GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, February 15, 2013

Draft – For Review

8:45 a.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Welcome to New Planning Commission member**
- **Election Of Officers**
- **Designation Of Official Posting Locations**
- **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. **Gravity Groms LLC**, public hearing/work session/possible 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

10:00 a.m. **Staff -** *Land Use Resolution* amendments – Floodplain related amendments, work session/possible action, amendments to the *Land Use Resolution* to comply with regulatory changes in the Department of Homeland Security FEMA - National Flood Insurance Program (NFIP) and State of Colorado – Colorado Water Conservation Board (CWCB) requirements; including language for adoption of the 2013 Gunnison County Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM)

10:30 a.m. **Carbon Policy Task Force Report**, work session/possible action, Planning Commission recommendations to the Board of County Commissioners.

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
February 15, 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- Kent Fulton
Commissioner- AJ Cattles
Vice-Chairman- Jim Seitz
Commissioner-Susan Eskew
Commissioner-Warren Willcox
Alternate Commissioner-Tom Venard
Alternate Commissioner-Jeremy Rubingh

Assistant Director of Community Development- Neal Starkebaum
Planner-Cathie Pagano
Department Services Manager-Beth Baker

Others present as listed in text

With a quorum present Vice Chairman Jim Seitz opened the regular meeting of the Planning Commission.

MOVED by; Fulton seconded by Wilcox to approve the Planning Commission minutes of January 18, 2013 as amended. The motion passed unanimously.

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ELECTION OF OFFICERS:

MOVED: by Seitz seconded by Wilcox to appoint Commissioner Fulton as Chairman of the Gunnison County Planning Commission. The motion passed unanimously.

MOVED: by Fulton seconded by Wilcox to appoint Commissioner Seitz as Vice-Chairman of the Gunnison County Planning Commission. The motion passed unanimously.

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NOTICE POSTING LOCATIONS: **Moved**; by Eskew, seconded by Seitz to designate the official meeting notice locations for 2013 to be the glass case outside the north entrance to the Courthouse and the bulletin board outside of the Commissioners Meeting Room at the Courthouse; with the glass case in the Blackstocks Government Center designated as an advisory posting location. The motion passed unanimously.

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GRAVITY GROMS: The Gunnison County Planning Commission (Commission) conducted a public hearing followed by a work session. They reviewed a request for a new commercial use for a private indoor gravity progression recreation facility, within an existing 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.

With a quorum present Chairman Fulton opened the public hearing.

Community Development Services Manager Beth Baker confirmed the applicant had submitted the certified mailing receipts and the affidavit of posting; the Planning office had the public hearing notice published in the Crested Butte News and the Gunnison Country Times.

Applicant Doug Hudson briefly explained the application. The request is for a new commercial use of an existing horse arena, close to Crested Butte South. The new use of the arena would be an indoor athletic center. They will teach free style skills in a safe progressive environment. The exterior of the structure will not be altered, other than outdoor shielded lighting, the parking lot, and increasing the width of the driveway.

Hudson said they had looked at many properties, in all different parts of the country; this location is the most suitable. He added the indoor athletic center will serve the residents, visitors and students. It is ideally located in between Crested

Butte and Gunnison. They have a lot of support from the community. He said Gravity Ranch could increase exposure, and retention at Western State and CBMR.

Hudson will be the owner operator. There will be no motorized uses now or in the future. The finished sq. ft. of the operation will be less than 12,000 sq. ft.

Staff- No comments

Commissioner Rubingh asked about the Crested Butte Fire District comments; had they resubmitted comments now that the sq ft is reduced; Pagano said no because additional comments will come when the building plans are submitted.

Hudson said he became aware of the Fire District's 12,000 sq ft. threshold and has committed to using less than 12,000 sq ft. They are planning on having no more than 30 individuals on the floor at one time. The fire code allows considerably more, but they will have about 30 individuals on the floor at one time.

