

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: Friday, February 7, 2020**

- 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.** **Shady Island River Park**, Continued Public Hearing- to discuss the request to develop 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. **LUC-19-00037**

**Adjourn**

**COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Friday, February 7, 2020**

\*\*\*

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:**

Vice-Chairperson-Jack Diani Commissioner-Vince Rogalski Commissioner-Diego Plata 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
---	--

**Recused/Absent/Seated:**

**Absent:** Commissioner Spivey

**Recused:** Commissioner Cattles

**Seated:** Commissioner Puckett Daniels

\*\*\*\*

With a quorum present Vice-Chairperson Diani opened the February 7, 2020 regular meeting of the Planning Commission.

\*\*\*\*

**Shady Island River Park (LUC-19-00037):** The Gunnison County Planning Commission conducted a continued public hearing. They reviewed the request to develop 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

Chairperson Cattles has been recused from the review of this application.

With a quorum present Vice-Chairperson Diani opened the continued public hearing.

Present representing the Planning Commission: Commissioners Diani, Rogalski, Plata and Puckett Daniels.

Present representing the staff: Director of Community and Economic Development Cathie Pagano and Manager of Administrative Services Beth Baker.

Present representing the application: Director of Sustainable Operations John Cattles.

Cattles explained the revisions to application:

- Eliminated the central fire pit and moved two camping sites
- Install turn around on Mystery Lane
- Building privacy fence
- Signage will be placed
- Bear proof trash cans, dumpsters, and food containers
- Camping limited to 7 days

Diani asked if the rules of the park will be posted. Cattles said they will be posted on each campsite and the reservation app will include the rules. There will be a kiosk and a camp host.

Puckett Daniels asked about the bear proofing and wildlife friendly fencing. Cattles said it is not several hundred feet of continuous fence, there is a break in the run of fence.

Plata asked about the vegetation control and weed control plan. Cattles will work with professionals to control the Canadian Thistle. Pagano added a reclamation permit is required.

Carollyn Cherry was present as a proponent of the project. She said it is an excellent project.

Planning Commission reviewed the draft decision.

Diani closed the public hearing.

Moved by Rogalski seconded by Plata to approve LUC-19-00037-Shady Island River Park, as amended. The motion passed unanimously.

---

### **PROJECT DESCRIPTION:**

The applicant proposes the development of 10.5-acre site into a river park. The primary purpose of the park will be to provide riverside boat access and adequate parking and sanitary facilities. The current access site (across Hwy 135) at "North Bridge" is not a legal, permitted use nor does it provide adequate parking or infrastructure. The park is proposed to be open seasonally, generally from April through mid-October, weather permitting. No winter maintenance will be provided at the park including plowing of the access or parking area. Camping will only be permitted when a camp host is at the site; there may be times where the park is open for day users but not for campers (i.e. early spring).

The following amenities are proposed at the Park:

- 36 trailer parking spaces and 43 vehicle parking spaces
- 19 walk in tent only campsites and camp host site
- Boat prep and staging area
- Boat ramp
- Restrooms
- Picnic shelter
- Nature play area
- Nature trails
- ADA access
- Instream fisheries habitat improvements
- Vehicle turnaround on Mystery Lane

The parcel includes 730 linear feet of river front access along the Gunnison River, a 980 linear feet side channel within the property and abundant mature trees including spruce, cottonwoods and willows.

The Shady Island site was developed as an RV park with some small cabins on the property approximately 40 years ago. In 2006, a developer purchased the parcel and received approval to develop 16 residential subdivision lots on the property. At that time the developer removed the dilapidated cabins that were existing on the property. Today there still exist some buried utilities on

the site such as septic tanks. There are no structures on the property. Special events are proposed as part of this application. These events would require approval from Gunnison County as the property owner but may include events related to the Whitewater festival or outdoor education opportunities in partnership with CPW and/or local schools. Events will only be allowed between the hours of 8am-9pm and will comply with the noise standards of the LUR.

Shady Island River Park will allow ample parking for bicycles, cars, trucks, and trailers. The site will also include nineteen camping sites, picnic shelters with restrooms, trail loop system, recreation path connection, fishing access, boat staging area, beach area and access for non-boaters, gathering areas, picnic tables, and boat queue area.

The project phasing is as follows:

Phase 1: Site prep, install and gravel parking areas; infrastructure for water, sewer, electric; boat ramp; staging areas; campground; bathrooms; river, riparian, and habitat restoration. Habitat restoration work includes installation of larger boulders to provide slope retention along shoreline; river bank stabilization, added undulation to shoreline for habitat variety, adding boulder clusters to enhance habitat-creating cover and holding water for fish and enhancing wade angling. Installation of 36 trailer parking spaces and 43 vehicle spaces. Boat ramp is for larger craft; small craft (kayaks, SUPs, peds) will utilize small craft access area upstream of ramp. Pedestrian access will include trail and walkway improvements and routes to riverbank for fishing opportunities. Staff has submitted traffic analysis and proposed plan to CDOT and has discussed the proposal with CDOT staff and in September 2019 submitted a traffic analysis and proposed plan to CDOT for permitting.

