

# **GUNNISON COUNTY PLANNING COMMISSION**

**PRELIMINARY AGENDA: April 10, 2025**

**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 March 20, 2025, 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.**    **Work Session: Gunnison Area Plan**  
Discussion of the proposed Gunnison Area Plan with consultant Design Workshop

- 11:00 a.m.**    **Work Session: County Attorney Training**

## **Adjourn**

**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"

**Use this link to join the Webinar on Zoom: <https://gunnisoncounty-org.zoom.us/j/86337231015>**

**Phone one-tap:**

**+17193594580,,86337231015# US**

**+14086380968,,86337231015# US (San Jose)**

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, March 20, 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:**

Chairperson- Roland Mason Vice-Chairperson- Eric Phillips Commissioner- Julie Baca Commissioner- Fred Niederer  Alt. Commissioner Sean Patrick  BOCC- Jonathan Houck BOCC- Liz Smith BOCC- Laura Puckett Daniels	Director of Planning- Hilary Seminick Planner-Rachel Blondy Planning Technician – Caroline Danielson Others present as listed in text
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**Absent:** Bill Barvitski, Catherine McBreen

**Recused:**

**Zoom:** Fred Niederer, Julie Baca

\*\*\*\*

With a quorum present Chairperson Mason opened the March 20, 2025 regular meeting of the Planning Commission at 8:48 am.

\*\*\*\*

**Moved by** Baca, seconded by Phillips to approve Planning Commission meeting minutes, dated March 6, 2025. The motion passed unanimously in support.

\*\*\*

Staff announcements/ miscellaneous:

Staff reminded Planning Commission of the role of alternate members to the Planning Commission, noting that they are not voting members unless seated. Staff reminded Planning Commission of the shifted April schedule, with meetings scheduled for April 10, 2025 and April 24, 2025.

\*\*\*

**Joint Public Hearing: LUC-24-00053 | Dunbar Family Partnership Minor Impact**

A subdivision of 111.505 acres south of Gunnison, into a 102.6 acre and a 7.31 acre parcel.

**Confirmation of Adequate Public Notice**

Blondy confirmed adequate public notice was given.

**Applicant Presentation**

Ostmeyer provided an overview of the proposed subdivision.

**Staff Comments**

Blondy noted that the Fairway Ln easement is not called out on the proposed subdivision, which explains why the 102.6 acres and 7.31 acres parcels do not add up to the total 111.505 acres of the current parcel. She noted that in the event of future development, they would be able to tie into Dos Rios Sewer and Water. She noted that both tracts would be able to build 2 single family residences as long as LUR standards were met.

#### Planning Commission Questions

Daniels confirmed that the smaller tract has agricultural structures, but no residential structures.

#### Public Comments

Dave Taylor, owner of KOA: Expressed support.

Jeff Wilkinson, neighbor: Expressed support.

Kelsey Oden, neighbor: Expressed support.

Steve Westbay, neighbor: Expressed support. Noted concerns about access by Fairway Ln in the event of further subdivision.

Mason closed public comment at 9:13AM.

#### Applicant Response

Applicant noted that future access is already being contemplated.

#### Staff Response

Staff noted that access for future subdivisions would not be contemplated at this time as it is not pertinent to the current application. Daniels summarized, stating that Dunbar will still own 102.6 acres, accessed by Fairway Ln. She noted that if they wanted to further subdivide, they may need to come up with additional access including potential easement through neighboring parcels. Phillips inquired about a public comment submitted online regarding buffer zones. Blondy confirmed that future use would need to abide by the LUR setbacks.

Hildreth: wife of current lessee; provided comment regarding access of the neighboring parcel.

#### Next Steps

PC discussed the draft decision document. No questions, changes, or edits were proposed.

**Moved by** Baca, seconded by Phillips to approve the draft decision document. The motion passed unanimously in support.

**Moved by** Baca, seconded by Phillips to close the public hearing. The motion carried unanimously in support.

#### **Work Session: LUC-24-00010 | Horowitz Ridgeline Vantage Minor Impact**

The Applicants, Matanya and Kelsey Horowitz, represented by David Gross General Contractors, request a Ridgeline Vantage review for a proposed single family residence and a

1,713 sq. Ft. detached secondary residence on Lot 15, Trappers Crossing at Wildcat, AKA 265 Saddle Ridge Rd. Crested Butte.

Applicant Presentation

Horowitz provided an overview of the proposed project. He noted the updated easement from neighboring parcel to allow for road design that meets fire department requirements.

Staff Comments

n/a

Planning Commission Questions

Phillips inquired about the lighting plan, applicant responded that they will follow lighting regulations with downward facing lights. Phillips noted appreciation of the design of the house. The applicant clarified that all CGS comments have been addressed. Phillips reiterated that lighting at night is a concern. Staff clarified that there is likely no other suitable building site to avoid ridgeline vantage. Mason noted that any additional building would have to come again before the planning commission. Planning Commission directed staff to set the public hearing and create a draft decision document.

Mason adjourned the meeting at 10:38 am.



Cathie Pagano, Assistant County Manager

Gunnison County Community & Economic Development Department

Phone: (970) 641-0360

Email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org)

Website: [www.GunnisonCounty.org](http://www.GunnisonCounty.org)

From: Cathie Pagano, Assistant County Manager for Community & Economic Development

To: Planning Commission

Date: April 4, 2025

Re: Gunnison Area Plan Update

Gunnison County and the City of Gunnison have been working cooperatively to develop the Gunnison Area Plan (the Area Plan). The Area Plan is intended to address development in specific areas within the City of Gunnison's three-mile boundary.

### **Overview**

The Board of County Commissioners 2024 Strategic Plan includes the following strategic results (D.3.A originated in the 2022 Strategic Plan):

*D.3. By December 31, 2026, Gunnison County will create a review process for approving essential housing projects in designated areas as a use by right or administrative review through Gunnison County Land Use Resolution revisions and the development of a comprehensive corridor plan from Gunnison to Mt. Crested Butte.*

*D.3.A. By December 31, 2024, completion of the Gunnison Community Area Plan and adoption of regulatory process to streamline and shorten the development review process. This may include amendments to the Gunnison County Land Use Resolution and/or the designation of a Special Area.*

In July 2022, the City and County agreed to hire a consultant to develop create an Area Plan for targeted areas within the City's three-mile boundary with a specific focus on the areas north and west of the City. The plan seeks to prioritize the preservation of natural resources and sensitive environmental features, cultural resources and agricultural lands in the Gunnison Valley by focusing growth and development into existing areas that can be effectively serviced by community infrastructure. The City and County worked with consultant team for over a year to develop the plan, conduct public outreach, and analyze prior documents (One Valley Prosperity Project, City of Gunnison Comprehensive Plan). Through that work the team identified target areas for development, potential allowed uses and densities, and engaged with elected and appointed officials from the City and County and completed public outreach and engagement. The public outreach included a community open house, online outreach, a community survey, social media, tabling at multiple community events to gather input, direct mailer in English and Spanish to all property owners in the target area. Please see the attached outreach summaries.

In the fall of 2023, the City and County mutually agreed to terminate the contract with the original consultant. The City and County determined that the consultant was not completing the required deliverables (an infrastructure capacity analysis) satisfactorily and had not developed a plan to the satisfaction of the City and County.

The City and County released a new request for proposals in late 2023 and contracted with Design Workshop in March 2024 to complete the Area Plan. The City and County began work with Design Workshop; however, at the request of the City, paused work in June 2024 to allow the City time to complete a comprehensive analysis of the capacity of City utilities (water, sewer, electric) to better understand how existing utility capacity may constrain future development. That analysis was completed in October 2024 and City and County staff with support of Design Workshop, are finalizing draft land use maps identifying areas that are appropriate for development and those that are not appropriate for additional development. An essential step in the process is the establishment of the Urban Growth Boundary to define the areas that may be serviced with adequate public facilities and infrastructure necessary to efficiently support the community and make appropriate areas feasible for future annexation into the City. County staff and Design Workshop have been developing draft special area regulations to streamline the review processes and a draft methodology to determine development area boundaries. We will be working with the Planning Commission and BOCC to vet these drafts in the first quarter of 2025. We expect to have two different development areas within three miles of the City:

1. City of Gunnison Urban Growth Boundary
2. Urban Transition area
  - a. North Utility Service Area (City provides service)
  - b. South Utility Service Area (County provides service)

The following table illustrates the four development areas, the jurisdictional authority for each area, and the development intent for each area.

<b>Geographic Area</b>	<b>Jurisdiction</b>	<b>Regulatory Application</b>	<b>Utilities</b>	<b>Principles/Intent</b>
Urban Growth Boundary	City of Gunnison. Annexation required for development	City future land use map; land development code; and, annexation regulations apply	City shall serve property (costs and timing per developer)	Parcels that are eligible for annexation shall work with the City annex and connect to City utilities.
Urban Transition Area – North Utility Service Area	Gunnison County, with pre-annexation agreement with City for utility extension. City	Gunnison County Special Area Regulations	City shall serve property (costs and timing per developer)	Parcels that are not currently eligible for annexation and may not be for many years but are within the City future utility service area. Create improved certainty of development outcomes and

	referral required for infrastructure review (roads, fire, utilities).			approval for density and mixed uses. Requires connection to City utilities through pre-annexation agreement. There are current constraints on City utilities that may cause delays for development. Land uses are generally permitted by the Special Area and reviewed at building permit review.  *Connection to City utilities and pre-annexation shall not be required for the development of a single-family residence and/or a secondary residence on the same parcel of land.
Urban Transition Area – South Utility Service Area	Gunnison County, (No City review/referral, except electric may be applicable)	Gunnison County Special Area Regulations	County (water/sewer); City electric service area may apply	Parcels that are within the County’s existing (Dos Rios) utility service area will not be required to be annexed into the City. Create improved certainty of development outcomes and approval for density and mixed uses. Land uses are generally permitted by the Special Area and reviewed at building permit review.

The Board of County Commissioners and City Council met on March 11, 2025 and supported this general direction.

**Special Area Regulations: Gunnison Special Area**

Gunnison County has been working with Design Workshop to develop draft regulations (attached) for this proposed Special Area. The intent of these regulations is to align with the BOCC’s strategic plan and streamline the development review process and enable the development of more affordable and attainable housing. These regulations are a draft and we expect that they will be revised throughout this process.

The consultant team will be providing a high-level overview of the proposed regulations and seeking input from the Planning Commission.

