

**GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, March 17, 2017**

- 8:45 a.m.**
- **Call to order; determine quorum**
 - **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.
- 9:00 a.m.** **Crested Butte Horse Park**, continued joint public hearing/no action, request for the subdivision of a 73.25 acre parcel into two parcels; and the commercial development of a horse park and related buildings (approximately 40,000 square feet total) that will provide horseback riding lessons, riding facilities, horse clinics, horse competitions, training, equine centered vacations, horse camping, concierge services for guests, and horse boarding and training for the public. The property is located at 20601 Hwy 135 and legally described as a 6.1 acre tract in SW4SW4, Section 27 and a 66.1-acre tract in S2SE4 Section 28, Township 14 South, Range 85 West, 6th p.m. The parcel is on the west side of Highway 135 across from Cement Creek Road.
LUC-16-00005
- 10:30 a.m.** **McGuinness Subdivision, David and Tina McGuinness**, work session/no action, request for the subdivision of 3.75-acres into three single-family lots: Lot 1, 1.75-acres (with existing residence); Lot 2, 1-acre; Lot 3, 1-acre. The property is located approximately 5 miles northeast of the City of Gunnison, north of and adjacent to County Road 10 and legally described as being within the NE1/4NE1/4 Section 19, Township 50 North, Range 1 East, N.M.P.M.
LUC-16-00042
- 11:00 a.m.** **Rick Lamport, Gunnison/Crested Butte Regional Airport Manager**, work session/no action, educational session with Planning Commission
- Lunch**
- 1:00 p.m.** **Crystal Lambert, Building and Environmental Health Official**, work session/no action, presentation of proposed 2015 International Building Codes
- Adjourn**

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
March 17, 2017**

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

Present:

Chairman- Kent Fulton Vice-Chairman- Jack Diani Commissioner- AJ Cattles Commissioner-Molly Mugglestone Alternate Commissioner- Sarah Coleman Alternate Commissioner- Vince Rogalski	Director of Community Development- Cathie Pagano Assistant Director- Neal Starkebaum Planner- Rachel Sabbato Administrative Assistant- Rebecca Ricord Others present as listed in text
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Absent: Commissioner Tom Venard

With a quorum present Chairman Fulton opened the March 17, 2017, regular meeting of the Planning Commission.

Moved by Diani seconded by Rogalski to approve the Planning Commission meeting minutes dated March 3, 2017, as amended. The motion passed unanimously.

Crested Butte Horse Park (LUC-16-00005): The Gunnison County Planning Commission and Board of County Commissioners conducted continued joint public hearing. They discussed a request for the subdivision of a 73.25 acre parcel into two parcels; and the commercial development of a horse park and related buildings (approximately 40,000 square feet total) that will provide horseback riding lessons, riding facilities, horse clinics, horse competitions, training, equine centered vacations, horse camping, concierge services for guests, and horse boarding and training for the public. The property is located at 20601 Hwy 135 and legally described as a 6.1 acre tract in SW4SW4, Section 27 and a 66.1-acre tract in S2SE4 Section 28, Township 14 South, Range 85 West, 6th p.m. The parcel is on the west side of Highway 135 across from Cement Creek Road.

With a quorum present Chairman Fulton opened the continued public hearing.

Present representing Planning Commission: Fulton, Diani, Mugglestone, Cattles, Rogalski, and Coleman. Present representing the Board of County Commissioners: John Messner.

Present representing Staff; Director of Community Development Cathie Pagano and Administrative Assistant Rebecca Ricord

Present representing the application: Heath Hansens and Jim Starr.

Fulton opened the continued the public hearing with public comments.

Applicant Comments:

Hansens said he has done research on the drainage issue Gallowich has expressed concerns about. Gallowich requested they run the berm all the way to the corner of the property and add culverts to allow some water in but not all of it. Hansens said it would not be appropriate because they could be negatively affect the owners' to the north, upstream, of the property. Hansens said they would maintain the ditch south of the property and improve it to create better water flow. Hansens is unsure of when flooding occurred in the past, sometime in the last 31 years. Robert Niccoli has changed the topography of his property by putting in his alfalfa field. The problem may have already been taken care of due to Niccoli's modification. Hansens explained they are not going to modify the topography or grading in that area. They will only be adding a five ft. split rail fence for a horse turnaround. Pagano said it is important to realize Hansens will not be changing the topography or grading and are not actually changing the irrigation.

