

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: FRIDAY, September 6, 2019

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Designation of Official Notice Posting Location**
- **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 scheduled on the day's agenda.

Gallegos Corporation, Public Hearing, request to construct a new road to access the Construction Materials Reclamation Permit area (112 Permit) on U.S. Forest Service land. There is an existing permitted rock harvesting operation at the site. The parcel is generally located approximately 1.5 miles west of the Town of Marble, north of County Rd. 3.
LUC-18-00053

Roper Subdivision, Joint Public Hearing, request to subdivide four lots on an approximately 189-acre parcel. Lot 1-3.37 acres, Lot 2-3.38 acres, Lot 3-8.22 acres and Lot 4- 174 (remainder of the ranch.) The parcel is generally located 8 miles northeast of the City of Gunnison; approx. ½ mile east of Highway 135, on the east side of the Gunnison River.
LUC-19-00012

Hunter Ridge, Joint Public Hearing, request to develop sixteen residential units on an approximately 10-acre parcel. Four triplex unit (12 units total) and four single-family residential lots. Lot sizes range from 0.33 to 0.75 acres. Single family homes are proposed to be not greater than 8,500 sq. ft. Triplex buildings are proposed to be not greater than 8,500 sq. ft. of the triplex units are proposed to be deed restricted as workforce housing. The parcel is located at 45 Hunter Hill Rd., It is adjacent to the Town of Mt. Crested Butte. **LUC-19-00012**

Regional Transportation Association (RTA), Work Session, discussion with the Planning Commission.

Shady Island River Park, Site Visit, request to develop a River Park on an approximately 10-acre parcel, located approximately 1.5 miles north of the City of Gunnison on Highway 135. The park will replace the unpermitted North Bridge site used by boaters to launch boats. The park will include a safer boat launch, improved parking, camping, picnic and play areas and other improvements to the riparian areas. **LUC-19-00037**

View files at <http://204.132.78.100/citizenaccess/>

- Click projects
- Click application #
- Fill in application #
- Click on file
- Click to view documents

**COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, September 6, 2019**

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. **Present:**

Chairperson- AJ Cattles Vice-Chairperson-Jack Diani Commissioner-Vince Rogalski Commissioner-Diego Plata Alternate Commissioner- Daniel Spivey Alternate Commissioner- Laura Puckett Daniels	Director of Community and Economic Development-Cathie Pagano Senior Planner – Rachel Sabbato Senior Planner- Hillary Seminick Manager of Administrative Services- Beth Baker Others present as listed in text
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Recused/Absent/Seated:

Absent: none

Recused: none

Seated: none

With a quorum present Chairperson Cattles opened the September 6, 2019 regular meeting of the Planning Commission.

Moved by Diani seconded by Rogalski to approve the Planning Commission meeting minutes of August 2, 2019, as amended, the motion passed unanimously.

Moved by Rogalski seconded by Diani to amend the posting locations for the Planning Commission agendas to on the County website- at gunnisoncounty.org.

Gallegos Corporation (LUC-18-00053): The Gunnison County Planning Commission conducted a public hearing, to review the request to construct a new road to access the 112 Construction Materials Reclamation Permit area (112 Permit) on U.S. Forest Service land. There is an existing permitted rock harvesting operation at the site. The parcel is generally located approximately 1.5 miles west of the Town of Marble, north of County Rd. 3.

With a quorum present Chairperson Cattles opened the public hearing.

Present representing the Planning Commission- Commissioners Cattles, Diani, Rogalski, Plata, Spivey and Puckett Daniels.

Present representing staff- Director of Community Development Cathie Pagano, and Manager of Administrative Services Beth Baker.

Present representing the application- Tetra Teck engineer Bill Balaz and Gallegos president Frank Gutierrez.

Manager of Administrative Services Beth Baker confirmed adequate public notice. The applicant submitted the certified mailing receipts and proof of posting. The planning office had the public notice published in the Crested Butte News and the Gunnison Country Times.

Cattles noted the commission had received public comments and requested a response from the applicants.