Phase 2: Pave parking area and road; bathrooms; picnic pavilions; picnic tables; trails, pedestrian bridge connecting recreation path on west side of Highway 135 to Park (staff has had preliminary conversations with CDOT re bridge). The pedestrian bridge would increase ease of access for pedestrians and cyclists.

The applicant did revise the location of two of the campsites closest to Cline's Homesites at the January 24, 2020 public hearing. The two sites were relocated to an area that was noted on the site plan as being a group campfire location. The group fire pit will be removed and the two campsites will be relocated to that location. At that meeting the applicant also stated that they would make a turn-around location on the subject parcel that is on the north side of Mystery Lane to accommodate traffic that may inadvertently turn on to Mystery Lane.

The County staff conducted public outreach to obtain feedback on the proposed project in 2018 and 2019. The project team developed a diverse array of public outreach opportunities throughout the planning process. The project team met with government and nonprofit stakeholders to seek advice on water, riparian, fisheries and wildlife habitat. Seven stakeholders attended including the Upper Gunnison River Water Conservancy District; CPW staff aquatic biologist and district wildlife manager, representatives from Trout Unlimited's local and regional offices, City of Gunnison manager, and Gunnison County staff. Four staff and stakeholder meetings were held throughout the master plan process. Outreach and public participation is further detailed in the application.

The subject parcel is legally described as 10.5 acres in the NE1/4, Section 24, Township 50 North, Range 1 West, NMPM. 2728 Highway 135, the subject parcel is approximately 1.7 miles north of the City of Gunnison.

**IMPACT CLASSIFICATION:**

The project was initially classified as a Major Impact Project as identified in Section 7-101: B. *New Commercial, Industrial Larger than 5,000 sq. ft. or Five Acres*. Applicant requests a reduction in impact classification to a minor impact.

Section 3-111: B.1. states the following criteria for review of impact classification (in italics). *Demand for public services. The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.*

The proposed River Park is expected to generate a minor demand for public services. The current platting of the parcel allows for the development of 16 residential units. The proposed park use will have a reduced demand for public services including water supply, wastewater, schools, transit, fire and emergency services.

*Impacts on impact area and the environment. The proposed land use change is expected to generate a minor or a major impact on the impact area.*

The impacts on the area and environment are expected to be minor. The applicant proposes that the existing unpermitted use at North Bridge causes safety hazards due to access and inadequate infrastructure. The new proposed park will improve safety and reduce impacts in the area. The applicant also proposes instream and riparian area habitat restoration to improve the environment. Impacts associated with a park are expected to be less than impacts associated with a residential subdivision.

*Impacts related to all existing and proposed development and proposed development in impact area. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.*

The impacts of the proposed park are expected to be minor, particularly in consideration of the existing river access at North Bridge and the current platted approval for a 16-unit subdivision at the site. No new net impacts are expected that would be greater than the existing North Bridge site and the 16-lot subdivision.

The Planning Commission determined that the Minor Impact classification was appropriate.

#### **MEETING DATES:**

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

- September 6, 2019 Site Visit
- December 6, 2019 Work Session
- December 20, 2019 Work Session
- January 24, 2020 Public Hearing
- February 7, 2020 Public Hearing

#### **SITE VISIT:**

The Planning Commission conducted a site visit on September 6, 2019. The Planning Commission noted the heavy vegetation at the site and location of the adjacent residences.

#### **PUBLIC HEARING:**

The Planning Commission conducted a public hearing on January 24 and February 7, 2020. Public comment included:

- Support for the proposed camping
- A camp host is needed to mitigate noise issues, trash removal, and restroom cleanup
- Limitation of camping to 7 days is preferable
- Need for designated camp sites with associated infrastructure to reduce impacts in other areas
- Support for better river recreation experience
- Support for project because of access it provides to WCU students and teaching opportunities
- Support for river park but not camping. Concern that trespassing will be an issue
- Walk in tent camping is least desirable camping opportunity
- Changing areas for river users are important
- Request for berm installation rather than fence.
- Concerns about light pollution
- Proposed project moves traffic congestion from one side of highway to other side
- Concern about weed management
- Concern about users trespassing
- Desire for additional boat ramp and queue capacity
- Traffic congestion and turn times onto Highway 135
- Support for the relocation of the river access from west of Highway 135 to the proposed Shady Island site.
- Support for camping with infrastructure to alleviate impacts of human waste on water bodies
- Too many campsites proposed
- Phase project and install campsites later
- Not enough bathrooms
- Support for signage to discourage trespassing
- Project should have least possible impact since it is residential area
- Concerns about users turning onto Mystery Lane
- Concerns about possible fees associated with parking
- Questions about the operation of the campground and enforcement of rules
- Designated camping is needed throughout valley as impacts have increased from greater numbers of users

#### **REVIEW AGENCY REFERRAL COMMENTS:**

A copy of the complete application was sent via electronic mail to the following agencies: Colorado Parks and Wildlife, Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Fire Protection District and Colorado Division of Water Resources. Comments from the agencies and 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 as part of this application.

