

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, June 1, 2018
Board of County Commissioners Meeting Room
Gunnison County Courthouse
200 E. Virginia Avenue

- 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.** **Centennial Storage Partners, LLC/Discount Self Storage**, continued public hearing, request for expansion of the existing Discount Self Storage commercial storage facility to include two new storage buildings, located one mile north of the City of Gunnison, west of Highway 135, legally described as Lot 3, Flying E Ranch Subdivision
LUC-18-00003
- 10:00 a.m.** **APT Brush Creek Road, LLC**, continued public hearing with BOCC, request for the development of 240 rental units on the subject parcel. 65% (156) of the units will be deed restricted to qualifying households earning less than 180% of the Area Median Income. The remainder of the units (84) will be free market rental units, located on the southeast corner of the intersection of Brush Creek Road and Highway 135, approximately 1.5 miles south of the Town of Crested Butte. The parcel is approximately 14.29 acres and is legally described as all of land in Section 12, Township 14 South, Range 86 West, 6th PM, lying south and east of Brush Creek Road, and west of Larkspur Subdivision **LUC-17- 00034**
- Noon** Lunch
- 1:00 p.m.** **Andy and Joni Ivy**, work session/site visit, request for private snowplowing of approximately 1 mile above the winter closure gate on County Road 743 (Lost Canyon Road) for winter access to a single-family residence, as an extension of snowplowing of a County Road, in compliance with Section 11-110: Development of Land Beyond Snowplowed Access, located at 3499 CR 743, legally described as a parcel in the NW1/4NW1/4 Section 14, Township 50 North, Range 1 West, NMPM, on 40-acres
LUC-18-00010

Adjourn

The applications can be viewed on gunnisoncounty.org, link to <http://204.132.78.100/citizenaccess/>

- Public access
- Projects
- Application #
- **LUC-18-00003**
- **LUC-17- 00034**
- **LUC-17- 00010**
- Attachments

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
June 1, 2018**

The Gunnison County Planning Commission conducted a regular meeting in the Board of County Commissioners Meeting room, in the Gunnison County Court house, 200 E. Virginia Ave., Gunnison, Co.

Present:

Chairman- Kent Fulton Vice-Chairman- Jack Diani Commissioner-Vince Rogalski Commissioner- AJ Cattles Commissioner-Molly Mugglestone Alternate Commissioner- Daniel Spivey	Director of Community Development- Cathie Pagano Asst. Director- Neal Starkebaum Planner- Rachel Sabbato Administrative Assistant- Rebecca Ricord Others present as listed in text
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Recused/Absent; Commissioner Diego Plata was absent, Commissioner Kent Fulton recused himself from the Brush Creek application review, Commissioner AJ Cattle recused himself from the Centennial Storage application review. Commissioner Daniel Spivey did not participate in the APT Brush Creek Rd. or Centennial Storage review.

With a quorum present Chairman Fulton opened the June 1, 2018 regular meeting of the Planning Commission.

Approval of Minutes: Moved by Fulton seconded by Diani to approve the Planning Commission meeting minutes dated May 18, 2018 as amended. The motion passed unanimously.

Centennial Storage Partners/ Discount Self Storage (LUC-18-00003): The Gunnison County Planning Commission conducted a continued public hearing to review the request for expansion of the existing Discount Self Storage commercial storage facility to include two new storage buildings, located one mile north of the City of Gunnison, west of Highway 135, legally described as Lot 3, Flying E Ranch Subdivision.

With a quorum present Fulton opened the continued public hearing.

Commissioner Cattles recused himself.

Present representing the Planning Commission: Commissioners Fulton, Diani, and Rogalski.

Present representing staff: Assistant Director of Community and Economic Development Neal Starkebaum and Administrative Assistant Rebecca Ricord.

Present representing the application: attorney Mike Dawson.

Dawson has submitted the application for the highway access permit and has been in contact with Rachel Magruder in the Gunnison County attorney's office.

The commissioners reviewed the draft decision.

Fulton closed the public hearing.