Commissioner Fulton expressed concern for the safety of the children in Crested Butte South crossing Highway 135 to get to the facility. Hudson said younger children can't be at the facility without supervision, and will have to be signed in and out. He said this should alleviate some of the problem. He added in the future they will have passenger vans to provide transportation. As soon as the business can support a shuttle service they will pursue it. Fulton asked if CDOT commented on the trips per day; Hudson said they are predicating approximately 10 trips per day. The traffic pattern is a lot like the traffic in and out of Hartman's Rocks a trickle in and out throughout the day.

Rubingh thanked Hudson for his preparation and said this will be a valuable amenity to the community. Wilcox reiterated his appreciation for Hudson thoroughness.

Public Comment;

Victoria Blake has a nine yr old grandson, and a 15 yr old son- she would love to see the facility here.

Dane De Frates, an eleven yr. old resident of Crested Butte South, is excited to have Gravity Ranch. He said there are countless individuals in the area and from outside the area that would use this facility. He hopes this will be approved so his dream can come true.

Dave Sugnet, a student at Western State, was an employee of Gravity Groms in the summer. He said it is a great program, providing opportunity, for aerials etc.

Nina Kingsdale, lives across the highway from the facility. She was concerned with the possibility of any commercial motorized uses outside of the facility. Hudson said they will only ride as owners of the property, there will be no commercial motorized uses.

Attorney Jim Starr representing Alan Ines, owner of the adjacent 72 acre parcel, said it is a great project and idea. Unfortunately it is not in the right place. The applicant had been interested in subdividing his parcel into seven home sites and had been discouraged to do so, because it did not meet the County's locational standards. Starr said Alan Ines was concerned with the short notice of the public hearing. Starr said this proposal could generate twice if not more traffic than his request. He was concerned with the parking. Starr noted if this application is approved Hines would probably come forward with his request for seven home sites. Starr said he would be surprised if CDOT did not require turn lanes. He was concerned with the potential for a large amount of people when the there are special events at the facility. Starr reiterated the concern for the children's safety walking or biking across Highway 135. He is also concerned with any outside uses; as it becomes more popular there will be a push to have outdoor activities. A commercial use that is expanded in 5 yrs can change the environment for the agriculture community He requested the Commission please consider the precedence of this type of major use across from Crested Butte South; if approved there will applications for more commercial uses on highway 50- possibly strip development along the highway. It is a very good idea, just not in this place. If allowed to proceed it will grow, and be outdoors, impacting what exits in the area at this time.

Bob Niccoli, adjacent land owner, reiterated Starr's concerns. He said this is the wrong location. He said he is familiar with the building and it is now in need of repairs. It is a nice quite area and we do not need a commercial application there.

Cari Freeman said there is a lack of commercial venues. The applicants have researched the area for opportunities for this facility. The business revenue and economic impact will be a benefit of this business. Her children have been campers with Gravity Groms. She encouraged approval of the application.

Katy Mattson, listing agent of the property, said the children are already crossing the highway to get to the bus stop for the RTA bus. This application is a good idea.

Jenny De Frates, mother of Dane De Frates, said the children will have a chance to become good athletes at this facility. She said younger children have to be chaperoned at this facility; this should reduce the number of young children crossing the highway to get to the facility. She urged the commission to approve the application.

Applicants Response

Hudson said the project is not about profit; it is about supporting families and creating an institution in the valley for the children. He addressed children crossing the highway, noting children do cross the highway for the bus stop at this time. Children crossing the highway will be rare. They will establish a foot path so the children will get off the highway as soon as possible.

Hudson said it is a good structure, though it does need repair. The leak issues are insulations issues, due to lack of care and maintenance. They will first repair the roof, and then install a small platform to house a snow blower on the roof. He added the County goes through so much consideration for every proposal; the idea of a strip mall seems unlikely.

Staff

Planner Cathie Pagano said the locational standards are different between residential and commercial and any applications would have to be reviewed as such.

Commissioners

Commissioner Eskew said she appreciated the requirement for supervision of younger children. She said the culture has changed, the agriculture culture is now changed, and this speaks to the change of the use. It addresses where we are now.