##### **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.**

Applicable, the application describes compliance with this Section.

*D. GENERAL STANDARDS. The following standards apply to commercial and industrial uses with the exception of mining and associated activities, that are regulated by Division 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials and to home occupations, that are regulated by Section 9-102: Home Occupations.*

*1. NON-RESIDENTIAL ACCESSORY USES. Uses that shall be considered accessory to a non-residential use include an office to run the business, a cafeteria, and similar support areas.*

Not applicable, no non-residential accessory uses proposed.

*2. FOOD SERVICE REQUIREMENTS. Food service activities, requiring a license or certificate of inspection pursuant to C.R.S. 12-44-201 through 12-44-213 and the production, storage and dispensing of ice shall be conducted pursuant with the physical and operational requirements of the edition of the Rules and Regulations Governing the Sanitation of Food Service Establishments in the State of Colorado in effect at the time the Land Use Change Permit application is submitted.*

Not applicable, no food service proposed.

*3. ELECTRICAL DISTURBANCES. No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that have a detrimental effect, including radio and television interference, on the operation of any equipment beyond the boundaries of the site. Electrical disturbances affecting operation of equipment beyond the boundaries of a site will require investigation and satisfactory resolution of the disturbance.*

Not applicable, no electrical disturbances proposed or expected.

*4. FIRE AND EXPLOSIVE HAZARDS. Materials or products which decompose by detonation shall be handled, sorted and utilized in accord with the National Fire Protection Association (NFPA) Standards and pursuant to standards and requirements of the applicable fire protection district. Design shall comply with the standards of Section 12-107: Fire Protection.*

Not applicable, no fire and/or explosive hazards at the site.

*5. GLARE AND HEAT. Any commercial or industrial operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make glare or heat imperceptible from any point along the property line.*

Not applicable, no glare and heat proposed or expected.

*6. EXTERIOR LIGHTING. Whenever exterior lighting is installed in a commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 13-114: Exterior Lighting.*

Applicable, any exterior lighting will comply with the standards of this Section and 13-114.

7. *ODORS. No industrial or commercial use shall cause or allow the emission of odors from any single source so as to result in detectable and unreasonable odors.*

Not applicable, no odors will be generated by the proposed park.

8. *RADIOACTIVITY. Releases and use of radioactive materials shall be as follows:*

a. *RELEASES. Release of radioactivity shall be subject to state and federal regulations, and any other agency having jurisdiction over such releases. Where conflicts between regulations exist, the most restrictive requirements shall apply.*

b. *USE OF RADIOACTIVE MATERIALS. Medical, dental and veterinary sources of radiation residues, including x-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical, dental or veterinary office, or medical research facility, whether mobile or fixed.*

Not applicable, no radioactivity proposed by the park.

9. *VIBRATION. No industrial or commercial use shall result in vibration perceptible to a person without instruments at any point along the property boundaries.*

Not applicable, no vibration proposed as part of the park.

10. *NOISE. Every use to which this Section applies shall be conducted so that any noise produced is not objectionable because of intermittence, beat frequency, or shrillness regardless of db(A) measurement. Sound levels of noise radiating 25 or more feet beyond the subject property boundary in excess of the db(A) established for the following time periods and uses may be considered a public nuisance as listed in Table 2: Maximum Permissible Noise Levels for Commercial and Industrial Uses*

Applicable, quiet hours will be established in the campground from 9pm-7am. The applicant has noted that no music will be allowed to be played through speakers.

### **Section 9-305: Seasonal Recreation Vehicle Parks and Campgrounds.**

Applicable, compliance with this Section is described in the application.

C. *GENERAL STANDARDS. In addition to the other applicable standards and requirements of this Resolution, recreational vehicle parks shall comply with the following:*

1. *COMPLIANCE WITH COLORADO DEPARTMENT OF HEALTH STANDARDS. Seasonal recreational vehicle parks shall comply with the requirements of the Colorado Department of Public Health and Environment's Standards and Regulations for Campgrounds and Recreation Areas, a copy of which is available in the Community Development Department.*

The proposed campground and park comply with the State's regulations. The campground is defined as a "semi-primitive" or "semi-developed" campground per Section 2.10 c. of the State regulations.

