

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, January 9, 2025**

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:**

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| Chairperson – Roland Mason | Director of Community and Economic Development – Cathie Pagano |
| Vice-Chairperson – Fred Niederer | Director of Planning – Hilary Seminick |
| Commissioner – Eric Phillips | Planner – Rachel Blondy |
| Commissioner – Julie Baca | Planner – Jena Greene |
| Commissioner – Matt Schwartz | Planner Technician – Caroline Danielson |
| Alt. Commissioner – Bill Barvitski | Others present as listed in text |
| Alt. Commissioner – Catherine McBreen | |
| BOCC – Jonathan Houck | |
| BOCC – Liz Smith | |
| BOCC – Laura Puckett Daniels | |

Absent: None

Recused: Barvitski for LUC-24-00057 only.

Zoom: McBreen, Baca

With a quorum present Chairperson Mason opened the January 9, 2025 regular meeting of the Planning Commission at 8:46 am.

Moved by Schwartz, seconded by Phillips to approve Planning Commission meeting minutes, dated December 19, 2024. The motion passed unanimously with the amendments as noted by Mason, Niederer and Phillips.

Staff announcements/miscellaneous: Staff reminded Commission of the next meeting to be held on January 23, 2025 and that February meetings will resume to the 1st and 3rd Thursdays of each month. Staff reminded Commission that the February 6, 2025 meeting will be held at courthouse for Continued Joint Public Hearing for LUC-22-00028. Barvitski recused himself from Work Session LUC-24-00057 Ohio City Mother Lode due to professional future involvement with the project.

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

Chair Mason opened the Continued Joint Public Hearing at 9:00 a.m.

Confirmation of Adequate Public Notice

Mason noted that confirmation of adequate public notice is not required because it has already been given for the previous joint public hearing, and that public comment will re-open at this hearing. Mason confirmed that there was no ex-parte communication.

Seminick provided an overview of the major impact review process, stating that this application is currently in the sketch plan phase. Mentioned that many of the comments from the public require a higher level of review to contemplate, which occurs at the preliminary plan stage.

Applicant's Presentation

Attorney Jacob With was present, along with applicant David Reynolds. With reviewed the proposed plan, which includes adding cabins, storage units, RV capacity, and a wastewater treatment plant. He noted the addition of ATV conditions expected to be included in the preliminary plan, the potential location changes of the wastewater treatment plant allowing more distance from neighboring parcels, and the potential modification of the plan to address discharge concerns. Noted proposed plan changes require engineering to confirm feasibility. With clarified that the wastewater treatment plant falls under state approval process but that the applicant wishes to be transparent with community in addressing concerns within the current review process. With updated Planning Commission on the wastewater treatment plant, confirming that the PELS application has been completed with the state. Noted that regardless of county approval, the project cannot proceed prior to the installation of the wastewater treatment plant. With provided trail cam recordings to Seminick, which have not been reviewed or added to Citizen Access due to large file sizes and technical difficulties. Puckett Daniels suggested that recordings be shared with Colorado Parks and Wildlife (CPW) and be reviewed alongside anecdotal data and CPW collar data. Though thorough review of videos has not taken place, little signs of wildlife movement noticed in initial review of videos. Cameras were placed about a week after meeting with CPW and will remain in place through the spring to monitor migration patterns suggested by CPW. With indicated that a more detailed study on the demand for storage units will be necessary. With highlighted comments received in opposition to the addition of a dump station, noting that both the County and other interested persons have indicated a need for such a facility. Stated that they are interested in coming up with creative solutions to balance different interests while preserving the character of the community and facilitating needs being met. An example solution proposed was limiting hours to avoid congestion at peak traffic times and requiring reservations for usage. Applicant was confident in ability to balance feedback received while addressing existing impacts, but needs to do engineering to get to that point.

Staff Comments

Seminick noted that if retention ponds were included in the plan, involvement by the Colorado Division of Water Resources would be necessary. Reiterated that the existing septic infrastructure must be improved, regardless of the outcome of this application. Seminick noted that further wildlife studies are required at the preliminary plan stage, including a study conducted by a wildlife biologist. Noted that Pagano spoke with Brandon at CPW and explained that the wildlife cameras may not capture all migratory patterns of a given species in an area.