Balaz briefly described the project. He said their operation is on Forest Service land. They are requesting new access and they will remove the previous one that ran across Robert Raymond's property. They process architectural type stone, for landscaping walls etc. They have not had any complaints about traffic or noise. Their 110 permit was increased to a 112 permit when they moved their operation from the airfield to the Forest Service land. The current harvesting area is 25.65-acres. The current 112 permit required an environmental assessment. The Forest Service issued a FONSI that was appealed, but was upheld. All the issues addressed in the public comments received have been addressed in the FONSI. Gallegos intends to harvest next year, they have not harvested since 2013. They use only a skidster, and a pickup truck going in and out, no mining-equipment. There will be approximately one trip per day.

Pagano explained the rock harvesting permit has been issued, this request is for the road.

Cattles asked how long the road construction would take: Balaz said 30 to 40 days.

Diani asked if public works signed off on this road: Pagano said yes and they will review it again.

Balaz addressed the Bowers comments. He explained the rock harvesting has been permitted. The end use for the stone is a specialty stone. The FONSI directly addressed impacts. They have advertised employment opportunities noting no one from Marble has applied for a job. The law suit mentioned in their comments letter is being sorted out in court.

Gutierrez said the view from the site is good and won't change.

Puckett-Daniels asked for clarification about the objections to the road and the mining. Cattles explained this application is for the road, the mining is already permitted.

Balaz said they have applied for a reclamation permit from Public Works.

The commissioners reviewed the minor impact draft recommendation.

Cattles closed the public hearing.

Moved by Rogalski seconded by Plata to approve as amended LUC-18-00053, Gallegos Corporation construction of a new road to access the 112 Construction Materials Reclamation Permit Area (112 Permit) on U.S. Forest Service land.

PROJECT DESCRIPTION:

The applicant proposes the construction of a new road to access the 112 Construction Materials Reclamation Permit area (112 Permit) on U.S. Forest Service land.

There is an existing, permitted rock harvesting operation at the site. The 2010 Planning Commission decision is attached for reference. Harvesting is conducted from June 21 through October 31 each year. Annual tonnage rates of harvested materials range from 0 to 1,244 tons. Rock is hauled to another location for process and no buildings or processing equipment are located at the site. The rock is loaded onto pallets for shipment on a flatbed truck. Historically, 23-95 truckloads of rock have been removed annually.

The previous access road was located to the east and west from County Road 3 through the Bowers property and onto the Robert Conger property. Access easements were granted to Gallegos first by Conger and then by Gallegos Associates LLC who purchased the property from Conger. In 2009 when the permit area was extended onto the adjacent USFS land to the north, a "Permanent Easement, Staging Area, and Maintenance Agreement,"

was negotiated and executed with Robert Raymond for access using the private access road from County Road 3 through the Raymond property to the USFS land and 112 permit area for harvesting. In 2014, Gallegos Associates LLC sold the property to Marble Airfield LLC. The access road continued to be used until the end of 2014 when the access easement from Gallegos Associates LLC expired. Marble Airfield, LLC declined to grant a new access easement to Gallegos and a controversy arose whether Raymond had the authority to grant Gallegos the easement, which traversed a short portion of Marble Airfield LLC property and a short portion of another landowner's property. This controversy led to Gallegos filing a lawsuit in 2015 in the District Court in Gunnison. The District Court determined that Raymond did not have the authority to grant Gallegos Corporation the access it had bargained for and that decision was upheld by the Court of Appeals.

Gallegos Corporation has chosen to pursue a new access agreement across Jason Darien's property to access its rock harvesting permit area. The applicant has also submitted a 112 Permit amendment for the new access road and to increase the permit area to Colorado Division of Reclamation, Mining, and Safety (DRMS) and a Supplemental Plan of Operations (Ops Plan) to the USFS. The permit area is being increased to accommodate the new road and staging area on the Darien property since the disputed property was removed from the permitted area.

The subject parcel is legally described as the SE1/4SE1/4, Section 22, Township 11 South, Range 8 West, 6th P. M., generally located approximately 1.5 miles west of the Town of Marble, north of County Road 3.