2. *VEHICLES, TENTS, TENT TRAILERS, OTHER CAMPING SHELTERS ALLOWED. All types of recreational vehicles as defined in this Resolution, and other camping shelters, may be located in a seasonal recreational vehicle park permitted by Gunnison County so long as each individual camping shelter is accommodated on its own site.*

Camp sites are restricted to walk-in tent sites only, with the exception of the camp host site which can accommodate a recreational vehicle. Parking for campers will be allowed in the main parking area for the park.

*3. SEASONAL OPERATION ONLY. Recreational vehicle parks shall be designed and constructed for seasonal operation only, and shall not accommodate year around residency, except for permanent constructed primary residences or other similar residences intended to house the property owner or park caretaker.*

The campground will be open seasonally and is expected to operate from March through October, weather dependent.

*4. PROPERTY LINE SETBACKS. Sites in a recreational vehicle park shall meet the following minimum setbacks from property lines (Table 3: Recreational Vehicle Park Property Line Setbacks):*

<i>FROM THE PERIMETER OF THE RECREATIONAL VEHICLE PARK:</i>	<i>75 feet</i>
<i>FROM EXISTING PRIMARY RESIDENCES, UNLESS THEY ARE SECONDARY USES WITHIN THE PARK</i>	<i>250 feet</i>
<i>FROM THE EDGE OF A PUBLIC ROAD RIGHT-OF-WAY</i>	<i>100 feet</i>

The proposed sites are for walk-in, tent camping only and do not accommodate recreational vehicles therefore the above setbacks do not apply to the tent sites. The camp host site does accommodate an R.V. and complies with the above setback requirements. The LUR includes the following definitions:

*“RECREATIONAL VEHICLE means a vehicle primarily designed as temporary living quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle including a travel trailer, camping trailer, truck camper, and motor home.*

*RECREATIONAL VEHICLE PARK means a parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.”*

*5. REFUSE DISPOSAL. Animal-proofed refuse containers shall be supplied and maintained pursuant to recommendations by the Colorado Division of Wildlife.*

Bear-proof trash containers and bear proof food storage containers will be supplied and maintained at the park and campground.

*6. DISPOSAL OF WASTE. Septage and other sewage or wastewater shall be disposed of only pursuant to a permit obtained in full compliance with the Gunnison County On-Site Wastewater Treatment System Regulations, and any other applicable County, state or federal standard or regulation. Compliance with those Regulations may require that a long-term On-Site Wastewater Treatment System be installed and maintained on the parcel.*

Bathroom facilities (no showers) will be installed in the park to accommodate users. The site is served by the North Valley sewer extension.

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

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

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

Not applicable. No miscellaneous uses or activities are proposed.

**Section 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 residential development is proposed as part of this application.

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

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

**Section 10-104: Locational Standards for Commercial, Industrial or Other Non-Residential Uses.**

*B. PRIMARY LOCATIONAL STANDARD. Proposed commercial, industrial and other non-residential development shall be reviewed for its location relative to existing development. In order of priority, this new growth should be located:*

- 1. ADJACENT TO INCORPORATED MUNICIPALITY. A proposed commercial, industrial, or other non-residential development should be located adjacent to a municipal boundary on land that qualifies for annexation into the municipality by meeting the criteria of the Colorado Municipal Annexation Act, C.R.S. 31-12-101.*

The proposed park is not adjacent to the City of Gunnison.

- 2. CONSISTENT WITH A MUNICIPAL THREE MILE PLAN AREA.*

Applicable, the proposed park is consistent with the City's comprehensive plan.

*C. ALTERNATIVE LOCATIONAL STANDARDS.*

- 1. LOCATIONAL CONSIDERATIONS.*
  - a. NECESSARY LOCATION.*

Not applicable.

- b. NO SITE IS REASONABLY ATTAINABLE IN OR ADJACENT TO THE NEAREST MUNICIPALITY OR EXISTING PERMITTED BUSINESS OR INDUSTRIAL PARK.*

Not applicable.

- c. LOCATION WELL-SUITED TO SPECIFIC USE.*

Applicable, the proposed park at the subject parcel is particularly well-suited to the use. It is the only location in the north Gunnison area that is publicly owned and allows access to the Gunnison River. The current river access site at North Bridge is in the Highway 135 right-of-way and is neither permitted

by the County or CDOT. The current site does not adequately or safely accommodate users. There are few sites along the Gunnison River that are available for public access (others include Almont, Tomichi Riverway park in the City of Gunnison, the Gunnison Whitewater park, and McCabe's Lane). A river access park cannot be located in a commercial or industrial park, it must be located on a site adjacent to the river that is suitable for public access. This site allows for excellent public access because of its proximity to the City of Gunnison, and the recreation path adjacent to Highway 135. The site will also provide a park amenity for residences north of the City of Gunnison.

