

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: Friday, June 1, 2012**

**9:00 a.m. • Call to order; determine quorum**

**Board of County Commissioners/Planning Commission Joint Meeting:**

Items to be discussed by the Board and Planning Commission are in the following order:

- A. Strategic Plan - Strategic Results updates:
  - 1. Identify by 2012 and designate by 2013 appropriate areas for habitat protection, agricultural production, and industrial, commercial and residential development.
    - Update from Mike Pelletier
- B. Sage-grouse Subcommittee – Update from Jim Cochran
- C. Oil and Gas
  - 1. Governor’s Taskforce – Letter of Recommendation
  - 2. Amendments – Meeting dates
- D. SDPR MOU’s with municipalities update
- E. Legislation Update – Hap Channel
- F. Carbon Policy Taskforce Report Discussion – Hap Channel
- G. Other Topics

**Lunch**

**1:00 p.m.**

- **Approval of Minutes**
- **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day’s agenda.

**1:10 p.m.**

**Alfred Braun Hut**, public hearing/work session/possible action, request for new backcountry hut for public use. The hut will be approximately 848 square feet in size and accessed via ski, snowshoe or other non-motorized access. The hut will be open to the public only from November to May and will be closed during the remaining months. The project site is located on US Forest Service land near Taylor Pass, within Section 14, Township 12 South, Range 84 West

**1:45 p.m.**

**Hal Hearne, Vista Business Park**, work session/no action, Sketch Plan for a request to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25-2.15 acres, for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation, located approximately 4 miles east of the City of Gunnison, south of Highway 50, in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., also known as 43950 E Hwy 50.

**2:45 p.m.**

**SG Interests I, Ltd.**, continued public hearing/possible executive session/work session/possible action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6<sup>th</sup> P.M., west of Highway 133

**End of Meeting**

- Report of actions taken by BOCC.
- A brief period in which Commission debriefs on the day’s processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

**Adjourn**

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
June 1, 2012**

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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Ramon Reed	Assistant Director of Community Development- Neal Starkebaum
Commissioner-Kent Fulton	Administrative Assistant- Michelle Spain
Vice-Chairman- Jim Seitz	
Commissioner-Susan Eskew	
Commissioner-Warren Willcox	<b>Others present as listed in text</b>
Alternate Commissioner- AJ Cattles	
Alternate Commissioner-Jeremy Rubingh	

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**Board of County Commissioners & Planning Commission Joint Meeting:** The Planning Commission (Commission) and Board of County Commissioners (BOCC) conducted a joint meeting. Board Members (BOCC) Hap Channell, and Paula Swenson, County Attorney David Baumgarten, County Manager Matthew Birnie, and Director of GIS Mike Pelletier attended the meeting.

**A. Strategic Plan - Strategic Results updates:**

Identify by 2012 and designate by 2013 appropriate areas for habitat protection, agricultural production, and industrial, commercial and residential development.

- Update from Mike Pelletier

Pelletier noted two sites for heavy industrial used had been reviewed, Signal Peak and the Rozman property which is south of Riverland Industrial Park. Pelletier indicated there was no heavy demand for this type of classification. BOCC Swenson said the BOCC has looked at this designation type.

Commissioner Fulton asked about the road being moved in Riverland. Is their land that was to be conserved in this transaction? BOCC Phil Chamberland said there was a section being conserved.

BOCC Hap Channell asked if the definition of the classification of Industrial uses had been established. Assistant Director of Community Development Neal Starkebaum said different uses could dictate different classifications of industrial.

Swenson pointed out an area on Fairway Lane on which one part of this parcel is designated for residential development and there is a smaller industrial area. The industrial area is surrounded by residential parcels on three sides. Starkebaum noted there is 300 to 500 years of gravel on the parcel.

