitting for the guest cabins. The guest cabins would need to be permitted as commercial if the rentals are shorter than 30 days. He said they may not be able to obtain augmentation water for that well; he is still exploring the possibility of the commercial well.

Starkebaum explained there are leks ,nesting and brood rearing habitat in the area. Reed said he was surprised there weren't more conditions in Gunnison County Wildlife Coordinator Jim Cochran's comments. Pesnell said the roads are open to the public and he can access those roads currently from Highway 50. He is asking to access those roads from his property but either way he's allowed to use those roads. Pesnell noted Cochran was adamant dogs be contained to a specific area and not be permitted to go on the horseback rides. Pesnell understands the impacts of the dogs and has agreed to limit them to the conditions set forth by Cochran.

Seitz asked about the necessity for the sheep fence around the perimeter of the parcel. Pesnell said his first herd of sheep was killed by coyotes and mountain lions and they're investigating another breed of sheep to run on the parcel. He intends to use the parcel for sheep ranching. He did agree to some mitigation for the sheep fence as part of his previous land use change permit.

Reed said the Commission should see the location of the cabins and to go with Cochran to view the parcel to better understand the sage grouse issue. The Commission agreed a site visit would be appropriate. The site visit was tentatively scheduled for February 1, 2013 and the public hearing for March 1, 2013.

Jacob Schloesser Woodworking Operation; The Gunnison County Planning Commission (Commission) conducted a work session to review an amended application for a light industrial use – woodworking operation in a detached structure, with outside storage; located at 318 Pine Street, Lot 2, Ragged Meadow, approximately 2 miles west of the Town of Marble

The Commission met with the applicant to review the draft decision document.

Moved by Rubingh and seconded by Wilcox to approve the decision as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

Jacob Schloesser initially submitted a land use change application for a salvaged wood, woodworking operation in September 2007. The company fabricates wood building material, including milled flooring, beams and furniture. On November 29, 2011 the applicant submitted an amended application that included items that had been identified by the Planning Commission as necessary to determine whether impacts could be mitigated, including noise studies and other related mitigations, which the applicant had not previously provided.

All woodworking and milling operations, including the use of machinery used for the woodworking operation, will be conducted within a 2,100 square foot, existing, detached shop building, with the exception of equipment to unload and load materials and a bobcat used to stack and move the material to and from the storage area to the shop building. The outside storage area is limited to the use of a maximum of 40,000 square feet, as shown on the site plan.

Mitigation:
The applicant has identified the following as mitigation to protect the adjoining residential neighborhood from potential impacts from the woodworking operation:

- Berm, with landscaping, fencing and gate to provide sound and visual shielding of the operation.
- All machinery involved in the woodworking operation is contained within the shop building, except for a bobcat to move materials around in the storage yard.
- The number of employees is limited to 2 full time equivalent employees.
- Hours of operation are limited to 8:00 a.m. to 6 p.m. Monday – Saturday.
- Deliveries of materials limited to an average of three/month.
- Retail sales are limited only to incidental sales.
- Foam panels installed in the shop building provide increased sound attenuation, to reduce or eliminate sound beyond the property boundary.
- Financial Security with Gunnison County to ensure installation of gate, fencing and landscaping.

The applicant previously constructed a landscaped berm on the perimeter of the outside storage area, adjacent to the shop building, facing Pine Street, on the perimeter of the storage yard. The berm will be further landscaped with native trees and shrubs, as identified on the revised site/landscaping plan, dated April 12, 2012. A gate and fencing will be installed at the entrance to the storage area. The combination of the gate/fencing and landscaped berm will provide full visual shielding of the storage area from the access road and the residential neighborhood across Pine Street.