Moved by Fulton seconded by Rogalski to approve LUC-18-00003- Centennial Storage Partners/Discount Self Storage expansion. The motion passed unanimously.

PROJECT DESCRIPTION:

The applicant is proposing to expand the existing Discount Storage facility. The request would include the construction of two new storage buildings on the south end of the property, including Building F, a 6900 square foot (30' x 230'), with 44 units, and Building G, a 4800 square foot (20' x 240'), with 24 units.

PREVIOUS LAND USE APPROVALS:

The Flying E Ranch Subdivision, 5-lot subdivision, was approved by the Board of County Commissioners on December 13, 1993, Clerk and Records Reception No. 447702.

L.U.C. 1989-22

Approved by BOCC, December 5, 1989:

Cletus Bissell was approved for the development of Lot 6 Flying E Ranch (a 35-acre parcel), for a rental storage business, including the construction of one 30-unit 3000 square foot (30'x100') storage building. An existing 30' x 50' pole barn is located on the property. Conditions of approval included:

1. "That the proponent hereby agrees to surrender direct access to Highway 135 at such time as the County (or the State) determines that a local service road (frontage) is required.
2. That the building will be of wood post and truss construction with a metal exterior in the colors of off-white and brown with a brown roof.
3. That no outside storage be allowed within the property boundaries to the north and east, or within 200 feet of the west and south sides of the building.
4. That landscaping will be installed by September 15, 1990.
5. That all exterior lighting shall be shielded to direct light downward and not create a glare for highway drivers.
6. That any changes made to the property to dry the land for this use will not interfere with other properties served by ditches crossing the property."

L.U.C. 1990-03

Approved by the BOCC, December 7, 1993:

Cletus Bissell was approved for the subdivision of Lot 6, Flying E Ranch, into 5 parcels and development of Lot 2:

Lot 1 – 7.9 acres

Lot 2 – 7.2 acres - (with existing single family residence)

Lot 3 – 2.9 acres – (with existing Discount Storage building)

Lot 4 – 3.0 acres

Lot 5 – 14.0 acres

Conditions of approval included:

1. "The "agreement re Water Rights" as approved by the Gunnison County Attorney be referenced in the record of approval by the Board, and separately recorded contemporaneous to the recording of the Final Plat.
2. A well must be constructed on Parcel 3 (Lot 3) for the delivery of water to support the landscaping, contemporaneous with the planting of vegetation.
3. The office in the duplex is to be incidental to the residential use and is subject to the limitation of a "home occupation" as defined in the Gunnison County Land Use Resolution
4. Approval be by recorded resolution, including the following items:
 - a. At such time a central wastewater treatment system is extended to a point within statutory mandatory tap-on distance of this property and the subdivided parcels within it, these parcels will be required to tie-on to that system
 - b. Construction of additional commercial storage buildings on Parcel 3 (Lot 3) should be limited in color and design to the light brown of commercial storage buildings existing on the lot as of the date of this approval.
 - c. That the storage lease agreement approved as a part of this Final Plan approval applies to all future lease arrangements with clients of the commercial storage buildings, unless lease is waived by the BOCC.
 - d. No structure of any type has been approved for Parcel 4 as part of this land use change permit, any use other than agricultural will require a land use change permit, and with the further condition that the proposed 60' road easement be changed on the recorded plat so that the word "proposed" is crossed out on the mylar."

The project description for Lot 3 (Discount Storage) included:

"Existing buildings include a 30' x 100' commercial rental storage building and a 30' x 50' pole barn. Proposed for the site are additional commercial rental buildings (one 30' x 120', three 30' x 160' storage buildings), and one 30' x 40' residential duplex containing an office (two stories, with living units of no more than 1250 square feet on each floor.) The residential units of the duplex are proposed for use by the commercial rental storage business owners or their employees. A fenced yard will surround the duplex addition on three sides. Seven parking spaces are sited on this area. Access is via the existing access road to the north edge of the boundary and onto Highway 135, and access permitted by CDOT. These "mini-warehouses" are single story commercial buildings compartmentalized into multiple

storage room, 10' x 20' or less, each separately accessed by exterior doors, to be leased to the public for dry, secure storage. Only personal property can be stored; no business activities will be allowed; no outside storage permitted."