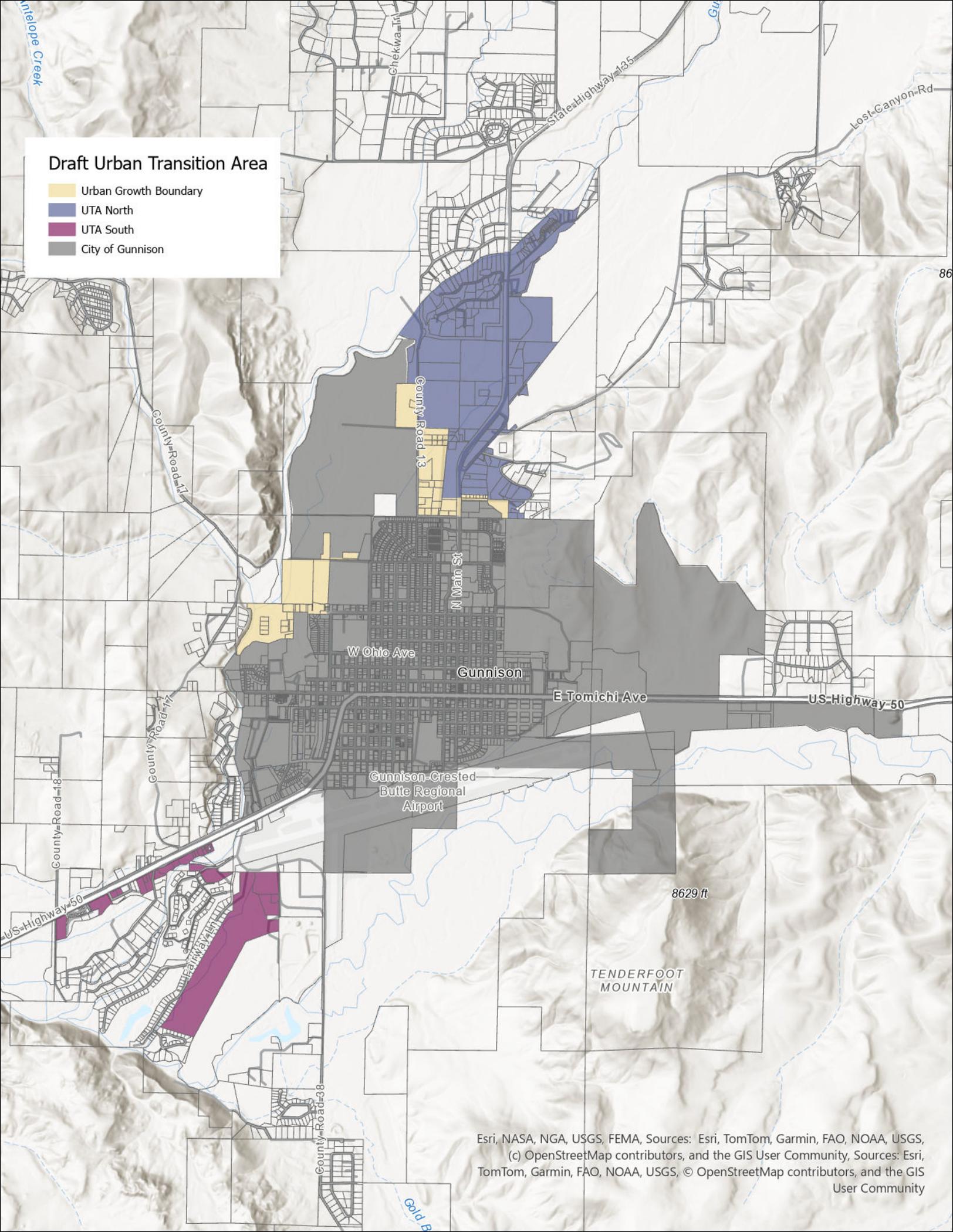
Section 1-110: *Process for Designating Special Areas* outlines the regulatory process. We have not yet formally initiated that process yet. Once we have completed this initial work session with the Planning Commission, pending any feedback received, we will initiate the Special Area designation process.

Attachments:

1. Draft Special Area Map
2. Draft Special Area Regulations
3. Public Outreach Summary, 2022 (the formatting is off and we haven't been able to fix it)
4. March 2023 Community Outreach Summary

### Draft Urban Transition Area

- Urban Growth Boundary
- UTA North
- UTA South
- City of Gunnison



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# **SPECIAL AREA REGULATIONS**

## **GUNNISON SPECIAL AREA**

*Adoption Date TBD*

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## SECTION 1. PURPOSE.

### 1.1. Gunnison Special Area.

- A. The Gunnison Special Area Regulations (SAR) have been designated by the Board of County Commissioners of Gunnison County pursuant to Section 1-110: Process for Designating Special Areas of the *Gunnison County Land Use Resolution* (“LUR”), Resolution XXX as a Special Area.
- B. The Gunnison Special Area Regulations applies to all lands identified in the Gunnison Area (Three Mile Plan),

### 1.2. Purpose.

- A. These regulations are intended to ensure development in this area provides appropriate service levels and reflects the community’s goals related to land use, housing opportunities, community character, environmental sustainability, natural hazard mitigation, infrastructure access, access to employment centers and services, and multimodal connectivity. These Special Area Regulations shall be liberally construed to further the following purposes:
  1. **To simplify the LUR review and approval process.** To simplify the LUR review and approval process for real property wholly contained in the Gunnison Area.
  2. **To create a framework for coordinated development patterns in the Gunnison area.** To coordinate development requirements between the City of Gunnison and Gunnison County.
  3. **To provide additional opportunities for affordable and attainable housing.** To encourage the development of affordable and attainable housing in the Gunnison Special Area in order to further the goals of the Gunnison County Strategic Plan and the Gunnison Valley Housing Needs Assessment.
  4. **To provide opportunities for compatible commercial and light industrial uses.** To provide opportunities to neighborhood scale commercial land uses and light industrial maker spaces, as defined in these Special Area Regulations.
  5. **To ensure development is served by adequate infrastructure.** To locate development in areas where connection to existing and planned infrastructure, including water, sanitation, and roads, is possible.
  6. **To protect the environment; public health, safety and welfare; public services, facilities and property.** To avoid or mitigate potential impacts caused by land development within the Gunnison Special Area, to the environment, to public services and facilities, property and public safety and welfare, and land use within the Gunnison Special Area, to the maximum extent feasible.
  7. **To protect lands with environmental value and natural hazards.** To protect lands with high environmental value and/or natural hazards by limiting development in these areas.

## **SECTION 2. APPLICABILITY**

### **2.1. Regulation Applicability Generally.**

- A. The SAR applies to all development, including the development of new buildings or structures, expansion of existing uses, and change of the use of land or structures within the Gunnison Special Area, including any and all commercial uses.

### **2.2. Gunnison Special Area Defined.**

- A. There are four areas identified in the Gunnison Special Area, described in more detail below.  
[Maps to be inserted]
  - 1. City Urban Growth Boundary: For development located in the City of Gunnison Urban Growth Boundary (UGB), all parcels which are eligible for annexation shall work with the City to annex and develop.
    - (a) Development in these areas shall be subject to review by the City of Gunnison and shall work with the City to connect to utilities and annex.
    - (b) Any property located in the City Urban Growth Boundary that is not eligible for annexation, shall be subject to the requirements of the North Urban Transition Area or the South Urban Transition Area, as defined in these Special Area Regulations.
  - 2. North Urban Transition Area : These areas are in Gunnison County that are not immediately eligible for annexation but are within the City of Gunnison utility service area. These areas are appropriate for potential annexation when they become eligible. Growth will be focused in these areas to leverage existing infrastructure, community services, and community characteristics to benefit future development.
    - (a) Development is subject to these SAR and shall work with the City to connect to utilities.
    - (b) A Pre-Annexation Agreement with the City of Gunnison is required for development in these areas, pursuant to Subsection C.1, below.
    - (c) Connection to City utilities and pre-annexation shall not be required for the development of a single-family residence and/or a secondary residence on the same parcel of land. This exemption shall only apply to a development with four or fewer lots.
  - 3. South Urban Transition Area : These areas are in Gunnison County and are not expected to be annexed into the City. They are served by County utilities and may be served by City electric services. These areas are appropriate for potential annexation if and when they become eligible. Growth will be focused in these areas to leverage existing infrastructure, community services, and community characteristics to benefit future development.
    - (a) Development is subject to these Special Area Regulations and applicants shall work with the County to connect to the appropriate utilities.
    - (b) Parcels located within the Dos Rios utility service area are not required to annex into the City.
    - (c) Parcels not located within the Dos Rios utility service area shall annex into the City if and when they become eligible.
  - 4. Rural Transition Area: These areas are located in proximity to the City of Gunnison, but do not have immediate adjacency to the city boundary or city utilities.
    - (a) Development in these areas is subject to the Gunnison County Land Use Resolution.
    - (b) Connection to City utilities and pre-annexation shall not be required for development in the Rural Transition Area.
  - 5. Rural Area: These are areas within the Three-Mile boundary that are prioritized for preservation. These areas include lands having high ecological value, lands that are on ridgelines, critical wildlife habitat and migration corridors and hazardous lands. These

areas are generally not appropriate for new development, and shall be subject to the Gunnison County Land Use Resolution.

- (a) Development in the Rural Area is generally inappropriate, but when proposed shall be subject to the Gunnison County Land Use Resolution.
- (b) One (1) single family residence and one (1) secondary residence are allowed in compliance with County LUR standards.

### SECTION 3. RELATIONSHIP TO GUNNISON COUNTY LAND USE RESOLUTION

- A. **USES GENERALLY EXEMPT FROM LAND USE RESOLUTION.** Development the Gunnison Special Area shall be exempt from the requirements of the LUR, unless otherwise specified herein, or by Gunnison County.
- B. **DEFINITIONS.** Terms that are not defined in these Regulations shall be defined pursuant to the Gunnison County Land Use Resolution.
- C. **CONFLICTS.** When there is a conflict with the Regulations herein and the Gunnison County Land Use Resolution, the Land Use Resolution shall control.
- D. **INTERPRETATIONS.** The Gunnison County Community and Economic Development Director shall have the authority to interpret these Regulations, pursuant to Land Use Resolution Section 1-114: *Interpretations*.
- E. **TECHNICAL MODIFICATIONS, TAKINGS, APPEAL AND EXCEPTIONS.** Requests pursuant to the Gunnison County Land Use Resolution Article 8: *Technical Modifications, Takings, Appeal and Exception* shall be reviewed pursuant to the applicable section(s) of Article 8.
- F. **CONSTRUCTION AND WORD USAGE.** Construction and word usage shall be interpreted pursuant to the applicable section(s) of the Gunnison County Land Use Resolution.

### SECTION 4. DEFINITIONS.

- A. **ANNEXATION.** Annexation is the process by which a city or municipality extends its boundaries to include additional territory. Colorado state law limits annexation to no more than three miles beyond the existing boundary in any year.
- B. **ARTICULATION, HORIZONTAL.** A method of breaking up large horizontal stretches through architectural elements.
- C. **ARTICULATION, VERTICAL.** A method of breaking up large vertical stretches through architectural elements.
- D. **DWELLING UNIT, DUPLEX.** A single building that contains two residences. Also known as Duplex Residence.
- E. **DWELLING UNIT, MULTIPLE-FAMILY.** A single residential building or set of residential buildings on a single lot that contains three or more residences, but not including hotels, motels, or lodges. Units may share common walls or floor/ceilings with one or more units. Also known as Multiple-Family Residence. Examples include:
  - 1. **COTTAGE COURT.** A group of small homes arranged around a shared community space, often a court that's visible from the street. These homes can be attached or detached.
  - 2. **TOWNHOUSE.** Two or more attached dwelling units located on separately owned lots or on a single lot. The units span the entire width of each lot, are lined up in a row, and share side walls.
- F. **DWELLING, SINGLE FAMILY.** means a building that contains one residence.
- G. **MAKER SPACE.** A building, parcel, or portion thereof, that provides an area for artists, community members, and patrons to explore ideas, experiment, and create. These can be configured as individual spaces or as a common space. These spaces involve small-scale production, assembly, and fabrication conducted entirely indoors with minimal external impacts, and are a type of light industrial development. Maker Spaces may include the creation of goods, as well as their sale. Residential uses may be combined with Maker Spaces to create a mixed-use development.

- H. **MIXED USE.** The use of a building, parcel, or portion thereof, used for a variety of different land use types. This can be a single building that is used for a mix of uses, such as Neighborhood Commercial and residential, or it can be a single parcel with different buildings and/or areas used for different uses. In these Special Area Regulations, Mixed-Use developments shall comply with the requirements for Non-Residential Uses.
- I. **NEIGHBORHOOD COMMERCIAL.** The use of a building, parcel, or portion thereof, for active pedestrian-scale businesses and services primarily intended to serve the immediate needs of the local community. Examples include small shops, galleries, cafes, restaurants, personal services, pharmacies, bakeries, breweries, distilleries, and the like.
- J. **NON-RESIDENTIAL USES.** These uses are all land uses, not including residential land uses.
- K. **PARKS AND OPEN SPACE.** An area dedicated to the public and reserved for recreational, education or scenic purposes.
- L. **GOVERNMENT AND INSTITUTIONAL USES.** A building primarily used by a government entity, educational institution or a non-profit organization for organized religious services and supporting uses.
- M. **PEDESTRIAN AMENITY:** These are amenities that create a development pattern that creates safe and comfortable environment for pedestrians.
- N. **SHARED PARKING.** An arrangement in which two or more uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.
- O. **TRANSPARENCY.** The amount of fenestration (windows) on buildings that allows the public to see inside from the sidewalk.