Sound Level Testing:
The applicant provided a sound level test report, titled "Noise Analysis – Schloesser Co, Inc.", prepared by Ellyn Houghton, M.S., CCC-A, August 4, 2011. A BK Precision 732 sound level meter was used, with pre and post survey calibration. The report identified several sound level test points from inside the shop building, while different equipment was operating and milling wood, as well as from four points in the immediate neighborhood, across the street from the shop building. All of the exterior sound level test results were below the thresholds for maximum permissible noise levels, pursuant to *Table 2: Maximum Permissible Noise Levels for Commercial and Industrial Uses*, *Section 9-301: Applicability and General Standards, Commercial and Industrial Uses*. The maximum noise level for residential properties is 50db(A). The db(A) measurement of sound is decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute.

At the Planning Commission site visit on April 27, 2012, the Planning Commission members, as well as several neighbors, observed the sound levels from several points in the immediate neighborhood, across the street from the shop building. The observation took place while each piece of equipment used in the operation was in operation and several different types of wood were milled using all of the milling equipment, which staff witnessed. The observations of the Planning Commission members were that the background ambient noise in the neighborhood was louder than the wood being milled inside the building. Little, if any sound escaped from the shop building, during the milling operations.

LOCATION :
The site is located at 318 Pine Street, on a 9.3 acre parcel, west of the Town of Marble. The parcel is legally described as Lot 2, Ragged Meadow Subdivision.

BACKGROUND:
The Board of County Commissioners approved Ragged Meadow Subdivision on November 7, 2000, Resolution 59 Series 2000, recorded in the Office of the Gunnison County Clerk and Recorder, Reception No. 508868, November 16, 2000. The barn was constructed in 2004.

PLANS/REPORTS/SUBMITTALS:

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

- "Site Plan, Schloesser LUC 2007-06 Updated Site Plan", Updated Entry Elevation, and Updated Entry Gate Elevation including landscaping plan and snow storage, dated April 12, 2012
- "Noise Analysis – Schloesser Co, Inc.", prepared by Ellyn Houghton, M.S., CCC-A, August 4, 2011
- Traffic Delivery Log, identifying deliveries from 2009-2011, November 29, 2011

COVENANTS:
Associated with the land use change is an amendment to the Declaration of Protective Covenants to allow commercial or light industrial use on the property, consistent with the limitations identified by the land use change application. The Board of County Commissioners approved the amendment to the Declaration of Protective Covenants on September 4, 2012.

IMPACT CLASSIFICATION:
The project, by definition, is a Minor Impact pursuant to *Section 6-102: L. New Commercial, Industrial 5000 sq.ft., or Five Acres or Less.*

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

- October 17, 2008 Work session
- October 15, 2010 Public Hearing
- November 19, 2010 Work session
- January 7, 2011Work session
- May 20, 2011 Public Hearing
- June 3, 2011 Work session
- February 3, 2012 Work session
- May 4, 2012 Work session

SITE VISIT:
The Planning Commission conducted site visits on:

- October 10, 2008
- October 15, 2010
- June 3, 2011
- April 27, 2012

Planning Commission April 27, 2012 Site Visit Observations:
The Commissioners noted that the background ambient noise in the neighborhood was more noticeable than the wood being milled inside the building, during the site visit. Little, if any sound, escaped from the shop building during the milling operations.

PUBLIC HEARINGS:
The Planning Commission conducted a public hearing on October 15, 2010 and May 20, 2011. The following comments were received at the public hearing:

October 15, 2010:
Floyd Bebler said he owns property adjacent to the Schloesser parcel. He bought it in 1992 and plans on building a two-story house, which would be higher than the existing berm.

Anita Long was present to speak for Ron Provost, who lives to the south of the Schloesser property. Provost lives at 316 Pine Street. He is a retired fire chief from back east who moved here 28 years ago. Provost concerns included fire suppression on the property; no sprinkler system; no sawdust storage; no toilet facilities onsite; lots of wood stored on the property; potential for a fire and the spread of a fire.