L.U.C. 1999-45

Approved by Board of County Commissioners, November 17, 1999:

Expansion of the current use at the existing Discount Storage facility, for a U-Haul franchise. The use will consist of the rental of a variety of U-Haul moving vehicles, from pull-behind trailers to 26' trucks, and includes the rental of appliance dollies, boxes and furniture pads. The existing office for Discount Storage will be used for the U-Haul business office. The "primary parking area" for the vehicles will be located on a portion of the southwest corner of the parcel, in an area of approximately 160' x 40' (6400 square feet), as identified on the site plan. An "overflow parking" area for U-Haul rental vehicle parking is proposed on a portion of the north side of the parcel, 25' x 100' (2500 square feet) as identified on the site plan. Six to eight vehicles, of varying size, will typically be parked on the property at any given time, with the number of vehicles fluctuating seasonally. The applicant has proposed an increase in the amount of landscaping, consisting of 12 - 8 foot (in height) Blue Spruces, and 10 – 2" caliper, (average of 10 foot height) aspen trees, as depicted on the landscape plan. This will provide screening of the vehicles from State Highway 135, with the following conditions:

1. Applicant shall strictly comply with the following mitigation measures:
 - a. Applicant will preserve adequate open space bordering Highway 135 by maintaining the existing setback of 100 feet, as measured from the Highway 135 right-of-way. No commercial activities, structures or storage of any kind shall be allowed within this setback.
 - b. No outside storage, other than the U-Haul rental vehicles shall be allowed.
 - c. All U-Haul rental vehicles parked on the property will be restricted at all times to the designated "primary parking area" on the southwest portion of the site, and the "overflow parking area", on the north portion of the site.
 - d. The use of the "overflow parking area" is specifically designated for such use, shall only be used during times when the designated "primary parking area" is at capacity, and shall be occupied by trailers to the maximum extent possible.
 - e. No storage of U-Haul rental vehicles beyond the capacity of the designated parking areas shall be allowed at any time.
2. No on-site maintenance or servicing of the U-Haul rental vehicles shall be permitted.
3. No additional lighting for this use shall be permitted.
4. The use shall comply with the Gunnison County Sign Code.
5. Additional landscaping shall be planted and maintained on the site, consisting of twelve (12) - eight (8) foot (in height) Blue Spruce, and ten (10) – two (2) inch caliper (average of 10 feet in height) aspen trees, as depicted on the landscape/site plan, and provided with adequate irrigation. The aspen trees may be substituted with other trees, if and as approved by the Planning Staff. Landscaping shall be installed by August 30, 2000.

LUC-04-02

Approved by Planning Commission, October 1, 2004

The use will consist of the rental of a variety of U-Haul moving vehicles, from pull-behind trailers to 26' trucks, and includes the rental of appliance dollies, boxes and furniture pads. The existing office for Discount Storage will be used for the U-Haul business office. The "primary parking area" for the vehicles will be located on a portion of the southwest corner of the parcel, in an area of approximately 160' x 40' (6400 square feet), as identified on the site plan. An "overflow parking" area for U-Haul rental vehicle parking is proposed on a portion of the north side of the parcel, 25' x 100' (2500 square feet) as identified on the site plan. Six to eight vehicles, of varying size, will typically be parked on the property at any given time, with the number of vehicles fluctuating seasonally. The applicant proposes the installation of seven spruce trees, 10 feet in height, as delineated on the revised site plan, to mitigate visual impacts. This in addition to the previously required twelve - 8 foot (in height) Blue Spruce, and ten – 2 inch caliper (average of 10 feet in height) aspen trees.