Neighbor, Robert Niccoli explained there are many other problems regarding water in the area. The water on the property was at one time provided by the mountain runoff and used for irrigation. There are springs on the mountain and this year there will be a lot of water coming off the mountain. Fixing one ditch will not address the problem. The site where the new buildings are going to be is all irrigatable land and a lot of water could be sent to it. Hansens stated there will be a drainage plan dealing with the water going across all of their disturbed areas turned in by April 7, 2017. Their reclamation plan will help absorb a lot of the water, so there won't be free flowing water during construction.

Hansens went over the traffic study and explained they are not going to get to the updated numbers from the report until 2025. They have added two boarding spots since giving the information to the traffic engineers in April, 2016, and have not added many spots for the long term boarding. CDOT had all of the information; their plan, the completed application turned into the County and turn lane assessment. He said CDOT would not have issued a permit if they needed more information. Hansens proposed they do a secondary traffic study in 2026, when all infrastructure projects are completed and when they know the actual traffic coming into the property. They agree with Gallowich, that turn lanes may be necessary, but not until 2025.

Pagano spoke with CDOT representative, Dan Roussin. He is currently comfortable with the access permit for normal day to day operations. He agreed they won't know what the actual traffic numbers will be and suggested a condition for the Planning Commission approval be a second study in a year. Roussin has suggested there may be opportunities during special events to set up turn lanes with traffic cones to alleviate some of the issues. Hansens suggested the use of signs in both directions. This would inform everyone traveling on the highway about the special event. He added not everyone attending the event will arrive at once.

Niccoli said he has lived here for 73 years. In the past 20 years he has taken portions of his land and put it in conservation easements to protect the valley. He said this parcel should not be approved for commercial uses. It should continue to be open space and part of the view corridor. He added this parcel is a part of the ranching community and should not be developed commercially. He said he will conduct an agricultural operation next to this project. He added no one will like it; but he promised to do it.

Pagano said CDOT can add conditions to their special events permits. Pagano has requested additional comments from CDOT. She spoke to Megan Sullivan, representative for the Colorado Division of Water Resources, concerning Sullivan's comments regarding the well. Sullivan explained they have one hearing officer for the entire State and may not be able to schedule a hearing until this fall. Pagano has relayed this information to Hansens. She urged Hansens to decide whether he wants to continue with the hearing, or drill a well somewhere else. Hansens explained they drilled the well and were unaware of the 600 ft. requirement, but they will be closing that well and drilling a new well at least 600 ft. away.

Public Comments:

Gallowich explained he is unsure how they would be impacting the landowners to the north of the property, as previously noted by Hansens. The last flooding occurred in 2005. The water coming from the property in the next flood could contaminate his water. Gallowich went to Grand Junction and spoke with CDOT representative, Dan Roussin. The current application was at least a year old. He took the application with him when he went to Grand Junction and noted CDOT was not given accurate data. The highway permit doesn't address camping and special events. They talked about the traffic control and how it will be initiated, but he has not received an answer. How are they going to identify the days they need traffic control without some type of special events application to ensure the State Patrol will be there? Gallowich said there should be a new traffic study done before anything is approved. They need to plan on the maximum number of horses being in attendance for special events. The traffic going northbound on Highway 135 is turning across a no passing zone when turning into the property. Gallowich stated the additional traffic study needs to be done a lot earlier than five years from now.

Gallowich addressed the deed restrictive covenants. Fulton informed Gallowich the commissioners will not make a decision based on those covenants. Gallowich said it will be taken care of at some point and added he has always followed the covenants and nothing should be approved until the issue has been addressed and resolved. He added no approval should be given particularly before money is invested in the commercial business, because it may not be allowed through the civil process.

Gallowich expressed his concern with the possibility of Hansens' new septic system and leach field contaminating his water. Pagano explained these issues will be reviewed during the septic application process.

Gallowich said he experimented with a generator on his property to take noise measurements. The proposed camping will be about 60 ft. away. He determined the noise level from the generator was 66.8 decibels and at 150 feet the noise level was 54.4 decibels. Pagano stated the County allows the noise level for commercial properties near residential properties to be 50 decibels from 6 a.m. to 7 p.m. and 40 decibels from 7 p.m. to 6 a.m. Gallowich said the camping area is about 470 feet from his home and he is concerned about the noise. He requested a more detailed map illustrating the exact location of the berm. He asked if the easement on the property can be used by the Horse Park. Hansens explained it was not actually an easement; it was a mistake made when the property was sold to Gallowich. It is a 40 foot strip of land. Hansens is working on a Quiet Title action because the Gallowichs' deed and their filed deed do not match. They must abandon the easement because it comes in from their agricultural access into the parcel. Part of the agreement with CDOT is to open up the other access and abandon the agricultural entrance. They checked to see if Gallowich would have rights to the agricultural access, they determined Gallowich would not have rights to the access. If the easement is abandoned then they should be able to place the berm on that site.