Questions by Review Body

Smith inquired about feasibility of an online reservation system for the dump station with limited service in the area. With responded that a reservation system could help in limiting types of waste received and that users would need to adjust to system. Noted that this is just an idea, and exact system would need to be dialed in.

Smith inquired about the inclusion of ATV terms in renters' contracts to address potential violations. Reynolds confirmed that these terms already exist. With added that this would be a condition of approval, allowing County to enforce violations. Seminick mentioned a violation to ATV terms would be breach of approval.

Mason requested clarification on new proposed location of the wastewater treatment plant. Though exact location is not clear until further engineering studies have been completed, With described new location as behind the horse corral building (west of the storage units and north of the horse corral). Seminick confirmed that the proposed location is difficult to see from the road.

Houck suggested applicant review use data from other dump stations in the County, commenting that concerns of high usage may not be experienced at other stations in the area. With mentioned that location of the potential retention pond is unknown, Reynolds expanded that ponds could possibly be used to irrigate. Phillips inquired about discharge location; applicant does not know at this time. Houck noted concerns are not about water quality, but quantity and impacts on habitat and safety. Houck suggested applicant research other plants in the area's discharge impacts. Baca noted that primary concern could be smell versus water quality.

Schwartz expressed concerns with trash disposal in the RV sites, to which the applicant confirmed that Harmels will have trash cans at each site with daily pickups, along with a central trash disposal location.

Schwartz expressed concern with entry and exit hours not being enforceable. He also asked for confirmation on which grills are "approved." The applicant responded that they do not allow fire rings, must be contained within a grill. The applicant confirmed that the RVs will be removed in the winter. Seminick noted that the applicant will be required to prove that RV sites comply with county and state standards in the preliminary plan stage. Mason confirmed that the glamping sites have been removed from the plan.

Public Comments

Mason opened public comment at 9:52 a.m.

Cris Cappellucci, resident in Spring Creek: Inquired about grill and fire pit rules. Reynolds confirmed that fire rings not permissible at cabins or proposed RV sites. Cappellucci inquired about the location of the water treatment plant. Applicant noted the new proposed location.

Steve Cappellucci: resident in Spring Creek: Expressed concerns with water usage, concerned that studies on adequate water supply may not consider how much the water fluctuates. Also concerned with ATV usage on Spring Creek Rd.

Matt Lackey, resident in Spring Creek: Expressed concerns about water usage of water treatment plant. Does not approve of dump station. Expressed concern with ATV usage in the area. Concerned with the 5-7 years of construction.

Richard Foster, adjacent property owner: Concerned with stay limits at RV sites. Concerned with density and the compatibility with character of the area.

Cindy Wright, neighbor: Agrees with Foster's statements. Concerned with the quantity of individuals that will be full time residents.

Pete Dunda, full time resident of Taylor River Acres: Stated that the new owners have taken a rundown resort and turned it into asset for community. In support of the sketch plan fully.

Paul Edstrom, neighbor: Concerned about light pollution and occupancy increase. Concerned with wastewater treatment plant.

Ward Kable, neighbor: Expressed appreciation for the movement of wastewater treatment plant, suggested changing the location of the discharge. Proposed putting discharge into irrigation system to be used by neighbors.

Chess Russell, neighbor, Scenic River Tours employee: Expressed support for the application and impacts to the economy.

Ann Kable, neighbor: Expressed concerns with location of wastewater treatment plant and location of discharge.

Mason closed public comment at 10:20 a.m.

Applicant Response

With noted that some comments cannot be addressed until the preliminary plan stage. With confirmed that they will meet the fire pit standards from the State. With noted that the County will have the ability to enforce violations to conditions of approval within the application. He also reiterated that Harmels could enforce violations on their land. They do not have ability to enforce violations on county roads. With responded to concerns with light pollution, mentioning that light requirements will be addressed in the preliminary plan. With confirmed that the proposed occupancy is not based upon maximum capacity. He reiterated that the wastewater treatment plant items are all regulated by the state and not a part of this process. He noted that he will follow up with neighbors regarding comments on discharge. With noted that there will not be long term residential stays and expressed belief that this application will be bringing Harmels up to the current reality of the neighborhood. Regarding the comments on increased public lands use, With noted regulation of use on public lands must be addressed by public land agencies. He reiterated that this application is an opportunity to address existing problems.