IMPACT CLASSIFICATION:

The project, by definition, is a Minor Impact pursuant to Section 6-102: M. *General Road Cutting or Construction*.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the application on the following dates:

- July 19, 2019 Work session
- September 6, 2019 Public Hearing

SITE VISIT:

The Planning Commission determined that a site visit was not necessary.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on September 6, 2019. Comments received include:

- An email dated August 31, 2019 from Izzy Palans objecting to the project and its impact on a residential area.
- A letter dated September 5, 2019 from Lee Bowers and Melissa Moyers Bowers represented by attorney Joslyn Wood expressing concerns about the application.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on June 6, 2019 to the following agencies: Gunnison County Public Works, Colorado Parks and Wildlife, Gunnison Fire Protection District, Carbondale Fire Protection District, and Colorado Geological Survey. Comments from the agencies are noted in the applicable sections below.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY *LAND USE RESOLUTION*:**Section 9-100: *Uses Secondary to a Primary Residence.***

Not applicable. No secondary uses are proposed.

Section 9-200: Special Residential Uses.

Not applicable. No special residential uses are proposed as part of this application.

Section 9-300: Commercial and Industrial Uses.

Not applicable. No commercial or industrial uses are proposed as part of this application.

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

Not applicable. No exploration, extraction, or processing on minerals and construction materials is proposed as part of this application. The 2010 Planning Commission decision approving the extraction is attached for reference, however this application is for road construction and a staging area.

Section 9-500: Miscellaneous Uses and Activities.

Not applicable. No miscellaneous uses or activities are proposed.

Section 9-600: Essential Housing

Not applicable. No essential housing is proposed as part of this application.

Section 10-102: Locational Standards for Residential Development.

Not applicable, no subdivision 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 subject parcel and proposed development are not within the 100-year floodplain.

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

Applicable, the subject land is an area identified as landslide hazards. The following reports were submitted as part of the application : a report titled, "Surficial Geology Investigation, New Conger Harvesting Area, Marble, Colorado," was prepared by Grand Junction Lincoln Devore, Inc. dated November 18, 2018; "Slope Stability computations, Proposed Cross Sections, The Gallegos Corporation, Conger Harvesting Area, Marble, CO," prepared by Grand Junction Lincoln Devore, Inc. dated March 10, 2001; a geologic hazard report was prepared by Joe Hersey, Professional Geologist, dated December 20, 1997. A letter dated May 28, 2019, in response to staff titled "Surficial Geology Investigation, Review Comments May 10, 2019, New Conger Harvesting Area, Marble, Colorado," prepared by Grand Junction Lincoln DeVore, Inc.

A copy of the application has been referred to the Colorado Geological Survey for review and comment. Comments from CGS in a letter dated June 25, 2019 state:

"The harvesting site and existing access are located within a large landslide containing many smaller failures. The landslide is quite obvious in LiDAR-derived hillshade imagery (attached). The age of the landslide and whether there is ongoing movement are not known. Some of the proposed access road will, by necessity, be located within the landslide. It is not clear how much grading will be required to create the new access road. Significant grading (cuts of more than three to four feet) may destabilize slopes, resulting in local slope failure and/or slope movement on a larger scale. If the water content of the landslide mass increases, through rainfall, snowmelt, any change in the existing drainage pattern, or other source of infiltration, the soils could lose strength and fail slowly or catastrophically. Risk of instability may increase as a result of events that reduce hillside vegetation, such as avalanche, disease, wildfire, grading, and other disturbances. It is not possible to determine the probability or predict the magnitude of future slope movement, and stabilization of a landslide complex this large would be impractical. CGS recommends:

- *Identifying an alignment that minimizes the need for grading to the extent possible. This may result in a longer access road*
- *No disturbance of slopes steeper than about 40%*

determine maximum allowable road cut heights and angles. GJLDV's

3/10/2001 Slope Stability Computations, included as part of GJLDV's current report, may be valid for use in evaluating the stability of proposed road cuts and fills, but CGS recommends that the County request updated stability analysis based on the proposed road alignment and grading requirements."

Following that report the applicant submitted a letter from William Balaz, P.E. of Tetratex on July 31, 2019 responding to the CGS comments. The applicants also submitted a letter from Edward Morris, P.E. of Grand Junction Lincoln Devore, Inc. dated July 29, 2019 specifically addressing CGS's questions:

"...The present alignment of the Proposed Access Road already utilizes the most advantageous slopes we could locate and will encounter slopes and apparent soils conditions very similar to what observed on the Existing Private Access Road. As the Proposed Access Road will be constructed on slopes very similar to the Existing Private Access Road conditions, I anticipate very little difference in long-term performance.

