

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, September 7, 2023**

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 on Thursday at 8:45 am.

Present:

Chairperson – Andy Sovick	Assistant County Manager for Community Development– Cathie Pagano
Vice-Chairperson- Roland Mason	Planning Director – Hillary Seminick
Commissioner – Matt Schwartz	Planner – Sean Pope
Commissioner - Julie Baca	Planner – Rachael Blondy
Commissioner - Fred Niederer	
County Commissioner Jonathan Houck	
	Others present as listed in text

Absent: County Commissioner – Liz Smith, PC Alt. Commissioner – Annie Beall

Recused: NA

Zoom: County Commissioner – Laura Puckett Daniels, PC Alt. Commissioner – Eric Phillips, Vice-Chairperson – Roland Mason, Commissioner – Julie Baca

8:46 AM With a quorum present Chairperson Sovick opened September 7th, 2023 regular meeting of the Planning Commission.

The Planning Commission reviewed the August 3rd, 2023 meeting minutes. The minutes were approved with no amendments. Commissioner Schwartz recommended approval of the minutes and Commissioner Niederer seconded. Approved unanimously.

9:00 AM Continued Joint Public Hearing: LUC-19-00013 Minor Impact Review for Terra Vista North Subdivision

Chairperson Sovick called public hearing to order and seated PC Alt. Commissioner Eric Phillips.

Chairperson Sovick pass the floor to the applicants John and Mary Lou Gregory. Considering this meeting is a continuation of previous joint hearings, John Gregory briefly explained that they are proposing a 6 lot subdivision of their property, and that they've included county's previous recommendations to include ADU availability as part of their development.

Continuing from the previous public hearing, Gunnison County Planning Director Hillary Seminick reviewed the application in further detail, sharing that the subdivision exists a half mile north of Gunnison. There will be six, on average 4.5 acre lots, all with approved access to HWY 135. Each lot will be serviced by individual wells and utility easements. She indicated that the wells proposed do not allow for the proposed ADUs.

County staff met with the County Attorney to discuss utility and dedication language on the plat for a public utility easement. It was determined that dedication language on the plat does allow for public utility easements.

Seminick brought up that there has been discussion about creating an easement for bike and pedestrian traffic so that non-vehicular traffic does not have to use 135 as a thoroughfare and therefore increasing safety for the community. The Gregorys have provided agreement via email that they will allow bike and pedestrian traffic through the subdivision. Commissioner Fred Niederer inquired if there is an existing bike and pedestrian easement through the subdivision. Seminick clarified that there is not.

County Commissioner Jonathan Houck provided context that other subdivisions in the area, such as Riverwalk, have created easements for bike and pedestrian traffic. He emphasized that it is critical that as development continues and grows along 135, we must ensure that connectivity does not get lost as more land gets developed. We want to provide the community with options other than jumping in their car to travel everywhere. Seminick agreed that it is important and that the County can ask the Gregorys to include bike and pedestrian easement access. She provided context that the subdivision did receive a lower impact application – from major to minor – and therefore the county could require bike and pedestrian easements as a part of that reduction.

John Gregory agreed that they are 100% on board to include a bike and pedestrian easement but they want to dictate where the easement would travel.

Commissioner Houck inquired what the mechanism would be to move simply “willingness to comply” to legally creating an easement.

Cathie Pagano provided the following draft language that could be added to the plat: An easement or dedication to bike and pedestrian access shall be required, while not fully defined at the moment.

Commissioner Julie Baca stated that she wants to see more than just a willingness around trail easement, agreeing that there should be official language added to the plat. She also wanted to ensure that the utility easements along edge of properties are wide enough for their use, especially for sewer.

Seminick clarified that the utility easements that have been provided are specifically for sewer so they would functionally be able to use the North Gunnison Sewer System, which is the system that will be providing service to these lots, and the public will be able to tap into the system.

John Gregory ensured that their willingness for an easement exists, but questioned what happens to a potential future trail if neighboring properties do not provide easements.

Pagano explained that the County has to do easements one at a time along the HWY 135 corridor. The County is planning for the future, and the community will be able to reap the benefits of connectivity in 10-20 years.

There was discussion about the neighboring CSU parcel, which has an existing bike and pedestrian easement.

Chairperson Sovick suggested that the County add that access to non-motorized traffic should be allowed through property to its recommendation.

John Gregory inquired if the easement could it be along the existing utility easement. And Seminick responded that utility easement could be used for the bike and pedestrian access easement.

Seminick shared the plat on the projector screen and drew utility easements on the plat to better clarify the opportunities for connectivity. She confirmed that if the Planning Commission desired, staff can add language into the recommendation about a non-motorized traffic easement.

Harry Haines inquired if a trail would come through the forest service land and shared that there is already a bike path to the river on the east side. He wanted to know if there could be a bike path along the west side. He asked if the plan and future path go along 135, does it have to go through private property?

