

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: December 19, 2024

221 N. Wisconsin, Suite D Gunnison CO, 81230

In person or on Zoom

Disclaimer: agenda discussion item times are approximate. Public hearings may start on or after the posted notice time. Work sessions may start earlier or later than the posted time.

8:45 a.m.

- Call to order; determine quorum.
- Approval of Minutes from the November 21, 2024, Planning Commission meeting
- Unscheduled Citizens: A brief period in which the public is invited to make general comments or has questions of the Commission or Staff about items which are not scheduled on the day's agenda.
- Miscellaneous/Staff Reminders/Announcements

9: 00 a.m.

Joint Public Hearing: LUC-24-00035 | Graham 2 Lot Subdivision Minor Impact

The Applicant, Kevin Graham, proposes a two lot subdivision of the 2.19 acre lot commonly known as 225 Columbine Rd., Gunnison, CO. The resultant two lots would be: 1.12 acres (Tract A) and 1.09 acres (Tract B) acres in size. The parcel currently contains a 1,296 sq. ft. residence with a 720 sq. ft. detached garage and a 1,056 sq. ft. unfinished basement. The existing residence, OWTS, and existing well would remain on the resultant parcel (Tract A).

9:20 a.m.

Joint Public Hearing: LUC-24-00036 | Knerr 2 Lot Subdivision Minor Impact

The Applicant, Gary Knerr, represented by Michael O'Loughlin Esq., proposes to subdivide the existing 7.5 acre parcel, commonly known as 967 Ute Ln., Gunnison, CO, into 2 parcels. The resulting parcels are: Parcel 1 (4.87 acres) and Parcel 2 (2.51 acres). Parcel 1 contains the Applicant's existing single-family residence, and Parcel 2 contains an existing dwelling unit (log home). The existing parcel is currently residential in use and the resulting 2 parcels would remain residential. Traffic impacts would be negligible as there is currently an easement in place to access resultant Parcel 2, and no significant increase in traffic is expected from this minor subdivision. No new structures or construction are planned for either resultant parcel.

10:15 a.m.

Joint Public Hearing: LUC-22-00028 | Major Impact | Star View

The applicant proposes subdivision of a 96-acre parcel into 129 residential lots to include 84 single family lots, 40 multi-family units, 12 commercial units, 4 residential units above commercial, 1 lot for CB South Metro District which may include employee housing. The parcel includes a "high density" area that will include 44 units, 22 of which will have some type of deed restriction for local workforce. The remaining 22 units will not be restricted but are smaller in size and according to the applicant will be more affordable than the rest of the neighborhood. The applicant is working with the Crested Butte South Metropolitan District for water service and wastewater treatment

Adjourn

Please click the link below to join the webinar:

<https://gunnisoncounty-org.zoom.us/j/86337231015>

Packet Materials are available online: [Planning Commission Meeting Packets](#)

Or by visiting <https://gunnisoncounty.org/197/Planning-Commission> and selecting "View Most Recent Meeting Packet"

Phone one-tap:

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NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed up to 24 hours before the meeting date. If you are interested in a specific agenda item, you may want to call the Planning Department (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations may contact the Planning Department before the meeting.

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, November 21, 2024**

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

Chairperson-Roland Mason Vice-Chairperson- Fred Niederer Commissioner- Julie Baca Commissioner- Eric Phillips Commissioner-Matt Schwartz Alt. Commissioner- Bill Barvitski Alt. Commissioner- Catherine McBreen BOCC – Jonathan Houck BOCC – Liz Smith BOCC – Laura Puckett Daniels	Assistant County Manager for Community and Economic Development-Cathie Pagano Planner-Rachel Blondy Planning Technician – Jena Greene Others present as listed in text
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Absent: None

Recused: Schwartz and Barvitski for LUC-23-00032 only.

Zoom: Baca, McBreen

With a quorum present Chairperson Mason opened the November 21, 2024 regular meeting of the Planning Commission at 8:51 am.

Moved by Baca, seconded by Phillips to approve Planning Commission meeting minutes, dated November 7, 2024, 2024. The motion passed unanimously in support with the insubstantial amendments as noted by Mason and Schwartz.

Staff announcements/miscellaneous: Pagano requested that the planning commission move the January meetings to the 9th and the 23rd instead of the 2nd and 16th. None were opposed, and it was decided that the meetings would be held on January 9th and 23rd, 2025. Greene would send out calendar updates after the meeting.

Joint Public Hearing: LUC-23-00032 Major Impact | Sketch Plan | Discount Storage Expansion of Commercial Use

The property owner and applicant, Centennial Storage Partners, LLC, requested an expansion of commercial use to allow for approximately 115 outdoor vehicular storage spaces adjacent to the existing Discount Storage at 1825 State Highway 135, Gunnison, CO.

Chair Mason opened the joint public hearing at 8:01 am

Preliminary Matters Schwartz and Barvitski recused themselves, as they had for previous meetings for this application.

Confirmation of Adequate Public Notice

Pagano confirmed adequate notice per LUR Section 3-112.

Applicant Presentation and Review Body Commission Questions

Attorney Michael O'Loughlin and legal assistant/office manager Abigail Grimmer were present on behalf of the applicant, Ken Snyder, Managing Member of Centennial Storage Partners, LLC, who was also present in the room. O'Loughlin reviewed the proposal to add 115 spaces onsite in addition to the 134 existing spaces, adding that there was a large need for additional storage in the valley. There was support from the City of Gunnison. Expressed that he felt that the application met all of the standards. The applicant applied in 2018 for the initial/current outdoor storage project, which was currently full with a waiting list.

The water and ditch information were reviewed. O'Loughlin noted that Grimmer thoroughly researched the two ditches onsite. The Whip Ditch, which was to the north and not on the property, had owners; and the "Wastewater Ditch", which Grimmer was unable to find ownership information for, went through the property. With that in mind, the site plan and plat were revised to include an easement for the Wastewater Ditch, in case owners ever did come out of the woodwork – which they would have a statutory right to protected by the state regardless. The current owner had this ditch culverted. There was also a drainage report that had been provided by the applicants.

The setbacks were briefly discussed. A variance would need to be applied for during the preliminary plan phase of the project.

The residence in the middle of the parcel was discussed. The applicant stated that they worked closely with the landowner overtime, including extra property in a boundary line adjustment that was done in 2018. The current owner was in support of the project. Pagano added that previously staff had expressed concern with the residential property that was surrounded by commercial, and that staff still had concerns about this issue and future development.

Puckett Daniels asked about the fencing. The new fencing was proposed to be chain link with slats to match existing. This would comply for buffering purposes, but would that comply with wildlife and sage grouse? It was noted that the fencing would be addressed at the preliminary plan. The Gunnison Conservation District comments concerning the Sage Grouse impacts were reviewed in reference to the fencing, but comments from CPW had not been received at the time of this meeting. Staff suggested that more input be requested for from CPW and suggested that the applicant research fencing for the preliminary plan.

Buffering was discussed. Mason added that the Planning Commission had conducted a site visit, and that there was a good amount of shielding along the highway, and that the property was situated fairly low even with the 3-5 feet of added elevation, which was why the Planning Commission hadn't required additional buffering after the work session. The interior parcel buffering was discussed. There wasn't a concern at this time since the current owners had expressed support, but it was noted that a future owner may not feel the same.

The residential parcel in the middle was further discussed. Puckett Daniels expressed concern that the residential parcel in the middle would be forced to be commercial in the future, based

on compatibility. Mason noted that since the commercial property was a parking area, it conversely had the potential to be redeveloped as residential. It was hard to predict.

Staff Comments

Pagano mentioned the proliferation and demand for storage being all around the entrance points, and how the commission had expressed concern in the past about this happening around the entrances to the City of Gunnison. Community area plans, this area would probably be contemplated for mixed use, the west would probably be considered for multifamily, the intent would be that the re

Pagano also added that the applicant agreed to comply with the area plan, however this use wasn't contemplated for this area at this time.

Public Comment

Martin Klinowski – property owner to the east. Mr. Klinowski expressed frustration with the board for not approving a variance for outside storage during the previous meeting. He highlighted several issues related to storage and infrastructure in Gunnison County, including trailers being left unattended or improperly stored in town, limited availability of storage, especially due to low-income housing developments; poorly designed garages and driveways in new buildings, which were too small to accommodate larger vehicles; and an evident need for outside storage given these challenges. Klinowski emphasized that the proposed storage unit was largely pre-existent or could be easily adapted. He also pointed out that the lack of commercial properties in town increased the potential value and utility of the storage facility. Ultimately, he voiced strong support for the storage unit, describing it as a beneficial public resource.

John Succo – part owner of discount storage. Asked about the use of storage being contemplated for the area.

Applicant Response

None

Staff Response

Pagano noted some recommendations for changes to the draft recommendation document including a finding that the applicant would get clarification from Gunnison Conservation District and CPW concerning the best type of fencing to be used, and a condition that the fencing would be a part of the preliminary plan; making a separate finding and condition for 13-113 concerning the fencing; some minor edits; a summary of Mr. Klinowski's comments; the addition of a sentence section 10-104 noting that the current draft of the community plan had not been adopted by the county and that the proposed storage use would not be in compliance for that reason, modified section and condition concerning the ditch, due the applicant's submission from the previous week; deleted the section related to housing.

O'Loughlin asked about Condition 5. Pagano noted that this line was included in all recommendations, O'Loughlin expressed concern. Pagano requested that the County Attorneys review the condition first, and that it could be further reviewed at the BOCC meeting.

Close the Public Hearing

Baca made a motion to close the public hearing. Seconded by Phillips. The motion passed unanimously in support.

Recommendation

Neiderer made a motion for a recommendation to approve the recommendation document as amended. Seconded by Phillips. The motion passed unanimously in support.

BREAK

Schwartz and Barvitski rejoined the meeting.

9:54 am Mason opened the Joint Public Hearing for LUC-24-00021 Major Impact | Sketch Plan | Harmels on the Taylor Expansion of Commercial Use Harmels on the Taylor requested an expansion of commercial use to allow for lodging units, RV sites, glamping sites, employee housing, and storage units at 6748 County Road 742, Almont; Parcel No. 3433-000-00-026.

Chair Mason opened the joint public hearing at 9:54 am

Preliminary Matters - None

Confirmation of Adequate Public Notice

Pagano confirmed adequate public notice.

Mason verified that no Planning Commission members or Board of County Commission members had any ex-parte communications

Pagano reviewed the requirements for major impacts for Gunnison County, and the process, noting that this project was in sketch plan phase which was intended to be conceptual, and that a lot of engineering and other specifics wouldn't be required until the preliminary plan phase.

Applicant Presentation

Attorney Jacob With was present, along with applicant David Reynolds. With began by acknowledging the significant amount of public feedback, primarily from neighbors. Appreciation was expressed for the community's input and the importance of preserving neighborhood character, adding that the applicant also viewed the neighbors as potential customers, and that the applicant also cared about preserving the neighborhood. Concerns were raised regarding current traffic and pedestrian safety and Harmels planned to conduct a traffic study to analyze existing conditions and potential impacts of development, as they were required to do so during the preliminary plan, and that they weren't allowed to do during the sketch plan phase, noting that some changes to traffic management may be necessary regardless of Harmels' plans.

With began with an overview of the site plan. He reviewed the proposed development of an RV area which would be screened by existing trees and topography, and new laundry facility to replace the existing facility. Additional cabins with a focus on infill near existing structures. Potential glamping sites (may be reconsidered due to cost of hazard analysis). Site visits confirmed significant natural shielding from Spring Creek Road and Taylor River Road, with minor visibility from specific vantage points.

Commissioners Mason and Phillips added that Planning Commission did a site visit on October 3, and echoed that there was a lot of existing screening and shielding. It was also noted that they spent a good amount of time at the site in addition to

With reviewed the updates for the wastewater treatment plant. The existing wastewater systems were outdated and environmentally problematic. A new plant was required before the new infrastructure became operational and was going to be added regardless. Preliminary site selected, with input from neighbors and state regulations. Final location will be determined during future phases. A compact, odor-controlled wastewater treatment plant design planned, adhering to stringent CDPHE standards, which would be operated by certified personnel as required by law.