When the Proposed Access Road enters the U.S. Forest Service land, the slope conditions improve and most of the alignment to the New Conger Harvesting Area will be at or less than the 40%.

My observations of the July 8, 2019 site visit were that there was essentially no change on the slopes of the CGS Landslide-Earthflow Area for the last 40 years, even at the steep base area along County Road 3. Road cuts up the steep lower face are only experiencing minor slope raveling.

Continued stability along the major toe area of the CGS Landslide-Earthflow Area appears fairly certain as the existing valley development has stabilized the Crystal River Regime. Future erosion of the slope toe by the Crystal River is unlikely, based upon the placement of County Road 3.

...My previous recommendations for construction of the proposed access road on these slopes and maximum recommended slope criteria are now judged to have been conservative. The recommended side slope criteria for the proposed access road, both within and out of the CGS Landslide-Earthflow Area may be increased to 1.5:1 horizontal : vertical for cuts and fills 10 feet high or more. For cuts and fills less than 10 feet high the maximum criteria of 1:1 horizontal : vertical will remain appropriate."

CGS responded in a letter from Jill Carlson dated August 9, 2019:

"GJLDV's 7/29/2019 report and Tetra Tech's 7/31/2019 response satisfactorily address the comments in our 6/25/2019 review letter. GJLDV confirms that the proposed alignment "utilizes the most advantageous slopes," and anticipates slope conditions and long term performance similar to that of the existing private access road. GJLDV's revisions to the assumptions used in their previous slope stability modeling and the revised grading recommendations are valid. The annotated photos are helpful and appreciated. CGS has no objection to approval of the land use change as proposed."

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

Not applicable, the subject parcel is not in a high wildfire hazard area.

Section 11-106: Protection of Wildlife Habitat Areas.

Applicable, a copy of the application has been referred to Colorado Parks and Wildlife for review and comment. No comments were received from CPW.

Section 11-107: Protection of Water Quality.

Not applicable, there are no water bodies within 125 feet of the proposed improvements.

Section 11-108: Standards for Development on Ridgelines.

Not applicable, the proposed development is not on a ridgeline.

Section 11-109: Development That Affects Agricultural Lands.

Applicable, the proposed development is adjacent to any agricultural lands and may affect agricultural lands.

Section 11-110: Development of Land Beyond Snowplowed Access.

Not applicable, the subject parcel is not beyond snowplowed access.

Section 11-111: Development on Inholdings in The National Wilderness.

Not applicable, the subject parcel is not an inholding in national wilderness.

Section 11-112: Development on Property Above Timberline.

Not applicable, the proposed development is not above timberline.

Section 12-103: Road System.

Applicable, a new access road is proposed as part of this application. A copy of the application has been referred to Public Works for review and comment. The applicant has submitted "Conger Harvesting Area USFS Harvesting Area Access Plan & Profile," dated May 23, 2019 and prepared by Tetra Tech. An easement agreement has been established between Jason Darien and Gallegos Masonry, Inc. recorded in the Gunnison County Clerk and Recorder's office at Reception No. 654590. The applicant's revised submittal, Attachment A, dated May 31, 2019 includes an analysis of the projected traffic at the site. The access road will be watered, as needed, for dust control.

Comments from Marlene Crosby, Public Works Director, in an email dated June 25, 2019 state:

- 1) The access point for the haul road onto County Road #3 must be in the revised location. There was not adequate site distance at the existing location that was initially proposed. Special conditions (culvert, etc.) will be defined in the access permit from our department;*
- 2) The current existing access should be closed and reclaimed. All traffic should use the new access;*
- 3) The applicant has requested a Waiver of Standards from a 16' wide road to a 12' wide road which is acceptable to this department since it is a private road behind a locked gate;*
- 4) The gate must be set back from the edge of the driving surface a minimum of 35', but in all cases far enough to accommodate the length of the longest vehicle or vehicle combination being used;*
- 5) Road grades shall not exceed 14.4%, but shall be held to 12% or less to the extent possible;*
- 6) The applicant has requested a Waiver to use native surfacing in place of gravel. This request is approved, except for the 200 feet that directly accesses CR #3, which must meet the Standard of 6" of gravel to prevent tracking of mud onto the County road;*
- 7) This road will not meet requirements for a residential access. Development beyond this permit would require an access permit and construction to appropriate standard;*
- 8) The storm water permit needs updated as indicated in the staff report, and submitted to Public Works before our final inspection."*

Section 12-104: Public Trails.

