TO:	**Planning Commission**
SUBJECT:	**Planning Commission Draft Decision Gravity Ranch LUC-12-00027**
DATE:	**February 15, 2013**
PREPARED BY:	**Cathie Pagano, Planner**
APPLICANT:	**Gravity Groms, LLC represented by Doug and Alexandra Hudson**

PROJECT DESCRIPTION:
The applicant is proposing an indoor "gravity ranch" recreational facility. The facility will be used as a private indoor gravity progression recreation facility and include jumps, ramps, rails, trampolines, and foam-pits, for freestyle skiing, snowboarding, biking and skateboarding enthusiasts, for use and training. The commercial facility is proposed to occupy 11,750 square feet of an existing agricultural building on the subject parcel and will be open 363 days a year from 9am to 9pm. There is also an existing single family residence and secondary residence on the parcel. The applicant anticipates residing in the primary residence and either renting out the secondary residence or utilizing it for employee housing. No outdoor activities are proposed as part of this application.

The parcel on which the land use change is proposed is 20143 Hwy 135, north of the Red Mountain subdivision entrance and 0.3 miles south of County Road 740 (Cement Creek). The property is legally described as 45.6 acres in SW4SW4, Section 27 and NW4, Section 34, lying west of Hwy 135.

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

- Site plan, parking and landscaping plan, and floor plan, prepared by Gravity Ranch and submitted as part of the Land Use Change application on December 14, 2012.

IMPACT CLASSIFICATION:
The project, by definition, is a Major Impact pursuant to *Section 7-101: B. New Commercial, Industrial Larger than 5,000 sq. ft., or Five Acres.* The Planning Commission reviewed the additional criteria for impact classification in *Section 3-111: B. Criteria for Classifying Impact* and reduced the impact classification to Minor Impact. The proposed commercial use will occur inside an existing building and is not expected to generate any major demand for public services; nor to create major impacts on the impact area and environment; nor to create major impacts on existing and proposed development in the area.

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

- January 18, 2013 Work session
- February 15, 2013 Public Hearing
- February 15, 2013 Work session

SITE VISIT:
The Planning Commission did not conduct a site visit. The Commission decided that since the building is existing and no outdoor activities are proposed, a site visit was not necessary.

PUBLIC HEARING:
The Planning Commission conducted a public hearing on February 15, 2013. The following comments were received at the public hearing:

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent via electronic mail to review agencies for comments. A referral was sent to the Division of Water Resources, Colorado Parks and Wildlife, Colorado Department of Transportation, Crested Butte Fire Protection District, Gunnison County Trails Commission, Gunnison County Environmental Health and Gunnison County Public Works.

Comments were received from the Division of Water Resources, Colorado Department of Transportation, Gunnison County Environmental Health, Gunnison County Public Works, and Crested Butte Fire Protection District and are noted in the applicable sections.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*
Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable. There is an existing secondary residence on the parcel that was previously permitted. The applicant proposes that the secondary residence be used as a rental unit and/or as employee housing.

Section 9-200: *Special Residential Uses.*
Not applicable. No special residential uses are proposed.

Section 9-300: *Commercial and Industrial Uses.*
Applicable, the applicant is proposing a commercial recreational facility.

> **D.1: Non Residential Accessory Uses:** The proposed use is not accessory to a residential use; nor is any new residential use proposed.
> **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 shall be designed so that all direct rays and glare are confined to the subject parcel.
> **D.7. Odors:** No odors 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: No new noise is anticipated as a result of this application.

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, no new residential development is proposed as part of this application.

Section 10-103: ***Residential Density.***
Not applicable, no new residential development is proposed as part of this application.

Section 10-104: ***Locational Standards for Commercial, Industrial or Other Non-Residential Development***
The proposed location complies with the alternative locational standards. The applicant has demonstrated that the location of the proposed project is necessary because of its proximity to the City of Gunnison and Town of Crested Butte. The applicant attempted to locate the project nearer to the Town of Crested Butte and in Crested Butte South but was unable to find a suitable location that was large enough to accommodate the project or that was cost effective. The location is well suited to the specific use because the size of the existing building will accommodate the proposed project.