Pagano responded that if the county has easements and opportunity, that could be the case but it depends on property owners providing easements. Seminick further explained that this process is to preserve connectivity to allow for appropriate development and to allow kids/community members access to a safe route to school/The City of Gunnison and to stay off HWY 135.

The County has heard from the community that as it grows, it wants to ensure that connectivity remains. By preserving the potential future rights to build trails along easements, the County will keep connectivity.

Chairperson Sovick clarified that there is no bike path proposed, the County just wants to preserve the possibility of one in the future if one is proposed.

Seminick moved the conversation to discuss amendments to the recommendations. The dedication language would need to be amended to state that access or utility easements could be used for non-motorized/non-vehicular easement access. This would be the most straightforward way to achieve our desire to preserve connectivity.

There was a brief question and discussion about easements on an adjoining property.

Chairperson Sovick opened the meeting to public comment.

Harry Haines shared that in the past 20 years, he had to build a gate along his road so kids could come down and use his road and stop hopping his fence. He doesn't want people to keep leaving his gate open.

Jacob With, Esq., representing the Columbine Meadows subdivision, wanted to share an idea specifically about the trail easement, where it could go and how it can provide connectivity. Hatcher Way and the tailwater ditch would be a great opportunity to create connectivity. He requested that the easement includes Tailwater Ditch as an opportunity. This would also protect potential development issues with neighboring Columbine Meadows. He requested that the easement is written on the plat to ensure it legally happens.

Pete Glatiotis spoke up that he is grateful to live in community that has a planning process to ensure thoughtful and intelligent growth. That guides development of vacant land and provides a quality of life for us. But he encouraged the meeting attendees to look at the bigger picture. He claimed that the way that the subdivision plat is drawn, it does not preserve the character of the county due to the ADUs not being connected in some way to the main residences. The main concern was that the ADUs would be used for commercial purposes. The new subdivision will also need to plan for additional traffic if the ADUs are used for commercial purposes. Additionally, there is concern that the plat is suggesting building envelopes extend into easements.

Jeanne Glatiotis inquired about the subdivision covenants stating that occupancy can be anywhere from 1 day to 6 months. She expressed concern that this makes the future development sound like a hotel, not residential

The applicants were given opportunity to respond. They ensured that they are 100% open to providing easements for connectivity, but repeated that they do not want to be restricted to where the easement goes. They do not want specific areas called out on the plat. They agreed that following the utilities easement could be an easier way. They are happy to have discussion as things evolve.

The applicant shared that the rental ability for the ADUs is something that has been discussed in previous meetings. They applied originally as a single-family residence subdivision. The ADUs were mandated by the County to increase density and workforce housing.

Seminick clarified that the subdivision covenants state that commercial use is prohibited. They state that the main residences are allowed to be rented long term and the ADUs are allowed to be rented long or short-term rentals.

There was clarification that the County does not have a short-term rental policy.

Commissioner Baca agreed that if the intent of the added ADU is to help with workforce housing, could the language be changed to be 90 days or longer, rather than the current “1 day – 6 months”?

Chairperson Sovick suggested that covenants should be fine-tuned to better fit the workforce housing issue.

Commissioner Niederer shared that as an employer of seasonal workers, 90 days/3 months would be a better fit for workforce housing than the current language stating 6 months.

Chairperson Sovick asked the Planning Commission if they agree to require Gregory to change covenants to restrict STRs. There was unanimous agreement.

Pagano pointed out that the existing utility easement ends at the end of lot 2 to the north. The language currently recommended does not include the tailwater ditch, but by including the ditch in the easement, it would help with future connectivity along the full subdivision and to the neighboring properties.

John Gregory agreed that the county can add language in recommendation to modify the plat's dedication language to include the ditch as an easement for bike and pedestrian access.

Esq. With suggested that the Applicant take a look at the Riverwalk Estates plat language as they have easement language that is exactly what we're trying to achieve.

Seminick requested to clarify the modifications to the occupancy language. Should the recommendation include the single-family residence or just the ADU for the minimum of 3 months? Seminick reviewed the covenants and the current language about short term vs long term occupancy.

Gregory requested that the occupancy refers to both the main residence and the ADUs.

Chairperson Sovick stated that the County will request the amendments to the covenants.

There was clarification that the tailwater ditch previously discussed is the drain water ditch.

Vice-Chairperson Mason questioned the previously mentioned concern about the future building envelopes encroaching upon easements.

Seminick reassured the room that in the review of a building permit, staff would not approve any building in easement.

Chairperson Sovick proposed that the meeting should review the new recommendation.

Seminick added an amendment to recommendation about the plat dedication language to include public easement language. She also added an amendment to restrict rental occupancy to three months or longer.

Geogry reassured the Planning Commission that the public easements can be discussed as things progress.

Chairperson Sovick asked for motion.

Commissioner Niederer motioned to approved LUC-19-00013 which was seconded by Commissioner Schwartz. The motion was passed unanimously.

Chairperson Sovick adjourned the meeting at 9:54 am.