LUC-17-00033

Approved by Board of County Commissioners, September 19, 2018

Boundary Line Adjustment between Lots 3 & 4, Flying E Ranch Subdivision

Added .64 acres to Lot 3

LOCATION:

The site is located on 1.8-acres, west of and adjacent to Highway 135, approximately 1 mile north of the City of Gunnison, 1825 Highway 135, legally described as Lot 3, Flying E Ranch Subdivision.

ADJACENT LAND USES:

North: Residential

South: Residential and KGUC radio tower

West: Residential/Agricultural

East: Across Highway 135: Town and Country Vet Clinic

PLANS/REPORTS/SUBMITTALS:

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

- Minor Impact Land Use Change Application and site plan
- Revised Landscaping Plan - received April 18, 2018
- Landscaping Cost Estimate, April 11, 2018
- City of Gunnison Comments, April 11, 2018
- Traffic Analysis – Discount Self Storage, Ken Snyder, March 13, 2018
- Dan Roussin, Permit Unit Manager, Colorado Department of Transportation (CDOT), email of April 17, 2018
- Drainage/Site plan, Bob Williams, P.E., Williams Engineering, dated February 15, 2018
- Dennis Spritzer, Fire Marshall, GCFPD, email of March 17, 2018

This review and Decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application; including all exhibits, references, testimony and documents as included therein.

REVIEW AGENCY REFERRAL COMMENTS:

The following entities or agencies provided referral comments.

City of Gunnison:

Greg Larson, Chair, Planning and Zoning Commission, letter of April 11, 2018:

“Thank you for providing the opportunity to comment on the proposed Land Use Change, Minor Impact for the expansion of two new storage buildings at 1825 State Highway 135. The following comments are based on the submitted application materials and the relation of the proposed project to the *Gunnison Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado* and the *City of Gunnison Master Plan*.

Specific to the request of the applicant, we are supportive of the expansion of the existing storage unit facility based on the following observations.

1. Based on the existing Three-Mile Map, the property is designated as Rural Residential (1 unit per 5-35 or more acres) and is located outside of the Urban Growth Boundary. One of the objectives of the *Three-Mile Plan* is to encourage infill development within the City limits and to "Limit new commercial and industrial development to lands within or immediately adjacent to existing City commercial and industrial zones." However, in this instance, it is clear that the requested land use change does not consume water, sewer and other municipal services which preserves resources for urban growth within the city boundary.
2. Land use changes along the highway corridor are processed in a vacuum with no coordinated direction or long term thought of consequences. Consequences include: haphazard driveway locations affecting traffic safety and function of the highway system; no ability to provide internal street extensions; site developments that are not adequate to provide urban services; and land uses that may not be appropriate for the highway corridor with regards to the City's entrance appeal. Having said that, the applicant appears to be very responsible with their current storage unit facilities and the expansion would provide a needed service to the community. Traffic volumes of the proposed use are very minimal and will not have a significant impact on the Highway 135 functions.
3. If the proposed request is approved by the County, the possibility of future annexation of the site into the City would be limited, since the City's code requirements for utilities would not be met. However, because these facilities are not intended to have additional utilities, the land use change would not further complicate any annexation decision.

We appreciate the opportunity to review this application”

Colorado Department of Transportation:

Comments from Dan Roussin, CDOT, email of April 17, 2018, notes: “It is likely that this project will not require any improvements to the access. However, we need to take a look at this and confirm with the application. I would suggest in your approval to require an access permit for this project.

SITE VISIT:

A site visit was held on March 16, 2018. The Commission members viewed the location of the proposed buildings, the existing conditions, the existing landscaping and surrounding properties.

PUBLIC HEARING:

A public hearing was held on May 18 and continued to June 1; at that time Martin Klinowski was present and noted his support of the request. Tony Smith, landscaping contractor, was present and answered questions regarding the landscaping.

MEETINGS WITH PLANNING COMMISSION:

- March 16, 2018 – Work session
- May 18, 2018 – Work session/Public Hearing
- June 1, 2018 – continued Public Hearing

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

Section 9-301: Commercial and Industrial Uses.

The applicant is proposing an expansion of the existing storage facility.