Staff Response

Seminick explained that the 14-day limitation on camping in section 9-509 does not apply to this application, but that section 9-305 does apply, which limits when RV parks can be operational. Seminick confirmed that the state requires inspection of wastewater treatment plants, adding that there would be regulatory oversight of the operations. Seminick noted that there are

limitations to what Community Development department can regulate with regards to ATV usage on county roads. If breach in approval document were to occur, county staff would be able to enforce.

Houck recommended that members of the public concerned with illegal ATV use reach out to Public Works for additional signage and Sheriff for enforcement. Daniels noted that they have heard the concern about traffic and that they can convey that to Public Works and Sheriff, also recommended reaching out directly.

Smith mentioned that the county is working on new tools to address some of the mentioned concerns, including short term rental regulations.

Daniels mentioned that there would be enforcement mechanisms available to neighborhood under LUR.

Mason reopened public comment

Ron Pfeifer, resident of Spring Creek: Expressed support for Harmels and noted appreciation of the improvements that have been made.

Mason requested that the applicant put together plans to manage ATVs and RV restrictions.

Seminick noted that the draft recommendation has conditions for the preliminary plan.

Barvitski and Niederer noted that they are comfortable moving onto the draft decision document given that many questions cannot be answered until moving on to preliminary plan.

Baca agreed.

Phillips seconded.

Daniels noted that before moving on, commission should be clear with applicant in if they believe successful application may be feasible.

Mason noted that he is generally comfortable with the sketch plan, but many things depend upon answers from preliminary plan.

Barvitski reiterated that regardless of the outcome of the application, the applicant will need to update septic system to wastewater treatment plant.

Mason prompted Seminick to review draft recommendation document.

Schwartz recommended removing "glamping sites" on page 10 of the draft decision document.

Phillips requested an addition which addresses the traffic flow on property when at 80-90% capacity. Seminick noted that this is addressed in condition 3.m. Phillips inquired about the addition of ATV terms, Seminick stated that more specific language on ATV usage is included in conditions section.

Schwartz requested more information on employee housing units. Seminick noted that this item is in conditions section.

Seminick reviewed the conditions section of draft decision document.

Phillips requested to include applicant enforcement polices for ATV usage and RV trash management plan.

With responded with an outline of trash collection process.

Daniels recommended that robust, thoughtful RV rules be provided at the preliminary stage rather than requiring them to commit to specific rules at this time. Smith recommended including topics that should be addressed but not specifics, i.e. hours, enforcement for non-compliance of restricted hours. Schwartz recommended including conditions requiring RVs to be removed in winter months.

Seminick reviewed storage unit management conditions. Mason noted that they should include language on the plan for storage units. Applicant recommended editing it to say that the storage unit plan will be based upon further studies.

Seminick reviewed conditions of employee housing component of application. Phillips recommended the inclusion of an employee housing draft deed restriction and outline of which units will be for sale vs for rent. Noted that residential lighting will be addressed by the LUR.

Seminick reviewed conditions re: management plan for operations during transition from septic to wastewater treatment plant. Mentioned that according to previous conversation, this item may not fall under this process. Planning Commission agreed that this is under purview of another entity and can be removed.

Seminick reviewed traffic study conditions. Mason recommended including a traffic flow plan in the preliminary plan. Seminick included vehicles, pedestrians, domestic animals, guests, and visitors in this condition.

Two members of the public requested to speak. Planning Commission did not re-open public comment, recommending that public submit their comments via email.

Daniels brought up concerns with wildlife and migration patterns. The applicant responded in that they are comfortable including further studies in next stage. Staff drafted a condition for consideration, further highlighting concerns in the findings section.

Mason entertained a motion to approve the draft decision document.

Niederer motioned to approve the draft document, Phillips seconded. The motion passed unanimously.