With discussed the increase in occupancy and the use of ATVs/UTVs. A traffic study would inform guest limits, infrastructure decisions, and potential amenities like a public RV dump station. Target of ~200 guests, with a 30% increase during peak season and better off-season utilization. With added that the applicant was also concerned about ATV/UTV use, and was willing to offer as a condition that use of these types of vehicles would be restricted to employee use and accessibility needs.

With reviewed the environmental considerations. Development plans aimed to avoid clear-cutting and preserve wildlife corridors. Additional tree planting proposed for screening purposes. Planned to collaborate with CPW to monitor bighorn sheep migration using game cameras.

With discussed the proposed employee housing. Housing for approximately 40 employees during peak season, hoped that providing housing onsite would help reduce traffic and support year-round operations. Potential for winter housing to accommodate ski resort employees. Select cabins to remain operational year-round for employee housing and off-season guests.

With discussed the proposed RV sites and storage units. RV sites to operate seasonally (summer-only) with electricity provided to reduce generator noise. Consideration of a public RV dump station pending results of the traffic study. Proposal to provide storage for local residents to reduce traffic to Gunnison. Unit sizes would range from small vehicle storage to larger spaces.

The proposed glamping sites were discussed. With noted that many would be located in a rockfall hazard area that further analysis would be needed during the preliminary plan phase.

With stated that it was important to the applicant to maintain the “dude ranch” aesthetic and community appeal. The soccer field and restaurant were to remain integral parts of the site. The applicant acknowledged increased traffic in the Taylor Reservoir area and emphasized the

opportunity for holistic analysis once the application moved past the sketch plan phase and into preliminary plan.

Planning Commission Questions

Schwartz asked if there would be a time limit/minimum for the RV sites. With said that the applicant was intending to have people onsite that would stay for longer periods of time. Liked the idea that people could come for longer stays and keep those people out of the forest service campsites, both of which could help reduce the traffic. Acknowledged a need for a dump station for the general public, and that RV's were already an existing problem. With added that the applicant was considering making that available, but they wanted to first conduct the traffic study to be able to get more information to determine if that would be possible. Overflow parking need would also would be determined by the traffic study.

Schwartz further commented that it would make sense to have the RVs removed in the winter. The applicant agreed. The applicant noted that there would be electricity to the sites, which addressed the comment/concern about generator noise.

Puckett Daniels encouraged that the applicant get data in preliminary plan to support that the storage would be used by local neighborhood and to further assess the overall need and use.

Mason also encouraged conversation about lighting, hours of operation.

BREAK

Public Comments

Lizzie Plotkin – Homeowner on CR 54 and year-round resident. Thought that the proposed application was an example of extractive tourism, and that not all tourism was sustainable. The expansion as proposed was not sustainable. Stated that she was wary of the increase in traffic on Spring Creek road, as there were already issues with enforcement. Also expressed concerns for fire danger with the amount of beetle kill in the area. Noted that the Forest Service did a good job of dampening fire rings, but would there be fire rings at the proposed RV sites. Expressed concern for the amount of water that would be used by the expansion with wells in the area already going dry. Her well was only 85 ft deep, who would pay to dig it deeper with the increase in use. Didn't support the dump station as that is not what they paid "top dollar" property taxes for.

Chris Cappellucci – year-round full time on spring creek for 52 years. Concerned about living in the expanded ideas of Harmels, noting that they lived upwind of the proposed dump station. The Spring Creek area had a lot of sentimental value, as she got married and raised her family there. Didn't want to see a change like this.

Ward Kable – property owner to the direct south. Third generation to get to enjoy the area. Echoed Liz's concerns about water supply. Added that the laundry facility could use up lot of water in the area which was not acknowledged in the applicant provided table; and there were no comments from Division of water resources and encouraged the board to wait until their comments returned before moving forward with the sketch plan. Has concerns about the new wastewater treatment plant impacting the river since it was proposed to be so close to his

property, which was on the river, and how the discharge from the plant would impact his family and the fishing. Requested that the wastewater treatment plant go somewhere else or that the existing systems be replaced.

Mary Forshagen – Taylor Canyon resident. Everything they do has an impact on the Taylor river. Encouraged more responsibility to the land and the water. Asked that they thoroughly assess the impact to the water.

Harmon Zuckerman – Attorney, representative of the Kable family (second homeowners to the direct south of the Harmels Property). The Kable family had concerns about the proposed location of the wastewater treatment plant. Asked that the wastewater treatment plant should be treated as industrial. Expressed concerns for the increase in water use, as well as the Kable Family's strong opposition to the proposed location of the wastewater treatment plant, which was close to their property line, and the family's fishing/swimming hole. Expressed further concern about the proposed RV sites on steep slopes, unanswered questions regarding wildlife passage, violation of setback requirements, lack of buffering, and potential excessive groundwater withdraws. Requested that the board recommend denial of the application or recommend a thoroughly crafted set of conditions of approval which would ensure that the intensity, location, and quality of the proposed uses don't destroy the character of the area, the water quality of the Taylor, and the quality of life for neighborhood.

Martha Harsher – Members of the community since the early 90s. Enjoyed everything about spring creek. They had concerns about the RV park noting that they passed by empty RV sites along their drive up from Denver 3 weekends a month in the summer and didn't see a reason to add more sites. In support of dump station, but not for public use due to the increase in traffic that it would cause. Requested that the story poles used by the commission for the site visit be left up year-round so the residents of the area could see. Noted that she had met with Public Works during COVID and that there was data showing that travelers consistently went 10 to 15 miles per hour over the speed limit. Requested that the traffic study be done when spring creek reservoir was fully open, if it was done in the near future, to get an accurate result.

Richard Foster – Owner upriver from Harmels on the Taylor. His property had the same family owners for 70 years, and 5 generations of owners. Noted that there was wildlife in the area including moose. This was not a place for camping, opposed to the RV sites and the increase in density. Wanted Harmels to be a place where people could rent a cabin and the neighbors could come and be together in harmony. Also opposed to the glamping sites. This proposal would change the area, the land wasn't meant to be used for the proposed purpose.

Matt Lackey – Full time Spring Creek resident since 2019. Concerns about water usage. His well was only 80 ft. deep and an influx in usage could affect them. Echoed concerns for increase in traffic. 300 occupants would be too much. Didn't want a light put up in front of his neighborhood. Expressed concern for fire rings at campsites and for the employee housing.

Paul Edstrom 29 Shawnee – Had seen big changes during the 21 years of owning their cabin. Expressed concerns about the occupancy, which from his calculation could be up to 310 people. Concerned about the water usage for that many people and the WWTP would also use

a lot of water. His cabin had a 60 ft. well which was in jeopardy already. Concerns for everyone having to drill deeper wells.

Kip Daniel – 55 Shawnee drive. Owned his second home there for 70 years. Had seen a lot of change, including an increase in density. At some point the impact had to stop. The environment was fragile. The ATV use would be hard to control. Car traffic was already bad and the intersection 742 and 744 was dangerous, especially for people trying to walk across. Encouraged the commission to look at the impact overall, it was more than just a traffic study.

Mark Anderson – Concerned about the defensible space, which “does not exist in the RV park” consider a potable water storage, then they. Also requested that the applicant consider potable water storage to help with the drawdown, as well as fire hydrants on the resort. Also wanted to see a retention pond installed for the wastewater treatment plant to monitor the water quality.

Tim Heure – Property owner on spring creek. Owned since 2020 but had been coming to the area for over 50 years. Witnessed a lot of change. Enjoy and respected the beauty of the natural environment of the area. Now there were so many people and the was overused. Noted that the impacts were so much more than the visual impacts. Agreed with all of the previously stated comments. If this project were to move forward, it would dramatically transform the area in a detrimental way and harm the residents and visitors. Requested that the application be denied or that the scope be reduced.

Cindy Wright – lived right next to Harmels on the river. Year-round resident for 22 years.. Found it challenging to see how the application aligned with the community character and compatibility standards of the LUR, due to an increase in noise, use, and traffic. She had recently seen three big horn sheep unable to cross the street because of the traffic. Also noted that she had deer, bears, moose and bighorn. Impact needed to be greatly reconsidered. (year-round resident).

Applicant Response

With acknowledged comments on potable water storage, retention ponds, and fire hydrants, emphasizing that fire safety was a priority. Housing and cabins would comply with new codes, and outdoor amenities would minimize fire risks while ensuring adequate space and buffering. With did not believe the proposal posed significant fire hazards.

Traffic and aquifer impacts would be evaluated during the preliminary planning phase. They sought approval to proceed with engineering studies to facilitate more concrete discussions, recognizing the current stage involved speculation. Appreciation was expressed for community participation.

Regarding the wastewater treatment plan, it was deemed necessary and supported by the county, aiming to be respectful of neighbors’ concerns about septic systems. The wastewater treatment plant could potentially serve as an amenity for nearby properties, addressing the area's high residential density. The speaker acknowledged the need to revisit occupancy numbers to better understand maximum and average usage.

They requested approval to advance to the next phase to conduct engineering studies and quantify the proposal's impacts and issues.

Staff Response

Pagano provided additional comments on several key topics. Regarding the wastewater treatment plant, the county aimed to ensure adequate wastewater treatment at the site, which was currently lacking. The building and environmental health official, Crystal Lambert, could provide further input on this matter if needed. On the topic of employee housing units, there was no submission regarding a deed restriction for these units, although this could potentially become a condition imposed by the commission.

The STOR committee had emphasized the need for more established camping options in the valley, particularly in reference to the RV campground. Colorado Parks and Wildlife (CPW) planned to collar animals in the area, with a focus on bighorn sheep, to assess wildlife impacts. Concerning the traffic study, the applicant was advised to consider and discuss the timing of the study, especially in light of the closure of the Spring Creek Reservoir.

The Division of Water Resources did not typically provide comments at the sketch plan stage, but such comments would be expected at the preliminary plan stage. Additionally, there was a desire for evidence demonstrating the need for the proposed storage units.

Pagano noted that the hybrid meetings were available to enhance accessibility and advised against delaying scheduling to accommodate all parties. Attendees were reminded that recordings would be available for those unable to attend in person. Finally, Pagano noted that the Board of County Commissioners (BOCC) had the option to hold an additional public hearing, and the public was encouraged to submit letters to the BOCC if necessary.

Pagano requested that the planning commission continued the hearing, based on the amount of comment. Pagano also wanted to make some changes to the draft recommendation document.

Board Discussion

Mason discussed continuing the public hearing, emphasizing that the public would have additional opportunities to submit written comments and make oral statements at the next hearing.

Puckett Daniels outlined a list of questions for the applicant, including the need to resolve discrepancies concerning wildlife activity, which would require a wildlife impact analysis during the preliminary plan phase. She also requested details on fire management policies, outdoor fire use, and policies for ATV and OHV use. Additionally, she sought an analysis of the pros and cons of a public dump station, as well as evaluations of water supply, storage, and the WWTP's tie-in capacity, all of which would be addressed during the preliminary plan phase. Puckett Daniels also reflected on the community's love for the area, asking how the proposed expansion could contribute positively to it.

Barvitski requested more information about the seasonality of occupancy for the site.

Smith noted the fluctuations in use patterns and expressed general support for worker housing. However, he raised concerns about housing being tied to employment and requested

clarification on how this approach would benefit the workforce while providing necessary protections.

Phillips focused on operational concerns, asking how the project would be managed and suggesting that the applicant clarify their values to help the community better understand their vision.

Continuation of the Public Hearing

Schwartz made a motion to continue the public hearing to January 9th, 2024 at 9 am. Seconded by Phillips. The motion passed unanimously in support.

BREAK

Joint Public Hearing: LUC-24-00028| Minor Impact | Kunes 3 Lot Subdivision

The Applicant proposed a three-lot subdivision of 127 Evelyn Lane. The subdivision would split the current 4.1 acres into a 2.01 acre, a 1.0 acre, a 1.01 acre parcel.

Chair Mason opened the public hearing at 12:24 pm.

Confirmation of Adequate Public Notice

Blondy Confirmed adequate public notice.

Preliminary matters, ex-parte communications: none.

Applicant Presentation

Jim Kunes was present. He purchased the 4 acres last year. It took the time to improve the property including putting in a new septic system. Wanted to split up part of the property to help reduce the mortgage for his daughter and her husband.

Staff Comments

Blondy gave an overview. After the last work session, the planning commission asked the applicant to create a road maintenance agreement with the HOA, which the applicant did. The Applicant also drafted covenants.