*d. NEED OR USE IS WELL-SUITED IN A PARTICULAR AREA.*

Not applicable.

*e. USE IS DESIGNED TO SERVE A SPECIFIC RESIDENTIAL AREA.*

Not applicable.

*2. COMPATIBLE WITH EXISTING USES ESTABLISHED IN IMPACT AREA. The proposed use is compatible with uses established in the impact area.*

Applicable, the proposed park has been designed with public input and input from the neighboring property owners and is compatible and complementary to the existing uses in the impact area. The campground was specifically designed as walk-in tent camping to mitigate concerns from the neighbors about noise from RV's and their generators. A camp host will also be on site to address any issues that may arise relative to noise or disturbances created by campers. Additionally, the applicant has provided campground protocols requiring bear proof trash and food containers, quiet hours, and limitations on music to mitigate potential impacts to neighbors.

*3. NO SIGNIFICANT NET ADVERSE EFFECT. There will be no significant net adverse effect, including cumulative impacts when there is a reasonable probability that there are cumulative impacts, of the proposed and existing developments on adjacent land uses, County or other infrastructure, or public health, safety or welfare, or the environment.*

Applicable, no significant net adverse effect will be created by the development of the park. The park will be a public amenity and will create net positive effect on the adjacent land uses, public health, safety, welfare, and the environment. Testimony at the public hearing from land managers from U.S. Forest Service, BLM, and CPW noted the need for established campgrounds with associated infrastructure to reduce the impacts to the environment that are being caused throughout the County due to dispersed camping.

**Section 11-102: Voluntary Best Management Practices.**

Applicable, no submittal requirements are required to be submitted.

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

Applicable, portions of the subject parcel are within the 100 year floodplain. The applicant shall be required to submit a flood elevation certificate and a floodplain development permit for the proposed development. The proposed uses in the floodplain including the boat ramp and in stream restoration work shall be evaluated for their potential impact on the floodplain by a Colorado licensed engineer.

The application states: "The County has contracted with McLaughlin and Associates, an engineering firm specializing in river restoration, boat ramp design, and river recreation to develop

the water side amenity plans and restoration work. Along with those designs McLaughlin will develop the flood hazard analysis to identify any impacts to the floodplain associated with the proposed improvements.” Proposed activities shall require a County Floodplain Development permit and permitting through U.S. Army Corps of Engineers as a condition of approval.

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

Not applicable. The subject parcel and proposed development is not in an area of geologic hazards.

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

Not applicable, the subject parcel is in an area of low wildfire hazards.

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

Applicable, a copy of the application has been sent to Colorado Parks and Wildlife and Gunnison County Wildlife Coordinator for review and comment.

Comments from Aleshia Rummel, Wildlife Biologist for the Gunnison Conservation District in a letter dated September 25, 2019 state:

*“The parcel does not contain Gunnison Sage-grouse Tier 1 Habitat (score  $\geq$  15) as mapped using the 2018 Habitat Prioritization Tool (Gunnison Basin Sage grouse Strategic Committee 2018). The overall habitat scores for the parcel range from -22 to -14. The southern portion of the parcel includes the Gunnison River, and the remainder of the parcel is primarily riparian vegetation. The western parcel boundary is adjacent to State Highway 135. Given the existing vegetation and the proximity to the highway and river, this parcel does not contain the physical and biological features of sage-grouse habitat.”*

The applicant has worked with staff from CPW during the public outreach process to identify opportunities to restore the fisheries and riparian habitat along the river and at the subject parcel. Comments from Chris Parmeter, District Wildlife Manager, in a letter dated November 8, 2019 state:

*“CPW officials, including J Wenum, Area Wildlife Manager; Chris Parmeter, District Wildlife Manager; Brandon Diamond, District Wildlife Manager; and Dan Brauch, Aquatic Biologist have met on site and consulted with County officials on development of the parcel as a park.*

*The parcel is identified as Tier II habitat for Gunnison Sage-grouse which is listed as threatened by the US Fish and Wildlife Service, however the Shady Island parcel is not an area of current or known Sage-grouse habitat, and it is not expected that the park will have any impacts on the Gunnison Sage-grouse.*

*The area will likely be used as a travel corridor for bear and deer. CPW recommends ‘bear boxes’ or some other form of bear-proofing be utilized to secure attractants at the campsites. The use of ‘bear proof’ trash containers is also strongly recommended, as is wildlife friendly fencing.”*

*The County has proposed river, riparian, and fisheries habitat restoration work as part of this project and will continue to consult with CPW to ensure the plan aligns with CPW’s recommendations.*

*Gunnison County has shown that education of users is an important component of their plan for the park. On-site education opportunities for schools, outdoor programs and others to utilize the site for environmental and outdoor education have been planned with input from Gunnison County Sustainable Tourism and Outdoor Recreation Committee, Trout Unlimited, the Upper Gunnison River Water Conservancy District, and CPW.*

*We feel that this project will help meet a growing demand for Gunnison County residents and visitors—a large portion of which are sportsmen and women—and is aligned with the mission of Colorado Parks & Wildlife.”*

The applicant has agreed to install bear-proof trash containers and food storage containers at the site.