Jim Cunningham said he built his house in 1998, and he spent 12 years in a fancy resort over the hill on their Planning Commission. He feels sorry for Schloesser because Schloesser has made a mistake, establishing an industrial use within a totally residential area. There is no mitigation possible and if the Commission tries to find ways to allow the use they are not doing him any favors. People moved into the neighborhood because it is very pastoral and not for living next to an industrial use. He requested that the Commission protect the neighbor's property rights. Cunningham's house is two stories and looks down on the Schloesser operation. He is concerned with any future owners, if Schloesser sells the property. He said more information is necessary. He said the Commission should "cut the mustard" and end the request now, instead of possibly placating the applicant.

Larry Darien said he used to own the Schloesser property. The property had been used agriculturally for years, and there is an apparent discrepancy with the property boundaries in the area.

Susan Weber said she is in opposition to the request; it will profoundly and significantly affect her property. The mill creates significant noise that negatively impacts the residential area and devalues her property. The area has been residential for years and is peaceful.

Andy Long read a letter from Kevin Weber, previously submitted.

Anita Long read portions of a letter submitted at the public hearing.

Ron Provost asked if during the site visit Schloesser operated the equipment? He said Scholesser has a split personality.

John Armstrong said he was opposed to the application, inappropriate location

Royal Laybour thanked the Commission for their time. He said Schloesser is a good businessman, but he should be operating in an industrial park. The residents have been negatively impacted by the operation of the mill.

Art Howie, resident of the neighborhood, he said a berm does not fully screen the operation; occasionally there is excessive light coming from the barn.

Izzy Palan, lives in Hermits Hideaway, she said the prettiest piece of furniture in her house was made by Schloesser. However, she is opposed to the change in use.

Mike Preston, lives in the neighborhood, he said they are "yardaholics", spending a lot of time in their yard, as well as having their kids and grandkids; they use the area and adjacent national forest extensively in the summer. He is in opposition to the request.

Joyce Preston, lives in the same place as Mike Preston, she said the noise is terrible; the owner of the mules drives discourteously and the mules are annoying.

May 20, 2011

Mike Preston said the community has been proactively working on the beetle infestation and a saw mill is not necessary. Preston and his wife are opposed to this operation. The property designation should be for a residence and a barn. He requested the berms be removed to provide a better visual into the property, and trees be planted for a sound buffer.

Anita Long said she is not trying to put Schloesser out of business. He should be required to comply with the regulations. She said the County does not receive much of the taxes made from this operation; the recycled wood is bought in Wisconsin and sold in places other than Gunnison County. She said property values in the area will go down. She does not agree to the time schedule for the mitigation. She noted concerns with the hours of operation in a residential neighborhood.

Joyce Preston said the bark beetle issue is a moot point, in Marble the cut trees are used as fire wood. She advised Schloesser to get advice from an acoustical engineer.

Jim Cunningham is one of Schloesser's closest neighbors. He asked the Commission to deny this application for a light industrial operation in a residential area. Mitigation should not be the issue; Schloesser did the wrong thing, in the wrong place, at the wrong time.

Floyd Bebler said his property is the closest to Schloesser's operation. The industrial look is incompatible with the surroundings. He asked if this operation really meets the intent of the light industrial criteria. He has consulted with a realtor who has said the property values of the surrounding property will be decrease because of Schloesser's operation. He asked if this operation should be allowed to decrease the surrounding owner's property values.

David Savard was in favor of Schloesser's request. He has used some of the products milled by Schloesser while building his house. He said the operation supplies some employment for the area. Impacts from Schloesser's business have been minimal. It does not seem to be a high impact operation, and supplies some employment.

Kevin Weber asked how the noise level would be enforced. He asked if the property values goes down, who is responsible for any decrease in value. He requested the results of the noise monitoring that had been done in the neighborhood.

Ron Provost said moving the saw will not mitigate all the noise; it will still be disturbing.

Substantial written comment has been received regarding this project including both letters in opposition and in support. All written comments are contained in the Planning Office file.