There was a brief discussion of the lower end valued parcels and the vacancy ratio; Commissioner Rubingh asked about recommendations on density areas. GIS Director Pelletier responded by encouraging conservation easements, with the current program the County has. Pelletier reviewed the current land preservation program. The Three Mile plans and the Ranch Land conservation process were also discussed. He also noted the Land Preservation process has had good activity in the last year; he cited the Rozman and Kochevar properties.

Pelletier said the goals for conservation acreage are in place; 8,500 acres by 2014 has been set as a goal. Wildlife Coordinator Jim Cochran said Sage grouse is also a significant issue in conservation.

**B. Sage-grouse Subcommittee – Update from Jim Cochran**

Cochran said the Fish and Wildlife agency will make a determination on the classification of the Gunnison Sage grouse by, September 30, 2012. The Gunnison Sage grouse will either be classified as threatened or endangered. He noted habitat fragmentation and loss of habitat are the greatest threats to this species.

Cochran pointed out the conservation goal is to conserve 90% of the priority habitat; Cochran said this was an attainable goal. He said there have been discussions concerning funds available for current land owners, for the easements needed for the project.

Cochran noted much of the critical habitat is on public land and not necessarily on private land. The commissioners discussed agricultural land and conservation easements; what is the tax rate? Pelletier indicated 58% of the priority habitat has already been conserved; but this is only if Fish and Wildlife will recognize the listing.

There will be a meeting conducted on June 14, 2012, at the Fred Field Multipurpose facility; the regional director and the Gunnison Sage Grouse strategic committee will discuss the listing of the Gunnison Sage Grouse. The public is welcome to attend.

Cochran said the BLM and strategic committee have been working together on a conservation easement on public land. The strategic committee has accepted the mitigation agreement; comments are due on June 15, 2012.

### **C. Oil and Gas**

#### **1. Governor's Taskforce – Letter of Recommendation**

County Manager Matthew Birnie reviewed the outcome of the Governors Taskforce meeting. He pointed out the State has indicated they would prefer that the counties adopt the State regulations. He noted the COGCC is working well with our staff. The County needs an inspector for these regulations to be effective. He said the adoption of the regulations by the BOCC influence how the County will be governed by the State. He added that both Longmont County and Arapahoe County have tabled discussions of their regulations at this time due to threats of a lawsuit.

County Attorney David Baumgarten reviewed the Governor's executive order. He said the additional inspections were beneficial to our County. Boulder County is looking at a similar program.

Birnie said he preferred the County do reviews similar to the State; step by step including the inspection process.

Baumgarten said the new Local Government Designee position helps both the County and the State, with reviews and inspections. He added the State officials have been very responsive to the County's requests.

BOCC Phil Chamberland was very encouraged with the positive relationships being formulated with the regulatory agencies.

Birnie reviewed the steps being taken to hire an inspector. The County has set employment requirements and training with the COGCC will be done. All proposals will be reviewed by the end of the month. Wilcox was pleased, noting our inspections will be accomplished in a much shorter time than the State.

Baumgarten added our local process for an application and the County paying the inspector has been beneficial, in the talks with the State.

#### **2. Oil and Gas Regulation Amendments**

It was noted the BOCC will meet on the Oil and Gas regulation amendments, June 12, and July 10. Baumgarten will have a draft available which will be forwarded to the Planning Commission.

### **D. SDPR MOU's with municipalities update**

Channell said the date for the Marble meeting is August 16, 2012.

### **E. Legislation Update –**

Channell said the current legislative bills have been postponed indefinitely. He said there have some discussions concerning raising the required 35 acres, for an exempt subdivision, and the potential impacts of that. He noted many States use quarter sections for exempt subdivisions. He added it has been years since this issue has been raised.

### **F. Carbon Policy Taskforce**

Channell informed the Commission the County had joined an organization to do an emissions inventory. He said CO2E is the indicator.

Channell would like the Commission to use the carbon taskforce policy as a reference when reviewing applications.