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

Applicable, the proposed uses are within 125 feet of a water body. A wetlands delineation has been completed by BioEnvirons and the location of the jurisdictional wetlands are identified on the site plan.

The proposed roads are exempt from the water quality protection setback requirements per Section 11-107: C. f. Roads and Bridges.

The proposed river amenities including the boat ramp are required to demonstrate that the project location is unavoidable and that it has been designed to minimize encroachment into the buffer. The proposed use does meet the criteria for this section because the use is “water dependent and authorized.”

The application states:

**2. PLAN FOR WATER QUALITY PROTECTION.**

The County has worked with the engineering team, Bio-Environs, and the U.S. Army Corps of Engineers to develop a plan that has the few impacts to the water bodies on the property. There are several small wetlands on the property which are noted on the site plan. The current location of the proposed pedestrian bridge and group campsite will be relocated to maintain a 25-ft. setback from the water body.

**a. TOPOGRAPHIC FEATURES, DEVELOPMENT AND PROPERTY LINES.**

See attached site plan from SGM titled, “Overall Site Plan and Utility Plan,” dated August 12, 2019.

**b. GRADING PLAN**

See attached “Grading and Drainage Plan,” prepared by SGM and stamped by Randy Sackett, P.E. dated August 12, 2019.

**c. SOIL AND SOIL STOCKPILES.**

See attached water quality protection plan. Materials will be stored outside of the inner restrictive buffer areas in the parking areas during construction.

**d. EQUIPMENT AND WASTE MATERIAL STORAGE.**

See attached water quality protection plan. Materials will be stored outside of the inner restrictive buffer areas.

e. *DRAINAGE FACILITIES.*

See attached "Grading and Drainage Plan," prepared by SGM and stamped by Randy Sackett, P.E. dated August 12, 2019.

f. *WATER QUALITY DATA.*

g. *LOCATION OF PROPOSED PERMANENT AND TEMPORARY ROADS.*

See site plan from SGM titled, "Overall Site Plan and Utility Plan," dated August 12, 2019.

3.b. *SHOWING OF UNAVOIDABILITY.*

1. *Land Use Change is Water Dependent and Authorized. The proposed land use change in the Restrictive Inner Buffer is water dependent (including docks, piers, watercraft launches and ramps, flood control structures, water diversion facilities, and stream bank stabilization structures) and is authorized by each appropriate regulatory authority (including but not limited to the U.S. Army Corps of Engineers)*

The proposed location of the river amenities including the boat ramp and river access sites are water dependent. The County is currently working with McLaughlin and Associates to finalize the design of the boat ramp and instream/riparian restoration work to submit 404 permit applications to the U.S. Army Corps of Engineers.

The applicant initially proposed to install a privacy fence along the side channel on the north side of the island on the subject parcel to mitigate potential impacts from the park to the neighbors. Staff's initial review noted that the proposed fence is within 25 feet of a water body, as defined by the Gunnison County Land Use Resolution, and that installation may not comply with the standards of this Section.

Section 11-107: C.1.c. applies to the entire Shady Island project rather than individual components of the project (such as the fence). The applicant proposes that the fence will be used to and designed to minimize human physical encroachment into the water body and prevent habitat/degradation along the bank in compliance with Section 11-107: E.3.b. *Showing of Unavoidability*. Since the fence will be utilized to protect the water body and the inner restrictive buffer the Planning Commission finds that fence minimizes encroachment into the water body of humans and will also minimize habitat degradation and vegetation loss since it prevents people from walking along the side channel and in the inner restrictive buffer.

The proposed land use change in the inner buffer is inclusive of all components of the project and that the project is unavoidable because boat ramps and river access parks must be located adjacent to a water body. In compliance with Section 11-107: E.3.b.1. *Land Use Change is Water Dependent and Authorized*, the proposed fence and improvements shall demonstrate compliance with this Section and as a condition of approval shall provide documentation of all required federal, state and local permits. The applicant has noted that they have been in contact with the U.S. Army Corps of Engineers regarding permitting of the proposed park. The applicant is awaiting final design of the boat ramp to enable submittal of the permit application documents to the Army Corps.

**Section 11-108: *Standards for Development on Ridgelines.***

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

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

Not applicable, the proposed application is not adjacent to agricultural lands.

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

Not applicable, the site is not located beyond snowplowed access.

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

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

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

Not applicable, the site is not located above timberline.