D. General Standards:

- D.1: Non Residential Accessory Uses:** The proposed use is not accessory to a residential use.
- 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 significant noise is anticipated as a result of this application.

Section 10-102: Locational Residential Development:

Not applicable. No expansion of the existing residential use of the property is proposed.

Section 10-103: Residential Density:

Not applicable. No expansion of the existing residential use of the property is proposed.

Section 10-104: Locational Standards for Commercial, Industrial and Other Non-Residential Development

The site meets the Primary Locational Standard. B.2.

1. The proposed site is within the City of Gunnison’s Three Mile Plan area.
2. The City of Gunnison comments, dated April 11, 2018, note that the City does not object to the proposed use. See City of Gunnison comments.

Section: 11-102: Voluntary Best Management Practices

Voluntary; not mandated.

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

The site is not located within an area subject to flood hazards, according to County mapping.

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

The subject parcel is not located within an area of geologic hazards, according to County mapping.

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

The subject parcel is in a low wildfire hazard area, according to County mapping.

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

The area for expansion is already disturbed, with no additional impacts to wildlife.

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

Not applicable. The site is not located within 125 feet of a water body.

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

Not applicable.

Section 12-103: *Road System.*

The applicant provided a traffic study, prepared by Ken Snyder; reviewed by Dan Roussin, Permit Unit Manager, CDOT, email of April 17, 2018, noting that the expansion will likely not require improvements to Highway 135, but that the applicant is required to apply for an access permit.

Section 12-104: *Public Trails.*

Not applicable. No public trails are located on the site and the applicant has not proposed any public trails on the property.

Section 12-105: *Water Supply.*

Not applicable. The expansion does not involve additional water usage, beyond that necessary for irrigation of the new landscaping.

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

Not applicable. The expansion does not involve additional wastewater treatment.

Section 12-107: *Fire Protection.*

The parcel is within the Gunnison County Fire Protection District. Dennis Spritzer, Fire Marshall, email of April 17, 2018, notes that the plan meet their requirements.

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

The proposed location complies with property line setback requirements. Site Plan submitted with application.

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

Installation of solid-fuel burning devices shall comply with this Section.

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

Not applicable. No open space is required for this use.

Section 13-109: *Signs.*

Not applicable. No additional signage is proposed.

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

The site provides sufficient off-road parking and loading.

Section 13-111: *Landscaping and Buffering.*

The applicant has proposed significant additional landscaping along Highway 135, in addition to replacement of landscaping originally approved, but has since died or been removed. The incorporation of vegetation buffering is identified on the "New Landscaping Plan", prepared by Ken Snyder, March 27, 2018.

Section 13-112: *Snow storage.*

Sufficient area is available for snow storage.

Section 13-113: *Fencing*

Existing perimeter fencing on the property will be maintained.

Section 13-114: Exterior Lighting.

Exterior lighting fixtures shall comply with standards of this section. The applicant has submitted a lighting plan, submitted with the application.

Section 13-115: Reclamation and Noxious Weed Control.

Reclamation will be required and the applicant is required to control noxious weeds.

Section 13-116: Grading and Erosion Control.

The site is fairly level, which will minimize the amount of erosion control required.

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

A certified drainage plan has been prepared by Bob Williams, P.E., Williams Engineering, dated February 15, 2018.

Section 13-118: Standards to Ensure Compatible Uses.

The site has been designed in a manner that will not adversely affect the character of nearby residential areas. The additional buildings will be screened from the highway primarily by the substantial increase in landscaping, providing visual buffering of the facility from Highway 135.

FINDINGS:

The Commission finds that:

1. This application is a Minor Impact Project.
2. The proposed expansion is compatible with the existing neighborhood, and has been designed in a manner that will not adversely affect the character of nearby residential areas, primarily mitigated by the substantial increase in landscaping, providing visual buffering from Highway 135.
3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. 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 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 including provision of a public hearing, and having reached the above cited Findings, classifies LUC No. 2018-00003, Centennial Storage Partners, LLC - Discount Storage, as a Minor Impact Project, approves the Land Use Change Permit with the following conditions, and that said approval shall be memorialized by recordation of a Minor Impact Certificate with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. A Landscaping Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the cost of landscaping stock, installation and irrigation system. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.