There had been a few comments concerning the increase in traffic, and the existing dangers of the intersection of HWY 135 and Evelyn lane. Blondy reached out to CDOT, and they verbally commented that a traffic study would be required with a 20% increase in lots. The creation of two lots was less than a 20% increase and therefore didn't trigger a need for a traffic study at this time.

Review Body Questions

Puckett Daniels asked for clarification about how the road

Public Comments

Jay Kelleher – 17 Paul Place. Downhill neighbor. Had concerns about water and snowmelt runoff. Concerned about water runoff when new buildings were built there. Concerns about the water runoff from the driveway. Had any studies been done? What would happen if there were any water issues in the future. What was his protection in the future.

Applicant Response

Kunes noted that he hadn't done any studies. The access was existing, but he anticipated that any future construction would require him to do a study at the time of permitting.

Staff Response

Staff reiterated that the driveway review would be conducted by Gunnison County Public Works to meet road and bridge standards at the time of building permit submission.

Blondy noted that Mr. Kelleher had written in a comment concerning potential building sizes.

Blondy addressed the commissions' question concerning public comments about wells, and wells in the area drying up. She noted that the applicant was required to show that each new lot would be able to have adequate water and was required to purchase augmentation from the Upper Gunnison Water Conservancy District.

Puckett Daniels asked if it was possible to know how drilling additional wells in the area would impact the neighbors' existing wells. The Division of Water Resources commented on the project, but they didn't comment on the physical adequacy for this project. Houck noted that the state was the ultimate authority, and that they took neighboring wells into consideration before permitting new wells.

Review of Draft Decision Document

Blondy gave an overview of the findings and conditions, noting that the application met the standards and requirements of the LUR for a minor subdivision.

Close Public Hearing

Neiderer Moved to close the public hearing. Seconded by Schwartz.

Recommendation

Schwartz made a motion to recommend the application to the Board of County Commissioners. Seconded by Niederer. The motion passed unanimously in support.

Mason adjourned the meeting at 12:55 pm



Cathie Pagano, Assistant County Manager
Gunnison County Community & Economic Development Department

Phone: (970) 641-0360
Email: planning@gunnisoncounty.org
Website: www.GunnisonCounty.org

From: Cathie Pagano, Assistant County Manager for Community and Economic Development
To: Planning Commission and Board of County Commissioners
Date: December 12, 2024
Re: Starview Subdivision LUC-22-00028

The Planning Commission and Board of County Commissioners are holding a joint public hearing on the Starview subdivision application on December 19, 2024. The sketch plan application has gone through several iterations and currently proposes:

- 129 residential lots to include 84 single family lots, 40 multi-family units, four residential units above commercial. The parcel includes a “high density” area that will include 44 units, 22 of which will have some type of deed restriction for local workforce. The remaining 22 units will not be restricted. 25 of the single-family lots will be allowed to have a secondary residence.
 - Lots 1-52 and 69-85 (excluding Lot 80, designated CB South Metro lot): Minimum is 1,200 square feet minimum and a two-car garage.
 - Lots 53-68: Minimum is 1,000 square feet and a one car garage.
 - High-density townhome area: Minimum is 800 square feet with a one car garage
- One lot for Crested Butte South Metropolitan District which may include employee housing.
- Commercial use which includes twelve commercial units and a proposed gas station.
- Recreation uses include a multi-use path, two pavilions, one play area.

There have been numerous public comments submitted expressing concern related to the commercial uses proposed, and the gas station in particular. Additionally, comments express concern about development adjacent to Highway 135.

Commercial Uses

Section 10-1-4: *Locational Standards for Commercial, Industrial, and Other Non-Residential Development* identify the following standards for development of commercial uses outside of a municipal three-mile plan area and states:

“C. ALTERNATIVE LOCATIONAL STANDARDS. When the applicant has demonstrated that a proposed commercial, light industrial, industrial or other non-residential development cannot satisfy the primary locational standard, the location may be approved if the BOCC finds that in addition to meeting all of the other applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood uses, wildlife, visual quality, air or water quality, and the proposed use complies with the following:

1. LOCATIONAL CONSIDERATIONS.

a. NECESSARY LOCATION. The location is necessary because of specific circumstances including location of minerals, unique transportation needs or geologic conditions; or

b. NO SITE IS REASONABLY ATTAINABLE IN OR ADJACENT TO THE NEAREST MUNICIPALITY OR EXISTING PERMITTED BUSINESS OR INDUSTRIAL PARK. There is no site reasonably attainable within or adjacent to the municipality or existing permitted businesses or industrial park nearest the proposed development site, in an area that qualifies for annexation, or is consistent with a municipal Three Mile Plan area. Evaluation of suitability shall consider size of parcel needed, reasonable availability of necessary utilities and other infrastructure, and the applicant shall provide documentation of comparable sites. Economic feasibility or practicality of comparable sites may be considered, but shall not be the deciding factor in determining suitability; or

c. LOCATION WELL-SUITED TO SPECIFIC USE. The proposed location is particularly well-suited for the specific use (recreational facilities, including dude ranches or resorts); provided, however, that location in a high traffic area or on a highway artery shall not, in and of itself, qualify a proposed commercial development for approval; or

d. NEED OR USE IS WELL-SUITED IN A PARTICULAR AREA. There is a documented need for the specific use in the proposed location; or

e. USE IS DESIGNED TO SERVE A SPECIFIC RESIDENTIAL AREA. The development will be located and designed primarily to serve an integral part of a specific residential area or development and shall provide services that are reasonably likely to reduce vehicle trips between the residential area and population centers.”

The Planning Commission and staff discussed commercial uses with the applicant and suggested that they could consider including neighborhood serving commercial uses. Those uses are often small office and retail space that might include businesses that directly serve the neighborhood. A general planning best practice is to design neighborhoods and communities whose needs can be served locally and don't require driving. This can be difficult to achieve in smaller neighborhoods. Staff recommends that the Planning Commission consider how the proposed commercial uses comply with the above standards. The applicant stated in the amended Sketch Plan that:

“The light commercial development within the proposed land use does not meet the primary locational standard in LUR 10-104(B), and there are no suitable and available properties to develop the proposed light commercial development within or adjacent to the Town of Crested Butte, or within its Three Mile Plan Area. The proposed light commercial and store lot, including a gas station, does meet the provisions of LUR 10-104(C)(1)(e) in that the uses for the commercial units has been located and designed to serve the proposed residential area,

including the Crested Butte South area, and will provide services that are reasonably likely to reduce vehicle trips between the Crested Butte South area and both Crested Butte and Gunnison. It is proposed that the commercial spaces will be utilized for office space, retail, art galleries, studios and health and other professional service providers. The store with gas station is a needed amenity in the area, and will help alleviate the traffic up and down valley. The protective covenants and design guidelines will govern the design and use of the light commercial areas, and will ensure that there are no significant net adverse impacts on adjacent land uses, County or other infrastructure, or public health, safety or welfare, or the environment.”

2005 Gunnison County Comprehensive Corridor Plan

Some public comment has noted that the proposed development is too close to Highway 135 and that the County has a policy of requiring that development be setback from the highway. The Gunnison County *Land Use Resolution* does not include any such policy or include any standards related to view corridors.

In 2005, the Gunnison County Planning Commission approved the [2005 Gunnison County Comprehensive Corridor Plan](#) (the 2005 Corridor Plan). The 2005 Corridor Plan was approved as an advisory document and is not a regulatory document:

“The Plan is considered as one source of comprehensive planning, and is generally held to be advisory only, and not the equivalent of zoning, nor binding on the zoning discretion or land use authority of the legislative body. In general terms, a master or comprehensive plan is a guide, or a compass to direct land use and future refinement of zoning or the existing land use regulations. Considered alone, a master plan is merely a general policy directive, and, if revision are not made to the applicable land use regulations, it does not affect legally protected interests or property owners.”

Since the approval of the 2005 Corridor Plan, the County has codified very few of the recommendations that were set forth in the 2005 Corridor Plan including that development be setback from Highway 135. The 2005 Corridor Plan does state that one open space objective is to “enhance and protect the aesthetic values of the East River Corridor/State Highway 135 view sheds by use of clustering as well as greenbelts, buffers and easements along the highway and other conservation tools.” The 2005 Corridor Plan also includes the following objectives:

- Gunnison County should ensure that sufficient quantities of high-quality (wildlife) habitat exist to support viable populations of existing species.
- Future development patterns should be designed to minimize fragmentation of (wildlife) habitat.
- Gunnison County should protect its natural viewsheds. The county shall adopt policies that minimize fragmentation and degradation of scenic views.
- Discourage multifamily development in this corridor area, with the exception of Almont and Crested Butte South.
- Within the Three-Mile planning area: Generally, no additional commercial or industrial development should occur within on-quarter (1/4) mile of Highway 135 with the following exceptions:

- Tourist oriented businesses such as resorts or horseback riding;
- Commercial development in the Almont area;
- Home occupations as defined in the LUR; and
- Temporary permitted uses.
- The County shall develop encourage public/private/user partnerships to provide or restore what (Housing) is needed.

The County does have adopted regulations regarding wildlife habitat but does not have regulations in effect that address the other above bulleted objectives.

Development of land adjacent to Highway 135 in the north valley has tended to occur with a significant setback between the highway and the development, with notable exceptions including Whetstone Community Housing and Riverland Industrial Park (developed in the early 1980s). Staff notes that while this may create a sense of open space (and some areas of conserved land) it also has the effect of pushing development away from impacted areas (i.e. the highway) and further into outlying areas and environments. This development pattern leads to habitat fragmentation for wildlife, water quality impacts, increased vehicle miles traveled, greater traffic on County roads, longer commute times, and higher costs for emergency services. The regulation of development adjacent to the highway is not regulated by the Gunnison County *Land Use Resolution*.

As part the Board of County Commissioners 2024 Strategic Plan, a strategic goal has been included to develop a corridor plan:

“By April 30, 2025, the initiation of the Gunnison to Mt. Crested Butte Corridor Plan process which will include a land use, transportation, and utilities/infrastructure plan and emphasize Identifying where and when future transportation and infrastructure investments should be spent along with the anticipated location and density of future growth and discouragement of sprawl in inappropriate locations that are in alignment with community expectations.

By December 31, 2026, amend appropriate regulations to align the County’s regulatory standards and processes with the outcomes of the Corridor Plan.”

Staff is currently working with the Board of County Commissioners to develop an initial scope of work and goals for this project. It is expected that there will be robust public engagement in developing a new corridor plan.

Next Steps

Staff recommends that the Planning Commission discuss the following matters:

- Whether the proposed restrictions on some housing units will be effective in serving the community need for affordable and workforce housing.
- Possible recommendations or conditions on park amenities that may be required
- If the proposed development is compatible with the neighborhood and community character.
- Discussion of the proposed berms.
- Whether the proposed commercial development complies with County standards.

- Identify concerns related to development adjacent to Highway 135.

The Planning Commission has not yet provided direction on drafting a recommendation of approval or denial. The Planning Commission may continue the public hearing or close the public hearing on December 19th. Because the Commission has not yet reviewed a draft recommendation, staff recommends that the public hearing be continued. Additionally, if there are items or information that the Planning Commission needs to make a determination, staff recommends that those items be identified for the applicant.

Please feel free to reach out to me in advance with any questions or concerns. Thank you.

To: Gunnison County Planning Commission

RE: LUC-24-00035 | Joint Public Hearing | Graham Subdivision

Memo Date: December 12, 2024

Meeting Date: December 19, 2024

1. Project Summary

The Applicant, Kevin Graham, proposes a two-lot subdivision of a 2.19 acre lot at [225 Columbine Rd](#), in the Hartman Rocks area of Gunnison, CO. The subject parcel is within, but not a part of, Panoview Park Subdivision. The proposal would two new lots, 1.12 acre Tract A and 1.09 acre Tract B. The subject parcel is developed with a 1,296 sq. ft. residence and 720 sq. ft. detached garage, and all improvements would be located on Tract A.