Next Steps

Mason confirmed that the recommendation will go to BOCC, and BOCC has opportunity to approve to move to preliminary plan. Applicant will be tasked with putting together further plans. The public will have time to comment at public hearing during this stage.

Mason closed public hearing at 11:34 am.

10:00 am: Work Session: LUC-24-00057 | Minor Impact | Ohio City Mother Lode The

Applicant is proposing a remodel to The Mother Lode store and bar in Ohio City. The proposed remodel would create three long term rental units and one short term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use

Barvitski recused himself from this agenda item.

Mason began the work session at 11:42 a.m.

Applicant Presentation

Applicant wishes to restore the historical aspects of the property and abandon the commercial aspects of the property. He stated that The Mother Lode has been sitting idle for 10+ years and that Ohio City has not seen successful commercial activity. He wishes to convert the property from 2 residential units to 4 residential units.

Niederer inquired about need for project being classified as a minor impact application. Schwartz inquired about possibility of downgrading application to administrative review. Blondy mentioned that classification status is due to the increase of number of units to 4, and that impact reduction section 3-111 is possible. Seminick noted that the application includes a setback variance, which cannot be downgraded to an administrative review. Blondy mentioned that the application will require a Board of Adjustments meeting for this setback variance. Applicant noted that the structure is already existing as such, and that they are proposing expanding the existing non-conforming aspect of the structure. Schwartz asked for the opportunity to downgrade contingent on BOA for setback variance.

Seminick reviewed LUR section 3-111. Blondy noted that if applicant is not adding public services, increased impact on the environment does not seem evident. Seminick commented that any new use would need to go under review. Mentioned that the building permit would provide checks and balances to ensure adequate water supply, sewage disposal, etc. Niederer motioned to reduce the project to administrative review. Mason noted lack of public comment in administrative review. Phillips noted that due to the change of commercial to residential and the increase of units, they should open this application to public comment. Mason agreed that it warrants the checks and balances in minor impact review. There was no second for the motion, and the project continued to the minor impact process.

Planning Commission Questions

Schwartz asked when the building was built. Applicant clarified that the main retail section was built in 1895. Seminick noted that this building is not a state listed historical building, and that the LUR does not have standards regarding review by historical preservation commission. Blondy affirmed that the applicant intends to maintain the historical façade. Phillips asked if they plan to maintain the boardwalk, the applicant responded that they intend to, pending they can bring it up to WUI standards.

Next Steps

Schwartz motioned to schedule public hearing, Baca seconded. The motion passed unanimously in support. Mason stated that staff will set schedule.

Agenda item ended at 12:07pm.

10:30 am: Work Session: LUC-24-00053 | Minor Impact | Dunbar Family Partnership A
subdivision of 111.505 acres south of Gunnison, into a 102.6 acre and a 7.31 acre parcel.

Barvitski rejoined the meeting.

Niederer noted that he knows the applicant but does not see any conflict of interest.

Work session began at 12:09 pm. Blondy summarized the project. Due to subdivision, there would now be the possibility of an additional residential unit. Applicant does have access to water and sewer on both proposed parcels. Blondy confirmed there is legal access.

Applicant Presentation

Tracy, current tenant, leases for grazing. Has the desire to own parcel to allow for him to make improvements to function of the facility. Owners have no intention of making those improvements, so they want to allow him to purchase the land so he can continue to maintain it.

Staff Comments

Blondy stated that it was referred to city, and city is in support of subdivision.

Planning Commission Questions

Phillips asked if there is any reason to worry about future uses. Blondy responded that this would allow residential on both parcels, and there could be future subdivisions but those would come through as a separate application. Mason commented that the rest of the neighborhood has been developed, so does not see issues with existing neighborhood impacts. Currently considered vacant rather than residential, nothing in LUR that says this parcel is tied to ag.

Next Steps

Mason ready to move this application to a public hearing. Schwartz moved to schedule the public hearing, Baca seconded. The motion passed unanimously in support. Staff to communicate with applicant to schedule joint public hearing with BOCC, needs 30 days notice.

Work session concluded at 12:18pm.

Meeting Adjourned at 12:18pm.