Birnie said the County uses Planet Foot Print to review our utility usage, etc. This report is used to analyze the County's energy use. The current review has shown an 18% net reduction in usage for the past year. The elimination of the old public works building has been beneficial. The energy usage in the Court House will soon decrease, because it will no longer be a 24 hour facility.

Channell and Birnie referred to the County's relationship with ORE, noting they share the Housing Authority offices with the County; there is good collaboration with the County and ORE. ORE has done an energy audit of the facility, and will be submitting recommendations.

Starkebaum said GCEA has applied to install a solar array, on the Towner site.

Steve Schechter said he would be interested in seeing performance based building codes for single family residences, and energy audits prior to issuance of a certificate of occupancy. Cattles said the building department is encouraging builders to use a blower door test. Cattles were concerned the initial cost of energy items will stop an owner from installing these items.

The commissioners questioned what the emissions from the oil and gas wells drilled would do to the air quality, and what can be done by the County.

#### **G. Other Topics**

The next joint meeting will be conducted October 18, 2012

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**ALFRED BRAUN HUT;** The Planning Commission (Commission) conducted a public hearing and a work session, to discuss the request for a new backcountry hut for public use. The hut will be approximately 848 square feet in size and accessed via ski, snowshoe or other non-motorized access. The hut will be open to the public only from November to May and will be closed during the remaining months. The project site is located on US Forest Service land near Taylor Pass, within Section 14, Township 12 South, Range 84 West.

With a quorum present Chairman Ramon Reed opened the public hearing.

Commissioner Rubingh recused himself.

Assistant Director of Community Development Neal Starkebaum confirmed public notice: the applicant submitted the certified mail receipts and proof of posting, and the Planning Office had the public notice published in the Gunnison Country Times and Crested Butte News.

Applicant Al Beyer said the hut would be near timberline. He noted there had been no changes to the application since the prior work session.

There were no staff comments.

There were no questions from the commissioners.

Brian Wickenhouser was in full support of the hut. He said this type of facility will bring tourist dollars to this economy.

Susan Lucas was also in total support of this endeavor.

Beyer thanked the people for their support.

There were no additional comments from the staff.

Commissioner Wilcox was pleased with this addition to the community.

Commissioner Seitz pointed out this type of shelter is very needed for refuge from storms in this area.

Reed closed the public hearing.

The Commission conducted a work session to review the draft decision of approval, as prepared by staff.

**MOVED:** by Fulton, seconded by Wilcox to approve LUC-12-00012, as amended. The motion passed unanimously.

#### **PROJECT DESCRIPTION:**

The applicant is proposing an 848 square foot backcountry ski hut for use from November to May. The hut will sleep up to 8 people and will be operated by the Alfred Braun Hut System. The USFS has reviewed and approved the use and issued a Decision Notice that is included in the application materials. Users of the hut will access it over the snow via non-motorized transport (ski, snowshoe, etc.); motorized access is discouraged. The proposed hut will be located between the existing Friends Hut and Braun Hut and is near Taylor Pass.

The hut will be maintained and resupplied via skier or snowmobile towing sleds. The hut may also be accessed during the off season (summer) months for maintenance which would be done on foot. Construction of the hut is anticipated to occur

during the summer of 2012. Construction crews will access the site from Aspen and will drive to within 1/3 mile of the hut and then walk to the hut. Construction materials will be helicoptered from a staging area near Lindley Hut to the proposed hut site. It is anticipated that four days of helicopter use will be required to transport all materials.

The subject location is located in the SW ¼ Section 14, Township 12 South, Range 84 West, south of Taylor Pass.