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

Applicable, a copy of the application was referred to Gunnison County Public Works and the Colorado Department of Transportation for review and comment.

Applicable, the “Road Plan and Profile” has been submitted and is stamped by Randy Sackett, P.E. A traffic study has also been prepared by SGM and was submitted to CDOT.

Marlene Crosby, Director of Gunnison County Public Works noted in an email dated November 7, 2019 that, “Public Works does not have any comments that have not been made during earlier reviews of the plans.”

State highway access permit no. 319194 was issued by CDOT on January 9, 2020. The access shall align with Arapahoe Road and requires re-striping of the turn lanes into the subject parcel in cooperation with CDOT.

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

Applicable, the applicant proposes new public trails on the parcel. The trails will be constructed utilizing the “Gunnison County Trails Master Plan” for guidance.

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

Applicable, the applicant proposes to utilize the existing well on the subject parcel. Well Permit No. 29692-F was previously issued by the State and is still valid for the proposed park use on the parcel. Proposed water demand at the site is anticipated to be approximately 0.56 acre feet per year, well under the 4+ acre feet allowed by the well permit.

Comments from Megan Sullivan, Water Resource Engineer, of Colorado Division of Water Resources in a letter dated November 8, 2019 state:

*“The proposed source for the potable water supply for the park which includes restroom facilities, water spigots for the tent only campsites, and a single RV hookup for the camp host site is from an existing well currently permitted under well permit no. 29692-F. This permit was issued on February 6, 1986 to construct a well to be used for commercial purposes, specifically to supply a 42 space recreational vehicle park, which was one of the past uses of the property. While the permit specifies the commercial use as being for an RV park, we do not consider the commercial use of the well to be limited to this specific use. The uses proposed for the Shady Island River Park would be in compliance with the allowed commercial uses under this permit. Furthermore, the permit limits the annual*

*amount of groundwater to be appropriated to 4.76 acre-feet. A calculated estimate of the water demands for this proposal show that conservatively, the water demands to supply the public restrooms and the spigots for the campground would be approximately 0.56 acre-feet per year, well below the permitted acre-foot amount.*

*This office would not have an objection to proposal to use the existing well to supply the identified potable needs for the Shady Island River Park as long as the well is operated in compliance with the conditions of approval for the well permit. Please note that the current permit, permit no. 29692-F was issued at a time when water was available for appropriation which meant that while the well is not exempt from administration in Colorado's water rights priority system, the well would not have been required to operate under an approved plan for augmentation. The status of the Gunnison River has since changed and is now considered to be over-appropriated. Because of this change the well may be subject to administration in the future and required to operate under a plan for augmentation to replace any out-of-priority depletions that impact the Gunnison River.*

*Without an approved plan for augmentation, the well could be ordered to be curtailed (shut off). It is recommended that the County explore options to obtain a source of augmentation water, such as a contract with the Upper Gunnison River Water Conservancy District, to replace any out-of-priority depletions in order to continue to operate this well and not have the well be curtailed under future administration."*

Well Permit 29692-F-R was issued by the Colorado Division of Water Resources and is valid for commercial purposes in a 42 space recreational vehicle park (based on the 1986 original permit for the Shady Island RV park) and the withdrawal of no more than 4.76 acre-feet of water per year.

Because the proposed water supply is intended to serve the public it is also reviewed by CDPHE for compliance with public water supply system standards. Comments from Kate Morell, Environmental Compliance Specialist, CDHPE in an email dated October 25, 2019 state:

*"I see that the water supply is an existing well that a treatment system was not mentioned. With the information given this will be a public water system that will need to meet Regulation 11 drinking water standards.*

*A design application will need to be submitted to CDPHE Engineering. I have included the application for your reference.*

*Water quality parameter testing will need to be established as part of the design application process. This is going to be important piece, because the proximity to a body of water (river or lake). A classification of the well Ground Water versus Ground Water Under the Direct Influence of Surface water (GWUDI) will determine the level of water treatment that will be required.*

*Installation of a treatment system will be needed for this water source. Also employment of a water operator to maintain the system will be necessary. This is all items that we will go through together, but I wanted you to have a reference for your permitting process."*

The County is working with a designer to design a water treatment system and complete the State review process. A condition of an approval shall require compliance with State standards and issuance of the appropriate permitting.

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

Applicable, the applicant proposes the installation of bathroom facilities at the site. The site is currently served by the North Gunnison sewer line extension. No dump station for RV's is proposed at the site.

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

Applicable, the proposed development is located within the Gunnison Fire Protection District. The application was referred to the Gunnison Fire Protection District and no comments were received.

**Section 13-102: B.: Location Within Municipal Three-mile Plan Area**

Applicable, the subject parcel is within the City of Gunnison municipal three-mile area and a copy of the application has been sent to the City for review and comment.