Not applicable. No trails are impacted or associated with this application.

Section 12-105: Water Supply.

Not applicable. No water is required or proposed for the proposed use.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Not applicable. No sewage disposal is required for the proposed use.

Section 12-107: Fire Protection.

Applicable, the property is within the Carbondale Fire Protection District. A referral was sent to the Carbondale Fire Protection District and to the Gunnison Fire Protection District. No comments were received. The proposed road complies with the standards of this Section.

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

Applicable, 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 plans, "Conger Harvesting Area, USFS Harvesting Area Access Plan and Profile," and "Conger Harvesting Area Pre-Mining and Mining Plan Map," prepared by TetraTech and dated May 23, 2019 and October 2, 2018 meet these criteria.

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

Not applicable, no structures are proposed as part of this application.

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

Not applicable, no residential buildings are proposed as part of this application.

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

Not applicable, no solid fuel-burning devices

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. There are no signs proposed as part of the submitted application.

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

Applicable, the use complies with standards of this section, as shown on the site plan submitted as part of this application..

Section 13-111: *Landscaping and Buffering.*

Not applicable, landscaping is not required as part of this application.

Section 13-112: *Snow storage.*

Not applicable, the road is not proposed to be utilized in the winter months.

Section 13-113: *Fencing*

Not applicable, fencing is not proposed nor required as part of this application.

Section 13-114: *Exterior Lighting.*

Not applicable, no exterior lighting is proposed as part of this application.

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

Applicable, a reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

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

Applicable, a reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction..

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.*

Applicable, a limited area will be disturbed. The applicant indicates that they will update the existing State Stormwater Management Permit, Permit No. COG-501146 to include the new area and will submit a copy upon receipt from the State.

Section 13-118: *Water Impoundments.*

Not applicable, no water impoundments are proposed as part of this application.

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 application is for road construction, the rock harvesting operation was previously permitted in 2010 by Gunnison County in LUC-09-00034.
3. The proposed road is in an area of geologic hazards for which mitigation has been proposed and reviewed and approved by the Colorado Geological Survey.
4. Cost estimates stamped by William Balaz Jr. and dated August 30, 2019 have been submitted for the proposed road construction and development.
5. A reclamation and access permit have been submitted to Gunnison County Public Works.
6. This application is consistent with the standards and requirements of this *Resolution*.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations via GIS mapping and photographs, and public testimony, has reached the above Findings and recommends that LUC-18-00053 be classified as a Minor Impact, and be approved with the following conditions:

1. 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*.
2. The revised State Stormwater Management permit shall be submitted to Gunnison County Public Works and Community Development prior to final inspection of the road by Gunnison County Public Works.
3. The construction of the road shall comply with the recommendations in the letter "Surficial Geology Investigation, Field Comments, July 8, 2019, New Conger Harvesting Area, Marble, Colorado," prepared by Grand Junction Lincoln Devore, Inc. dated July 29, 2019 and "Surficial Geology Investigation, New Conger Harvesting Area, Marble, Colorado," dated November 13, 2018.
4. An access permit from Gunnison County Public Works is required prior to construction of the road.
5. A Development Improvements Agreement shall be executed for the proposed improvements prior to the recordation of the Certificate of Minor Impact. The Development Improvements Agreement shall include:

- Road Plan and Profile titled, "Conger Rock Harvesting Area, USFS Harvesting Access Area, Plan and Profile," stamped by William Balaz, Jr. and dated September 5, 2019.
- Cost Estimates stamped by William Balaz, Jr dated August 30, 2019

6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.
8. 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.
9. 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.