## SECTION 5. GENERAL STANDARDS AND REVIEW PROCESSES.

### A. URBAN TRANSITION AREA SERVED BY CITY UTILITIES.

1. **PRE-ANNEXATION APPLICATION MEETING REQUIRED.** A pre-annexation meeting with the City of Gunnison and Gunnison County is required for all properties located in the Urban Transition Area and is located within the City of Gunnison's future utility service area to review applicable requirements and understand requirements related to a Pre-Annexation Agreement.
  - a) Prior to filing an application for development in the Urban Transition Area, the applicant shall meet with both Gunnison County Community Development Director and the City of Gunnison Community Development Director to obtain information and guidance on annexation eligibility and procedures.
  - b) The pre-application conference is required prior to filing an application for development on a parcel located in the Urban Transition Area that is located within the City of Gunnison's future utility service area.
  - c) Items to be discussed during the pre-application conference may include, but not be limited to, the following:
    - i. The applicant should provide a written description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and development design concepts.
    - ii. The Gunnison County Community and Economic Development Director and the City of Gunnison's Community Development Director should explain the procedures and review standards which apply to the proposed development, including which decision-making body or bodies will review the application, whether public notice is required and the sequence of actions and approximate time required to complete the development review process.

**B. URBAN TRANSITION AREA REVIEW PROCESS: ADMINISTRATIVE PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS.** Properties located in the Urban Transition area, are not subject to a Land Use Change Permit, unless otherwise required in these Regulations. This applies to properties located in the city's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

1. The following Administrative Review Projects may require a Building Permit, an On-Site Wastewater Treatment System Permit, an Access Permit, a Reclamation Permit, or other County permit, but shall not require an additional Land Use Change Permit.
2. Projects shall comply with all the other applicable requirements of the Gunnison County Land Use Resolution.
3. If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of an Administrative Review Project, the criteria detailed in Gunnison County Land Use Resolution Section 3-111: B. 1: *Additional Criteria* shall be considered and the appropriate review process and submittals for an Administrative Review Project, a Minor or Major Impact Project shall be required and an application for a Land Use Change Permit shall be required to be submitted.
4. Projects in the Urban Transition Area that include twenty-one (21) or more dwelling units per acre shall be subject to the requirements of Section 5, Part C., below.
5. For Subdivision applications in the Urban Transition Areas, the review for the subdivision shall be completed as an Administrative Review, followed by approval of a Resolution and Plat signature by the Board of County Commissioners.
  - a) The review process shall follow the requirements in Section 6-105 of the LUR, *Submittal For Final Action For Minor Impact Project*
- 6.

**C. URBAN TRANSITION AREA: ADMINISTRATIVE PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT.** Projects in the Urban Transition Area that propose twenty-one (21) or more dwelling units per acre shall be subject to the requirements of this Section.

1. Thirty-percent (30%) of the total residential units in the development shall be deed restricted as essential housing in accordance with the definitions in the Gunnison County Land Use Resolution. These projects are permitted to utilize the incentives identified in Section 8 of these Special Area Regulations.
2. Applications shall comply with the process identified in Gunnison County Land Use Resolution Section 5-104: *Administrative Review Project Application*.
3. Projects shall comply with all the other applicable requirements of the Gunnison County Land Use Resolution.

**D. APPLICABLE COUNTY LAND USE RESOLUTION REQUIREMENTS.** Development shall comply with the following sections from the Gunnison County Land Use Resolution (LUR), as may be amended:

1. Article 1: General Requirements
  - a) Section 1-112: Use of Maps
2. Article 8: Technical Modifications, Taking, Appeals and Exceptions
3. Article 11: Resource Protection Standards
4. Article 12: Development Infrastructure Standards
5. Article 13: Project Design Standards

- a) Section 13-107: Installation of Solid Fuel-Burning Devices
  - b) Section 13-109: Signs
  - c) Section 13-112: Snow Storage
  - d) Section 13-113: Fencing
  - e) Section 13-114: Exterior Lighting
  - f) Section 13-115: Reclamation and Noxious Weed Control
  - g) Section 13-118: Water Impoundments
- 6. Article 15: Right-to-Ranch Policy
  - 7. Article 16: Enforcement

**SECTION 6. REQUIREMENTS FOR PROJECTS IN URBAN TRANSITION AREAS**

- A. **PURPOSE.** This section applies to all projects located in an Urban Transition Area. The standards, allowances, and limitations apply to development in Urban Transition Areas located within the City's utility service area and the county's service area. Where there are different requirements for an area in the city's service area or county's service area, these are identified.
- B. **PERMITTED LAND USES AND DIMENSIONAL REQUIREMENTS.** The following land uses and dimensional requirements apply to development located in the Urban Transition Areas.

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**TABLE 6-B – URBAN TRANSITION AREA LAND USES AND DIMENSIONS**

Use Classification	Maximum Lot Size (Residential: per Dwelling Unit; Non- Residential per Building)	Maximum Building Height	Maximum Off- Street Parking Spaces (Residential per Dwelling Unit; Non-Residential per 1,000 sq ft of Net Leasable)	Building Setbacks (Minimum)				Minimum Build-to- Line	Dwellings Per Acre	
				Front	Street Side	Interior Side	Rear		Minimum	Maximum**
<b>Residential Uses</b>										
Single Family*	12,000	30	2 Spaces	10	5	5	5	At least 50% of building shall be at the minimum setback line	10	20
Duplex*	6,000	30								
Multi Family**	N/A	40								
Mobile Home Park***	See Division 9-202: Mobile Home Communities in the LUR									
<b>Non-Residential Uses</b>										
Neighborhood Commercial	10,000	35	3 Spaces	0	0	5	0	At least 50% of building shall be at the minimum setback line	N/A	20
Makers Space	8,000	35	4 Spaces; plus 1 Space for each Dwelling Unit	0	0	5	5			
<b>Public and Institutional</b>										
Government and Institutional Uses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Parks and Open Space	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
* Secondary Residences are permitted and may be attached or detached to the primary dwelling unit; up to 1.5 parking spaces per Secondary Residence may be provided										
** Projects that include Multi-Family Dwelling Units of 20 dwelling units or less per acre, shall be subject to the requirements of this Section 6; Projects that include 21 or more dwelling units per acre shall be subject to the requirements of Section 5 Part C of these Special Area Regulations.										
*** Removal of existing mobile home required to be reviewed pursuant to F.4										

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C. **URBAN TRANSITION AREA GENERAL REVIEW STANDARDS.** These standards shall apply to all development in the Urban Transition Areas. Certain requirements, including roads and utilities, have different standards depending on the utility service area. These are delineated where applicable.

1. **UTILITY REQUIREMENTS.** All development in Urban Transition Areas shall comply with the following requirements.

a) **GENERAL.**

- i. All utility connections, including all electrical, cable, fiber optic and telephone connections and installation of wires to buildings, shall be placed underground from the nearest available power source.
- ii. The location of transformers and other utility boxes that are placed on the ground, shall be adequately screened, fenced or protected. When permitted by the utility provider, these features should be setback behind the front-most wall of the primary building.
- iii. All meters and pipes near or on a structure, shall be located on a side façade and may not be located on a street facing façade. For corner lots, meters and pipes may be located on a street facing façade, but shall be screened to the greatest extent practicable.
- iv. For all Multi-Family and Non-Residential uses, all utility and mechanical equipment located on a roof or piercing a roof shall be setback from the front-most façade of the building by a distance equal to the height of the equipment. A low wall, meeting manufacturer's specifications, shall be used to conceal roof equipment. This standard shall not apply to renewable energy systems.

b) **WASTE MANAGEMENT.** Waste service shall be located from an alley when one exists.

c) **NORTH URBAN TRANSITION AREA REQUIREMENTS.** Development within Urban Transition Areas that are located within the City's existing or future utility service area, shall be subject to the following requirements.

- i. **GENERAL.** Prior to the issuance of any building permit, all necessary utilities, facilities and services, as required by City of Gunnison LDC *Div. 15.4.011 Adequate Public Facilities*, shall be in place and available to serve the new development.
- ii. **WATER.** Connection to City of Gunnison water source is required and shall be at the sole expense of the developer. If existing water service does not extend to the property, connection to such service shall be included within the Pre-Annexation Agreement.
- iii. **SEWER.** Connection to a public central sewer service is required. This connection can be to a new central sewage service, an existing municipal or other special district central sewage service, or through an extension of an existing central sewage service. Connection shall be at the sole expense of the developer.
- iv. **ELECTRIC.** Connection to the City of Gunnison electric utility is required and shall be at the sole expense of the developer.

d) **SOUTH URBAN TRANSITION AREA REQUIREMENTS.** Development within Urban Transition Areas that are located outside of the City's existing or future utility service area, shall be subject to the following requirements.

- i. **WATER.** Connection to a water source provider is required, where available and shall be at the sole expense of the developer.
- ii. **SEWER.** Connection to a public central sewer service is required. This connection can be to a new central sewage service, an existing municipal or other special

district central sewage service, or through an extension of an existing central sewage service. Connection shall be at the sole expense of the developer.

- iii. **ELECTRIC.** When a property is located within the City of Gunnison Electric Utility area, a project shall connect to the city's system.

**2. TRANSPORTATION.** The requirements of this section identify transportation related improvements, including streets, transit, parking, and pedestrian and bicycle facilities.

**a) STREETS.** This section applies to all development in the Urban Transition Area.

- i. **NORTH URBAN TRANSITION AREA:** A pre-annexation agreement shall be required with the City of Gunnison. The pre-annexation agreement will require compliance with Titles 9 and 12 of City of Gunnison Municipal Code.
- ii. **SOUTH URBAN TRANSITION AREA:** All development in this area is subject to Section 12-103: Road System and the Gunnison County Specifications for Road and Bridge Construction Standards.
- iii. Vehicular access points in the Urban Transition Area shall be minimized to support pedestrian connectivity and are encouraged to be concentrated at mid-block locations.

**b) TRANSIT.** This section applies to all development, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements.

- i. In areas where transit services are anticipated within the next 5–10 years as part of an adopted plan by Gunnison County, the City of Gunnison, RTA, CDOT or other relevant governmental body, the development plan should include considerations for future transit corridors, taking into account pedestrian connectivity to future bus stops, transit stations, and infrastructure such as bike lanes or pedestrian paths.

**c) PARKING.** This section applies to any Land Use Change Permit, all new development and any addition to an existing building in the Urban Transition Area.

- i. The number of required parking spaces shall be determined pursuant to Table 6-2.
  - A. For building additions or a use change to an existing building that would increase the total number of parking spaces required for such building, any additional parking shall only be required for the incremental increase, not the existing building or use.
- ii. Required off-street parking spaces shall be located on the same lot as the structure or business the spaces are intended to serve. Shared parking is permitted, pursuant to the following:
  - A. All developments involved in the shared parking must be located within a 1/8 to a 1/4 mile from the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking lot.
  - B. The site or sites involved must contain two or more separate and distinct building activities or functions which, by their nature, can use shared parking without having an adverse impact on traffic circulation or without impairing the overall functioning of the site or sites.
  - C. Shared parking may be required to be set forth in an instrument recorded with the Gunnison County Clerk and Recorder, describing the lands affected by the agreement to ensure unified operation, control, and continuation of multiple use or shared parking facilities

- iii. On-street parking adjacent to a commercial use can be used to meet the parking standards required in Table 6-2. Parallel parking is preferred over head-in parking, and head-in parking is preferred over diagonal parking.
- iv. Street-facing parking lots are prohibited and parking lots shall be placed behind buildings. Where placement behind buildings is not possible, they shall be located at the rear of the property.
- v. For single-family and duplex lots, off street parking shall be setback from the front-most façade of the building or accessed from a rear or side alley. A driveway is permitted between a street and a garage.
- vi. Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any public right-of-way.
- vii. All parking spaces shall not be less than 9 feet in width and 18 feet in length, except that:
  - A. Up to 20% of parking spaces may be compact parking spaces, which shall measure not less than 7.5 feet in width and 15 feet in length.
- viii. All parking provided in a common parking garage shall have a minimum clearance of 8 feet in height.
- ix. Accessible spaces shall be provided in accordance with the Americans with Disabilities Act (ADA) Accessibility Standards for parking space size and quantities or as required during site plan review.
- x. Parking shall be subordinate to the primary development. Commercial parking facilities are not permitted.
- xi. Developments shall comply with the following parking calculation provisions:
  - A. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
  - B. Where fractional spaces result, the required parking spaces shall be construed as the next highest whole number.
- xii. Loading facilities are prohibited from being located on street-facing facades and shall be co-located and screened when possible.
- xiii. Off-street loading spaces shall be located on the same lot as the building or use served and shall not be located within a parking space or an access way or circulation aisle.
- xiv. Parking lots shall comply with the following requirements to accommodate pedestrian access:
  - A. Parking lot design shall consider pedestrians access to the front of the building.
  - B. Sidewalks and crosswalks shall be designed so that pedestrians can be seen by motorists, and where they can cross most safely with the flow of vehicular traffic.