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 Division of Wildlife, Carbondale Fire Protection District, and Gunnison County Public Works Department. Comments were received from the following individual agencies:

Gunnison County Public Works: Comments from Allen Moores, Assistant Director, Gunnison County Public Works, during the review, indicated that:

> *The bridge crossing the Crystal River is functionally obsolete due to the width of the bridge. The bridge is not load rated, but handles all sorts of heavy equipment. No concerns with the bridge.*

Carbondale Fire Protection District: Comments were received from Bill Gavette, Deputy Chief, in a letter dated November 30, 2010:

> *Thanks for the opportunity to comment on the Schloesser land use change. Both the Fire Chief and I have reviewed the application. The Fire District does not have any fire suppression requirements for the use. A response plan will not be necessary. Water for fire protection is available nearby from a dry hydrant supplied by Island Lake.*

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*
Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable. Uses secondary to a primary residence are not proposed.

Section 9-200: *Special Residential Uses.*
Not applicable. Special residential uses are not proposed.

Section 9-300: *Commercial and Industrial Uses.*
Applicable.

D.1: Non Residential Accessory Uses: The proposed use is not accessory to a residential use; nor is any residential use proposed in conjunction with the use.

D.2: Food Service Requirements: No food service is proposed as part of this application.

D.3: Electrical Disturbances: No use of equipment that creates electrical disturbances is anticipated at the site.

D.4: Fire and Explosive Hazards: No materials or products that decompose by detonation are proposed to be stored at the site.

D.5. Glare and Heat: No glare or heat producing activities are anticipated or expected at the site.

D.6. Exterior Lighting: The exterior lighting has been designed so that all direct rays and glare are confined to the subject parcel.

D.7. Odors: No offensive odors from activities at the site are anticipated or expected.

D.8. Radioactivity: No radioactive materials are proposed to be stored on site.

D.9. Vibration: No activities that cause vibration are expected to occur along the property boundaries.

D.10. Noise: A "Noise Analysis – Schloesser Co, Inc.", prepared by Ellyn Houghton, M.S., CCC-A, August 4, 2011. The levels of sound produced by the machinery used in operation is below the established standards for residential decibel thresholds.

E. DESIGN STANDARDS FOR LIGHT INDUSTRIAL USES. In addition to complying with Section 9-301: D.: *General Standards*, light industrial uses shall comply with all the following:

1. **Maximum Aggregate Building Size.** The only building used in the light industrial operation is 2,100 square feet.
2. **Operation Contained Within Buildings.** The operation, other than the outside storage, is wholly contained within the building.
3. **Operation Impacts to be Contained within Property Boundaries.** The light industrial use will not produce any offensive noise, vibration, electrical or magnetic interference, glare, fumes, odors, smoke, dust, heat or waste noticeable at, or beyond, the property boundaries of the parcel on which the light industrial use is located. Particularly raised were concerns from the neighborhood related to noise generated by the use. At the April 27, 2012 site visit the Planning Commissioners members noted that the background ambient noise in the neighborhood was louder than the wood being milled inside the building, during the site visit. Little, if any sound originated from the shop building, during the milling.
4. **Traffic.** The use will generate below the allowed average of ten trips per day
5. **Hours of Operation.** Hours of operation are from 8:00 a.m. to 6 p.m. Monday-Saturday.
6. **Limitation on Retail Sales**. Retail sales are incidental and subordinate to the allowed wordworking/milling operation.
7. **Mitigation of Visual Impacts**. The applicant has constructed a landscaped berm on the perimeter of the outside storage area, adjacent to the shop building, facing Pine Street, as shown on the site plan. The berm will be further landscaped with native trees and shrubs, as identified on the updated site/landscaping plan, submitted on April 12, 2012. A gate and fencing will be installed at the entrance to the storage area. The combination of the gate/fencing and landscaped berm will provide full visual shielding of the storage area from the adjacent residential neighborhood.
8. **Parking shall be Indoors, or Screened for Light Industrial Use Vehicles**. Vehicles used as part of the light industrial use will be within the screened outside storage area.
9. **Employee and Customer Parking**. Parking is adequate for the use.
10. **Outside Storage**. Outside storage will be fully screened by the gate/fencing and landscaped berm from the access road and the adjacent residential neighborhood.

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. Residential development is not proposed as part of this application.