Roper Subdivision (LUC-19-00012); The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. They reviewed the request to subdivide four lots on an approximately 189-acre parcel. Lot 1-3.37 acres, Lot 2-3.38 acres, Lot 3-8.22 acres and Lot 4- 174 acres (remainder of the ranch.) The parcel is generally located 8 miles northeast of the City of Gunnison; approx. ½ mile east of Highway 135, on the east side of the Gunnison River.

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

Present representing the Planning Commission- Commissioners Cattles, Diani, Rogalski, Plata, Spivey and Puckett Daniels. Board of County Commissioners Jonathan Houck, and Roland Mason.

Present representing staff- Director of Community Development Cathie Pagano, and Manager of Administrative Services Beth Baker.

Present representing the application- Owners Albert and Angela Roper.

Manager of Administrative Services Beth Baker confirmed adequate public notice. The applicant submitted the certified mailing receipts and proof of posting. The planning office had the public notice published in the Crested Butte News and the Gunnison Country Times.

Albert Roper gave a brief overview of the proposed project. Their goal is to subdivide three lots off of their ranch, and keep those lots out of the irrigated meadow. They are proposing allowing integrated secondary residences, not detached second residences.

Pagano itemized the documents still needed: the approved water contract, the plat showing the surveyed parcels, and cost estimates for the DIA and the bridge.

Puckett-Daniels requested clarification on the bridge. Pagano explained the bridge had been analyzed in 2008, 11 years later the engineer needs to physically take a look at it.

Albert Roper said Lost Canyon Bridge Association owns the bridge not the Ropers, so if needed the association should help pay for it. He is concerned the maintenance of the bridge could be cost prohibitive. The association is considering a review every four years. They do have the 2008 assessment and the bridge is holding up very well. If they agree to this bridge inspection it could snowball and become very cost prohibitive for them. Pagano stated the County is responsible to ensure there is an appropriate and safe access for these new lots. So, this cannot be waived. Roper questioned why,

the entire bridge impact rests on the applicant, when there are 23 other homeowners using the bridge. He said Public Works Director Marlene had agreed the Bridge Association should be responsible. He was concerned an email from Crosby concerning the bridge had not been forwarded to him.

Plata asked about Public Works comments on the condition of Riverfront road. Pagano said the applicants will work with a professional to determine what will be needed; they are working with Public Works on the waiver. The waiver of standards will go through the Board of County Commissioners. The applicants have requested a reduction of the width of the road to 15 ft.

Lou Costello said he is in the Lost Canyon Bridge Association. He is concerned with the road, it is in very bad shape. He added Roper Lane and Riverfront roads both need work. He said water quality and the additional septic tanks could cause an issue. Costello has a private bridge, doesn't often use the Lost Canyon Bridge. Roper responded that they are concerned with the road as well, and have put money into Riverfront Rd. It is much improved, it is not a County road.

Roger Hemminghaus is owner of several lots on Riverfront road, he said a couple more lots will not make much of a difference. The issue is at what point and what is required to have the County accept the road and the bridge for County maintenance. They contribute but are not part of the bridge association. Pagano explained it is unlikely the County will take on any more private roads or bridges. Roper said the County had agreed when a certain amount of lots in the Womble Tracts were sold the County would take over the maintenance. This did not happen. Houck agreed to have Crosby look at those older agreements.

Angela Roper was concerned the surrounding properties, not owned by Ropers, where tied this decision. She asked to see the email that was not forwarded from Crosby.

Pagano said an augmentation plan, a plat, and a resolution of the bridge certification is still outstanding.

Cattles continued the public hearing to November 1, 2019 at 9:00 A.M.

Hunter Ridge (LUC-19-00008): The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. They reviewed the request to develop sixteen residential units on an approximately 10-acre parcel. Four triplex unit (12 units total) and four single-family residential lots. Lot sizes range from 0.33 to 0.75 acres. Single family homes are proposed to be no greater than 8,500 sq. ft. Triplex buildings are proposed to be not greater than 8,500 sq. ft. Two of the triplex units are proposed to be deed restricted as workforce housing. The parcel is located at 45 Hunter Hill Rd., It is adjacent to the Town of Mt. Crested Butte.

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

Cattles noted he had received a letter from a customer concerning this project, but there is no conflict of interest.

Present representing the Planning Commission- Commissioners Cattles, Diani, Rogalski, Plata, Spivey and Puckett Daniels. Board of County Commissioners Jonathan Houck, and Roland Mason.