**d) BICYCLE FACILITIES.** This section applies to all development, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements.

- i. Bicycle racks shall be located on private property whenever possible. Racks may be located within a public or private right-of-way only if there is a clear pedestrian pathway meeting ADA requirements.
- ii. For projects with 21 or more vehicular parking spaces, bicycle parking shall be provided. Bicycle parking shall comply with the following:

- A. Bicycle parking shall consist of racks, lockers, or other storage systems providing a safe and secure means of storing a bicycle.
- B. Provide bike parking for one-half the number of vehicular parking spaces (i.e. if 10 parking spaces are required, 5 bike spaces are also required);
- C. Be directly accessible from travel surfaces;
- D. Be located a maximum of twenty-five (25) feet from the building's main entrance.

e) **PEDESTRIAN FACILITIES.** This section applies to all development, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements.

- i. A detached sidewalk, which is separated from the curb or street pavement edge, shall be required for all new development adjacent to the right-of-way along Highway 135 and collector streets. Secondary or residential streets do not require a vegetative buffer, and no buffer is required where on-street parking is present.
- ii. A minimum six (6) foot sidewalk shall be provided for all sidewalks located within the right-of-way. Sidewalk material in the right-of-way shall be EG concrete, bituminous asphalt, or other material approved by the Gunnison County Public Works Director.
- iii. A vegetative buffer between the street and sidewalk may be included on secondary or residential streets at the discretion of the developer. If provided, the buffer shall be a minimum of three (3) feet and a maximum of six (6) feet. This area may be used for snow storage and may include vegetation, gravel, or xeriscape.
- iv. Sidewalks shall meet accessibility requirements.

3. **LANDSCAPING.** This section applies to all development, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements.

a) **REQUIRED DESIGN ELEMENTS.** The following standards shall be met.

- i. A minimum of 1 tree and 3 shrubs per 500 sq. ft. of landscaped area is required for all development.
- ii. Vegetation shall be maintained by property owners in such a way that it does not interfere with visibility, reduces fire risk, and enhance the aesthetic quality of the area. In locations where new development alters visually attractive and distinctive natural landscapes, the selection and arrangement of new plantings should be designed to complement and enhance the natural landscape character of the site.
- iii. Healthy existing trees, grasses and shrubs shall be incorporated into the landscape to the maximum extent feasible. If located between the edge of curb and gutter and the property line, no existing tree of four inches diameter at breast height (DBH) or greater, or dense stand of trees or shrubs of four or more feet in both depth and height shall be removed, unless permitted by plant health, access, safety or identification of the premises, all as determined by the Community and Economic Development Department.
- iv. Design of the landscape shall take existing trees and shrubs into consideration with an adequate area provided around each tree that is free of impervious material to allow for infiltration of water and air. This pervious area shall be equal to the drip line of the tree. Root zones of existing trees and shrubs to be preserved shall be protected from unnecessary disturbance due to cut or fill grade changes.
- v. The selection and arrangement of new plantings shall be planned to create visual appeal, to provide effective screening, to define site circulation and to enhance the use of the site.

**b) GENERAL DESIGN GUIDELINES.** Whenever possible, landscaping shall incorporate the following low-water principles and practices to reduce water consumption:

- i. Locate plant materials with similar water needs in the same area.
- ii. Design a balanced landscaped area with a mixture of turf and plant types.
- iii. Minimize the use of expansive turf areas. When turf is incorporated it shall be located so that it is effective or functional in terms of visual experience and use.
- iv. Incorporate a variety of plant materials that have low water needs and are indigenous to the area. Plant hardy, low water usage materials in south and west exposures. Use grasses that remain green with a limited amount of irrigation.
- v. Utilize soil amendments that enhance the ability of the soil to conserve moisture, such as organic matter, and certain fertilizers and polymers.
- vi. Use rock, bark, pole peelings, or other natural mulches to keep moisture in the soil around the planted materials and to control weeds.
- vii. Irrigation should be minimized. When included, an automatic irrigation system shall be designed and installed to provide maximum efficiency. The system should be adjustable to meet actual precipitation requirements of the various planting zones and should operate only when necessary. The type of irrigation components should be selected to meet the needs of the type of planting.

**4. STORMWATER DETENTION AND TREATMENT REQUIREMENTS.** All non-residential development, subdivisions with five (5) or more lots, and areas within one-hundred (100) feet of a waterbody as defined by the LURSECTION 13-117 Drainage, Construction and Post-Construction Storm Water Runoff, in Urban Transition Areas shall comply with the following requirements.

**a) NORTH URBAN TRANSITION AREA.** Development within the North Urban Transition Areas, shall be subject to the following requirements.

- i. Prior to the issuance of any building permit, all necessary stormwater detention and treatment facilities and services, as required by City of Gunnison LDC *Div. 15.4.011 Adequate Public Facilities*, shall be in place and available to serve the new development.
- ii. Permanent stormwater detention facilities are required to be multipurpose facilities designed to detain flows to historic peak discharge rates and to provide water quality benefits. Runoff after construction shall not exceed the level of runoff that occurred before construction.
- iii. All non-residential development is required to meet or exceed the standards of City of Gunnison, the Colorado Department of Public Health and Environment, and the U.S. Environmental Protection Agency with regard to water pollution control, stormwater control, and stormwater management. It is both the property owner's and applicant's responsibility to ensure compliance with state and federal regulations
- iv. Stormwater design shall comply with Section 700, Storm Sewer, Culvert and Irrigation System Specifications, of City of Gunnison Construction Standards.
- v. All development shall provide adequate surface, subsurface, and road storm drainage facilities and appurtenances as required by the *City of Gunnison Stormwater Management Plan*, as it may be amended.

b) **SOUTH URBAN TRANSITION AREA.** All development within the South Urban Transition Areas, shall be subject to LUR Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*.

5. **PARKS, TRAILS AND OPEN SPACES.** This section applies to all development, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements. Development that does not meet these thresholds may voluntarily apply these standards for the design of parks, trails, and public spaces.

a) **PARKS.**

- i. Parks should be a minimum of 1,000 sq ft and a maximum of 1/2 acre.
- ii. The design should promote continuity of parks and public spaces. Design shall ensure pedestrian, bicycle, and vehicular access is reasonably provided to the spaces.
- iii. The location, shape, size, and character of park land should be provided in a manner to meet the needs of the development.
- iv. The park area(s) should not include any area designated as a roadway, unit space, or storage area.
- v. The park area should be conveniently located and free from all natural hazards.
- vi. The park area may count toward applicable minimum landscape requirements.

b) **TRAILS.**

- i. Trails should promote continuity of parks and public spaces to ensure an overall connected employment centers, commercial areas, services, and recreation system.
- ii. Trails should be a minimum 15-foot right-of-way or easement dedicated for public use and have a minimum 8 foot wide tread way surface which should be centered on the easement center line.
- iii. Access to the trail should be provided within the subject property or from the subdivision, and be fully accessible to the general public during reasonable hours.
- iv. All trails should be designed and constructed in accordance with the Americans with Disabilities Act (ADA) and the specifications defined in the City of Gunnison Non-Motorized Transportation Plan, as it may be amended.

c) **OPEN SPACE.**

- i. Public spaces may include open lands. Trails may be included on designated open space.
- ii. The proposed development should promote continuity of public spaces. Design shall ensure pedestrian, bicycle, and vehicular access is reasonably provided to the spaces.

d) **MAINTENANCE REQUIREMENTS.** For any Park, Trail, or Open Space, the following maintenance requirement applies.

- i. The long-term maintenance of all designated parks, trails and open space shall ensure the safety and longevity of the improvements. All improvements shall be owned and maintained as public areas by the developer, owner of the property, or an organization established for its ownership and maintenance, unless otherwise approved by the County Community and Economic Development Department.

**6. URBAN TRANSITION AREA DESIGN STANDARDS.** Development within the Urban Transition Areas are subject to the following design standards. These standards shall apply to the design of multi-family uses, and non-residential uses, and single-family and duplex development when part of a proposed subdivision with five or more lots.

**a) MINIMUM STANDARDS.** These design standards are intended to ensure a minimum level of design is achieved. If an alternate design can be shown to meet the intent of these standards, or where it can be shown that strict compliance with these standards would cause negative environmental impacts, or would result in adverse conditions on- or off-site because of unusual topography, size or shape of the lot, existing vegetation, or other exceptional situations or condition, then the County shall have authority to accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not be increased.

**b) DESIGN STANDARDS.**

**i. BUILDING PLACEMENT AND ORIENTATION.** The following standards are intended to create a development pattern that reinforces the street grid and provides a high-quality pedestrian experience.

A. All buildings should be oriented to the street where one exists. All building facades shall be oriented to be parallel to the adjacent street.

B. Build-to-Lines shall comply with Table C.3.

**ii. ENTRANCES.** A building entrance shall include a door and entry feature that provides visitors with direct access to the building.

A. For Residential buildings, the following standards apply:

1. The entry door shall be setback no more than eight (8) feet from the front-most wall of the building. The entrance may be accessed from a porch that is no more than one story in height and has a minimum depth of six (6) feet.
2. For duplex, triplex, or multi-family residential buildings with more than one entrance, at least one shall be no more than eight (8) feet from the front-most wall of the building. The entrance may be accessed from a porch that is no more than one story in height and has a minimum depth of six (6) feet.

B. For Non-Residential buildings the following standards apply:

1. The facade closest to the front lot line shall have an operable entrance facing the street and a walkway to the nearest sidewalk.
2. An operable building entrance is required to be open and accessible during normal business hours. The entrance shall comply with applicable ADA standards.
3. Each building shall have clearly defined customer entrances that include at least two (2) of the following features:
  - a) Canopies, porticos, arcades, or overhangs;
  - b) Recesses or projections;
  - c) Over the door or peaked roof forms;
  - d) Arches;
  - e) Outdoor patios or plazas;
  - f) Display windows;
  - g) Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; and/or

- h) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- 4. Buildings on corner lots are encouraged to have corner entrances. A chamfered corner is permitted to accommodate this type of entrance. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.

**iii. TRANSPARENCY.**

- A. Residential Uses shall have a minimum transparency of 15% of each street-facing façade at the ground level. This may be achieved through windows or doors. Window area is considered the entire area within the outer window frame, including any interior window grid.
  - 1. Windows used to meet this standard must be transparent and allow views from the building to the street. Reflective glass is prohibited on ground floors and discouraged on upper levels.
  - 2. Garage doors shall not be used to meet this requirement.
  - 3. Glass blocks, frosted glass, and other forms of privacy glazing do not meet this standard.
- B. Non-Residential and Multi-Family Residential Uses shall meet minimum transparency requirements.
  - 1. 50% of each street-facing façade at the ground level shall be transparent.
  - 2. A minimum of 35% transparency is required for second levels.
  - 3. Transparency may be achieved through windows or doors. Window area is considered the entire area within the outer window frame, including any interior window grid.
  - 4. Windows used to meet this standard must be transparent and allow views from the building to the street. Reflective glass is prohibited on ground floors and discouraged on upper levels.

**iv. STREET LEVEL DESIGN.** The following standards apply to Non-Residential Uses and Multi-Family Uses.

- A. For all ground floor neighborhood commercial or maker space in new development, the distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. For ground floor area associated with a residential use, the minimum height must be at least 10 feet.
- B. All non-residential eating and drinking establishments are encouraged to provide street-side outdoor/cafe seating and dining patios. Where possible, this area shall be between the public right-of-way and the front facade along primary streets.

**v. BUILDING ARTICULATION.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, by using a belt course, transom, awning, canopy, or similar division.

- A. All buildings with three or more stories shall be articulated with varied massing to create dynamic facades and prevent flat, static streetscapes. Development should clearly articulate a horizontal hierarchy (base, middle, top), properly scaled to the height of the structure.
  - 1. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of

materials, provided that the design is consistent with the overall composition of the building.