**PLANS/REPORTS/SUBMITTALS:**

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

- Site plan and floor plan, prepared by Al Beyer Design, Inc. dated March 16, 2012
- Taylor Pass Hut Decision Notice/FONSI, prepared by Gunnison Ranger District, Uncompahgre and Gunnison National Forests, Gunnison County, Colorado and Aspen/Sopris Range District, White River National Forest, Pitkin County, Colorado, dated January, 2012.
- Environmental Assessment for Taylor Hut Pass Proposal prepared by Gunnison Ranger District, Uncompahgre and Gunnison National Forests, Gunnison County, Colorado and Aspen/Sopris Range District, White River National Forest, Pitkin County, Colorado, dated January, 2012.

**IMPACT CLASSIFICATION:**

The project, by definition, is a minor impact pursuant to *Section 6-103: L. New Commercial, Industrial 5,000 sq. ft., or Five Acres or Less.*

**MEETING DATES:**

The Planning Commission held work sessions and public hearings to discuss the Crested Butte South Metropolitan District application on the following dates:

- May 4, 2012                      Work session
- June 1, 2012                    Public Hearing
- June 1, 2012                    Work session

**SITE VISIT:**

The Planning Commission did not conduct a site visit.

**PUBLIC HEARING:**

The Planning Commission conducted a public hearing on June 1, 2012. The following comments were received at the public hearing:

- Comments from Linda and Gareth Roberts in an email dated May 22, 2012 expressing support for the proposal
- Bryan Wickenhauser, representing the C.B. Nordic Council and the Grand Traverse, stated their support for approval of the hut and potential use by the Grand Traverse.

**REVIEW AGENCY REFERRAL COMMENTS:**

A copy of the complete application was sent, by certified mail and hand delivery to review agencies for comments. A referral was sent to the Division of Water Resources, Colorado Parks and Wildlife, US Forest Service, Gunnison Fire Protection District, Crested Butte Fire Protection District, Gunnison County Trails Commission, Gunnison County Environmental Health and Gunnison County Public Works.

Comments were received from the Division of Water Resources and Gunnison County Environmental Health, and the Gunnison Fire District and are noted in the applicable sections.

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

**Section 9-100: Uses Secondary to a Primary Residence.**

Not applicable. No residential use proposed.

**Section 9-200: Special Residential Uses.**

Not applicable. No special residential uses are proposed.

**Section 9-300: Commercial and Industrial Uses.**

Applicable, the applicant is proposing a backcountry hut.

**D.1: Non Residential Accessory Uses:** The proposed use is not accessory to a residential use; nor is any residential use proposed.

**D.2: Food Service Requirements:** No food service is proposed as part of this application.

**D.3: Electrical Disturbances:** No use of equipment that creates electrical disturbances is anticipated at the site.

**D.4: Fire and Explosive Hazards:** No materials or products that decompose by detonation are proposed to be stored at the site.

**D.5. Glare and Heat:** No glare or heat producing activities are anticipated or expected at the site.

**D.6. Exterior Lighting:** The exterior lighting shall be designed so that all direct rays and glare are confined to the subject parcel.

**D.7. Odors:** No odors are anticipated or expected.

**D.8. Radioactivity:** No radioactive materials are proposed to be stored on site.

**D.9. Vibration:** No activities that cause vibration are expected to occur along the property boundaries.

**D.10. Noise:** No new noise is anticipated as a result of this application.

**Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.***

Not applicable. No exploration, extraction or processing of materials is proposed.

**Section 9-500: *Miscellaneous Uses and Activities.***

Not applicable. No miscellaneous uses or activities are proposed.

**Section 10-102: *Locational Standards for Residential Development.***

Not applicable, no residential development is proposed as part of this application.

**Section 10-103: *Residential Density.***

Not applicable, no residential development is proposed as part of this application.

**Section 11-103: *Development In Areas Subject to Flood Hazards.***

Not applicable, the proposed building addition is not in the 100-year floodplain.

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

Applicable, the subject parcel is not in an area mapped for geologic hazards.

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

Applicable, the subject parcel is not in an area of mapped wildfire hazards. A copy of the application was sent to the Gunnison and Crested Butte Fire Protection Districts. Comments from Dennis Spritzer, Gunnison Fire Marshal noted in comments in an email dated April 10, 2012 that he had "no fire issues with this submittal."