Present representing staff- Director of Community Development Cathie Pagano, and Manager of Administrative Services Beth Baker.

Present representing the application- Developer Jamie Watt and attorney Mike Dawson.

Manager of Administrative Services Beth Baker confirmed adequate public notice. The applicant submitted the certified mailing receipts and proof of posting. The planning office had the public notice published in the Crested Butte News and the Gunnison Country Times.

Dawson explained this is a 10-acre parcel located between Hunter Hill Road and Gothic Road. It is adjacent to the Town of Mt. Crested Butte on three sides. Watt has been a developer, in the area, for 39 years. He described all the surrounding parcels. This is a request for an eight lot subdivision spread across the bench. It is an extension of the other

homes built on the bench. He showed the proposed lot layout, they are proposing 40% open space. The reason for triplexes on the north end is for a better transition. He noted the density in the area included an eight-plex, a single family residence, a five-plex, a six-plex a 38 unit building and a 48 unit property.

Dawson pointed out according to the Avalanche Zone mapping all the proposed structures are above the avalanche zone. It is not uncommon in Mt. Crested Butte to have houses built above the avalanche zone. The road layout was designed by a licensed engineer and approved by Public Works. The snow storage is located primarily in the middle, it is not anticipated the snow will come from Hunter Hill Rd. on to this property. The road site distance meets County standards in both directions. The new bus turnaround is 125 ft. away.

Watt said he had changed the maximum sq. ft. allowed to 8,500 sq. ft., to match Mt. Crested Butte standards. They have applied to Mt. Crested Butte Water and Sanitation for water and sewer service. The development includes a deed restricted townhome. The geological studies will be included in the preliminary plan application.

Pagano explained technical reports and engineering are not required and are not accepted at the sketch plan phase. If the application proceeds to preliminary plan phase those studies would be required. An audience member questioned why the applicant was allowed to apply to the County after the Town of Mt. Crested Butte denied the original sketch plan. Mt. Crested Butte said the proposal was too dense and was not needed. Pagano stated the County cannot deny due process to an applicant. She added Public Works has submitted comments. A traffic study will be submitted at the preliminary plan phase. Any third party analysis required will be prepared at the applicant's expense.

Spivey asked if water supply is considered at this stage; Pagano said willingness to serve is considered and conditions of approval can be added to a recommendation. Spivey asked the applicant if Mt. Crested Butte Water and Sanitation is willing and able to supply water; Dawson said there is a separate district process, they will apply following sketch plan approval.

Diani was concerned, after reading many of the comments submitted, there is a wish to pit the Town of Mt. Crested Butte and the County against one another. He asked why the applicant is not working with the Town to annex. Rogalski said it does not meet the Town standards. Cattles said this proposal is substantially similar to adjacent properties. Pagano explained the applicant must show how they comply with the Towns' 3- Mile Plan, if there is a conflict the County standards apply.

Pagano read the names of comments received, and noted they are all part of the county file.

Public Comment

Janet Farmer speaking as an owner. She is not in favor of the application. She said annexation was not presented as an option. There are a sufficient number of lots and units without this development. There already will be affordable housing units/deed restricted for sale. The Mt. Crested Butte council voted 6 to 1 against the proposal. She hopes the County will respect the decision of their council.

Aaron Huckstep was not in favor of the application. He expressed concerns with the Towns of Mt. Crested Butte and Crested Butte, not being in favor. He recommended sending it back to Mt. Crested Butte for their reconsideration. Mt. Crested Butte has not said the applicant has a legal right to access this property from Hunter Hill Rd. If not this would be a waste of time.

Kathy Hooge was not in favor of the application. She was concerned this lot has been denied for development times. She also noted concerns with abandoned projects. The average days on market in Mt. Crested Butte is over 1000. There may not be work force housing in the project.

Bob Colvey was not in favor of the application. He was concerned with the geologic hazards in this area. He described several homes that had to repair their structures and install retaining walls at a significant expense. There would be site specific and geologic engineering to test the soil required. Soil testing will tell one thing and digging another. How would a buyer be informed about the geologic hazards?