Commissioner Wilcox said there should be some signage at the RTA stop now and in the future. The parents should be responsible for their own children. The bus stop adds to the positive nature because it already exits.

Commissioner Rubingh agreed children crossing the highway are a concern; signage is necessary.

Eskew asked if younger children must be supervised; Hudson said yes. Hudson said nothing is more important than the children's welfare. He added the children need/ want constructive things to do.

Fulton suggested that Hudson begin thinking about how to mitigate the potential of one child getting hurt crossing the highway to get to his facility.

Wilcox said the Commission tries to get ahead of those types of situations. He added signage would help alleviate some of the safety concerns. He recommended that Hudson speak to CDOT. Hudson agreed noting the situation as it exists now is insufficient.

Seitz said there are differences in commercial uses; they can't all be lumped in one category. There is no commercial strip from Gunnison to Crested Butte. This use is more in line with the recreational area uses, as opposed to a series of gas stations and grocery stores. This application fits well with the development of the corridor. He asked Niccoli if this is good irrigated pasture: Niccoli said he will plant alfalfa, there are different areas and different types of soils; there are no water rights. Seitz said he is very conscious of losing prime agricultural land; but the value in this land is the open space.

Seitz said there will be no motorized use other than the family's personal use. He suggested a finding added to the decision to memorialize that. Hudson said expansion plans could include gravity fed activities- BMX jumps, etc. Pagano said it would require an additional land use change.

The Commission closed the public hearing 10:15 a.m.

The Commission conducted a work session to review the draft decision of approval.

MOVED by; Eskew seconded by Seitz to approve LUC-12-00027 as amended. The motion passed unanimously.

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 facility will serve children (8 years and older) and adults. Any child 12 or under is required to be signed in and out by a parent or authorized guardian per Colorado Department of Public Health and Environment childcare regulations. 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. The applicant does not intend to heat or insulate the building in consideration of cost and energy efficiency. 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:

- An email expressing support for the project from Joe Alagna, dated February 13, 2013
- An email expressing support for the project from Alex Gruzen, dated February 14, 2013
- An email expressing support for the project from Andrew Haverkampf, dated February 14, 2013
- An email expressing support for the project from Grant Spear, dated February 14, 2013
- An email expressing support for the project from Michelle Warner, dated February 14, 2013
- An email expressing support for the project from Jeff Westling, dated February 7, 2013
- An email expressing support for the project from Tim White, dated February 10, 2013
- An email expressing support for the project from Amie Dawson, dated February 14, 2013
- An email expressing support for the project from Thomas, Gail and Wish Moore, dated February 14, 2013
- Victoria Blake, expressed support for the project
- Dane De Frates, a resident of CB South said he's excited for the project and it would be his dream come true
- Dave Sugnet, a student at WSCU said he's an employee of Gravity Ranch and believes it's a great program
- Nina Kingsdale, lives across the highway from the subject parcel and asked about commercial, motorized vehicles on the parcel

- Jim Starr, representing Alan Ines, said the proposed project is not in the right location and that it would set precedence for future dense development along the highway corridor. He expressed concern about the traffic and children crossing Highway 135 from CB South
- Bob Niccoli, nearby landowner, reiterated Starr's concerns and said the location is inappropriate
- Cari Freeman, said there is a lack of commercial venues and that there will be positive economic impact from the project
- Katy Mattson, is the listing agent for the subject parcel and said that the property is assessed residential and children already cross Highway 135 from CB South to get to the bus stop.
- Jenny De Frates, said that it is unlikely that parents of young children will let them cross the highway unsupervised and that she would be willing to help ensure safety.

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. The applicant noted at the public hearing that they welcome any proposals for public trails through the subject property.

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 already exists.

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. Per the Colorado Department of Public Health and Environment childcare regulations, any child 12 or under shall be required to be signed in and out of the Gravity Ranch by a parent or guardian.

12. There is concern about the safety of children crossing Highway 135 and the applicant has agreed to investigate the feasibility of improving the safety at the intersection of Highway 135 and Cement Creek Road possibly through the use of chaperones, crossing guards, shuttles, and/or signage.