Section 10-103: ***Residential Density.***
Not applicable. Residential development is not proposed as part of this application.

Section 10-104: ***Locational Standards for Commercial, Industrial and Other Non-Residential Development.***
Applicable.

B. Primary Location al Standards.

1. **Adjacent to Incorporated Municipality.**
   The site does not meet the Primary Locational standards, as it is not adjacent to an incorporated municipality. or within a municipal three mile plan area.
2. **Consistent with a Municipal Three Mile Plan.**
   The site does not meet the Primary Locational standards, as it is not within a municipal three mile plan area.

C. Alternative Locational Standards.

1. **Locational Considerations.**
   b. **No Site is Reasonably Attainable in or Adjacent to the Nearest Municipality or Existing, Permitted Business or Industrial Park.** The use complies with the Alternative Locational standards, 1 b. that there is no site reasonably attainable within or adjacent to the municipality or existing business or industrial park nearest the proposed development site. The applicant has provided documentation that there were no sites within the closest municipality of Marble and the closest industrial/business parks are located in Carbondale, in Pitkin County, approximately 28 miles away.

2. **Compatible with Existing Uses Established in Impact Area**. The use, with proposed mitigation, is compatible with existing uses established in the neighborhood.

3. **No Significant Net Adverse Effect.** The use will not create significant net adverse effects, with mitigation, as proposed by the applicant and as evidenced by the sound level testing and observations by the Planning Commission, at the April 27, 2012 site visit. Outside storage will be fully screened by the gate/fencing and landscaped berm from the access road and the adjacent residential neighborhood.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
Not applicable, the subject parcel is not in the 100-year floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Not applicable, the subject parcel is not in a geological hazard area.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*
Applicable. The subject parcel is an area classified as low wildfire hazard. A copy of the application was sent to the Carbondale Fire Protection District, who provides for fire response to the area, for review, and comments from Bill Gavette, Deputy Chief, are noted above.

Section 11-106: *Protection of Wildlife Habitat Areas.*
Applicable. The application was referred to the Division of Wildlife. No comments were received from the Division of Wildlife.

Section 11-107: *Protection of Water Quality*.
Not applicable. There are no water bodies within 125 feet of the proposed development.

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 is not adjacent to 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. Comments were provided by Allen Moores, Gunnison County Public Works, noted above. No issues with access or the bridge over the Crystal River were identified. The access road is privately plowed.

Section 12-104: *Public Trails*.
Not Applicable. There is no public trail existing or proposed on this site.

Section 12-105: *Water Supply*.
Not applicable. There is no water supply proposed or required for this use.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Not applicable. There is no wastewater treatment required for this use, nor is any wastewater anticipated.

Section 12-107: *Fire Protection*.
Applicable. The proposed development is located within the Gunnison Fire Protection District, but is served by the Carbondale Fire Protection District. A copy of the application was sent to the Carbondale Fire Protection District, who provides for fire response to the area, for review, and comments from Bill Gavette, Deputy Chief, are noted above. No fire protection issues were raised.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
Applicable. 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 submitted with the

amended application "Site Plan, Schloesser LUC 2007-06 Updated Site Plan", including landscaping plan and snow storage, dated April 12, 2012 meets these criteria.

Section 13-104: ***Setbacks from Property Lines and Road Rights-of-Way.***
Applicable. The proposed operation meets the setback requirements.

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
Not applicable. Residential buildings are not proposed as part of this application.

Section 13-106: ***Energy and Resource Conservation.***
Not applicable. This section only applies to residential buildings.

Section 13-107: ***Installation of Solid Fuel-Burning Devices***
Applicable. The shop building is heated by a grandfathered exterior wood fired furnace, installed in 2005. This section applies and any future solid fuel-burning devices proposed shall comply with this section.

Section 13-108: ***Open Space and Recreation Areas***
Applicable. The project provides open space through the inclusion of landscaping elements and property line setbacks.

Section 13-109: ***Signs.***
Applicable. There are no signs currently proposed as part of the submitted application. Signs are permitted with a sign permit.