2. Horizontal articulation shall be achieved through one or more of the following architectural features:
  - a) Bay windows: Bay windows shall be a minimum of 2 feet in depth and 4 feet in width;
  - b) Recessed entrances or windows: These shall be recessed a minimum of 4 feet in depth and 6 feet in width;
  - c) Niches: Niches shall be a minimum of 2 feet in depth and 4 feet in width;
  - d) Gateways that are a minimum of 4 feet in width;
  - e) Porches measuring at least 48 square feet; or
  - f) Colonnades that are a minimum of 4 feet in width.

- B. All non-residential buildings are required to provide variation in facades to prevent long blank walls. These standards apply to all facades.
  1. Structures greater than 60 feet in length, but less than 120 feet in length must exhibit a prominent shift in the facade of the building so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a 10 foot change in Building Facade alignment or a 10 foot change in the Building Height, or a combined change in Building Facade and Building Height totaling 10 feet.
  2. Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a 15 foot change in Building Facade alignment or a 15 foot stepback on upper levels.

**vi. ROOF FORMS.**

- A. The measurement of building height shall be based on the Gunnison County Land Use Resolution.
- B. Snow shedding shall be considered in all roof design. Roofs shall be designed and insulated to ensure valleys, areas over wall top plates and other similar building spaces do not form ice dams.
- C. Where roofs will drip onto pedestrian, other public, or parking areas, buildings shall provide a system of gutters and downspouts to direct and channel roof run-off into the project's landscape areas and to prevent ice build-up in these areas. In non-pedestrian or public areas, roofs may drip to swales that direct water to the natural or proposed landscape.
- D. Eaves and fascia shall generally be responsive and proportional to the design of the building.
- E. The design of roofs shall address snow accumulation and ice/snow shedding. Entries, walkways and pedestrian areas shall be protected from ice/snow shedding.

**vii. LIGHTING.** All buildings shall comply with Gunnison County LUR Section 13-114: *Exterior Lighting.*

**viii. SIGNAGE.** All buildings shall comply with Gunnison County LUR Section 13-109: *Signs.*

## **SECTION 7. PRESERVATION OF MANUFACTURED HOME PARKS**

- A. The requirements of this Section apply to any existing manufactured home park in that contains five or more occupied manufactured homes and is currently operating, where the park is being proposed for a change of use other than renting or offering space for manufactured homes, or if the park is being proposed for closure, either in whole or in part.
- B. The requirements of this Section shall not apply if, prior to the change of use, the land owner and at least 75% of the manufactured home park tenants have entered into an agreement to waive the requirement for the conversion impact report. The agreement shall be provided to the County and shall be in a form satisfactory to the County Recorder.
- C. Mobile homes provide an important housing option for members of the community. The County prefers that existing Mobile Home Parks are preserved, consistent with the policies of the Regional Housing Study. To support these goals, providing mobile home residents the opportunity to become a Resident Owned Community (ROC) is preferred (See also Colorado House Bill 20-1201).
- D. A conversion impact report shall be completed and submitted to the County Community and Economic Development Department. The report shall include the following information:
  - 1. The names, addresses, and manufactured home site identification numbers of all persons living in or owning manufactured homes in the manufactured home park.
  - 2. The age and type of each manufactured home in the park, by site identification number, including date of manufacture, characteristics, and size.
  - 3. A list of known available manufactured home sites in comparable manufactured home parks within a 50-mile radius of the subject park.
  - 4. A schedule of site rental rates for each comparable manufactured home park and the criteria of the management of each park for acceptance of new homeowners and used manufactured homes.
  - 5. A relocation plan, including the proposed date for closing the manufactured home park, what, if any, relocation assistance payments will be offered to the park tenants, and the method of calculation of such assistance.
  - 6. The intended use of the property following closure of the manufactured home park, including conceptual plans describing the proposed new use.
  - 7. Other information as may be required by County Staff or the BOCC.
  - 8. Certification from the applicant that the conversion impact report has been delivered to all of the owners and tenants of manufactured homes in the manufactured home park at least 60 days prior to the first public hearing.
- E. The County Community and Economic Development Department and the Board of County Commissioners have the authority to review the conversion impact report and evaluate the proposed use of the property following closure of the manufactured home park. While property owners have the right to propose new uses, approval is subject to compliance with zoning regulations, land use policies, and community impact considerations. The County may impose conditions, require modifications, or deny the proposed use if it is found to be inconsistent with adopted plans, regulations, or if the impacts on displaced residents are deemed inadequately addressed.

## **SECTION 8. DEVELOPMENT INCENTIVES.**

- A. Affordable and attainable housing opportunities are needed throughout the Gunnison Valley to ensure housing is available for local residents and workforce. Housing is generally considered to be affordable (or attainable) when the monthly housing payment is equal to no more than 30% of a household's gross income. New housing opportunities located within The Urban Transition Area is a specific goal of the Gunnison Area Plan. This section provides incentives for the inclusion of deed restricted housing in these areas.
- B. **APPLICABILITY.** Projects shall receive incentives for complying with at least one (1) of the following options:
  - 1. Development of essential housing, as defined in the Gunnison County Land Use Resolution.
  - 2. 40% of the total residential units in the development are deed restricted as affordable housing in accordance with the definition of essential housing in the Gunnison County Land Use Resolution.
- C. **BENEFITS.** Developments may receive the following benefits:
  - 1. Decreased setbacks by up to 50% for all development on the applicable site or subdivision.
  - 2. Increased height allowance up to 45 feet for all development on the applicable site or subdivision.
  - 3. Expedited Review Process. All projects that meet the applicability requirements in Section G.1, shall be reviewed pursuant to Section E, regardless of location or density.
  - 4. Reduction in required amount of open space by up to 50%.

## **SECTION 9. DEVELOPMENT AGREEMENTS AND AMENDMENTS**

### **A. DEVELOPMENT IMPROVEMENT AGREEMENT**

- 1. A Development Improvement Agreement shall be required for all development undertaken pursuant to these regulations.
- 2. A Development Improvement Agreement shall meet the requirements of LUR Section 16-118: *Development Improvement Agreement Required.*

### **B. AMENDMENT AND REPEAL**

- 1. Unless amended or repealed in accordance with this Section, these Regulations shall remain in full force and effect.
- 2. These Regulations may be amended, modified, or repealed in whole or in part upon Acknowledgement by the Board of County Commissioners.

## Online Questionnaire

A collection of online questionnaires was conducted to gather input from the community on preferences on transportation and development in each subarea. Summary data is provided for this document, including the top questions that help identify priorities.

# OUTREACH SUMMARY

Community engagement is an important part of the planning process. To date, meetings and workshops have been held with the Board of County Commissioners, Gunnison City Council, the County and City Planning Commissions, public works officials, and key stakeholders. Online outreach is ongoing via the project website. As outreach progresses, common themes have emerged. The following is a summary of key meetings as well as a snapshot of the online outreach tools used for the process

## Kick-off Outreach

In September, Gunnison County and the City of Gunnison hosted two meetings to discuss the North Gateway Subarea and the Highway 50 Corridor. The meetings were held as part of the kickoff for the creation of the Gunnison Subarea Master Plan and Three Mile Plan.

The Subarea Master Plan will focus on two areas. The **North Gateway**, which was identified for further study in the City's Gunnison 2030 Comprehensive Plan, has continued to receive development pressure and is an important City/County interface area, defining the northern entrance to the City and shaping the character of the route between Gunnison and Crested Butte. The **Highway 50 Corridor**, from the southwest municipal boundary of the City to County Road 18, is an important corridor where development is already occurring, and the land uses are largely established.

An update of the Three-Mile Plan, as required by state statutes, is a key recommendation of the Gunnison 2030 Comprehensive Plan. The Subarea Master Plan will inform the policies of the Three-Mile Plan.

The meetings were an opportunity for attendees to offer their input and feedback regarding the two subareas in question. The workshops discussed issues, opportunities, and key strengths and assets of the subareas. As a tool for discussion and note-taking, each participant was given maps of the subareas.

*A detailed summary document of the comments received from these meetings was produced. Key issues and opportunities identified during the meetings are included with the maps where relevant on the subsequent pages of this memorandum. To view the full summary, go to the project website or follow the hyperlink [HERE](#)*

## Joint Committee Roundtable

September 13, 2022

Attendance: 26

The Joint Committee includes the City Council and Planning and Zoning Commission, and the County Board of Commissioners and Planning Commission. The first meeting was attended by four community members and seven staff members as well as 14 members of the Joint Committee. This meeting solicited ideas and input from community decision makers

## Public Works Meeting

September 14, 2022

Attendance: 12

The Public Works Meeting included six staff members and six members from the City and County Public Works Departments.



## Online Questionnaire Key Stakeholder Conversations

An online community questionnaire was announced to gauge and evaluate the community's preferences on transportation and development. As part of the project kick-off, Houseal Lavigne and JR Engineering conducted a series of five stakeholder focus groups. Conducted in a conversational format, the discussions focused on influences, issues, and opportunities within each subarea. Summaries are provided for the responses received for the four questions that help identify priorities. Key issues and opportunities are included with the maps where relevant on the subsequent pages of this memorandum. Further key stakeholder discussions will be conducted as the planning for these areas progresses.

Focus Group	Participant Representation	Number of Participants
<b>Transportation</b>	CDOT, Access Control Plan consultants	6
<b>North Side Organizations and Businesses</b>	State Forest Service, Rocky Mountain Christian Ministries, Discount Storage, Gunnison Secure Storage	5
<b>Institutional/Health</b>	Gunnison Valley Health	1
<b>Land Ownership</b>	Local Landowner, Development Partners	4
<b>Housing</b>	Valley Housing Fund, Gunnison Valley Regional Housing Authority	2

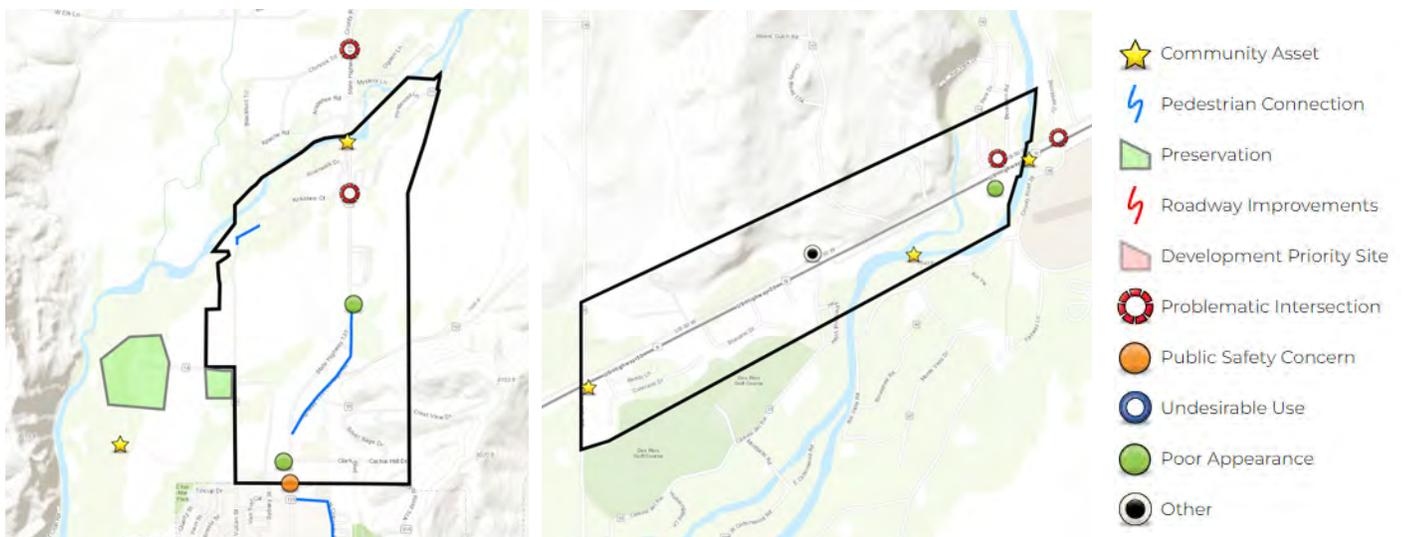
**Total: 18**

## Online Outreach

Online outreach was used as a way to inform and gather input from property owners, residents, business operators and developers through a project website, <https://hla.fyi/Gunnison-Subarea>, online questionnaires, and interactive online mapping. Materials and questionnaires were provided in English and Spanish. A postcard in English and Spanish was mailed directly throughout the community to encourage engagement. A total of 384 postcards were mailed, accounting for every property owner in the two study areas. Overall, the online outreach efforts recorded sixty-nine engagements.