**Section 11-106: *Protection of Wildlife Habitat Areas.***

The application was referred to the Colorado Parks and Wildlife. No comments were received. The U.S. Forest Service Taylor Pass Hut Decision Notice/FONSI has included stipulations to minimize impacts to wildlife.

**Section 11-107: *Protection of Water Quality.***

Not applicable, the proposed use is not within 25 feet of a waterbody.

**Section 11-108: *Standards For Development On Ridgelines.***

Not applicable. The site is not located on a ridgeline.

**Section 11-109: *Development That Affects Agricultural Lands.***

Not applicable, the subject parcel will not affect agricultural lands.

**Section 11-110: *Development Of Land Beyond Snowplowed Access.***

Applicable, the site is located beyond snowplowed access and over the snow access is proposed.

**Section 11-111: *Development On Inholdings In The National Wilderness.***

Not applicable, the site is not located on a National Wilderness inholding.

**Section 11-112: *Development On Property Above Timberline.***

Not applicable, the site is located near timberline.

**Section 12-103: *Road System.***

Not applicable, no road access is proposed to the site. A copy of the application was sent to Gunnison County Public Works, no comments were received.

**Section 12-104: *Public Trails.***

There is no public trail existing or proposed on this site. Access will be over the snow.

**Section 12-105: *Water Supply.***

Applicable, the proposed water supply for the hut proposed is to be provided by melting snow. Karlyn Adams of the Colorado Division of Water Resources noted that, "The source of the proposed water supply would be tributary to the Taylor River, which is tributary to the Gunnison River. The Taylor River is over-appropriated. The applicant should be aware that out of priority diversions of precipitation or other surface water could be subject to curtailment in the event of a call."

**Section 12-106: *Sewage Disposal/Wastewater Treatment.***

Applicable, wastewater treatment will be provided by an ISDS. Richard Stenson, Environmental Health Official, noted that, "The application is for a commercial-recreational use Hut approximately 1.5 miles south of Taylor Pass. (14S 84W SW1/4 Section 14) I understand that an ISDS (pit privy) would be utilized for the sanitary plan. Guests to the Hut would pack in their own drinking water. There are no plans for wells or springs for water usage for the Hut. An ISDS (Individual Sewage Disposal System) appears to be feasible for this use. A Gunnison County ISDS application and permit will be required."

**Section 12-107: *Fire Protection.***

Applicable, the proposed development is located within the Gunnison Fire Protection District. Comments from Dennis Spritzer, Gunnison Fire Marshal indicate that he has no concerns regarding the proposed use.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan prepared by Al Beyer Design, Inc, dated March 16, 2012 complies with this Section.

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

This section applies; the proposed improvements meet the setback requirements.

**Section 13-105: *Residential Building Sizes and Lot Coverages.***

Not applicable, no residential buildings are proposed.

**Section 13-106: *Energy and Resource Conservation.***

Not applicable, this section only applies to residential buildings.

**Section 13-107: *Installation of Solid Fuel-Burning Devices***

Applicable, this Section shall be applied at the time of building permit application.

**Section 13-108: *Open Space And Recreation Areas***

Not applicable, no requirement of open space is required for this application.

**Section 13-109: *Signs.***

Not applicable, no signs are proposed as part of the submitted application.

**Section 13-110: *Off-Road Parking And Loading.***

**There will be no parking at the hut; users will park at designated trailheads where there is existing, adequate parking. Motorized access is limited to the Forest Service permit.**

**Section 13-111: *Landscaping And Buffering.***

A landscaping plan is required and has been submitted as part of the site plan. The applicant proposes to maintain existing vegetation at the site.

**Section 13-112: *Snow storage.***

Not applicable, no snow storage is required or proposed for this use.