3. A performance bond, letter of credit or other means of surety acceptable to the Board of County Commissioners be required to cover the cost of the improvements and reclamation of the closed road, as identified on the document titled "New Landscaping Plan", prepared by Ken Snyder, March 27, 2018, plus 25 percent; such cost estimate as provided by the applicant, and that said surety is retained by Gunnison County. The Certificate of Minor Impact shall not be recorded until this condition is fulfilled.
4. All storage of vehicles, boats, trailers, etc. shall be relocated from the southern property line, to permitted storage areas or removed from the site, by August 31, 2018.
5. The applicant shall obtain a Highway Access permit, as required by the Colorado Department of Transportation.
6. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

APT Brush Creek Road, LLC –LUC-17-00034: The Gunnison County Planning Commission and Board of County Commissioners conducted a joint continued public hearing. They reviewed the request for the development of 240 rental units on the subject parcel. 65% (156) of the units will be deed restricted to qualifying households earning less than 180% of the Area Median Income. The remainder of the units (84) will be free market rental units, located on the southeast corner of the intersection of Brush Creek Road and Highway 135, approximately 1.5 miles south of the Town of Crested Butte. The parcel is approximately 14.29 acres and is legally described as all of land in Section 12, Township 14 South, Range 86 West, 6th PM, lying south and east of Brush Creek Road, and west of Larkspur Subdivision.

Chairperson Kent Fulton has recused himself from the review of this application.

Commissioner Diani has been appointed Chairperson for this review and Commissioner AJ Cattles has been appointed Vice-Chairperson. For this session of the joint public hearing AJ Cattles was the acting Chairperson.

With a quorum present acting Chairperson Cattles opened the continued joint public hearing.

Present representing the Planning Commission and Board of County Commissioners: Planning Commissioners Diani, Cattles, Mugglestone, and Rogalski, Board of County Commissioners Jonathan Houck, Phil Chamberland and John Messner.

Present representing staff: Director of Community and Economic Development Cathie Pagano and Planner Rachel Sabbato.

Present representing the application: representative John O'Neal, attorney Kendall Burgemesiter, designers Margaret Loperfido and Andrew Hadley, and Gatesco representative Jeff Moffitt. Pagano noted the applicant had submitted a response letter.

Applicant Responses:

Attorney Burgemeister commented on the Town of Crested Butte letter. He noted one of the Towns' major concerns was compatibility, specifically the obtrusive visibility of the proposed project. He said a realistic assessment of what is currently in the Brush Creek corridor and what it will look like as this builds out is needed. There are commercial, agricultural, industrial, single-family and multi-family residential uses. There are currently many taller and larger buildings than what this applicant is proposing. This should be kept in

mind when considering how this project will change the aesthetic of the area in relation to obtrusive visibility. The applicants view the potential impacts as minimal. Another concern expressed by the town was the possibility of setting a precedent for higher density. He said it is not a realistic possibility, but, asked if we would be any better off with 6,000 sq. ft. single family homes all the way down Highway 135.

Burgemeister noted the essential housing development incentives have been questioned. The town has said the developer is asking for too many incentives for the amount of essential housing being offered. No other applicant has qualified or has even attempted to qualify for these incentives. He questioned if the regulations were too onerous to develop these types of projects. The applicant has proposed a significant amount of open space which was not required. It is important to look at the number of the incentives available. The applicant disagrees this project will be obtrusive, because the site plan, landscaping and architectural style make it consistent with the surrounding community. The multi-family construction will use efficient construction materials, the heating and cooling methods are exceedingly more efficient than a typical home in the area. He added this project is necessary and would have a meaningful impact on the affordable housing issue and it is compatible with the surrounding area.

Public Comment:

All the individuals who spoke agreed affordable housing was necessary, but did not all agree this was the appropriate project.