Robert Valentine was not in favor of the application. He said he uses Overlook Dr. and Hunter Hill Rd. to access his property. Any development that could impact the road is a concern. Geotechnical work must be addressed. The developer is creating an LLC, to limit liability. If anything is damaged there should be a security bond for a period of 20 years. A personal guarantee in addition to the bond should be considered. Future costs are a significant concern.

Linda Colvey was not in favor of the application. The bus that drives this road runs on a 20 minute schedule all day and night. There are cars, bikes and pedestrians on this dangerous road. A car has slipped on to her property. The spot where the snow is pushed will be a significant issue. The snow will be plowed onto the access road, it will be saturated and add to the instability. The sewer line could also be impacted.

Pat Mullin was not in favor of the application. She described the major issues she encountered when adding a garage to her house on Hunter Hill Rd. Geologic hazard mitigation should be a concern.

Jim Mullin was not in favor of the application. He noted his concerns with noxious weeds, and the significant geologic hazards in the area. He built a home in the area and the builder said it was the most challenging lot he had ever built on.

Lewis Abrams was not in favor of the application. His concerns included road design, this project is not similar to its surroundings, the detention pond for drainage, and the overall concept. It is imperative water is left to drain quickly not in detention ponds.

Nancy Grindlay was not in favor of the application. She noted her concerns with the geo-hazards in the area, the drainage, the Mt. Crested Butte Water and Sanitation district annexation has not occurred.

Paul Hooge was not in favor of the application. His concerns included density, traffic, drainage and the significant geo-hazards. He pointed out the contentiousness caused by the County approved projects Aperture, Brush Creek Sketch plan, and now the possibility of this project approval.

Maria Martin was not in favor of the application. She was concerned with traffic, and that not enough of the neighborhood actually know this is in process.

Todd Barnes said he was the mayor of Mt. Crested Butte when the applicant applied for annexation. He explained the council was new and they were bombarded with projects at the time. When this was denied, the next step was to come to the County with an application. He said this is a responsible application, and the transition works. The previous application would have been better, but this application is here now.

Applicant Response

Dawson said most of the issues raised are in the application and will be addressed in the Preliminary Plan review. There is no requirement to reapply to the Town of Mt. Crested Butte. They do have a legal right to access the subdivision using Hunter Hill Rd. It is a public road, if Mr. Crested Butte denies it they will be in court. Evidence shows building is possible, it will require specific engineering. Mt. Crested Butte Water and Sanitation agree they will go through the annexation process during the Preliminary Plan phase. He reminded the commissioner this is not a popularity contest, comply with the LUR standards, and do solid good planning.

Staff Response

Pagano asked the commissioners what, if any, additional information they want. Cattles said they need a discussion on water and sanitation and the locational standards.

Mason asked about the performance bond requirement; Pagano explained the LUR requires 125% surety for the improvements.

Houck asked about the County Attorney's opinion on the contested access. Pagano noted the County Attorney said the Sketch Plan could be submitted, but guaranteed access is a requirement of Preliminary Plan.

Watt said there will be no massive retaining walls on this property. He added site specific engineering. Is not done before a house is designed. The bus stop is 125 ft. down the street from the driveway. The snow removed will not fall or be pushed down 25 ft. to this property. The detention pond will be used to slow down the water, to release at a historical rate.

Cattles requested the County Attorney comment on the access issue.

Cattles continued the joint public hearing to October 18, 2019 at. 9:00 A.M.

Regional Transportation Association (RTA); The Gunnison County Planning Commission conducted an informational work session, with Scott Truex representing the RTA.

With a quorum present Chairperson Cattles opened the work session.

There were no minutes taken.

Shady Island River Park (LUC-19-00037); The Gunnison County Planning Commission conducted a site visit. To see the proposed development of a River Park on an approximately 10.5-acre parcel, located approximately 1.5 miles north of the City of Gunnison on Highway 135. The park will replace the unpermitted North Bridge site used by boaters to launch boats. The park will include a safer boat launch, improved parking, camping, picnic and play areas, and improvements to the riparian areas.

There were no minutes taken during the site visit.

The meeting was adjourned at 1:30 P.M. and continued to the Shady Island River Park 8034site visit.

/S/ Beth Baker
Manager of Administrative Services
Gunnison County Community Development Department