**Section 13-113: *Fencing***

Not applicable, no fencing is proposed.

**Section 13-114: *Exterior Lighting.***

Applicable, this section applies and any exterior lighting proposed shall comply with this section and shall be wholly confined to the site as required in *Section 9-300: D.6.*

**Section 13-115: *Reclamation And Noxious Weed Control.***

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction, or installation of an individual sewage disposal system.

**Section 13-116: Grading And Erosion Control.**

Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

**Section 13-117: Drainage, Construction And Post-Construction Stormwater Runoff.**

Not applicable, the proposed hut is not within 100 feet of a water body or mudflow.

**Section 13-118: Water Impoundments.**

Not applicable, this project does not propose a water impoundment.

**Section 13-119: Standards to Ensure Compatible Uses.**

The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

**Article 15: Right-to-Ranch Policy.**

This section is not applicable; there are no agricultural lands that will be affected by the uses on the subject parcel.

**FINDINGS:**

The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.
2. The applicant has received approval from the U.S. Forest Service in a Decision Notice/FONSI, dated January 2012 and submitted as part of this application.
3. The proposed location of the hut is in an area near timberline.
4. The applicant is proposing the use of a helicopter to transport construction materials for approximately four days.
5. The use of the helicopter was reviewed and approved by the U.S. Forest Service and does not pose any detrimental impacts to the area.
6. Motorized access to the hut is discouraged by the Alfred A. Braun Hut System and the U.S. Forest Service.
7. This application is complies with the standards and requirements of the *Gunnison County Land Use Resolution*.
8. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

**DECISION:**

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and having reached the above findings, classifies LUC-12-00012 Alfred Braun Hut as a Minor Impact, and approves it with the following conditions and notations:

1. The applicant shall comply with the conditions of the U.S. Forest Service permit.
2. The applicant shall obtain a *Gunnison County Individual Sewage Disposal System* permit.
3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

5. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
6. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
7. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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**VISTA BUSINESS PARK:** The Planning Commission ( Commission) conducted a work session to discuss the Sketch Plan for a request to subdivide a vacant 28.07-acre parcel into 12 lots, ranging in size from 1.25-2.15 acres, for industrial and commercial use with an allowance for residential use in association with an industrial or commercial operation, located approximately 4 miles east of the City of Gunnison, south of Highway 50, in the NW1/4SW1/4 and SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., also known as 43950 E Hwy 50.

With a quorum present Chairman Ramon Reed opened the work session.

Applicant Hal Hearne and Engineer Norman Whitehead were present for the work session.

Reed noted this would be the first Major Impact application most of the commissioners had reviewed.

Planner Pagano had prepared a memo on the sketch plan requirements to assist the commissioners. The memo was also distributed to the applicant.

Applicant Hearne said he had reviewed this in detail and has concentrated his efforts on the Highway 50 access. He intends to have berms and trees in this area.

Hearne said they will install septic systems on the lots. The ponds would be used for mitigation of fires and wells.

Hearne said the current owner will be able to use the home until his death, will be allowed to hay the field. The site will be cleaned up. The 100 year old barn will remain and be renovated.

Hearne looked at all types of commercial operations which could be located in the park. He used the Whetstone project for guidance when preparing his plan. Hearne did not want further reviews to encumber these parcels in the future.

Environmental Health Official Richard Stenson will review this project for the EPA requirements on this type of project.

Reed questioned the open space: how does this fit in with the Industrial/Commercial use? Starkebaum noted unless it is residential the 30% open space requirement was not applicable. This is being designed as an Industrial/Commercial subdivision.

Starkebaum questioned the setbacks on the lots; Hearne answered noting no engineered setbacks have been completed yet and could change.

Wilcox asked about the water table. He pointed out the road situation with the State could be an issue. He added the City's Three Mile Plan may need to be addressed.