The Planning Commission conducted a work session on October 17, 2024, and directed staff to schedule a joint public hearing and draft a recommendation document (Exhibit A) for consideration. The Commission discussion focused on:

- a. General support of relocating the septic system serving 225 Columbine Road, which was located across the street on 406 Columbine Road. The existing system will be replaced and located on 225 Columbine Road under permit no. OWTS-24-00216, issued on August 30, 2024.
- b. General support that the applicant re-permitted the 1960
- c. The resultant lot sizes are similar to the adjacent one-acre lots in Panoview Park Subdivision.



Figure 1. Location Map

2. Compliance with Applicable Standards of the Land Use Resolution

The proposal has been reviewed for compliance with applicable standards of the Land Use Resolution in Exhibit A, *Staff Report*. A summary of this analysis is provided below.

The subject parcel is mostly flat sage brush with a slight slope to the northeast. The parcel an outparcel within Panoview Park subdivision is accessed from Columbine Rd., a County maintained subdivision road. All existing and future development will be served by an OWTS and individual wells.

Lots within the Panoview Park subdivision range between 1-1.5 acres, with some clustered 2.5 acre lots. This proposal creates two lots that are similar in size and use to other lots within the neighborhood. The

project is located within the *Gunnison Three-Mile Plan and Urban Growth Boundary (1997)* and *City of Gunnison Comprehensive Plan (2020)* areas; and the City of Gunnison Planning and Zoning Commission provided a letter of support on August 14, 2024.

The Graham subdivision is located within Potentially Unstable Slopes, a mapped geologic hazard, and in an August 14, 2024 letter, the Colorado Geologic Survey recommended “...any grading cuts with a vertical component of more than four feet be disallowed or evaluated for stability.” Pursuant to LUR Section 11-104 *Development in Areas Subject to Geologic Hazards*, a geotechnical analysis will be required prior to any development.

The subdivision is located within Tier-2 Sage Grouse Habitat and was referred to the Gunnison County Wildlife Conservation Coordinator, Ben Prior, on August 20, 2024. Mr. Prior found that “...the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred.” Conditions for the subdivision are in Administrative Review Certificate No. 178, Series 2024 recorded on September 10, 2024 at Reception No. 698387.

The Applicant has executed a Water Purchase Agreement Upper Gunnison River Water Conservancy District for 0.5 acre feet of water for one dwelling and 5,000 sq. ft. of lawn and gardens. The Applicant has submitted a Well Permit Application with the Colorado Division of Water Resources. This well has been permitted under permit no. 89336-F. The existing well on the property was permitted in 1960 under permit no. 5745. Since the well was permitted prior to 1972, it was not permitted under the presumption of non-injury, and the well was re-permitted under well permit no. 335976.

The proposed subdivision will not create any nonconforming structures or setbacks. The Applicant has not proposed any covenants for the subdivision.

3. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click “Projects”, search by application number LUC-24-00035. Click on “Attachments”.

- A. Draft Planning Commission Recommendation
- B. Draft Plat

TO: Planning Commission

SUBJECT: Planning Commission Recommendation
Graham Subdivision
LUC-24-00035

DATE: December 19, 2024

PREPARED BY: Hillary I Seminick, Planning Director

At a joint public hearing on December 19, 2024 the Planning Commission recommended approval of the following Minor Impact to the Board of County Commissioners, motioned by _____ and seconded by _____.

PROJECT DESCRIPTION:

The Applicant, Kevin Graham, proposes a two-lot subdivision of a 2.19 acre lot at [225 Columbine Rd](#), in the Hartman Rocks area of Gunnison, CO. The subject parcel is within, but not a part of, Panoview Park Subdivision. The proposal would two new lots, 1.12 acre Tract A and 1.09 acre Tract B. The subject parcel is developed with a 1,296 sq. ft. residence and 720 sq. ft. detached garage, and all improvements would be located on Tract A.

PLANS/REPORTS/SUBMITTALS:

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

- Application 5/31/24
- Site Plan 5/31/24
- Upper Gunnison River Water Conservancy District Water Purchase Agreement 5/31/24
- Well Permits for new and existing wells 7/31/24 – 9/26/24
- Sage Grouse Review 8/20/24
- Department of Water Resources Comments – 8/22/24

IMPACT CLASSIFICATION:

The proposal is classified as a Minor Impact Project, and meets the standards of *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units that are subdivision lots.*

MEETING DATES:

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

- October 17, 2024 Work session
- December 19, 2024 Joint Public Hearing

SITE VISIT:

A site visit was not conducted because the Planning Commissioners were familiar with the site.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via email on July 24, 2024 to the following agencies:

- Colorado Parks & Wildlife (CPW) – Brandon Diamond and Nathan Seward
- Gunnison Fire Protection District (GFPD) – Hugo Ferchau (No comments received)
- Gunnison County Building and Environmental Health Official – Crystal Lambert (No comments received)
- Colorado Geologic Survey (CGS)
- Gunnison County Public Works – Martin Schmidt (No comments received)
- City of Gunnison
- Upper Gunnison River Water Conservancy District (UGRWCD)
- Colorado Division of Water Resources (DWR)

Comments from the agencies and are noted in the applicable sections below.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

Section 10-102: Locational Standards for Residential Development

An application proposing a new subdivision shall comply with the following requirements:

B. LOCATIONAL STANDARDS. In addition to all applicable standards of this Resolution, an application for a new subdivision shall initially be reviewed for its location relative to existing development and shall be located:

- 1. ADJACENT TO EXISTING POPULATION CENTER. Adjacent to Almont, Crested Butte South or the incorporated municipalities of Gunnison, Crested Butte, or Mt. Crested Butte;*
- 2. WITHIN A MUNICIPAL THREE MILE PLAN AREA. Within a municipal Three Mile Plan area;*

The proposal is located near, but not immediately adjacent to the nearest adjacent population center, the City of Gunnison. The proposal is within the City of *Gunnison Three-Mile Plan and Urban Growth Boundary (1997)* and *City of Gunnison Comprehensive Plan (2020)* areas.

In a letter dated August 14, 2024, the City of Gunnison Planning and Zoning Commission had several observations about this project, which can be seen fully in Section 10-103 below. The letter concluded with “Based on the above observations and the compatibility of the Minor Impact with the surrounding neighborhood, the Commission supports the Graham Subdivision request.”

C. LOCATION RESULTS IN NO SIGNIFICANT NET ADVERSE IMPACT TO THE NEIGHBORHOOD. When the applicant has demonstrated that a proposed residential development cannot satisfy the locational standard, the location may be approved if the BOCC finds that in addition to meeting all of the applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.

The proposed subdivision lots are similar in size (~1 acre) and in character (residential) to the adjacent lots within the Panoview Park Subdivision. A single additional residential lot of similar size unlikely to cause any significant net adverse impacts to neighborhood lands and land uses.

Section 10-103: Residential Density

The proposed subdivision will create two one-acre parcels adjacent to an existing subdivision predominated by one-acre parcels. The proposal is exempt from Sections 10-103:3. *Lot Size and Lot Density Considerations* because the parcels are “substantially similar to neighborhood parcels”. The new residential lots shall be considered relative to existing development and the following standards.

1. *COMPLIANCE WITH MUNICIPAL THREE MILE PLAN AREA. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal three-mile plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the three-mile plan area. Where there is a conflict between the objectives or policies of a three-mile plan or the intergovernmental agreement, and County standards, County standards shall apply; and*
2. *DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS. Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of an On-Site Wastewater Treatment System pursuant to the Gunnison*

The proposed subdivision creates two 1+ acre lots in a residential neighborhood, which meets the current OTWS standard minimum lot size. In a letter dated August 14, 2024, the City of Gunnison Planning and Zoning Commission stated:

Thank you for the opportunity to comment on the Minor Impact application submitted by Kevin Graham. The following comments are based on the submitted application material and its relation to the Gunnison Three- Mile Plan and Urban Growth Boundary (1997) and the City of Gunnison Comprehensive Plan (2020).

The City has the following observations regarding this proposed use:

1. *The Three-Mile Plan (1997) defines proposed Tract A and Tract B as Low Density Residential 1 unit/1-5 acres).*
2. *The Minor Impact is outside of the Urban Growth Boundary.*
3. *The Minor Impact proposes to subdivide a 2.19-acre parcel into two parcels: Tract A at 1.12 acres and Tract B at 1.09 acres.*
4. *The site has one existing dwelling unit with detached garage which will remain on Tract A when subdivided. No structures are currently proposed on Tract B.*
5. *The applicant has applied for a well permit from the State and would be required to install an onsite wastewater treatment system (OWTS) upon development. Access for both sites is off Columbine Road.*

6. *Adjacent land uses include vacant land owned by the Gunnison County Board of Commissioners to the northeast, private vacant land to the southeast, and residential lots within Panoview Subdivision to the west.*
7. *The proposed Minor Impact is compatible with the surrounding neighborhood.*

Based on the above observations and the compatibility of the Minor Impact with the surrounding neighborhood, the Commission supports the Graham Subdivision request.

Section 11-104: Development in Areas Subject to Geologic Hazards.

The project is located within a mapped potentially unstable slopes area and Proposed Tract A contains only a small area of slopes steeper than about 10%. The Plat requires appropriate Warning and Disclaimer language that addresses the geologic hazards on the parcels.

In a letter from Jill Carlson, C.E.G. with CGS, titled “Graham Two-Lot Subdivision – LUC-24-00035, Gunnison County, CO; CGS Unique No. GU-25-0008,” dated August 14, 2024, stated:

The Colorado Geological Survey has reviewed the LUC-24-00035 referral. I understand the applicant proposes a two-lot subdivision within the Panoview Subdivision, creating one new lot, Tract A, 1.09 acres. Proposed Tract B, 1.12 acres, contains an existing residence and outbuildings.

The site is within mapped “Mass-movement deposits (Pleistocene?)” but is in an area of minimal topography above Gold Basin Creek, an intermittent tributary of Tomichi Creek. Proposed Tract A contains only a small area of slopes steeper than about 10%. Soule1 describes the area corresponding to the mapped mass-movement deposit as: POTENTIALLY UNSTABLE SLOPE: slope with most attributes of an unstable slope, but where past or present slope failure is not apparent. The most significant of these attributes are composition of surficial and bedrock materials, proximity and geological similarity to slopes that have failed in the past or are failing now, slope angle and aspect, soil moisture conditions, and microclimate.

Evidence of recent or active ground movement on and around the 225 Columbine Road property is not visible in high-resolution LiDAR-derived hillshade imagery, but construction-related slope instability is a concern. CGS recommends that any grading cuts with a vertical component of more than four feet be disallowed or evaluated for stability.

Section 11-105: Development in Areas Subject to Wildfire Hazards.

The project is located within a mapped high wildfire hazard area. The Plat requires appropriate Warning and Disclaimer language that addresses the wildfire hazards on the parcels.

Section 11-106: Protection of Wildlife Habitat Areas

In an email from Nick Gallowich, CPW Game Warden – Gunnison East, dated August 6, 2024, stated that “The site is already developed with roads and other structures and

should not create significant issues for wildlife.” And goes on to discuss black bear – human conflicts and household pets as described in his comments below.

Thank you for the opportunity to comment on the Graham subdivision proposal, located at 225 Columbine Drive, south of the city of Gunnison. CPW personnel have reviewed the proposal and believe that there will be little impact to wildlife with this project. The site is already developed with roads and other structures and should not create significant issues for wildlife.

However, the proposed project area includes black bear habitat. Black bear - human conflicts are typically the result of unmanaged trash, or the availability of other attractants such as bird feeders, pet food and/or livestock feed. Because Of this, CPW recommends that preventative efforts be taken to reduce bear-human conflict, including requiring new residents to use bear proof trash containers. Bear-proof containers are a proven way to mitigate bear conflict, as is requiring residents to secure trash prior to the morning of scheduled trash pickup. Please refer to the "Living with Bears" brochure provided at the link below:

<https://cpw.state.co.us/Documents/Education/LivingWithWildlife/LivingWithBears.pdf>

Household pets, including cats and dogs, present a threat to native wildlife following new development. Dogs which are allowed to roam freely may harass and kill wildlife. Dogs outside their yard, kennel, or dog-run should be on a leash or otherwise under direct control. Domestic cats are adept hunters and may be extremely impactful to populations of local birds and small mammals if allowed to range freely. They may also attract and ultimately become prey for coyotes, foxes, lions, and bears. CPW recommends that domestic cats are kept indoors or under direct control while outdoors. Pet food left outside may attract bears and other predators as well as nuisance wildlife species, therefore CPW recommends securing all pet food sources to help mitigate conflicts.