### Map.social

Input was received from the project's online mapping tool, map.social, to graphically illustrate issues and opportunities within the two subareas. Among the seven comments recorded in and around the Highway 50 Corridor subarea, four focused on transportation and mobility improvements and safety as well as gateway aesthetic. A potential site for workforce housing development was identified north of US 50 near the center of the subarea. Community assets identified were the Gunnison County Electric Association headquarters and White Water Park at their current location. Seven locations in the North Gateway subarea were provided comments, which focused on transportation safety, options, and aesthetics found on or surrounding SH 135. Nine additional comments were received regarding areas outside the subareas. All but three identified various traffic safety issues in Gunnison and recommendations for roundabout to slow vehicles. The remaining mapped recommendations for open space opportunities west of the North Gateway subarea.



## Online Questionnaire

An online community questionnaire was announced to gauge and evaluate the community’s preferences on transportation and developments on each subarea. Summaries are provided for the responses received for the four questions that help identify priorities.

### *Within the North Gateway Subarea, what services would you like easy access to?*

Most of the online questionnaire respondents indicated a wide-ranging preference for various housing types, including condominiums, apartments, townhomes and single-family homes. Restaurants and gas stations rank as the specific use desired in the subarea, however, most of the responses indicate that the community desire services that were not presented in the poll. Ten state none of the above and included an alternative response. Eighteen selected “other” or “all of the above.”

At Highway 50 Corridor, the restaurants, personal services, and gas stations were the top uses selected by respondents. Considering all other responses, including written responses, there seems to be support for multiple visitor-oriented commercial developments such as hotels, entertainment, and retail.

### *What type of development in each subarea would support the local economy?*

Mixed-use residential developments lead non-residential uses as the preferred development by almost half of respondents in both subareas. Industrial use rank low compared to commercial and office developments.

### *What type of connectivity and roadway improvements would you most like to see within each subarea?*

Roadway improvements that address traffic safety are the most popular selections (roadway conditions, intersection sight distance, and intersection roundabouts). However, investments in expanded transit access and grid connectivity are also popular among respondents. In contrast, at the Highway 50 Corridor, connectivity to the city grid and transit access were the most popular selections, but other improvements received substantial support as well.

### *What type of bike or pedestrian improvements would you most like to see within each subarea?*

Questionnaire respondents were broadly supportive of the bike and pedestrian improvements in Northern Gateway, led by intersection safety interventions, ped/bike trails, and sidewalks.

**Gunnison County & City of Gunnison**  
**SUBAREA MASTER PLAN & THREE-MILE PLAN**

**Subarea Master Plan & Three-Mile Plan**  
 Gunnison County and the City of Gunnison are working to create a new Master Plan for the North Gateway and the West Highway 50 Corridor. They are also working together to update the Three-Mile Plan which will guide development for key areas of the County and City over the coming decades.

<p><b>Subarea Master Plan</b></p> <p>The Subarea Master Plan will provide a road map for future growth and development in two priority interface areas between the City and the County.</p>	<p><b>Three-Mile Plan</b></p> <p>This document will serve as the Intergovernmental Agreement for the three-mile planning area, including the North Gateway and West Highway 50 Corridor Subarea boundaries.</p>	<p><b>Get Involved!</b></p> <p>Your participation is important in the creation of the plan! There are two ways you can participate at your own pace. See the back of this postcard for ways to get involved.</p>
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Visit the project website at [hla.fyi/Gunnison-Subarea](http://hla.fyi/Gunnison-Subarea)

**Condado de Gunnison y Ciudad de Gunnison**  
**Plan Maestro de Subáreas y Plan de Tres-Millas**

**Plan Maestro de Subáreas y Plan de Tres-Millas**  
 El Condado de Gunnison y la Ciudad de Gunnison están trabajando para crear un nuevo Plan Maestro para la Puerta de Entrada y Salida del Norte y el Corredor Oeste de la Autopista 50. También están trabajando juntos para actualizar el Plan de Tres-Millas que se usará para guiar el desarrollo de las áreas claves del Condado y la Ciudad en las próximas décadas.

<p><b>Plan Maestro de Subáreas</b></p> <p>El Plan Maestro de Subáreas proporcionará un mapa y guía para el desarrollo y futuro crecimiento en dos áreas de interfaz y de prioridad entre la Ciudad y el Condado.</p>	<p><b>Plan de Tres-Millas</b></p> <p>Este documento servirá como el Acuerdo Intergubernamental para la área de planificación de tres-millas, que incluye las barreras de la Puerta de Entrada y Salida del Norte y las Subáreas del Corredor Oeste de la Autopista 50.</p>	<p><b>¡Involúcrese!</b></p> <p>¡Su participación es importante en la creación de este plan! Hay dos maneras que usted puede participar a su propio paso. Mire detrás de esta tarjeta postal para ver las maneras en que se puede involucrar.</p>
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Visite la página web del proyecto en [hla.fyi/Gunnison-Subarea](http://hla.fyi/Gunnison-Subarea)



# Summary: Project Meetings and Community Outreach

Gunnison Subarea Master Plan and Three Mile Plan

In March 2023, Gunnison County and the City of Gunnison hosted a series of key stakeholder interviews, a joint working session with elected and appointed officials in the Community, and a public open house that welcomed residents from across the community.

The interviews and meetings were an opportunity for people from across the community to provide input on the Subarea Master Plan for the North Gateway and Highway 50 Corridor areas.

Key stakeholder interviews were held at the Blackstocks County Government building and offered stakeholders in the subareas, including residents, property owners and business owners, the opportunity to give feedback on the project. The joint working session was held at the Gunnison County Public Library and brought together leaders from the City and County to discuss the project and approaches to implementing the ultimate vision for the subareas. The Open House was also held at the library and invited residents to learn more about the work completed to date and provide input on what they would like to see in the subareas. In order to solicit input, each participant was encouraged to post notes on boards for both subareas.

## Notes on Summary Context

*The items identified in this summary are not recommendations or observations of the consultant, but represent feedback and comments received from those who participated in the meetings.*

## Key Stakeholder Interviews

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March 21, 2023; subsequent virtual interviews into April

Attendance: 12

Multiple confidential interviews were conducted during the trip for key stakeholders, including property owners, business owners, and other relevant groups, to provide the planning team with input on their interests and concerns in the subareas. General notes from the interviews are summarized below.

### Notes

**Housing:** Interview participants often stated the need for a wider variety of housing, including affordable housing, within the community. One participant identified that modular housing could be a strong model in the community. Future housing development could be like the Van Tuyl Townhomes; it was also noted that Lazy K is doing well. Overall, there was an identified need for more housing in the South Valley and a recognition that these subareas and particularly the North Gateway could be the right location for it. A countywide gap of 800-900 units was discussed. Housing and other developments need to be purposeful, sustainable and add to a sense of place that the community is attempting to cultivate. Additional housing notes included:

- There is housing potential in developments on the horizon, including Gunnison Rising.
- The cost of contractors is a consideration.
- There is a lot of high value real estate that disqualifies people with lower wages and service industry jobs who need housing and cannot afford it.

- There should be preservation strategies for existing housing, such as the mobile home park; people there should be assured that they will not be kicked out.
- The City should focus on housing near the downtown corridor before outward expansion occurs.
- Off campus housing can be hard to find for Western faculty, staff, and students – there is a need for more apartment style living and less traditional dorm living.

**Image and Identity:** Several participants identified that there should be a more defined identity along the corridors approaching the City. The existing entrances to the community were identified as somewhat “messy” and participants indicated a need for more defined gateways.

**Connectivity and Mobility:** Improved connectivity in terms of public transportation, sidewalks, trails, and bikes was often mentioned by participants. Other notes related to this category included that crossing major thoroughfares is difficult and could be a hindrance to growth. It was noted that the trail network is disjointed and needs to be completed. New access points should be added. Additional transportation and mobility notes included:

- A general desire to create the “Gunnison Loop” which would require east-west connectivity to the Van Tuyl trail system, connect to the Signal Peak System, and more.
- Participants discussed that transit service should increase to help facilitate development. However, there is also the consideration that the current bus system is intentionally a commuter route designed to get people to and from Crested Butte quickly and additional stops would affect this.
- A few interviewees were not interested in additional trail connections and expressed concern about trail users near established ranches and homes.

**Commercial Development:** A new grocery store will be critical in the community in the coming years. There was speculation on the merger of Kroger and Albertsons and concerns over how that might impact the community’s two full-services grocery stores. A few participants noted that light industrial/manufacturing and office uses should be encouraged in the community. A group of participants indicated a desire to maintain the current areas “as-is” and to limit new development, particularly within the North Gateway. Additional commercial and development notes included:

- Consideration of what Western students may want, such as more entertainment options.
- Land in the North Gateway is mostly dry ground, which is an asset for development.
- A participant indicated a desire to streamline processes so people know what they can do with their land and do not have to have prolonged development review.

**Infrastructure and Utilities:** Concerns were articulated regarding how costly infrastructure could be extended, and how it would be paid for. A participant made a case for housing on one of the opportunity parcels along Highway 50, but noted the difficulty of connecting to sewer.

## Joint Committee Roundtable

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March 21, 2023

Attendance: 23

The Joint Committee includes the City Council and Planning and Zoning Commission, and the County Board of Commissioners and Planning Commission. Seven staff members and 14 members of the Joint Committee attended the meeting. This meeting solicited ideas and input from community decision-makers. General notes from the meeting are summarized below.

### Planning Influences Memo and Discussion

- Roundtable participants shared they wanted development throughout the community to be intentional and long lasting.
- Development should be physically concentrated in key locations to allow for growth while preserving open space.
- Mixed-density homes will be important to the future of the community.
- Participants are against development that will lead to sprawl, strip malls or does lend itself to a cohesive vision of the future.
- There was an emphasis on infill and development in the City or near the municipal boundary – infill before sprawl.
- It was noted that industrial uses make less sense in the North Gateway than housing.
- This process should result in streamlined development that meets the needs of current and future residents.

### Opportunity and Catalyst Sites Discussion

- There was a discussion regarding catalyst site modeling, what it can do for the subareas, and how it can be a tool for City and County to get the types of development they want. Participants reviewed and provided feedback on six opportunity and catalyst sites in the North Gateway.
- The benefit of such models is streamlined and clear tools to drive development, however, there was concern regarding misinterpretation of the models.

# Community Open House

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March 21, 2023

Attendance: 55

All residents of the City and County were welcomed to the Gunnison public library to give feedback on the work completed to date and provide their vision for the subareas. Input was collected in the form of post-it notes on boards asking participants to state what they want and do not want to see in both areas. General notes and full results from the meeting are summarized below. Numbers in parenthesis indicate that a comment was made more than once.

## North Gateway Subarea

### General Notes

- Attendees most wanted to see affordable housing, improved connectivity and coordinated infrastructure improvements through the North Gateway Subarea.
- There was an emphasis on natural areas within the North Gateway Subarea by attendees.
- Attendees do not want to see strip malls or sprawl style development within the North Gateway Subarea.
- There is concern of uncoordinated development that will lead to an undesirable community.

### Want to see:

- Decent well designed affordable housing (4)
- Connected roads, bike, and pedestrian paths (3)
- More mixed-use development (2)
- Cohesive design that integrates with Gunnison character and culture
- Improve fitness trail access and walking path on Van Tuyl
- Traffic signal on north highway
- More lights for crossings at Jorgensen and subway crossings
- Improve the bridge to Van Tuyl Ranch
- Fluid extension of northside neighborhoods
- Wildlife corridors
- A need for a park north of the City behind Walmart
- Traffic light at Ponderosa/County Meadows
- Minimal regulation of current property rights
- Current property owners should be able to have the same development opportunities as neighboring properties
- Appropriate commercial and industrial uses
- Child-friendly spaces
- With residential development, think about green infrastructure such as water recharge areas and bioswales
- A roundabout to slow down traffic entering the City
- Parks and greenspaces with development
- More bus stops along 135 so public transportation is a viable option
- Annexation into city – permit and building applications are a lot easier

- More ability for property owners to build with sustainable/alternative methods (tiny homes, composting toilets, solar, etc.)
- Pet-friendly spaces
- Preservation of wetlands and public access to river
- Trail and recreation path extension
- Smart utility connections
- Good access to public transportation
- Northside commercial districts (varied business)
- Denser residential as you get closer to the City boundary (townhomes and triplexes are a good use of space)
- Emergency services (full-time fire department)
- Some commercial along 135, closer to the current city boundary and decreasing as you move north towards river
- Preservation of water recharge areas – in form of wetland riparian corridors all while ensuring downstream rights
- Careful consideration of the logistics of snow management

**Do not want to see:**

- Fast-food restaurants, billboards, or strip malls (3)
- Urban sprawl
- Light pollution
- Corridors of big-box stores
- Dead-end streets
- Discontinuous development
- Water treatment plants
- Lots of hard surfaces such as asphalt and concrete

## **Highway 50 Corridor Subarea**

**General Notes**

- Attendees most want to see improved connectivity and a heavier focus on bicycle and pedestrian infrastructure.
- There is a desire to see more affordable housing along with a greater identity for the Highway 50 Corridor Subarea.
- Attendees do not want to see strip malls or sprawling residential development.