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 an area of geologic hazards, according to Gunnison County mapping.

Section 11-105: ***Development In Areas Subject to Wildfire Hazards.***
Applicable, portions of the subject parcel are in an area of high wildfire hazards. A copy of the application was sent to the Crested Butte Fire Protection District. The property owner will be required to sign an acknowledgement relative to this hazard prior to issuance of a building permit.

Section 11-106: ***Protection of Wildlife Habitat Areas.***
The application was referred to the Colorado Parks and Wildlife. No comments were received.

Section 11-107: ***Protection of Water Quality*****.**
Not applicable, the proposed use is not within 125 feet of a waterbody.

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 affect 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 sent to Gunnison County Public Works and the Colorado Department of Transportation (CDOT). Comments from Allen Moores, Assistant Public Works Director, state that "to comply with current standards, the access road will need to be improved by widening the driving surface of the existing road to a width of 22 feet and surfaced. After discussion with CDOT the access onto Highway 135 will also need to be improved."

Comments from Dan Roussin, CDOT Region 3 Permit Unit Manager, note that, "The access will need to be widened to accommodate the commercial use," and requested that there is a "requirement that the landowner applies for an access permit prior to the use being finalized."

Section 12-104: *Public Trails*.
There is no public trail existing or proposed on this site. A copy of the application was sent to the Trails Commission and no comments were received.

Section 12-105: *Water Supply*.
Applicable, there is an existing well (No. 198544) on the parcel that is limited to ordinary household purposes in three single family dwellings, the irrigation of one acre of home lawn and gardens and the watering of domestic animals. Megan Sullivan, P.E., Water Resource Engineer for the Division of Water Resources noted in a letter dated, January 15, 2013 the following:

> *….In order for water from this well to be used in a commercial facility, even if only for sanitary purposes, the well must operate under a permit that allows for such uses, which the current permit does not provide.*
>
> *The applicant has two permitting options. The first is to obtain a permit where the well is exempt from administration in Colorado's water rights priority system, which is what the current permit is, but to use the well for drinking and sanitary purposes only for the entire property including the house and apartment. …no lawn and garden irrigation or domestic animal watering would be allowed.*
>
> *…The other option is to apply for a permit where the well is not exempt from administration. While there is not a type of use limitation or policy driven volumetric limitation for this type of permit, unfortunately, since the stream system is over-appropriated, a non-exempt well permit could not be issued without a Water Court approved augmentation plan.*

The applicant has stated that they intend to augment the water supply by purchasing augmentation water from the Upper Gunnison Water Conservancy District.

Section 12-106: ***Sewage Disposal/Wastewater Treatment.***
Applicable, wastewater treatment will be provided by an onsite wastewater treatment system. Richard Stenson, Environmental Health Official, noted that, "…water from sinks shall not be consumed by the public until such time that a Public Water System (PWS) is installed and approved. I agree with their proposal and recommend LUC approval with the condition that a PWS is developed for public use in a timely manner….The site and soils are suitable for an onsite wastewater treatment system (OWTS) upgrade. I agree with the proposal and recommend LUC approval with the condition that Gravity Groms LLC apply for and receive an OWTS permit and final construction approval from Gunnison County prior to operation of the commercial use."

Section 12-107: ***Fire Protection*****.**
Applicable, the proposed development is located within the Crested Butte Fire Protection District. Comments from Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal note that, "…an informal site visit was performed by Chief Ric Ems, no approval of any kind was issued….At this time we have no objections to the LUC proposal….We request an official determination from the County as to occupancy classification and square footage of the proposed use….There are more stringent requirements for an A-3 occupancy of 12,000 square feet or more."

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 Gravity Groms, LLC dated December 14, 2013 complies with this Section.

Section 13-104: ***Setbacks from Property Lines and Road Rights-of-Way.***
This section applies; the proposed improvements meet the setback requirements.

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
Not applicable, no residential buildings are proposed.

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***
Not applicable, no solid fuel burning device is proposed as part of this application.