Section 11-106:E.4 – Referral to Gunnison County Wildlife Conservation Coordinator and On-Site Consultation

The parcel is located within mapped Tier 2 Gunnison Sage Grouse habitat. The application was sent to Ben Prior, Gunnison County Wildlife Conservation Coordinator, on August 20, 2024. In this review, Mr. Prior found that “...the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred.” Conditions for the subdivision are in Administrative Review Certificate No. 178, Series 2024 recorded on September 10, 2024 at Reception No. 698387.

Section 11-109: Development That Affects Agricultural Lands

Language shall be included in any recommendation of approval that complies with this Section. Staff has sent Code of the West and Right To Ranch documents to the Applicant.

Section 12-103:A – Compliance with Road and Bridge Construction Standards

No new roads are proposed, all parcels will be accessed form Columbine Road; aka County Road 41B. New development will be required to comply with Gunnison County Road and Bridge Standards at time of application, as amended.

Section 12-105: Water Supply.

The Applicant has executed a Water Purchase Agreement - Upper Gunnison River Water Conservancy District for 0.5 acre feet of water for one dwelling and 5,000 sq. ft. of lawn and gardens. Further information is contained within the Water Agreement – Exhibit B. The Applicant has submitted a Well Permit Application with the Colorado Division of Water Resources. The well permit is required to be issued before the building permit can be approved. In an email from Beverly Richards, Office Manager/Senior Program Manager with the UGRWCD, dated July 25, 2024, stated “No issues from the Upper Gunnison River Water Conservancy District regarding water supply.”

There is an existing well on the parcel that was approved on May 3, 1960, under permit no. 5745. This exempt well is located between the existing residence and detached garage and will remain on the resultant Tract A. Because this well was permitted prior to 1972, it has not been evaluated on the basis of presumptive non-injury and will need to be re-permitted prior to the approval of this subdivision per Megan Sullivan's comments below.

In an email from Megan Sullivan, P.E. Water Resource Engineer with the Department of Water Resources, dated August 22, 2024 states that:

“The existing well (current permit 5745) would have to be re-permitted as an exempt well under a presumption of non-injury in order for it to remain as an exempt well (augmentation contract not required) and be a legal water supply for one lot of the subdivision. They'll have to re-permit it before the subdivision is approved, so the parcel description on the permit will be the entire original parcel and not one of the proposed lots.”

The Applicant has received a well permit for the existing well (mentioned above) that is permitted to serve one (1) single family dwelling and is not to be used for irrigation or other purposes.

Section 12-106: Wastewater Treatment

Each lot is over 1 acre in size, meeting the minimum lot size to install an OWTS. The Applicant has applied to replace the existing OWTS on resultant Tract A with permit number OWTS-24-00216. All development shall comply with Gunnison County OWTS Regulations, as amended.

Section 13-102:B – Location Withing Municipal Three-Mile Plan Area

Project is located within the City of Gunnison Three Mile Plan area. As mentioned in Section 10-102, The City of Gunnison Planning and Zoning Commission provided comments in a letter dated August 14, 2024 (referenced above in Section 10-103). The letter concluded with “Based on the above observations and the compatibility of the Minor Impact with the surrounding neighborhood, the Commission supports the Graham Subdivision request.” With this, the project complies with the municipal three-mile plan.

Section 13-103: General Site Plan Standards and Lot Measurements.

There is an existing residence, detached garage, and shed on the resultant Tract A. The existing structures meet the standards of this Section. All future development will be required to meet County setback requirements, which will comply with the standards of this Section. The proposed subdivision creates two lots, which are 1.12 and 1.09 acres in size.

Section 13-104: Setbacks from Property Lines and Road Rights-of-Way

The existing structures, which were constructed in 1962, located on proposed Tract A are shown to meet the minimum required setbacks of 40' from the edge of County Right of

Way and 15' side yard setbacks. All future development will be required to meet County setback requirements.

Section 13-119: Standards to Ensure Compatible Uses.

Application is for a residential subdivision in a residential area. Each lot is similar in size to adjacent lots. Therefore, the proposed subdivision is not anticipated to cause any significant net adverse impact or any hazards or nuisances.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The project is classified as a Minor Impact Land Use Change pursuant to Section 6-102:A – 2-4 Units
2. The proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred. Conditions for the subdivision are in Administrative Review Certificate No. 178, Series 2024 recorded on September 10, 2024 at Reception No. 698387.
3. The subdivision is located within the *Gunnison Three-Mile Plan and Urban Growth Boundary (1997)* and *City of Gunnison Comprehensive Plan (2020)* areas; and received a letter of support without conditions from the City of Gunnison Planning and Zoning Commission on August 14, 2024.
4. The development will be served by individual wells and OWTS.
5. This application is consistent with the standards and requirements of this *Resolution*.
6. This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-24-00035 be classified as a Minor Impact, and recommend approval with the following conditions:

1. 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*.
2. A separate Gunnison Sage-grouse analysis will be required, which may include additional conditions, for any proposed development in the future not addressed in

Administrative Review Certificate No. 178, Series 2024 recorded on September 10, 2024 at Reception No. 698387.

3. Future development will comply with Colorado Geologic Survey recommendation that "...any grading cuts with a vertical component of more than four feet be disallowed or evaluated for stability." Pursuant to LUR Section 11-104 Development in Areas Subject to Geologic Hazards, a geotechnical analysis will be required prior to any development.
4. Applicant shall use bear-proof trash containers to minimize human-bear conflict.
5. Any fencing shall be built using wildlife friendly specs so as not to restrict movement of elk, deer, and other wildlife.
6. Pets, specifically domestic dogs and cats, are not allowed to range freely and shall be kept under appropriate control, by means which may include kenneling, leashing, or other physically secure methods to ensure that negative effects to wildlife from pets do not occur.
7. All pet food sources shall be kept secure to not attract bears, predators, and/or nuisance wildlife species.
8. Husbandry of domestic livestock, specifically domestic sheep, shall not be allowed on the subject property in order to mitigate risk to Rocky Mountain bighorn sheep health, who are year-round occupants of the Almont area.
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.

**GRAHAM SUBDIVISION
WITHIN THE SE1/4 OF SECTION 14,
T49N, R1W, NMPM
GUNNISON COUNTY, COLORADO**

COMMENTS

Pursuant to Section 5-209 H, of the Gunnison County Land Use Resolution:

Confinement of Domestic Animals: Each Lot Owner within this subdivision acknowledges and agrees that domestic animals must be controlled by kennels, leash, fencing, or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible individual.

Colorado's Fence Out Requirement: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property in accordance with C.R.S. 35-46-101 et. seq.

Irrigation Ditch Maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

Wildfire Hazard: The owners of this property acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property and any improvements thereto. We acknowledge that the County's approval of this subdivision does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard area will be free from hazards and hereby agree to indemnify, defend, and save harmless the County, its agents, officers, and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, personal injury, or property damage, arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

Geologic Hazard: The owners of this property acknowledge having been informed by Gunnison County of the existence of geologic hazard areas that may affect the use and occupancy of the property and any improvements thereto. We acknowledge that the County's approval of this subdivision does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard area will be free from hazards and hereby agree to indemnify, defend, and save harmless the County, its agents, officers, and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, personal injury, or property damage, arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

ATTORNEY'S OPINION

I, Michael O'Laughlin, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subject to this subdivision plat. The title of the property is vested in KEVIN M. GRAHAM, and is free and clear of all liens, defects, encumbrances, restrictions and reservations, as of July 8, 2024, except as follows:

1. ANY AND ALL UNPAID TAXES AND ASSESSMENTS FOR THE CURRENT YEAR AND SUBSEQUENT YEARS.
2. RIGHT OF THE PROPRIETOR OF A VEIN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 06, 1919 IN BOOK 194 AT PAGE 172.
3. ANY TAX, LIEN OR FEE RESULTING FROM INCLUSION IN BOARD OF COUNTY COMMISSIONERS ORDINANCE NO. 11 ESTABLISHING MOSQUITO CONTROL AREA AS EVIDENCED BY INSTRUMENT RECORDED JANUARY 16, 2004 UNDER RECEPTION NO. 538322.

Dated this _____ day of _____, 2024.

Michael O'Laughlin, Attorney-at-Law
Supreme Court Registration No. 38134
Schumacher & O'Laughlin, LLC
232 W. Tenth St. Suite 204
Gunnison, CO 81230
(970) 641-4900
mike@gunnisonlaw.net

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of GRAHAM SUBDIVISION is approved this _____ day of _____, A.D. 20____ and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

ATTES:

County Clerk _____

Chairperson _____

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents, that the undersigned, being all of the Owner(s), Mortgagee(s) and Lien-holder(s) of certain lands in Gunnison County, Colorado, described as follows:

Township 49 North, Range 1 West, N.M.P.M.

Section 13: SW1/4SW1/4

Section 14: W1/2SE1/4 and SE1/4SE1/4

Section 23: NE1/4NE1/4

Section 24: W1/2NW1/4

EXCEPTING THEREFROM the property more fully described in the deeds recorded in the Office of the Gunnison County Clerk and Recorder at the following books and pages:

- | | |
|----------------------|---------------------------------------------------|
| Book 366 at page 282 | Clarence C. Chambers and Dorothy Pauline Chambers |
| Book 317 at page 11 | Richard E. Marquardt and Mary E. Marquardt |
| Book 421 at page 81 | Gail R. Westerbur and Vernadene C. Westerbur |
| Book 430 at page 354 | Kenneth D. Hill and Barbara A. Hill |
| Book 431 at page 485 | The County of Gunnison |
| Book 478 at page 217 | Gail R. Westerbur and Vernadene C. Westerbur |
| Book 478 at page 219 | Kenneth D. Hill and Barbara A. Hill |
| Book 481 at page 334 | Kenneth R. Bergin and Dana L. Bergin |
| Book 481 at page 338 | Gail R. Westerbur and Vernadene C. Westerbur |
| Book 481 at page 338 | Kenneth D. Hill and Barbara A. Hill |
| Book 347 at page 97 | James J. Graham and Zeta I. Graham |
| Book 689 at page 685 | William T. Edwards, Jr. and Donna E. Edwards |
| Book 721 at page 83 | County of Gunnison |
| Book 768 at page 389 | Randy L. Payne and Kathy S. Payne |

FURTHER EXCEPTING THEREFROM that property platted as PANOVUE PARK SUBDIVISION according to the Plat recorded February 16, 1978, bearing Reception No. 324547, County of Gunnison, State of Colorado.

In Gunnison County, Colorado, under the name of GRAHAM SUBDIVISION have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate and convey to the owners of lots, tracts, or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

Executed this _____ day of _____, 2024.

OWNERS:

By _____
Kevin Graham

STATE OF COLORADO }
COUNTY OF GUNNISON } ss.

The foregoing instrument was acknowledged and executed before me this _____ day of _____, 2024, by Kevin Graham.

Witness my hand and official seal.

Notary Public _____

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends _____ approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held on this _____ day of _____, A.D. 20____.

Chairperson _____

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado on this _____ day of _____, A.D. 20____, Reception Number _____, Time _____.

County Clerk and Recorder _____

By: Deputy _____

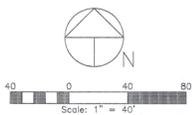
**GRAHAM SUBDIVISION
WITHIN THE SE1/4 OF SECTION 14, T49N, R1W, NMPM
GUNNISON COUNTY, COLORADO**

PEARSON SURVEYING
P.O. BOX 652
GUNNISON, CO 81230
970-641-2910
PROJECT # 24-1-1

DATE : 3/26/24
LATEST REVISION DATE : 7/23/24

SHEET 1 OF 1

GENERAL NOTES: Property located by field measurements to found monuments shown. Record bearings and distances are shown in parentheses where they differ from measured or calculated bearings and distances.