Comments from Greg Larson, Chair of the City's Planning and Zoning Commission in a letter dated October 23, 2019 state:

*"Based on the existing Three-Mile map, the property is designated as Rural Residential (1 unit per 5 to 35 acres) and is located outside of the Urban Growth Boundary. The Three Mile Plan states 'Non-urban residential designations are expected to be applied primarily to lands outside of the urban growth boundary.'*

*...The creation of the park will address many of the existing access and safety issues.*

*The City supports the proposed minor impact application for the Shady Island River Park and understands the County has received public comment regarding the park through numerous public meetings. The Shady Island River Park will provide needed amenities for multiple users within the valley."*

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan, "\_\_\_\_\_", meets these criteria.

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

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

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

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

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

No applicable, no solid fuel burning devices are proposed as part of this application that meet the definition of this section.

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

Applicable, the proposed use of the parcel meets the definition of open space and complies with the standards of this Section.

**Section 13-109: Signs.**

Applicable, a 50 square foot sign identifying the park is proposed at the entrance.

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

The number of parking spaces complies with **Appendix Table 3 and this section. 79 parking spaces are proposed for vehicles, trailers and ADA.**

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

Applicable, a landscaping plan is included in the site plan. The applicant plans to maintain the existing trees and landscape elements that are at the site. The site is heavily treed and provides screening from the neighbors and highway. The applicant proposes to install a 6-ft tall privacy wood fence along the property line with Cline's homesites.

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

Not applicable, the site will not be maintained in the winter and therefore snow storage is not required.

**Section 13-113: Fencing**

Applicable, this section applies and any fencing proposed shall comply with this section. The applicant proposes to install a 6-ft tall privacy wood fence along the property line with Cline's homesites as shown on the site plan.

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

Applicable, this section applies and any exterior lighting proposed shall comply with this section.

**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, 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, See attached "Grading and Drainage Plan," prepared by SGM and stamped by Randy Sackett, P.E. dated August 12, 2019.

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

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

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

The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas. County staff conducted significant public outreach during the design of the Shady Island River Park. Staff and designers met with neighbors on site, met with the general public and interested stakeholders (outfitters, guides, CPW, Trout Unlimited) to design the park in a thoughtful and compatible manner. Impacts to adjoining neighbors have been mitigated by creating tent-only campsites and contracting with a camp host to enforce quiet hours and camping regulations at the site. The construction of a fence and relatively light impacts along the border of Cline's homesites have been designed to limit any adverse impacts to the neighbors. The development of the site as a park rather than a subdivision is anticipated to be a benefit for the neighborhood and community. The applicant

submitted campground protocols establishing quiet hours, limitations on music, and relocated two campsites adjacent to Cline's homesites to the west in an area previously identified as a group campfire site.

**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. Portions of the subject parcel are within the 100-year floodplain.
3. There are proposed activities within 100 feet of a water body.
4. The proposed fencing minimizes encroachment into the water body of humans and will also minimize habitat degradation and vegetation loss since it prevents people from walking along the side channel and in the inner restrictive buffer of the water bodies on the subject parcel.
5. CDOT has issued access permit No. 319194 has been issued for the proposed river park.
6. Well Permit 29692-F-R was issued by the Colorado Division of Water Resources and is valid for commercial purposes in a 42 space recreational vehicle park (based on the 1986 original permit for the Shady Island RV park) and the withdrawal of no more than 4.76 acre-feet of water per year.
7. A sign has been proposed as part of the application and no additional sign permit shall be required.
8. This application is consistent with the standards and requirements of this *Resolution*.
9. 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 and public testimony, has reached the above Findings and recommends that LUC-19-00037 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. A flood elevation certificate, stamped by a Colorado-licensed engineer and floodplain development permit shall be submitted to and approved by the Community Development Department prior to the commencement of construction.

3. In compliance with the recommendations from CPW, bear-proof trash containers and food containers shall be required at the proposed park.
4. All activities within 100 feet of the water body shall be completed in compliance with the submitted water quality protection plan, the Standards of Section 11-107: Protection of Water Quality, and applicable state and federal standards.
5. Installation of water quality protection measures shall be installed prior to commencement of construction and shall be inspected and approved by Community Development department staff.
6. Applicable permits from the U.S. Army Corps of Engineers for compliance with the U.S. Clean Water Act shall be submitted to the Community Development Department prior to the commencement of construction.
7. The applicant shall comply with the drinking water standards of the Colorado Department of Public Health and Environment and provide applicable evidence to the Community Development Department prior to providing water to the general public.
8. The proposed park shall be connected to the North Valley sewer extension for wastewater treatment.
9. No overnight camping shall be allowed at the park unless a camp host has been contracted to staff the park.
10. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
11. 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.
12. 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.
13. 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.

---

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