Engineer Whitehead said this parcel is in a Zone A area, in the 100 year flood zone; no formal study has been completed. Whitehead did a full topography map on this parcel and the United parcel. The County had some flood hydrology done and Whitehead used this information also.

Eskew asked who had approached the applicant; Hearne said no one had approached him.

Seitz asked about water usage: Hearne said he would address the issue on as needed basis. The ponds were to be used for water suppression and also if wells were dry in certain years. The commissioners discussed stored water and augmentation water. Starkebaum noted the plan needs to address water for each lot.

Rubingh asked about the compatibility of the proposed light industrial/ commercial use; Starkebaum reviewed some compatibility issues that could arise for the applicant, noting they will need further discussion.

Reed pointed out the site will be seen from Highway 50; visual impacts could be aided with trees in certain areas.

Reed requested that Parks & Wildlife attend the next meeting to address the deer issue in this location.

The commissioners discussed the road entrance and the possibility of a turn around. Starkebaum said the Fire District prefers two access points.

Starkebaum said the City of Gunnison only had issue with the possible retail sales tax being collected on the site.

Reed requested Staff look at a few other past major applications and review the findings and recommendations for sketch plan.

Wilcox questioned the permitted use; this will be discussed in future meetings.

Reed requested the applicant stake out the general areas for review, for the site visit.

The site visit will be conducted on June 22, 2012, there will also be a work session conducted that day.

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**SG, INTERESTS- FEDERAL 11-90-9 GAS WELL PROJECT;** The Planning Commission (Commission) conducted a continued public hearing/possible executive session/work session/possible action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6<sup>th</sup> P.M., west of Highway 133.

Chairman Ramon Reed recused himself.

With a quorum present Vice- Chairman Jim Seitz opened the continued public hearing.

SG representative Eric Sanford attended the continued public hearing; SG representative Catherine Dickert participated in the continued public hearing via phone conversation.

Neal reviewed the conversations with COGCC and the Forest Service. He added timing is an issue; neither one of the agencies will have their reviews completed before August 2012.

### **Executive Session**

Moved by Fulton seconded by Rubingh for the Commission to go into executive session with County Attorney David Baumgarten, and Assistant Director of Community Development Neal Starkebaum for the purpose of discussing the Federal 11-90-9 timing. The motion passed unanimously.

The Commission went into executive session at 3:00 P.M. *Executive sessions of the Gunnison County Planning Commission are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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### **Attorney Statement Regarding Executive Session**

Pursuant to C.R.S. 24-6-402 (2)(d.5)(II)(B), I attest that I am the Gunnison County Attorney; that I represent the Gunnison County Planning Commission; that I attended all of the above referenced executive session; that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date:

\_\_\_\_\_  
**David Baumgarten**  
**Gunnison County Attorney**

### **A. Vice-Chairperson Statement Regarding Executive Session**

Pursuant to C.R.S. 24-6-402(4)(d.5)(II)(B), I attest that I am the Chairperson of the Gunnison County Planning Commission; that I attended all of the above referenced executive session; and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

**Date:**

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**Vice Chairperson Jim Seitz**  
**Gunnison County Planning Commission**  
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The Commission came out of executive session at 3:16 P.M. Chairperson Reed stated the discussion had remained on the topic.

Assistant Director of Community Development Neal Starkebaum said no State permits or Federal permits have been issued. Sanford stated the County did not have the authority to delay issuance of permits. Starkebaum said the COGCC is recommending a relocation of the well pads. Sanford stated the County has no jurisdiction over Wildlife habitat issues.

Rubingh indicated we continue this public hearing on July 6, 2012, at 9 A.M.

**MOVED** by Rubingh and seconded by Eskew to continue the public hearing to July 6, 2012 @ 9:00 A.M. The motion was approved unanimously.

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Reed adjourned the meeting at 3:30 P.M.

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/S/ Michelle Spain/ Beth Baker  
Community Development Department  
Gunnison County Community Development Department