Mugglestone asked if there is any way to get information on the noise mitigation berms provide. Mary Ann Fore noted there are ways to get a report on noise mitigation of berms. Hansens explained they could provide power to the camping area so they don't have to use generators in each campsite. Hansens said they could avoid the issue of the generators. They could also supply power to the tent area. Hansens stated they are not going to promote tent camping.

Gallowich asked if there is a storm water report for the whole program. Hansens said it was outlined in Article 12 of the application.

Hansens explained the hours of operation will be from 6 a.m. until dark in the summer and in the winter 9 a.m. until dark. Pagano asked if the outdoor arena would be lit, Hansens replied it would not be. They do not want to be a 24 hour operation and have people coming in and out all the time. Messner wanted to be sure about their hours because once it is in the permit it becomes enforceable. Gallowich requested a specific hour rather than dark for closing times. He suggested enforcement be included in any decision.

Gallowich asked to see the proposed septic design. Pagano explained it will not be a part of this process. It will be a separate application through the Environmental Health office and there will not be a public hearing for it.

Bob Huckins, neighbor in Red Mountain Ranch north of the property, questioned the sound. He wanted to make sure the sound would not impact their area. He added it's a great application and opportunity for the community.

Messner wanted to know the actual number of horses to be boarded and have that number reflected in the information reported to the traffic engineer. Hansens said there will be 23 horses boarded. Cattles wanted some kind of confirmation the application being reviewed and the information CDOT reviews matches.

Fulton continued the joint public hearing to April 7, 2017 at 9 a.m.

McGuinness Subdivision (LUC-16-00042); The Gunnison County Planning Commission conducted a work session. They reviewed a request for the subdivision of 3.75-acres into three single-family lots: Lot 1, 1.75-acres (with existing residence); Lot 2, 1-acre; Lot 3, 1-acre. The property is located approximately 5 miles northeast of the City of Gunnison, north of and adjacent to County Road 10 and legally described as being within the NE1/4NE1/4 Section 19, Township 50 North, Range 1 East, N.M.P.M.

With a quorum present Chairman Fulton opened the work session.

Present representing Planning Commission: Fulton, Diani, Mugglestone, Cattles, Rogalski, and Coleman.

Present representing Staff; Assistant Director of Community Development Neal Starkebaum and Administrative Assistant Rebecca Ricord.

Present representing the application: Tina McGuinness and David McGuinness

Tina McGuiness explained the subdivision request. The lot with the existing house will be a 1.75 acre parcel, the remaining two lots will be one acre each in size. Lot number three will have a house and a rental attached unit. Starkebaum said the City of Gunnison and Parks and Wildlife have submitted comments. The applicants have already received the well permit for the lot. The well permit will cover the residences on lots two and three. Cattles asked what was needed to have an attached living unit. Starkebaum said the applicants would have to prove adequate water for the second residence.

Fulton closed the work session.

The public hearing will be conducted April 29, 2017.

The Commission directed staff to prepare a draft recommendation of approval for that meeting.

Gunnison County Building and Environmental Health Official; The Gunnison County Planning Commission conducted a work session to discuss the proposed 2015 International Building Codes.

With a quorum present Chairman Fulton opened the work session.

Lambert discussed the energy efficiency provisions. The current codes in the 2009 Residential Code, Chapter 11 address energy efficiency. The 2015 code is also Chapter 11. There are different method options for the contractor or homeowner to choose. In the 2009 code a visual insulation inspection is allowed, but it is very difficult to do. The air tightness cannot be determined visually. In the 2009 code an air tightness test is an option. The 2015 code requires the air tightness test. Every new residence shall be tested for air tightness before the final inspection. Gunnison County is in climate zone seven and would require an air exchange rate of three per hour. Staff proposes the air exchange rate of three per hour be deleted, but testing should still be required. The test ensures there will not be any major leakage failures.

Fulton asked if eliminating the mandatory exchange rate would make it difficult to require the system to be fixed if it fails. Pagano explained currently this is more educational, and in two years when more information is available they will be able to start requiring more. Lambert said the results will be reported to the owner with the certificate for the structure. Cattles said it would be beneficial to start training the contractors.

Lambert explained mechanical ventilation. If the air exchange rate is less than five they would be required to have mechanical ventilation to provide fresh air. Mechanical ventilation is either a supply fan, an exhaust fan, or a combination of both. A bathroom fan is going to be able to achieve the requirement for mechanical ventilation. Air tightness testing is tied to ventilation.