Section 13-110: ***Off-Road Parking and Loading.***
Applicable. The number of parking spaces complies with **this section.**

Section 13-111: ***Landscaping and Buffering.***
Applicable. A landscaping plan is required and has been submitted as part of the application for buffering of the use from the neighborhood.

Section 13-112: ***Snow storage.***
Applicable. Design elements have been included within the site layout design allowing for adequate snow storage.

Section 13-113: ***Fencing***
Applicable. The applicant proposes to install a six-foot wood fence, as part of the entry element that provides screening of the storage area. The proposed fence complies with this section.

Section 13-114: ***Exterior Lighting.***
Not applicable. No exterior lighting has been identified as part the application. Any future exterior lighting shall comply with this section.

Section 13-115: ***Reclamation and Noxious Weed Control.***
Applicable. Weed control within the storage area is required.

Section 13-116: ***Grading and Erosion Control.***
Not applicable. No grading activities are contemplated by this application.

Section 13-117: ***Drainage, Construction and Post-Construction Stormwater Runoff.***
Not applicable, current and historic drainage patterns and controls will not be altered.

Section 13-118: ***Water Impoundments.***
Not applicable, this project does not propose a water impoundment.

Section 13-119: ***Standards to Ensure Compatible Uses.***
The proposed development of the property has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas. The applicant has provided the following as mitigation to protect the adjoining residential neighborhood from potential impacts from the woodworking operation:

- Berm, with landscaping, fencing and gate to provide sound and visual shielding of the operation.

- All machinery involved in the woodworking operation is contained within the shop building, except for a bobcat to move materials around in the storage yard.
- The number of employees is limited to 2 full time equivalent employees.
- Hours of operation are limited to 8:00 a.m. to 6 p.m., Monday – Saturday.
- Deliveries of materials limited to an average of three/month.
- Retail sales are limited to incidental sales to customers.
- Foam panels installed in the barn building to increase sound attenuation.
- Financial Security with Gunnison County to ensure installation of gate and landscaping.

Article 15: *Right-to-Ranch Policy*.
Applicable.

FINDINGS:
The Gunnison County Planning Commission finds that:

1. This project, by definition, is classified as a Minor Impact.

2. Concerns were raised by residents in the adjacent neighborhood regarding potential impacts from the light industrial operation. Those concerns have been addressed and the application complies with the *Land Use Resolution.* The applicant has addressed those potential impacts to the adjacent residential neighborhood by the provision of and installation of the mitigation measures.

3. The applicant submitted an estimate of the costs associated with the installation of mitigation measures, including $20,000 for the fencing and gate and $5000 for the installation of landscaping. The Planning Commission determined that the estimate was acceptable.

4. 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 considered the submitted plan, site observations and public testimony, has reached the above Findings and determines that LUC-2007-06, Jacob Schloesser, is as a Minor Impact, and is approved with the following conditions:

1. Approval shall be memorialized in a Certificate of Minor Impact, recorded with the Office of the Gunnison County Clerk and Recorder.

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

3. The following conditions pertaining to the conduct of the operations are as follows:
   a) The milling of raw timber is not permitted.
   b) No expansion of the storage area is permitted.
   c) The hours of operation are limited to 8 a.m. – 6 p.m. Monday – Saturday.
   d) The number of employees is limited to 2 full time equivalent employees.
   e) Deliveries of materials are limited to an average of three/month. The applicant shall keep a log of deliveries, available for inspection by the County.
   f) Retail sales are limited to incidental sales to customers.
   g) Exterior lighting shall comply with Sections 9-301: D.6.: *Exterior Lighting* and 13-114: *Exterior Lighting*.
   h) The storage area shall be maintained; no trash or scrap material piles shall be allowed.

4. This approval is subject to the execution of a Development Improvements Agreement, for the installation of the mitigation measures, by the Board of County Commissioners and recordation of the Development Improvements Agreement with the Gunnison County Clerk and Recorder. The Development Improvements Agreement is subject to approval by the County Attorney's Office.