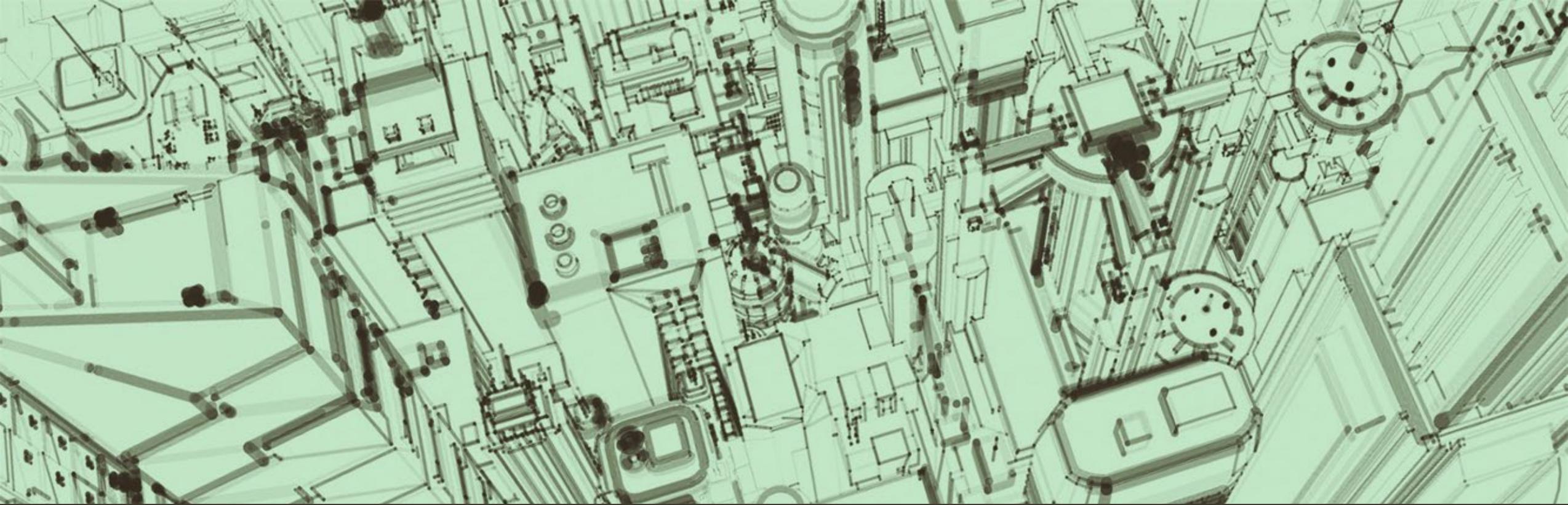
**Want to see:**

- Public transit, bicycle and pedestrian infrastructure (5)
- Improve west frontage road for drivers and cyclists (3)
- Affordable housing (2)
- Button at RTA stops to shine and let drivers know they are there
- Red light sensors for speed reduction
- Lights and crosswalks
- Child-friendly spaces
- Prioritize clean water with commercial development

- Open spaces and parks/public access to river
- Pet-friendly spaces
- Keep Gunnison character and culture special
- A roundabout to slow down traffic entering the City
- Responsibly developed riverfront restaurants/bars/food trucks
- Want to see design standards that make new development look cohesive
- Fewer design requirements on governmental non voted mandates
- Consider snow management
- Density toward the east – missing middle housing
- The ability to leapfrog annexation

**Do not want to see:**

- Strip mall development and/or big box stores (2)
- Development that negatively impacts water quality in the Gunnison River
- Roundabouts – may be a poor choice coming into Gunnison for large trucks



# GUNNISON COUNTY PLANNING COMMISSION

*April 10, 2025 Training – CO Sunshine Law, Ex Parte Communications and Conflicts of Interest*



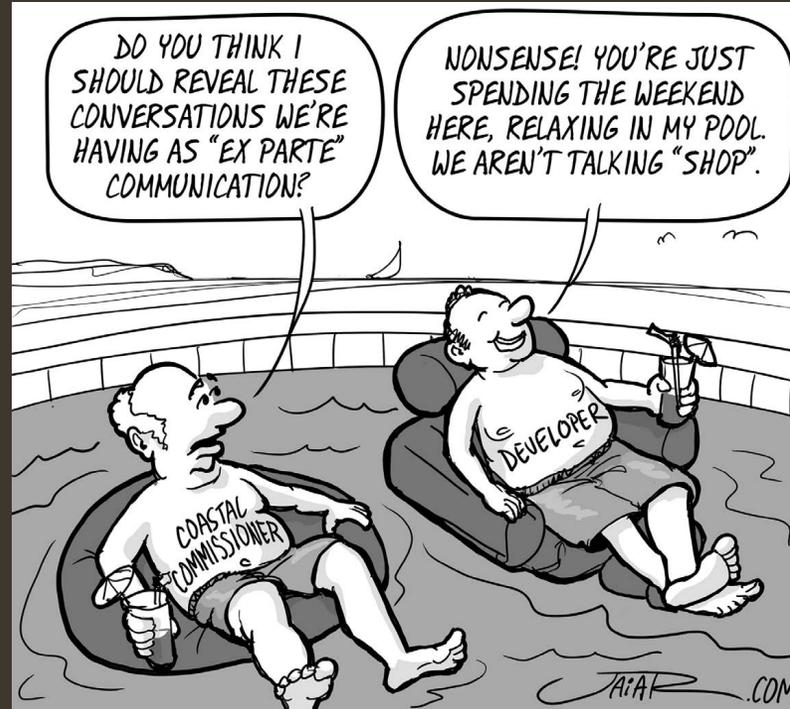
# TOPICS

- Colorado Sunshine Law – the Open Meetings Law



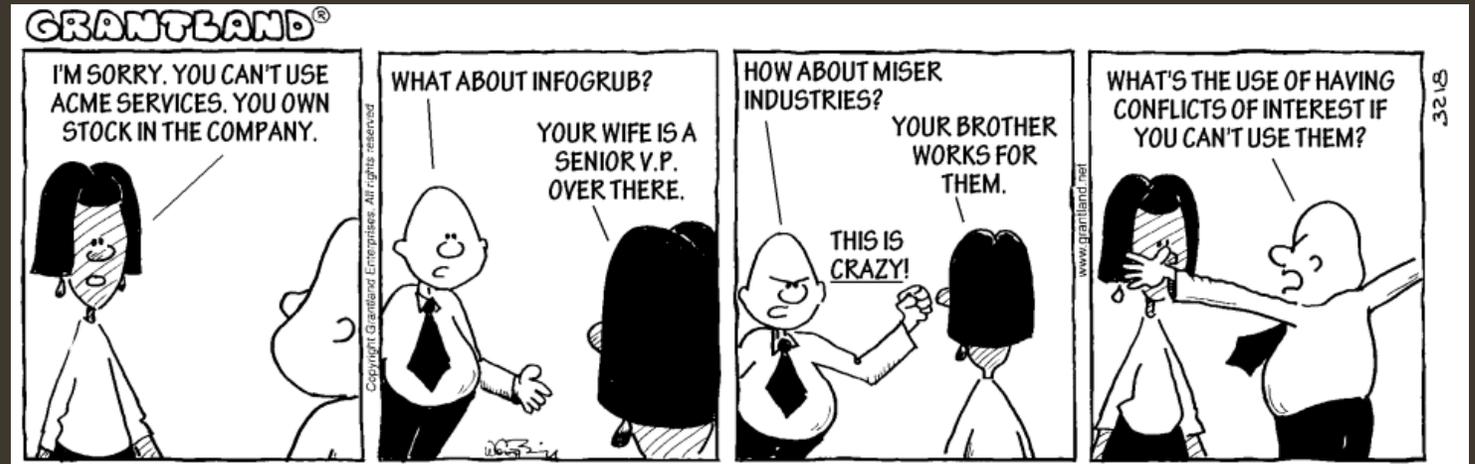
# TOPICS

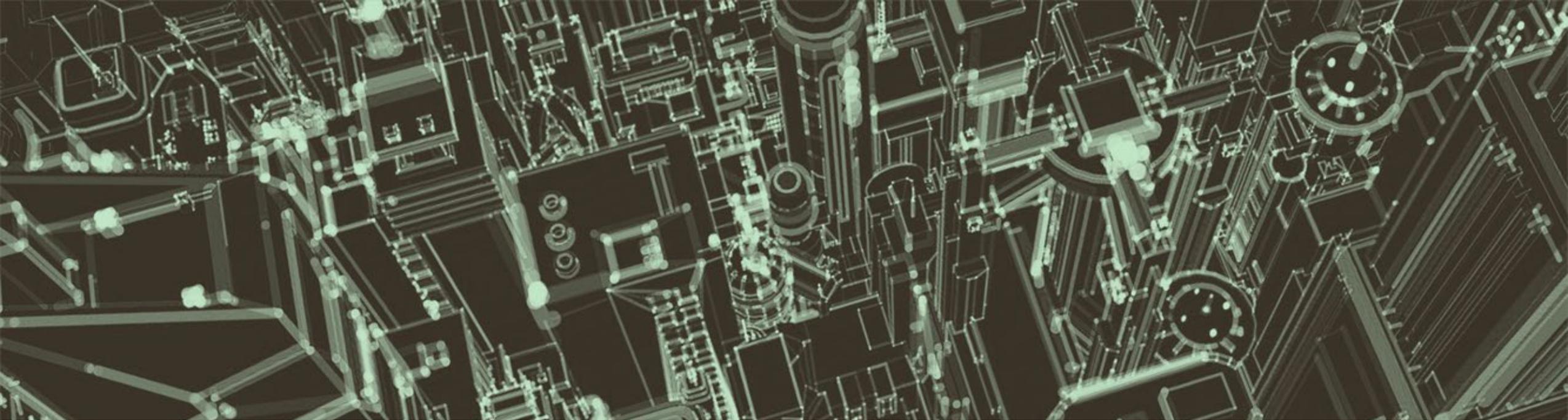
- Ex Parte Communications



# TOPICS

- Conflicts of Interest





# Colorado Sunshine Law – Open Meetings Law (OML)



# Colorado Sunshine Law – Open Meetings Law (OML)

- C.R.S. §§ 24-6-401 – 24-6-402
- Law originated in citizen initiative known as the “Colorado Sunshine Act of 1972”