Chris Haver, Crested Butte Town Council, said the town recognizes the need for affordable housing but does not believe a project this big is needed, nor does it comply with the LUR. He questioned whether this project complies with the *Gunnison County Land Resolution (LUR)* and is compatible with the surrounding community. This project is not compatible. The LUR does not identify what the level of compatibility should be. He requested the County deny this project, noting the town firmly believes housing on this parcel is appropriate but it should respect the surrounding community's needs.

David Leinsdorf representing the Friends of Brush Creek, said the applicant has the burden to prove it is more likely than not this application is compliant with the LUR. He added Dr. George Gibson and the town have provided evidence this project would be obtrusively visible. The Friends of Brush Creek request a denial of the application.

George Gibson said it is the commissioners' responsibility to apply the rule of law, applying the standards in the LUR. The key points of the LUR is clearly compatibility. The LUR definition of compatibility must be applied.

Susan Tizzer was not in favor of this application, she noted too much density and the for-sale units will be too expensive.

Messner, asked if there was any willingness from the town to offer infrastructure concessions to eliminate the need for free-market units in order to bring the costs and density down. He added with some infrastructure support the town could evolve the project and minimize density issues.

Town of Crested Butte Town Manager Dara MacDonald said they had met with the applicant and offered assistance initially at a work session in October, but the applicant did not seem very interested, so they had not pursued it further.

Mugglestone questioned why this information had not come up before. She asked what the town could come to the table with in terms of density, in order to be willing to help with infrastructure. MacDonald explained it depends on design and the balance between affordable versus free-market units. She noted it was not a hard number and it has not been discussed with council. She added the town is not the only party to this and the burden should not be solely on the town.

Messner said the applicant has indicated the reason for the free-market units is to pay for the infrastructure costs. He said the applicant may be willing to reduce the number of free-market units if the Town was willing to provide infrastructure.

Burgemeister said even if the town were willing to provide water and sewer, the applicant would still have to tap in to the closet place, that being near the school. If then they absorb the fixed cost of building one and a half miles of water and sewer lines that cost would have to be spread over fewer units. It is unlikely it will be feasible or any better financially than having water and sewer on site.

Cattles asked if Gatesco was willing to negotiate with the Town. Burgemeister explained since Gates was not present at the meeting, it would be impossible for him to give a definitive answer. He added he was not sure connecting to the town water and sewer without financial incentives to cover tap fees would move the needle much in terms of density. Messner said there are different entities that could possibly offer financial assistance. Diani suggested the parties involved have this conversation.

County attorney David Baumgarten recommended keeping the joint public hearing open for an additional 30 days. In that time period the parties could take advantage of the opportunity to have these discussions. When the window of time expires, we could hear back from the parties to see if any agreement was reached.

Pagano asked if the parties involved were interested. Cattles said there also needs to be a conversation with East River Sanitation District. Burgemeister said connecting to East River Sanitation District is not economically feasible because of the augmentation water, he didn't see it moving the needle much. Diani was in favor of giving the applicant and the town more time to talk about density and infrastructure costs. Messner was in favor of continuing the joint public hearing. Cattles noted if the applicant and town are not willing to talk then the joint public hearing should be closed. Burgemeister was not sure the conversation would get the parties past this point. Baumgarten recommended creating the opportunity for the town and applicant to talk again. MacDonald was willing but noted there are three other partners who should be engaged. Chamberland said it would be more palatable if the town and applicant were given the additional opportunity to talk. Houck agreed.

Public Comment:

Hal Cook president of Skyland HOA said they had invited the applicant to their annual meeting, to discuss density, size and scope. Gates had declined.

Clay Burger expressed frustration there was going to be no vote on the application today.

Latty Colburn with the Friends of Brush Creek said the public has expressed their frustrations with the density and size.

Glo Cunningham said this project is very divisive. She was not concerned about the applicant making money. She wants affordable housing. Anthracite Place is affordable, we need more of this.

Jim Starr said an additional opportunity for the parties to talk was good. He added it should be a discussion which includes all the associations.