LEGEND

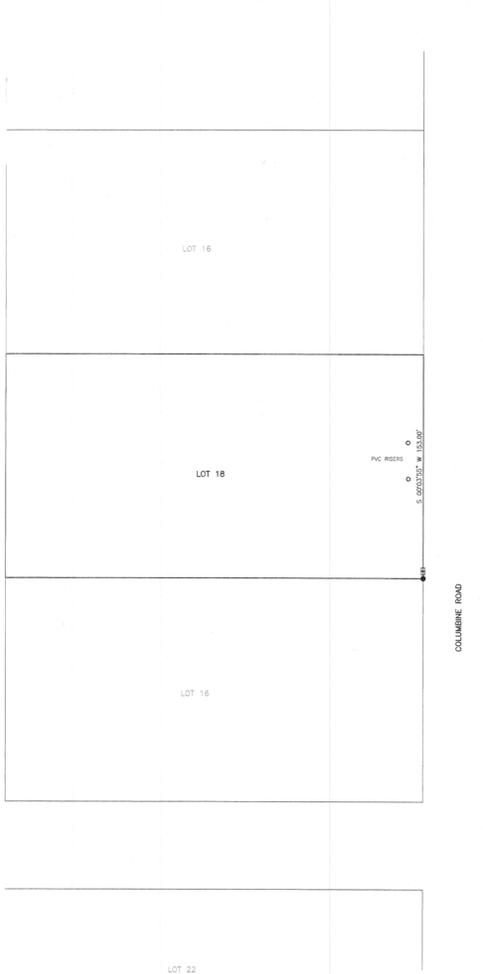
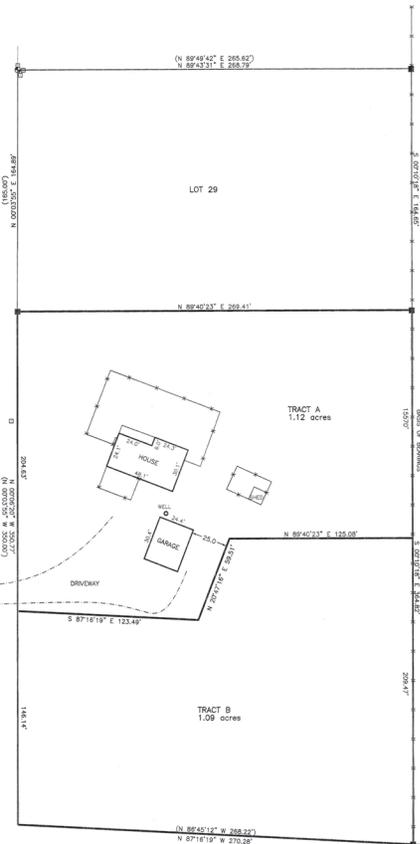
- Found rebar with no cap
- Found rebar with aluminum cap "LS 37690"
- Found rebar with plastic cap "LS 2816"
- Utility detector
- Overhead utility lines
- Fence
- △ Found
- Lot number inside circle symbol
- Easement boundary per record plat

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.

Dated this _____ day of _____, A.D. 20____.

Timothy E. Pearson
Colorado L.S. No. 34979



To: Gunnison County Planning Commission + Board of County Commissioners
RE: LUC-24-00036 | Joint Public Hearing | Minor Impact Review | Knerr Subdivision
Memo Date: December 12, 2024
Meeting Date: December 19, 2024

1. Summary

The Applicant, Gary Knerr, represented by Michael O’Loughlin Esq., proposes to subdivide an existing 7.5 acre parcel, commonly known as [967 Ute Ln.](#), which is adjacent to, but not within, Tomichi Heights Subdivision in the Signal Peak Area. The subdivision would create two parcels, Parcel 1 (4.87 acres) and Parcel 2 (2.51 acres). The subject parcel is developed with two single-family residences and two septic systems (OWTS); and one single family residence and one OWTS would remain on each resultant subdivision parcel. The residence on proposed Parcel 2 was constructed under building permit no. BP-08-00160; however, the structure has not been completed nor issued a Certificate of Occupancy due to hardship. The permit was reactivated on January 25, 2024. The Applicant provided a *Building Permit Status Update Letter*, identifying a plan to complete the work required by the existing permit. These items include: drywalling, installing electrical and plumbing trim and fixtures, installing a handrail, installing flooring, complete water line and valve structures, installing steps for exits and deck, and final finishing items.

The Planning Commission conducted a work session on October 17, 2024, and directed staff to schedule a joint public hearing and draft a recommendation document (Exhibit A) for consideration. The Commission discussion focused on the following issues:



Figure 1. Location Map

- a. Water is supplied to the subject parcel by a Water Sharing Agreement recorded at Reception No. 483470 on May 7, 1998; which partitions the water between two parcels, Tract A, and Tract B. The subject parcel of this application is Tract A as identified in the agreement. A Water Supply Information Summary confirms the Tract A water supply is sufficient for up to four residential units and irrigation of up to 3 acres. The Planning Commission discussed the need for a supplemental water sharing agreement to further divide the Tract A water supply between proposed Parcels 1 and 2. A final draft agreement would be required prior to the Board of County Commissioners

consideration of the project; however, should be executed concurrently with recordation of the subdivision plat, if approved. The applicant has submitted a draft water sharing agreement; however, the document is insufficient and will need to be revised. Staff has included this as a condition in the draft recommendation document.

2. Compliance with Applicable Standards of the Land Use Resolution

The proposal has been reviewed for compliance with applicable standards of the Land Use Resolution in *Staff Report*, available on the project file. A summary of this analysis is provided below.

Water is supplied through *Well Permit* (permit number 79033-F) and the *1998 Water Use Agreement*; which serves both Tracts A and B, where Tract A is the subject parcel and Tract B is an adjacent parcel (PID [3699-320-00-007](#)). The well is permitted for up to 100 gallons per minute (GPM), of which up to 60 GPM is dedicated to Tract A. The State Engineer confirmed adequacy of water supply for the subdivision in a *Water Supply Information Summary*, where the water allocated to Tract A, the subject property, can provide domestic water for up to four residential units and three acres irrigation water. The applicant will be required to enter into a water sharing agreement to further allocate the water allotment for Tract A, the subject parcel, between Parcel 1 and Parcel 2. The applicant has submitted a draft water sharing agreement; however, the document is insufficient and will need to be revised.

Applications for subdivision shall consider how the proposed lot size and density are compatible with the surrounding neighborhood. If the proposed lots and density are not substantially similar in size to neighboring lots, additional standards shall apply. The proposal is adjacent to the Tomichi Heights Subdivision, with parcel areas between one to three acres in area. The proposed subdivision will reduce the existing parcel from 7.5 acres to 4.9 and 2.5 acres. The subdivision would result in lot sizes and density more similar to the adjacent Tomichi Heights subdivision. The project is in the *Gunnison Three- Mile Plan and Urban Growth Boundary (1997)* and the *City of Gunnison Comprehensive Plan (2020)* areas, and the City of Gunnison Planning Commission provided a letter of support on August 24, 2024.

Building envelopes that meet county setback standards are proposed and future development will be required to be contained within these envelopes; however, on Parcel 1, the residential structure is 0' from the side yard setback. The proposal will not increase the nonconforming aspects of this structure.

The subject parcel is accessed from Ute Lane through an existing access easement. The access easement is currently used to access both residential structures on the property and the function of the easement will not change as a result of this subdivision.

The parcel is located within mapped wildfire hazards and geologic hazards. The application was referred to the Colorado Geological Survey which did not object to the application; however, provided recommendations for future development that are incorporated in the draft recommendation document.

3. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-24-00036. Click on "Attachments".

- A. Draft Recommendation
- B. Draft Plat

TO: Planning Commission

SUBJECT: Planning Commission Recommendation
Knerr Subdivision
LUC-24-00036

DATE: December 19, 2024

PREPARED BY: Hillary I. Seminick, Planning Director

At a joint public hearing on December 19, 2024 the Planning Commission recommended approval of the following Minor Impact to the Board of County Commissioners, motioned by _____ and seconded by _____.

PROJECT DESCRIPTION:

The Applicant, Gary Knerr, represented by Michael O’Loughlin Esq., proposes a residential subdivision of a 7.5 acre parcel, commonly known as 967 Ute Ln., legally described as T50N, R1E, N.M.P.M. Section 32: A tract of land in the SW ¼ SE ¼ OF SAID SECTION 32, into 2 parcels. The resulting parcels are: Parcel 1 (4.87 acres) and Parcel 2 (2.51 acres).

PLANS/REPORTS/SUBMITTALS:

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

- Application 6/17/24
- Draft Plat 6/17/24
- 1998 Easement Agreement – 5/7/98
- 2008 Gunnison County Electric Association Right-of-Way Easement – 10/8/08
- Well Permit 5/18/15
- 1998 Water Use Agreement 5/7/98
- Water Supply Information
- City of Gunnison Planning and Zoning Comments 8/14/24
- Sage Grouse Review 8/20/24
- Department of Water Resources Comments – 8/22/24

IMPACT CLASSIFICATION:

The proposal is classified as a Minor Impact Project, and meets the standards of *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units that are subdivision lots.*

MEETING DATES:

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

- October 17, 2024 Work session
- December 19, 2024 Joint Public Hearing

SITE VISIT:

A site visit was not conducted because the Planning Commissioners were familiar with the site.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via email on July 24, 2024 to the following agencies:

- Colorado Parks & Wildlife (CPW) – Brandon Diamond and Nathan Seward
- Gunnison Fire Protection District (GFPD) – Hugo Ferchau (No comments received)
- Gunnison County Building and Environmental Health Official – Crystal Lambert (No comments received)
- Colorado Geologic Survey (CGS)
- Gunnison County Public Works – Martin Schmidt (No comments received)
- City of Gunnison
- Upper Gunnison River Water Conservancy District (UGRWCD)
- Colorado Division of Water Resources (DWR)
- Gunnison County Wildlife Conservation Coordinator – Ben Prior (sent on August 20, 2024)

Comments from the agencies and are noted in the applicable sections below.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

Section 10-102: Locational Standards for Residential Development

An application proposing a new subdivision shall comply with the following requirements:

B. LOCATIONAL STANDARDS. In addition to all applicable standards of this Resolution, an application for a new subdivision shall initially be reviewed for its location relative to existing development and shall be located:

- 1. ADJACENT TO EXISTING POPULATION CENTER. Adjacent to Almont, Crested Butte South or the incorporated municipalities of Gunnison, Crested Butte, or Mt. Crested Butte;*
- 2. WITHIN A MUNICIPAL THREE MILE PLAN AREA. Within a municipal Three Mile Plan area;*

The proposal is located near, but not immediately adjacent to the nearest adjacent population center, the City of Gunnison. The proposal is within the City of *Gunnison Three-Mile Plan and Urban Growth Boundary (1997)* and *City of Gunnison Comprehensive Plan (2020)* areas.

In a letter dated August 14, 2024, the City of Gunnison Planning and Zoning Commission had several observations about this project, further described in Section 10-103 of the Recommendation. The letter concluded with “Based on the above observations and the compatibility of the Minor Impact with the surrounding neighborhood, the Commission supports the Knerr Subdivision request.”

C. LOCATION RESULTS IN NO SIGNIFICANT NET ADVERSE IMPACT TO THE NEIGHBORHOOD. When the applicant has demonstrated that a proposed residential development cannot satisfy the locational standard, the location may be approved if the BOCC finds that in addition to meeting all of the applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.

The proposed subdivision lots are similar in size and residential to the adjacent lots within the Tomichi Heights Subdivision. A single additional residential lot of similar size unlikely to cause any significant net adverse impacts to neighborhood lands and land uses.

Section 10-103: Residential Density

The subdivision would create two parcels, Parcel 1 (4.87 acres) and Parcel 2 (2.51 acres). The new residential lots shall be considered relative to existing development and the following standards.

1. *COMPLIANCE WITH MUNICIPAL THREE MILE PLAN AREA. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal three-mile plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the three-mile plan area. Where there is a conflict between the objectives or policies of a three-mile plan or the intergovernmental agreement, and County standards, County standards shall apply; and*
2. *DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS. Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of an On-Site Wastewater Treatment System pursuant to the Gunnison.*

The proposed subdivision creates two 1+ acre lots in a residential neighborhood, which meets the current OTWS standard minimum lot size. In a letter dated August 14, 2024, the City of Gunnison Planning and Zoning Commission stated:

Thank you for the opportunity to comment on the Minor Impact application submitted by Gary Knerr. The following comments are based on the submitted application material and its relation to the Gunnison Three- Mile Plan and Urban Growth Boundary (1997) and the City of Gunnison Comprehensive Plan (2020).