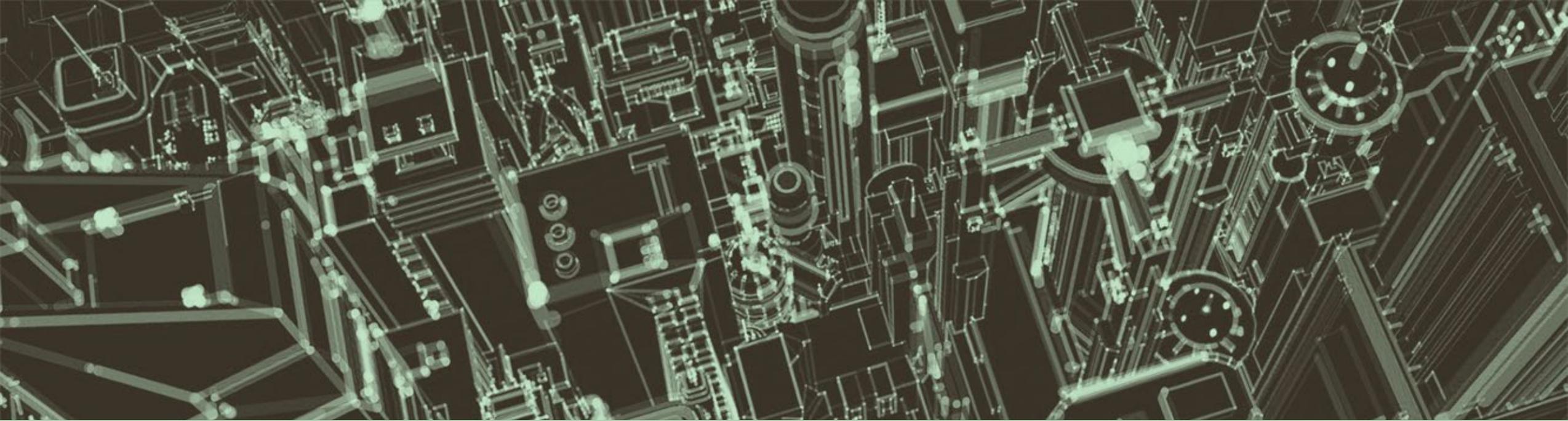
**PURPOSE:** *It is declared to be a matter of statewide concern and the policy of this state **that the formation of public policy is public business and may not be conducted in secret.***<sup>1</sup>

# Colorado Sunshine Law – Open Meetings Law (OML)

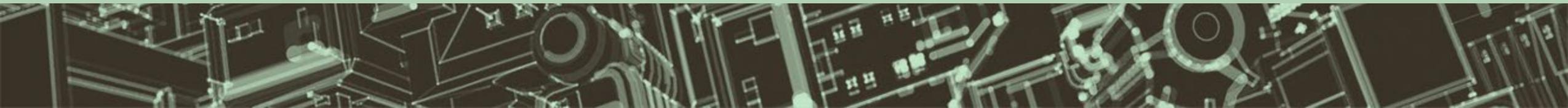
- Generally requires that all meetings of a quorum or three or more members (whichever is fewer) of any local public body, where public business is discussed or formal action taken, must be open to the public.
  - Meeting is broadly defined as gathering in person, by telephone, electronically or by other means of communication.
  - Meeting can only be held after full and timely notice to the public.
  - The Planning Commission is a local public body.

# Colorado Sunshine Law – Open Meetings Law (OML)

Local Body	Any board, commission, or other advisory decision-making body of a political subdivision of the state; or entity delegated governmental decision-making function
Subject to OML	If three or more members of the body (or two if two is a quorum) conduct business
Timely Notice	Notice must be publicly posted at least 24 hours prior to the meeting
Minutes	Must be taken and promptly recorded as well as open to public inspection
Executive Session	Must announce topic for discussion and cite to specific subpart of C.R.S. 24-6-402(4)  Vote of 2/3 of quorum present required to enter executive session  No formal action or adoption can take place in executive session  Discussion electronically recorded UNLESS a privileged attorney-client communication
Attorney Client Privilege	Waived only by majority vote of the Commission, never by a single member  All communication between CAO and Commission must remain confidential unless privilege waived



# Ex Parte Communications



# Ex Parte Communications

- Broadly defined as any written or verbal communication initiated outside of a regularly noticed public hearing between an official with decision-making authority and one or more of the parties, but not all of the parties, concerning a matter currently being considered or about to be considered by that official.
  - Seeks to influence or present information relating to the matter that the official will be deciding.
- Applicable in quasi-judicial actions involving a “determination of rights, duties, or obligations of specific individuals on the basis of the application of presently existing legal standards or policy considerations to past or present facts developed at a hearing conducted for the purpose of resolving the particular interest in question.”<sup>2</sup>
  - Planning Commission determination on a Land Use Resolution (LUR) application is a quasi-judicial action – it bears many similarities to adjudicatory role performed by courts.

<sup>2</sup> *Cherry Hills Resort Development Company v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988).

# Ex Parte Communications

- Improper because all applicants requesting a decision by a local body acting within the scope of its powers are entitled to DUE PROCESS
  - 5<sup>th</sup> Amendment of the US Constitution – no person shall be deprived of “life, liberty or property without due process of law.”
  - 14<sup>th</sup> Amendment of the US Constitution – “nor shall any state deprive any person of life, liberty or property without due process of law.”
  - Colorado Constitution, Article II, Section 25 – “no person shall be deprived of life, liberty or property without due process of law.”
- Property rights are at question in land use applications so all three provisions above are applicable

# Ex Parte Communications

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## PROCEDURAL DUE PROCESS

Minimum standards of fairness in process regarding land use regulations and actions

- (1) Right to notice and to be heard
- (2) Planning Commission obligation to adhere to statutory time requirements
- (3) Regulations can't be uncertain or vague

## SUBSTANTIVE DUE PROCESS

Advancement of legitimate government interests – related to public health, safety and welfare

- (1) Valid purpose for the regulation
  - (2) Means adopted to achieve the purpose must be substantially related to it
  - (3) Impact on individual property owner cannot arbitrarily or capriciously deprive them of legitimate use of property
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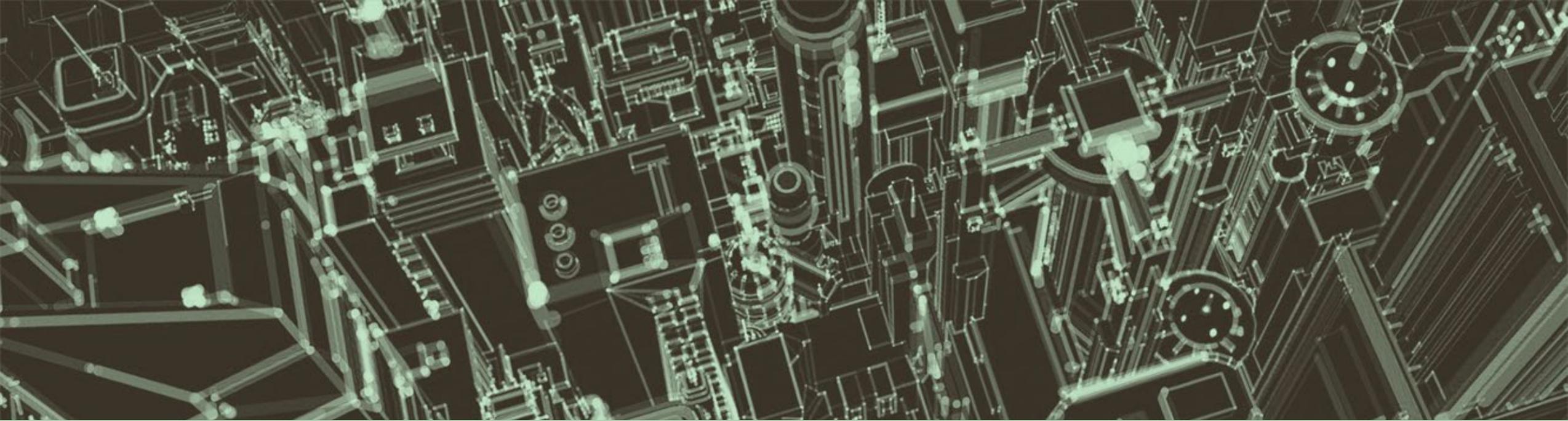
# Ex Parte Communications

- Planning Commission is a quasi-judicial decision-making body and any ex parte communications related to applications pending or coming before you are improper because:
  - (1) Applications where property rights are determined require due process or that the matter be heard by an impartial body;
  - (2) Quasi-judicial decisions like you make must be supported by facts and based upon evidence in the record which is only matters presented at the hearing, nothing outside of it;
  - (3) If parties are allowed to cross-examine the other side, they cannot cross-examine or question ex parte communications they were not a party to;
  - (4) If your decision is challenged, any ex parte communications could be grounds for reversing the decision.

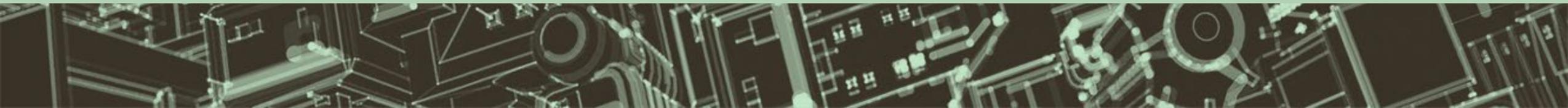
# Ex Parte Communications

## Tips for Avoiding ex parte contacts (in-person, verbal, phone etc.)

- Stop the person and advise them you are sitting as a judge/adjudicator in the matter and cannot hear things outside of the hearing.
- Encourage participation in the public hearing by testimony or written submission.
- General policy discussions are unlikely to disqualify a commissioner, endanger due process or deprive applicant of a fair decision but discussions about facts of a particular matter or a commissioner's decision on a specific question might demonstrate bias.
- Disclose at the hearing and on the record about the contact, your response and whether you can make an impartial decision despite the contact.
- Consider if you should abstain from voting on the matter, does it affect your impartiality, create an appearance of impropriety or create a conflict?



# Conflicts of Interest



# Conflicts of Interest

**It is not a conflict of interest to have an opinion, a conflict arises when you act on that opinion and personally benefit from it rather than putting the general public interest first.**

## Colorado Code of Ethics §§ 24-18-101 – 24-18-113

C.R.S. 24-18-101	Citizens in public office may face conflicts between their public duty and private interests
C.R.S. 24-18-102(6)	Local government officials are elected or appointed officials of a local government
C.R.S. 24-18-103(1)	Holding public office or employment is a public trust, created by the public's confidence in the integrity of officials or employees performing duties for the benefit of the people of the state
C.R.S. 24-18-108.5(2)	A member of a local board, commission, council or committee shall not take official action that may have a direct economic benefit on a business or undertaking that the member has a direct or substantial financial interest in

# Conflicts of Interest

- If a planning commissioner has a direct financial interest in a decision being made or an issue being resolved a certain way = CONFLICT OF INTEREST
- Steps to take if a CONFLICT OF INTEREST arises
  - (1) DISCLOSE the conflict
  - (2) ABSTAIN from voting
  - (3) DO NOT PARTICIPATE either by lobbying your fellow planning commissioners or speaking for/against as a public citizen

# Conflicts of Interest\*

## IMPARTIALITY

Two council members help with petition opposing issuance of a permit for a massage parlor license

- Member A actively involved, wrote opinion piece in newspaper urging public to oppose
- Member B limited involvement with organizing the petition

- Member A's conduct is a conflict of interest and should disqualify self
- Member B's conduct does not amount to a conflict of interest and can participate and vote on the permit

## FINANCIAL OR PROPERTY INTEREST

- Member of church on planning board that received an application for rezoning church land so it could be sold
- Member of planning board owned land abutting proposed subdivision application
- Councilman owned land on edge of reclassified property as cemetery/golf course

- Church member's indirect personal interest enough to disqualify
- Member must disqualify and can't vote
- Councilman's interest too remote and speculative and no need to disqualify

## BUSINESS ASSOCIATIONS

- Applicant is personal accountant for zoning board member
- Member of zoning board owned land which was sold to applicant requesting variance from another body
- Planning board member also architect that could benefit from urban renewal project
- Applicant and planning commissioner both members at same golf club but no personal relationship

- Zoning board member must disqualify self
- Shouldn't participate even with no direct role
- Must disqualify as personal interest/gain
- No direct or indirect interest so no need to disqualify

## APPEARANCE OF FAIRNESS

- Councilman votes against and then later for upzoning application, and 48 hours after upzoned acts as lawyer for developer
- Zoning board member testify against variance at planning commission, variance needed before zoning board can give subdivision approval

- Timing between vote and working as lawyer gave appearance of impropriety and was improper
- Zoning board member must disqualify even though no pecuniary gain

## PERSONAL INTEREST OR ANIMOSITY

Not every interest will disqualify, instead the commission member must have an interest in the matter or a particularly personal relationship with a party

In order to disqualify, personal interest must lead to favoring or hostility towards one party or bias must imperil open-mindedness and fairness, evaluated by specific facts and on a case-by-case basis

\* Case cites for examples found at, *Memo RE: Conflicts of Interest*, April 16, 2021.