Section 13-108: ***Open Space And Recreation Areas***
Not applicable, no requirement of open space is required for this application.

Section 13-109: ***Signs.***
Applicable, one 9 square foot sign is proposed as part of this application. The sign is to be located at the entrance gate on the property and will be lit with a downward cast solar, LED light.

Section 13-110: ***Off-Road Parking And Loading.***

Applicable, the proposed parking plan is depicted on the "Gravity Ranch Parking Area/Landscaping Plan," in Tab 9 of the application. The applicant has provided 28 parking places that are 9 ft. by 20 ft. with one ADA parking place adjacent to the main entrance.

Section 13-111: ***Landscaping And Buffering.***
Applicable, "Gravity Ranch Parking Area/Landscaping Plan," in Tab 9 of the application has been submitted. The applicant proposes to maintain existing vegetation at the site and plant new aspen and evergreen trees for screening along the southeast side of the parking area.

Section 13-112: ***Snow storage****.*
Applicable, adequate room for snow storage is available and a copy of this application was referred to Gunnison County Public Works for review.

Section 13-113: ***Fencing***
Not applicable, no new fencing is proposed. Colorado's fence-out laws apply and the applicant has noted in the application that they are aware of this statute.

Section 13-114: ***Exterior Lighting.***
Applicable, this section applies and any exterior lighting proposed shall comply with this section and shall be wholly confined to the site as required in *Section 9-300: D.6.*

Section 13-115: ***Reclamation And Noxious Weed Control.***
A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction, or installation of an individual sewage disposal system.

Section 13-116: ***Grading And Erosion Control.***
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.***
Not applicable, the existing building is not within 100 feet of a water body or mudflow.

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 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 project is classified as a Minor Impact based upon the review of *Section 3-111: B. Criteria for Classifying Impact*. No major demand for services, nor major impacts

on the environment, impact area, nor existing and proposed development are anticipated as a result of this proposed use.

2. The building for which the use is proposed is existing.

3. There is an existing primary and secondary residence on the parcel which were both previously permitted.

4. The proposed location of the facility is well suited to the area and will not cause a significant net adverse effect.

5. A portion of the subject parcel is in a high wildfire hazard area, according to Colorado State Forest Service mapping.

6. The existing driveway and access onto Highway 135 shall be modified to comply with Gunnison County Road and Bridge Standards and CDOT standards.

7. The applicant is purchasing augmentation water from the Upper Gunnison Water Conservancy District for the purpose of augmenting their existing well permit.

8. An onsite wastewater treatment system is proposed to serve the project. The existing individual sewage disposal system will be modified to meet the standards of Gunnison County.

9. The subject parcel is in the Crested Butte Fire Protection District and is therefore subject to its standards and regulations.

10. The applicant has submitted drawings and proposed location for the proposed sign; no additional sign permit shall be required.

11. This application is complies with the standards and requirements of the *Gunnison County Land Use Resolution*.

12. 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 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, and having reached the above findings, classifies LUC-12-00027 Gravity Ranch as a Minor Impact project, and approves it with the following conditions and notations:

1. A portion of the subject parcel is in a high wildfire hazard area and the property owner shall be required to sign and have notarized an acknowledgement and disclaimer relative to the wildfire hazard, prior to the issuance of the building permit.

2. The applicant shall obtain an access permit from the Colorado Department of Transportation for the commercial use prior to the issuance of the building permit.

3. The applicant shall comply with all applicable standards in the Gunnison County Road and Bridge Standards.

4. The applicant shall provide documentation that they have an adequate and legal supply of water in the form of a well permit for a commercial use and the residential uses, prior to the issuance of the building permit.

5. The applicant shall provide documentation that the onsite wastewater treatment system has been approved by the Gunnison County Environmental Health Official prior to the issuance of the building permit.

6. The applicant shall comply with all applicable standards of the Crested Butte Fire Protection District.

7. The Certificate of Minor Impact shall not be recorded until all Land Use Change permit fees have been paid.

8. 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*.

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

10. 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.

11. 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.

12. 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.