The City has the following observations regarding this proposed use:

1. *The Three-Mile Plan (1997) defines proposed Parcel 1 as Low Density Residential (1 units per 1-5 acres) and Rural Residential (1 unit per 5-35 acre and proposed Parcel 2 as Rural Residential.*
2. *The Minor Impact is outside of the Urban Growth Boundary.*
3. *The Minor Impact proposes to subdivide a 7.5 acre parcel into two parcels: Parcel 1 at 4.87 acres and Parcel 2 at 2.51 acres.*
4. *The site has two existing dwelling units and the Minor Impact would create one dwelling on each parcel. No other structures are proposed currently.*
5. *Utilities and access are currently provided to each proposed parcel.*
6. *Adjacent land uses include Bureau of Land Management (BLM) to the north, residential and agriculture to the east, residential to the to the south and residential lots within the Tomichi Heights Subdivision to the west.*
7. *The proposed Minor Impact is compatible with the surrounding neighborhood.*

Based on the above observations and the compatibility of the Minor Impact with the surrounding neighborhood, the Commission supports the Knerr Subdivision request.

Additionally, The proposal is required to comply with the following standards:

3. LOT SIZE AND LOT DENSITY CONSIDERATIONS. Unless exempted pursuant to Section 10-103: B.1.: Exemption for Parcels on Agricultural Operation, lot size and lot density shall be substantially similar to neighborhood parcels unless the standards of either (a) or (b) are met:

Standards (a) and (b) pertain to when a proposal is either smaller or larger than the surrounding development. Below are the adjacent parcels and their sizes:

East – Ruggera, Mixed-Use, 135 acres

South – Steinke, Residential, 2.5 acres

West – Ryan, Lot 1 of Tomichi Heights Subdivision, 1.4 acres, Frazier, Lot 19 of Tomichi Heights Subdivision, 1.12 acres

Adjacent parcels vary widely in size and the proposed subdivision lots will be 4.87 acres and 2.51 acres. The 2.51 acre parcel is similar in size to the adjacent 2.5 acre parcel and about 2.5 times the size of the lots within the Tomichi Heights Subdivision. The 4.87 acre parcel is almost 2 times the size of the 2.5 acre parcel and over 4 times the size of the lots within the Tomichi Heights subdivision. Both subdivision lots are significantly smaller than the 135 acre parcel. The proposed subdivision is going to create smaller, larger, and substantially similar lots to the adjacent lots; however, when considered in the neighborhood context, the subdivision will result in lot sizes and density more similar to the adjacent Tomichi Heights subdivision.

No significant impacts of greater or lesser density are anticipated in this area, as the land characteristics will remain the same, the impacts on emergency services, roads, and facilities will remain similar to the existing use. Furthermore, the subdivision is compatible with the existing neighborhood and no significant adverse impacts are expected.

Section 11-104: Development in Areas Subject to Geologic Hazards.

The project is located within a mapped geologic hazard area of “potentially unstable slopes”. The Plat requires appropriate Warning and Disclaimer language that addresses the geologic hazards on the parcels.

In a letter from Jonathan R. Lovekin, P.G. with CGS, titled “967 Ute Ln, Knerr Two-Lot Subdivision, Minor Impact Project LUC-24-00036, Gunnison County, CO; CGS Unique No. GU-25-0007,” dated August 16, 2024, concluded that “CGS, therefore, has no objection to the proposed subdivision as submitted.” Mr. Lovekin provided the following recommendations:

1. *That the identified geologic hazards be disclosed on the plat. Additionally, should structures be desired in the future within these parcels, CGS recommends that the county require at that time:*
 - a. *Site-specific soils and foundation investigations that include depth to groundwater, sampling, testing, and foundation and site drainage recommendations.*
 - b. *A drainage study of the offsite flows with the potential to impact this site. This should include evaluating the 2-hour, 25-year, and 100-year storm events.*
 - i. *Evaluation of the earthen berm and its capacity to capture and detain design storm events.*

- c. *Any planned cuts and fills along the hillslope of parcel 2 be evaluated by a qualified geotechnical or geological engineer.*

Section 11-105: Development in Areas Subject to Wildfire Hazards.

The project is located within a mapped high wildfire hazard area. The Plat requires appropriate Warning and Disclaimer language that addresses the wildfire hazards on the parcels.

Section 11-106: Protection of Wildlife Habitat Areas

In an email from Codi Prior, CPW District Wildlife Manager, Gunnison Northeast/Crested Butte, titled “967 Ute Ln – LUC-24-00036,” dated July 30, 2024, she stated “At this time, CPW does not anticipate any wildlife related conflicts in regards to this project and has no formal comments.”

Section 11-106:E.4 – Referral to Gunnison County Wildlife Conservation Coordinator and On-Site Consultation

Parcel is located within mapped Tier 2 Gunnison Sage Grouse habitat. Application was sent to Ben Prior, Gunnison County Wildlife Conservation Coordinator on August 20, 2024. In this review Mr. Prior concluded that “the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred.” The conditions of this analysis are incorporated in Administrative Review Certificate No. 180, Series 2024.

Section 12-103:A – Compliance with Road and Bridge Construction Standards

No further development is proposed at this time. If any new construction is proposed, at the time of Building Permit submittal, the Applicants are required to obtain a Public Works Access Permit. No roads are proposed within this subdivision, as “roads” access a minimum of 3 properties. All access is coming off of Ute Lane, which is a County maintained and plowed road. An existing access easement for access to resultant Parcel 2 has already been created, as shown within the 1998 Easement Agreement - Parking and Access document, recorded under reception number 483469.

Section 12-105: Water Supply.

There is no existing water system for the Applicant to connect to. The Applicant has supplied the *Well Permit* (permit number 79033-F) along with the *1998 Water Use Agreement*, which details how the water from the well is to be shared between the tracts A and B, where tract A is the subject 7.5-acre parcel in which this subdivision is proposed. The well is permitted for up to 100gpm, of which up to 60 gpm is dedicated to tract A. Per the *Water Supply Information Summary* document, the 7.5-acre father parcel contains water rights for up to four single family dwellings and the watering of no more than 3.0 acres of lawns and gardens (up to 5.88 acre-feet).

In an email from Bob Hurford, P.E., Division Engineer for DWR Water Division 4, Montrose, dated July 26, 2024, he states “*With respect to water supply, the attached well permit contains the terms and conditions, at present, for use of water from this well. If the subdivision results in use of the well outside of or in excess of the terms and conditions of Well Permit 79033-F, then the owner would be required to update the permit to the new uses and amounts.*”

The Applicant will need to create an updated water sharing agreements to include the new parcel and re-allocate the existing water rights between the two resultant parcels. The Applicant has provided a draft water sharing agreement.

Section 12-106: Wastewater Treatment

Each lot is over 1 acre in size, meeting the minimum lot size to install an OWTS. There are two existing ISDS systems on the subject parcels, one which was permitted under (OWTS) permit number ISDS-08-00066 for the secondary residence and appears to meet current setback requirements. The other system appears to have been installed prior to the effective date of the LUR and no location is known.

Section 13-102:B – Location Withing Municipal Three-Mile Plan Area

Project is located within the City of Gunnison Three Mile Plan area. In a letter dated August 14th, 2024, the City of Gunnison Planning and Zoning Commission provided several observations about this project (referenced in Section 10-102 above). The letter concluded with “Based on the above observations and the compatibility of the Minor Impact with the surrounding neighborhood, the Commission supports the Knerr Subdivision request.”

Section 13-103: General Site Plan Standards and Lot Measurements.

The proposed subdivision creates two lots, one that is 2.51 acres, and the second is 4.87 acres. These each exceed the 1-acre minimum.

Section 13-104: Setbacks from Property Lines and Road Rights-of-Way

There are existing structures on the parcel, and the single family residence on Parcel 1 does not comply with the applicable setbacks from Ute Ln., as the residence is built along the property line with a 0’ setback. The required setback is 15’ from the side property line, so this is a legal non-conforming use which will remain, and any further construction on the residence cannot increase the non-conformity. Setbacks for the log cabin on resultant Parcel 2 comply with County setback standards. All future development will be required to meet County setback requirements and the standards of this Section.

Section 13-105: Residential Building Sizes and Lot Coverages

Each parcel is larger than 6,500 sq. ft. and the aggregate coverage on either resultant lot does not exceed 45% of the resultant lot areas. Building envelopes are shown and are described on the plat.

Section 13-119: Standards to Ensure Compatible Uses.

Application is for a residential subdivision in a residential area. The residences are existing on the existing parcel, so the subdivision does not propose any additional density. Furthermore, the lots are similar in size to adjacent lots and maintain the residential character of the area. This project is not anticipated to cause any significant net adverse impact or any hazards or nuisances.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The project is classified as a Minor Impact Land Use Change pursuant to Section 6-102:A – 2-4 Units

2. The proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred. Conditions for the subdivision are in Administrative Review Certificate No. 180, Series 2024.
3. The subdivision is located within the *Gunnison Three-Mile Plan and Urban Growth Boundary (1997)* and *City of Gunnison Comprehensive Plan (2020)* areas; and received a letter of support without conditions from the City of Gunnison Planning and Zoning Commission on August 14, 2024.
4. This application is consistent with the standards and requirements of this *Resolution*.
5. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-24-00036 be classified as a Minor Impact, and recommend approval with the following conditions:

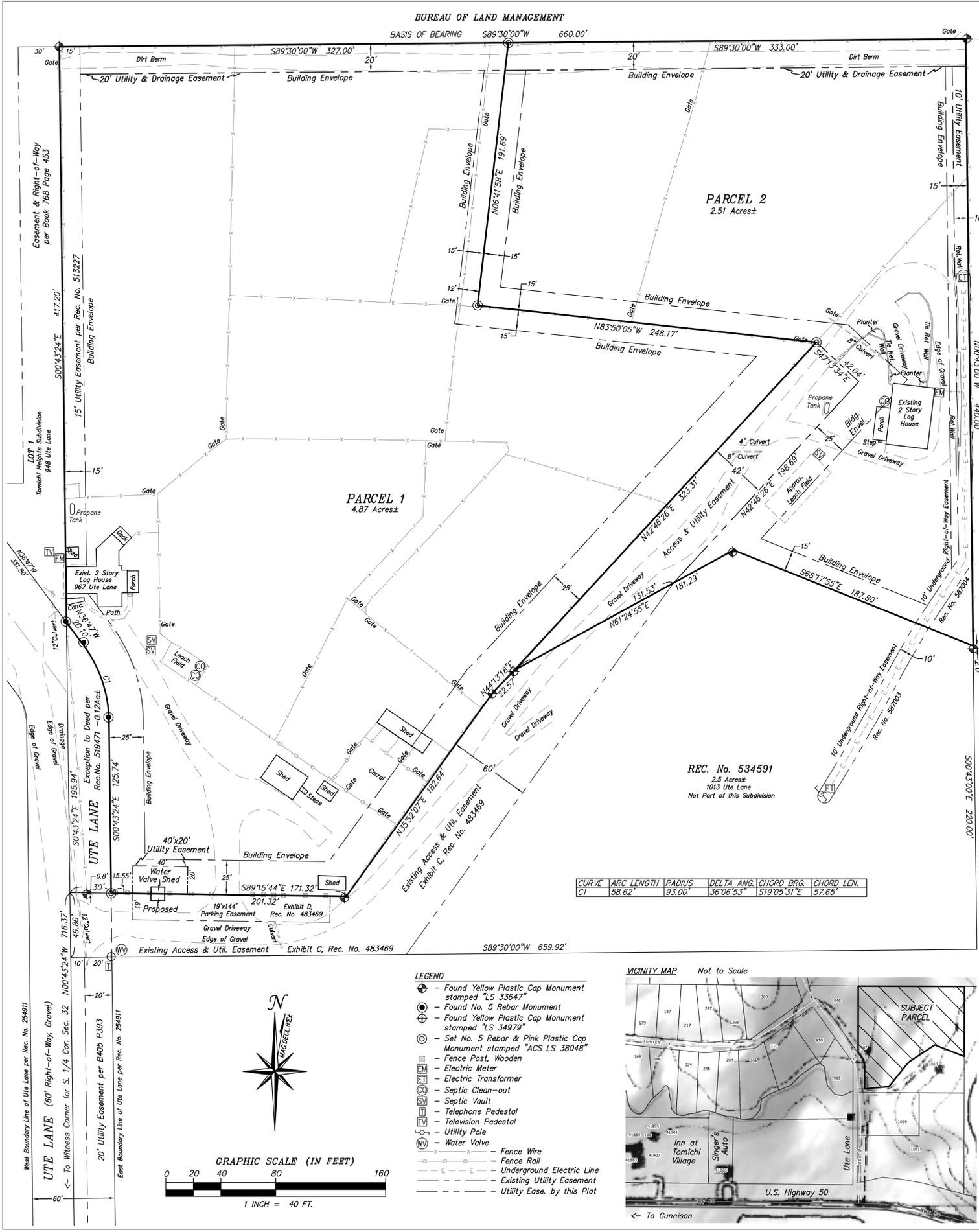
1. This permit is limited to activities described within the “Project Description” of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. A separate Gunnison Sage-grouse analysis will be required, which may include additional conditions, for any proposed development in the future not addressed in Administrative Review Certificate No. 180, Series 2024.
3. Future development will comply with the following recommendations provided by the Colorado Geologic Survey letter titled “967 Ute Ln, Knerr Two-Lot Subdivision, Minor Impact Project LUC-24-00036, Gunnison County, CO; CGS Unique No. GU-25-0007,” dated August 16, 2024”