13. No use of commercial, motorized recreational vehicles is proposed.

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

15. 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. No use of commercial, motorized recreational vehicles shall be permitted on the subject parcel.

2. The applicant shall investigate the feasibility of improving the safety at the intersection of Highway 135 and Cement Creek Road possibly through the use of chaperones, crossing guards, shuttles, and/or signage.

3. Bear proof trash containers shall be used to contain all trash on the subject parcel.

4. 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.

5. 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.

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

7. 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.

8. 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.

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

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

11. 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*.

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

13. 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.

14. 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.

15. 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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LAND USE AMENDMENTS; The Gunnison County Planning Commission (Commission) conducted a work session to discuss floodplain related amendments. They reviewed amendments to the *Land Use Resolution* to comply with regulatory changes in the Department of Homeland Security FEMA - National Flood Insurance Program (NFIP) and State of Colorado – Colorado Water Conservation Board (CWCB) requirements; including language for adoption of the 2013 Gunnison County Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM).

With a quorum present Chairman Fulton opened the work session.

Assistant Director of Community Development Neal Starkebaum said he has been working on a project with FEMA for 12 years to complete floodplain mapping. It will become effective on May 15, 2013. The amendment includes reference to the study and date.

The commission reviewed the proposed amendment as submitted by staff.

MOVED by; Seitz seconded by Wilcox to approve recommendation amendments to the *Land Use Resolution* to comply with regulatory changes in the Department of Homeland Security FEMA - National Flood Insurance Program (NFIP) and State of Colorado – Colorado Water Conservation Board (CWCB) requirements; including language for adoption of the 2013 Gunnison County Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM). The motion passed unanimously.

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CARBON POLICY; The Gunnison County Planning Commission (Commission) conducted a work session to discuss the Carbon Policy Task Force Report and possible recommendation to the Board of County Commissioners.

With a quorum present Chairman Fulton opened the work session.

The commissioners reviewed the recommendation.

Planner Pagano noted she reworked the previous submittal,

Commissioner Rubingh said local energy production- wind turbines, etc. could be added. Assistant Director of Community Development Neal Starkebaum noted it could be a LUR amendment rather than strategic result.

Commissioner Eskew suggested requiring capturing gas: Pagano said it is a separate discussion, and could be taken up on a later date. Starkebaum suggested the Commission meet with the County Attorney before dealing with air quality in the North Fork coal emissions. It is not always an emission issue it is safety issue.

Richard Karas, member of Carbon Policy Task Force, said implementing the current building code every third year should be done; to facilitate staying current with best practices in the industry.

The Commission reviewed the Carbon Policy recommendations for the BOCC Strategic Plan.

Commissioner Fulton pointed out the County will not be able to fund ORE completely.

The commissioners noted the County needs to lead and set standards with energy efficiency in the County owned properties. They added the BOCC should encourage the City of Gunnison to participate in the support of ORE.

Director of Community Development Joanne Williams said merely stating development should pay its own way is not sufficient. There must be a nexus; it protects the development from an overcharge.

The Commission suggested moving forward with SDPR suggested changes and language and add the Planning Commission will forward additional language in the future.

The Planning Commission and Board of County Commissioner will be conducting a joint meeting on April 5, 2013.

Commissioner Rubingh revisited the insulation inspection and blower door tests. Assistant Director of Community Development Neal Starkebaum noted it is performance based. Steve Schechter, member of Carbon Policy Task Force, said now the energy efficiency of a house cannot be determined only by insulation. A house could be full of leaks and a blower door test would be beneficial. Pagano noted in the 2012 building code a blower door test will be required. Commissioner Cattles said the 2012 building code will likely include insulation and blower door tests.

The commissioners recommended funding the Energy Smart program; 100 more retro fits and 200 new assessments per year.

Pagano will forward the Planning Commission's recommendations to the BOCC, for their strategic plan retreat.

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Chairman Fulton adjourned the meeting at 12:25 P.M.

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/S/ Beth Baker
Community Development Department Services Manager
Gunnison County Community Development Department