5. A performance bond, letter of credit or other means of surety acceptable to Gunnison County, shall be submitted to the County Attorney's office, for the costs of the fencing, gate and landscaping, as identified in the cost estimate and

on the Site Plan, dated April 12, 2012, plus 25 percent, and that said surety for the landscaping be retained by the County for a period of two growing seasons to ensure its survival. The gate, fencing and landscaping shall be installed no later than September 1, 2013. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.

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

7. 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.

8. 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.

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 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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Gravity Groms LLC- Recreation Facility; The Gunnison County Planning Commission (Commission) conducted a work session to review request for a new commercial use for a private indoor gravity progression recreation facility, within an existing 12,000 square structure, including jumps, ramps, rails, trampolines, and foam-pits, for freestyle skiing, snowboarding, biking and skateboarding enthusiasts, for use and training. The site is located at 20143 Highway 135, approximately 6 miles south of the Town of Crested Butte, west of Highway 135, legally described as being located in the SW/4SW/4 Section 27 and NW/4 Section 34 Township 14 South, Range 85 West

Applicant Doug Hudson was present and described the proposed use. He stated there is significant community interest as indicated by their ability to sell 10% early memberships to members of the community. The facility will be an amenity to the community. The facility will be open year-round 9:00 a.m. to 9 p.m., with some possible modifications to the winter schedule, because the structure will not be heated. He identified all of the letters of support from the municipalities, including WSCU, CBMR, and CB South.

Wilcox said anything that keeps kids active and that they enjoy, without getting high, is fabulous.

Rubingh said it will be an amazing facility. He asked about the drinking water supply. Hudson noted water will be provided in coolers and bottled water for sale. Eventually, a public water supply could be provided. Rubingh asked about traffic and trip generation. Hudson replied they have been having discussions with CDOT and Gunnison County Public Works. There are very long sight lines on Highway 135 and he said traffic will not be an issue; no improvements will be necessary on Highway 135. Rubingh asked if there would be “special events”. Hudson said possibly four times a year they may hold a “special event” which would be larger than the ordinary business day and they would possibly operate a shuttle for transportation. They have discussed the possibility of a RTA bus stop for the facility.

Seitz said he sees this will have immediate success. He asked if there are plans to expand to outside activities; Hudson said in the future they will look at utilizing the entire property. He said there will be no motorized activities. Seitz asked if the construction workers were from the area; Hudson said will use local contractors.

Eskew agreed this will be a great addition to the local culture; very inclusive for both boys and girls.

Reed asked about augmentation water; Hudson said they have been working with the Upper Gunnison Water Conservancy District. Reed asked if the septic system is being designed by engineer Jerry Green; Hudson said yes. Hudson added that working through the bank in a foreclosure process has been very frustrating and difficult. Reed pointed out Public Works input is needed; the driveway width will need to be increased to 22 ft. wide. Reed expressed his concerns with CDOT access, Fire District input, safety and liability issues with the design and construction.

Reed asked if building permits are required for the interior ramps; Planner Cathie Pagano noted in discussions with the building inspector Richard Wojdakowski, he has indicated no permits would be required, because there is no code for this type of use. Reed questioned whether the County Attorney should be consulted about any potential County liability; Pagano will consult with CAO.

Rubingh asked if they have considered engineering for the Adaptive Sports program; Hudson said they are working on it. They will have full ADA access, but they are working on the technical details associated with ingress/egress for the ramps. They want to incorporate that type of programming into the facility.

The consensus of the Commission was this is classified as a Minor Impact review project.

The commissioners all stated they were familiar with the site and arena structure; no site visit was deemed necessary.

The Commission directed staff to schedule a public hearing and prepare a draft decision of approval, for review following the public hearing.

Chairman Reed closed the work session.

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The January 13, 2013 Planning Commission meeting was adjourned at 2:30 P.M.

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/S/

Neal Starkebaum Cathie Pagano

Gunnison County Community Development Department