That the identified geologic hazards be disclosed on the plat, and future development comply with the following:

- d. *Site-specific soils and foundation investigations that include depth to groundwater, sampling, testing, and foundation and site drainage recommendations.*
- e. *A drainage study of the offsite flows with the potential to impact this site. This should include evaluating the 2-hour, 25-year, and 100-year storm events.*
 - i. *Evaluation of the earthen berm and its capacity to capture and detain design storm events.*
- f. *Any planned cuts and fills along the hillslope of parcel 2 be evaluated by a qualified geotechnical or geological engineer.*

4. Completion of a water agreement to share the adequate water supply between the two subdivision lots. A final draft shall be required prior to consideration of the application by the Board of County Commissioners.
5. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
6. 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.
7. 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.
8. 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.

d r a f t



DEDICATION
I, Gary Knerr, being the owner of the land described below, hereby declare and execute this PLAT of KNERR SUBDIVISION, County of Gunnison, State of Colorado, as follows:

Township 50 North, Range 1 East, N.M.P.M.
Section 32: A tract of land in the SW 1/4 SE1/4 of said Section 32, more particularly described as follows:
Commencing at the south quarter corner of said Section 32, thence North 00°43'24" West 716.37 feet along the north-south center section line to the POINT OF BEGINNING of the herein described tract, thence the following courses around said tract:
1. South 89°15'44" East 201.32 feet; 2. North 35°52'07" East 182.64 feet;
3. North 44°13'18" East 22.57 feet; 4. North 61°24'55" East 181.29 feet;
5. South 68°17'55" East 187.80 feet to a point on the easterly boundary of property conveyed to Oliver and Maxine Woods in Book 405 at page 393 in the records of Gunnison County;
6. North 00°43'00" West 440.00 feet along said boundary to the northeast corner of said property;
7. South 89°30'00" West 660.00 feet to the northeast corner of Tomichi Heights Subdivision (a plat of said Subdivision recorded in the Gunnison County records);
8. South 00°43'24" East 417.2 feet along the north-south center section line of said Section 32 to a point on the northerly boundary of Ute Lane as said land was described on a recorded plat of Tomichi Heights Subdivision;
9. South 00°43'24" East 195.94 feet said section line to the POINT OF BEGINNING of the herein described tract.
EXCEPTING THEREFROM any portion of the above described tract lying within said Ute Lane.

COUNTY OF GUNNISON,
STATE OF COLORADO.

under the name of PLAT of KNERR SUBDIVISION, has laid out, platted and/or subdivided the same as shown on this Plat and do hereby permanently dedicate and convey to the owners of the parcels within this subdivision and their guests, but not to the public at large, the common right to use the streets, alleys and roads, if any, and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

IN WITNESS WHEREOF, Gary Knerr has subscribed his name this ____ day of _____, 2024.

Gary Knerr
STATE OF COLORADO)
COUNTY OF _____) ss.

The foregoing Dedication was acknowledged before me this ____ day of _____, 2024 by Gary Knerr.
Witness my hand and official seal.
My commission expires: _____

Notary Public

MORTGAGEE & LIENHOLDER CONSENT STATE OF _____)
COUNTY OF _____) ss.
By: _____)
Name: _____) The foregoing Dedication was
Title: _____) acknowledged before me this ____ day
of _____, 2024 by
_____)
Witness my hand and official seal.
My commission expires: _____)
Notary Public

PLAT NOTES

- Any person who acquires any interest in any of the real property platted on this Plat shall be deemed to have accepted the terms, conditions, exceptions, restrictions, limitations and definitions set forth herein.
- Notice: According to Colorado law you must commence legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based on any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- Upon completion of the installation or maintenance of any utilities, the property disturbed or damaged by such installation or maintenance shall be restored as near as reasonably possible to its original condition.
- Domestic Animals must be controlled by kenneling, leashing or other physical restraint. Any expense of enforcing domestic animal control restrictions by Gunnison County shall be at the expense of the responsible association or individual.
- C.R.S. Section 35-46-101 et. seq. requires the land owner to construct & maintain fencing to keep livestock off the subject property.
- An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch and leave natural debris on the bank of the ditch.
- The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No. _____ of the Official Records of the Clerk and Recorder of Gunnison County.

SURVEY NOTES

- Boundaries are based on the General Warranty Deed recorded April 3, 2002 at Reception No. 519471 of the records of Gunnison County.
- Land description, easements, encumbrances, and/or restrictions (where capable of being shown hereon) are based solely on Gunnison County Abstract's Title Commitment No. GS21-29 dated February 8, 2022. This Plat does not constitute a title search by this surveyor. Additional easements and encumbrances may exist.
- Dimensions are in U.S. Survey Feet.
- The subject parcel is located within Gunnison County and is subject to Gunnison County's amended Land Use Resolution (LUR) currently in effect.
- Building Setbacks are not shown. Please refer to Gunnison County's amended Land Use Resolution (LUR) for more information.

LAND SURVEYOR'S CERTIFICATE
I, STEPHEN L. JESSOE, for and on behalf of All County Survey, Inc., do hereby certify that I am a Licensed Professional Land Surveyor in the State of Colorado, that this PLAT of KNERR SUBDIVISION as laid out, platted and dedicated and shown hereon, was made by me and under my supervision. Furthermore, this Plat (a) is accurate to the best of my knowledge, information and belief, (b) is in accordance with applicable standards of practice, and (c) is not a guarantee or warranty either expressed or implied.
Basis of Bearing are based on a record bearing of S89°30'00"W between yellow plastic cap monuments stamped "LS 33647" found at the northeasterly and northwesterly boundary corners of the subject parcel, according to the General Warranty Deed recorded April 3, 2002 at Reception No. 519471 of the records of Gunnison County, as shown hereon.

Dated this 6th day of November, 2024.

Stephen L. Jessoe
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.

ATTORNEY'S OPINION
I, Michael O'Loughlin, an attorney-at-law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to the lands herein dedicated and subdivided. Title to said lands is vested in Gary Knerr free and clear of all liens, defects, encumbrances, restrictions and reservations as of October 29, 2024, except as follows:

- Deed of Trust from Gary Knerr for the use of Nationstar Mortgage LLC DBA Greenlight Loans to secure \$229,000, dated February 2, 2017, recorded February 8, 2017 as Reception No. 644833.
- All reservations and exceptions as set forth in United States Patent(s) recorded October 14, 1913 in Book 101 at page 536.
- Covenants, conditions, and restrictions as reserved and set forth in Warranty Deed recorded September 5, 1968 in Book 405 at page 393; together with any modifications or amendments thereto, but omitting, except to the extent that said covenant or restriction is controlled or permitted by any applicable federal or state law, any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, medical conditions, national origin, source of income or ancestry.
- All easements, exceptions, and reservations, including the dedicated public right of way and easement and right of way for various utility lines, as reserved by Fisher-Manning Land & Cattle, Co. and set forth in instrument recorded September 5, 1968 in Book 408 at page 393; and any and all assignments thereof or interests therein and all rights or privileges incidental thereto.
- Terms, conditions, obligations and restrictions in Gunnison County Planning Commission Finding of No Impact, Certification No. 34 Series 1997, recorded November 17, 1997 as Reception No. 479886 and Amended Finding of No Impact recorded December 31, 1997 as Reception No. 480789.
- Easement Agreement recorded May 7, 1998 as Reception No. 483469; and any and all assignments thereof or interests therein and all rights or privileges incidental thereto.
- Terms and conditions of Water Sharing Agreement recorded May 7, 1998 as Reception No. 483470; and any and all assignments thereof or interests therein and all rights or privileges incidental thereto.
- Utility Easement granted to Gunnison County Electric Association as set forth in instrument recorded August 9, 2001 as Reception No. 513227; and any and all assignments thereof or interests therein and all rights or privileges incidental thereto.
- Terms, conditions, obligations and restrictions in Gunnison County Planning Commission Certificate of Administrative Review, Certification No. 80 Series 2003, recorded November 6, 2003 as Reception No. 536474.
- Underground Right of Way Easement granted to Gunnison County Electric Association as set forth in instrument recorded October 8, 2008 as Reception No. 587004; and any and all assignments thereof or interests therein and all rights or privileges incidental thereto.
- Terms and conditions of Underground Right of Way Easement granted to Gunnison County Electric Association as set forth in instrument recorded October 8, 2008 as Reception No. 587003.
- Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof.
- Any and all unpaid taxes and assessments.

Dated this ____ day of _____, 2024.

Michael P. O'Loughlin, Attorney-at-Law
Supreme Court Registration No. 38134

WARNING AND DISCLAIMER OF GEOLOGIC HAZARDS
I, Gary Knerr, on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of geologic hazard areas that may affect the use and occupancy of this property, and any improvements thereto. I/we acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

By: _____
Gary Knerr

WARNING AND DISCLAIMER OF WILDFIRE HAZARDS
I, Gary Knerr, on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. I/we acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

By: _____
Gary Knerr

GUNNISON COUNTY PLANNING COMMISSION APPROVAL
The Planning Commission of Gunnison County, Colorado, hereby recommends approval of this PLAT of KNERR SUBDIVISION, such recommendation being made at a meeting of said Commission held on this ____ day of _____, 2024.

By: _____
Chairperson, Planning Commission

ATTEST: _____
Gunnison County Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS APPROVAL
The within PLAT of KNERR SUBDIVISION is approved this ____ day of _____, 2024, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

By: _____
Chairperson, Board of County Commissioners

ATTEST: _____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE
This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of _____, 2024.

Reception Number _____ Time _____ Date _____

Gunnison County Clerk and Recorder

ALL COUNTY SURVEY INC.
Stephen L. Jessoe, P.L.S.
P.O. Box 7164, Gunnison, CO 81230
970-349-9400 www.allcountysurvey.com

NOTICE: According to Colorado law you must commence legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based on any defect in this survey be commenced more than ten years from the date of the surveyor's certificate shown hereon.

This draft is the exclusive property of All County Survey, Inc. All County Survey disclaims any liability regarding the accuracy of the matters shown hereon. Any use, distribution, or recodation of this draft without the Surveyor's prior written consent is strictly prohibited.

PLAT of KNERR SUBDIVISION
LOCATED in NW1/4 SE1/4 SECTION 32
TOWNSHIP 50 NORTH, RANGE 1 EAST, N.M.P.M.
COUNTY OF GUNNISON
STATE OF COLORADO

SCALE: 1" = 40'

DATE: 6 November 2024
DRAWN BY: SLJ
REVIEWED BY: SLJ

REVISIONS:
1. 3/1/22 Edits for Utility Easements
2. 4/5/22 Edits for Utility Easements
3. 7/26/22 Edits for Atty. Opinion
4. 12/7/23 Edits for Subdivision

PLAT of KNERR SUBDIVISION
LOCATED in NW1/4 SE1/4 SEC. 32
T50N, R1E, N.M.P.M.
COUNTY OF GUNNISON
STATE OF COLORADO

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