Jennifer Kermode explained the Anthracite Place project was financed as a LITEC project. This is not, so we need to be thinking about other funding options for these projects.

Grant Bremer said this project has made it this far without including East River Sanitation District in any of the conversations. If we need to start at square one and start over then let's do it.

Annie Eberly was in favor of the project. She currently rents a home in the Crested Butte area.

Bill Eberly was in favor of the project, and noted the difficulty getting through this process could stop any other developers from going through the process.

Cattles continued the joint public hearing to June 29, 2018 at 9:00 A.M., in the Gunnison County Courthouse.

Ivy – LUC-18-00010: The Gunnison County Planning Commission conducted work session and site visit. They reviewed the request for private snowplowing of approximately 1 mile above the winter closure gate on County Road 743 (Lost Canyon Road) for winter access to a single-family residence, as an extension of snowplowing of a County Road, in compliance with Section 11-110: Development of Land Beyond Snowplowed Access, located at 3499 CR 743, legally described as a parcel in the NW1/4NW1/4 Section 14, Township 50 North, Range 1 West, NMPM, on 40-acres

With a quorum present Chairman Fulton opened the work session and site visit.

There were no minutes taken at the site visit.

Present representing Planning Commission: Commissioners Fulton, Diani, Rogalski and Spivey.

Present representing staff: Assistant Director of Community and Economic Development Neal Starkebaum and Administrative Assistant Rebecca Ricord.

Present representing the application: Andy Ivy and Joni Ivy.

Andrew Ivy explained they have a property that used to be a primitive area and is looking to extend the snow plow access another mile for his property. There is no one beyond them, other than further up in the Highlands.

Marlene Crosby explained Lost Canyon Road has gone through a series of plow permits. The first permit was issued to Stan Esty, up to Esty Lane and into the Esty subdivision. The county started plowing Esty Lane. They then needed a place for the Gunnison Highlands property owners to park and they began plowing a little over two miles up. Crosby gave information on all the past plowing permits for the area. They widened the area for the owners to park. The last permit was issued in 2013 thru 2016. The previous owners sold their property and the new owner never got a permit. The biggest concern is the parking and they suggest the Ivys install a gate at the cattle guard. If they are going to plow they will have to plow and leave enough pack for the other owners to snowmobile in. Crosby suggested they plow the outside edge of the road and they take all the snow to the offside and not plow the ditch side so the snowmobiles can ride there, leaving a snowmobile width that isn't plowed.

Ivy stated he wouldn't be doing snowplowing all year. Crosby suggested they plow regularly so the road is able to be plowed and doesn't mess up their plow.

Starkebaum explained the permit conditions are up to Public Works to put on the permit, it's not up to the Planning Commission. Crosby explained they will have the conditions on the permit specific to the area. The applicant's first plow application will go in front of the BOCC for approval and then they will need to reapply each year with Public Works.

Diani asked approximately how much snow they get in the area. Ivy explained they typically get about two feet.

Starkebaum explained the property has gone through a Sage-grouse assessment. He has spoken with Chris Parameter with Parks and Wildlife and he has no concerns. The winter plowing may decrease the impact to wildlife.

Crosby explained some of the conditions of the permit will be a gate at the cattle guard, private snowplowing signage and a chain on the gate.

Site Visit Comments:

- **Fulton-** No comments

- **Diani-** Sees no problem with plowing.
- **Rogalski-** No comments
- **Spivey-** No comments
-

The commissioners went through the standards.

Fulton requested clarification with Crosby about what she means by a locked gate and whether the lower gate is locked and during what time. Starkebaum believes that's included in the Public Works Snowplow permit but will get a better explanation from Crosby.

The commissioners directed staff to schedule a public hearing for June 29, 2018 and provide a draft decision.

Fulton closed the work session.

Fulton adjourned the meeting at 2:30 p.m.

/S/ Rebecca Ricord

/S/Beth Baker

/S/ Rachel Sabbato

Gunnison County Community Development Department