Lambert explained insulation and fenestration. This is the most involved item. A certain insulation value for a house is required. It is mandated to perform at a specific level. There are a number of ways to prove compliance. The easiest, most expensive, least flexible way to accomplish it is to use the R Value table. This method tells you how much insulation, what materials to use and where to install it. Builders have often used this method. This method has changed in the new code, and the wall requirements are the biggest change. The new code requires if the prescriptive R Value method is used, a continuous installation, either inside or outside of your walls of R5 must be installed.

The U-factor method may also be used. This method does not explain how this is achieved. It states an assembly of a specific amount must be achieved. The builder, designer, or homeowner would calculate all of the items in the assembly to make sure they met the required value or better. In this method the code doesn't require the use of continuous insulation, as long the value is achieved.

The UA tradeoff method looks at the U factor of your assembly and multiplies it by the total surface area of whatever that assembly is; a roof, wall or floor. That is needed for people who are building wall construction in Gunnison County to show compliance. It is a very simple method to use. The code's goal is to achieve very minimal utility bills for the owner using the energy efficiency codes. Lambert would like to provide training classes on how to use the different methods.

Cattles asked if staff would be willing to sit down with applicants to show them how to use the program. Lambert explained she would rather conduct classes so she can reach out to more people at once.

Lambert provided the commissioners with a report of the cost analysis of the residential provisions. The report compares the 2009 to the 2015 codes. Engineer, Bob Gochenaur recommended rather than requiring the code changes they be a recommendation instead.

Pagano asked if the commissioners would like more time to review the recommended changes. Lambert asked them to review the cost analysis report. Diani wanted to know what type of energy the cost analysis was based on. Lambert said it is based on all of them; propane, natural gas, electricity, etc. Gunnison is on par with the national energy use of 40%.

Fulton said he is in favor of the suggested code changes, but his biggest concern is the proposed sprinkling requirements and whether they could come up with some kind of decision to work with. The commissioners requested more time to review the sprinkler requirements.

- Fulton asked if the commissioners were in favor of the suggested changes to the codes concerning crawl spaces and snow loads. The commissioners unanimously agreed.
- Fulton asked if the commissioners were in favor of the suggested changes to measuring the square footage of a structure from inside the structure instead of the outside. The commissioners unanimously agreed. Fulton added the owners need to be aware the Assessor's office and lenders are going to be looking at the measurements on the outside.

Lambert explained other jurisdictions are deciding how to include sprinkler provisions and coming up with ideas on how to include them in their building and fire codes. Some jurisdictions are requiring houses of a certain size or larger have a sprinkler system. The fire code states a 3,600 sq. ft. or larger residential structure triggers a higher fire flow to the residence. It increases from 1,500 gallons of water per minute to 1,750 gallons per minute. There will be more tanker trucks, more water, and more fire fighters needed on the scene to put a fire out. There is a possibility the occupants have to go further to get to the exits. Lambert stated in other jurisdictions townhomes, multi-family and residences over 3,600 sq. ft. have been required to be sprinkled.

Fulton asked the Planning Commission the following:

- If the commissioners were in favor of the size limit of 3,600 sq. ft. and greater requiring sprinklers. Mugglestone, Diani, Rogalski and Fulton voted yes. Cattles voted no.
- If the commissioners were in favor of allowing an exemption from the sprinkler requirement if a residence only has a seasonal access. The commissioners agreed unanimously.
- If the commissioners were in favor of requiring multi-unit, two family dwellings, duplex and townhomes to have sprinklers, or a two hour wall per side instead. The commissioners agreed unanimously.

Pagano asked the commissioners if fire hydrants were in place would there still be sprinkler requirements. The commissioners agreed to address this at the next meeting.

Cattles said educational handouts would be beneficial, something the homeowners would be required to sign, acknowledging that they are in receipt of the information.

Lambert will prepare a recommendation for the next meeting.

Builder, Ben Peterson, believes it should be up to the owner on whether they want sprinklers or not. Wilkinson said the educational piece is really important. Gochenaur also believes it should be left to the owner to decide after they see a cost analysis.

Fulton closed the work session. The next work session will be April 7, 2017.

The next Planning Commission meetings will be conducted April 7, 21 and May 12 and 19.

Fulton adjourned the March 17, 2017 meeting at 2:00 p.m.

/S/ Rebecca Ricord
Community Development Department Administrative Assistant III
Gunnison County Community Development Department