

GUNNISON COUNTY PLANNING COMMISSION
AMENDED -PRELIMINARY AGENDA: Friday, June 18, 2021
Blackstocks Government Center 221 No. Wisconsin 2nd floor

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. Dos Rios Village Townhomes (LUC-20-00015): Joint Public Hearing. The Applicant proposes to build six buildings containing four townhomes each for a total of 24 townhomes. Twelve of the townhomes will be 2-bedroom, 1.5 bath at 900 square feet total. Twelve of the units will be 3-bedroom, 2-bath at 1,125 square feet. The total aggregate floor area of all the buildings is 13,524 square feet. The application spans two lots, Parcels 2 and 3. Property located at 37764 W. Highway 50, Gunnison, Co.

10:00 a.m. Alpha Mechanical Solutions (LUC-18-00025): Work Session. The Applicant has requested a three-year extension to their Planning Commission Minor Impact approval, dated September 7, 2018. Property located at 37610 W. Highway 50, approximately one mile west of the City of Gunnison, south of Highway 50, bounded by Shavano Dr. on the west and south, legally described as .92-acres in the Ne1/4NW1/4 section 10, T49N, R1W, NMPM.

10:30 a.m. Planning Commission; Work Session. Discussion Gunnison *County Land Use Resolution*, Section 13-105: Residential Building Sizes and Lot Coverages.

Adjourn

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, June 18, 2021**

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. and on ZOOM Present:

Chairperson- Laura Puckett-Daniels Commissioner-Vince Rogalski Commissioner-Melanie Miller Commissioner-Scott Cox Alt. Commissioner-Beth Appleton Alt. Commissioner- Julie Baca	Director of Community and Economic Development-Cathie Pagano Senior Planner – Rachel Sabbato Senior Planner- Hillary Seminick Manager of Administrative Services- Beth Baker BOCC- Liz Smith, and Jonathan Houck Others present as listed in text
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Absent: Commissioner Sovick

Recused:

Seated:

ZOOM: Commissioners Baca, Miller and Cox

With a quorum present Chairperson Puckett Daniels opened the June 18, 2021 regular meeting of the Planning Commission.

Moved by Rogalski seconded by Miller to approve the Planning Commission meeting minutes of May 21, 2021 as presented, the motion passed unanimously.

Unscheduled Citizens:

Tim Szurgot said Eagle County has a wildlife mapping tool to use for development. He was concerned with the wetlands and riparian areas.

Dos Rios Village Townhomes (LUC-20-00015): The Gunnison County Planning Commissioners and the Board of County Commissioners conducted a joint public hearing. The Applicant proposes to build six buildings containing four townhomes each for a total of 24 townhomes. Twelve of the townhomes will be 2-bedroom, 1.5 bath at 900 square feet total. Twelve of the units will be 3-bedroom, 2-bath at 1,125 square feet. The total aggregate floor area of all the buildings is 13,524 square feet. The application spans two lots, Parcels 2 and 3. Property located at 37764 W. Highway 50, Gunnison, Co.

With a quorum present Chairperson Puckett-Daniels opened the joint public hearing.

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

Attorney for the applicant Jacob With explained the application. He noted the utility engineering has not been completed yet. He said the applicant will construct six buildings, containing 24 units on an approximately 2.1-acre parcel. The parcel is between the Fairway Condos and the church. It is also close to the Heatherwood Villas. It is very similar to the density of the surrounding developments, this will essentially be infill development. The Fairway Condos have 13.6 units per acre, the motel is 21 units per acre, the Heatherwood Villas are 5.2 units per acre, and the applicant's project will be 11 units per acre. He pointed out it is in keeping with the surrounding densities.

Seminick noted this project would have had to go through a major impact review but the applicant requested an impact reduction. The applicant was required to meet the standards:

- **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 Applicant response:*** *The proposed land use change is not expected to generate a major demand for public services, including roads, transit, schools, water supply, sewage disposal, police protection, and emergency services. No new roads or substantial road changes will be required outside of the subdivision. Existing public roads should not be impacted by this proposed land use change. No changes are requested for transit. Compared to the existing approval for the property, only six additional units are proposed. Six additional units is technically a major impact but, given the clustering of the units with the units permitted under the existing entitlement and placement in the community, including available infrastructure, the demand will be minor as discussed more below.*
- **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. ***Applicant Response:*** *The proposed land use change is expected to generate a minor impact on the impact area and environmental resources and hazard areas. The development is located adjacent to two other condominium developments, a hotel, a church and the highway. Existing development renders the property of poor environmental value or utility because it is both small and surrounded by other impacts that do not allow for environmental use. As a result, the proposed project will have nominal impact.*
- **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. ***Applicant response:*** *The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area is minor. The addition of the six units to the existing project, as well as the project as a whole, will have a minor, if any, impact when considered in conjunction with the existing and proposed land use changes in the impact area. As stated above, the property is surrounded by other uses of a comparable, if not greater, impact.*

Pagano explained the standards for a major or minor impact project are exactly the same.

Seminick noted Colorado Department of Transportation (CDOT) has reviewed the access permit application and had no concerns with additional traffic. The project will tie into the Dos Rios water and sewer system. The density is consistent with the surrounding development. The City of Gunnison found this addressed goals of creating housing, which is critical at this time.

Public Comment:

Janet Fennern is an adjacent owner of the proposed development. Her concerns included:

- The deed restricted component was deleted
- Housing to be affordable or free market?
- Tying into the Dos Rios water and sewer plant could decrease the water pressure
- The density is too high for the area
- There are no garages proposed
- The wildlife travels through the area

Dana Brown representing the Fairway Condominium HOA concerns were very similar to Fennern and additionally:

- Are there covenants?
- The outside lighting
- The adjacent developments property values
- Will these be free market or all rentals?

Steve Warren, adjacent neighbor agreed with Fennern and Brown's concerns with the density and added it seems to abut some of the Heatherwood condos.

With addressed public comments. He explained the deed restrictions were withdrawn because of the prohibitive cost to build. The public utilities are sufficient. Public Works has not expressed any concerns with water pressure. Director of Public Works Marlene Crosby said the utility layout may need to be relocated and it would end up better. The density is in line with the surrounding developments. Fairway condos has 13.6 units per acre and they run along the property line. On the other side there is a hotel. There is a small portion of open space. The lack of garages was considered in terms of affordability. The possibility of carports is being considered. Ensuring it has open space, the project will adhere to the county standards. The lighting will be full cutoff shielded lighting. The expectation is the housing will be consistent with what is anticipated with no affordable housing- deed restricted housing. They will be individually owned, they could then be rented.

Puckett-Daniels asked how many parking spaces were provided. Seminick said there are two spaces per unit.

Miller asked if deed restrictions were considered. With said it was initially considered but has been withdrawn. Seminick said this type of housing meets the middle, people who don't meet affordable housing requirements and are not able to afford much of the housing now on the free market. It is attainable housing for a variety of income brackets. It is the type of housing desperately needed.

Seminick noted the project complies with County setback, and landscaping requirements. The covenants address the lighting concerns.

Fennern asked what the price of the townhomes will be. Seminick said the County does not control the price point. The Van Tuyl development has townhomes which may be comparable in price. The landscaping will be very minimal. She noted she would like trees and bushes planted to limit noise and visual impacts. The density should be down scaled with more pristine appealing landscaping and should include garages.

Brown reiterated the concerns with landscaping and maintenance. He added he is concerned with cement and weeds.

Seminick explained, if approved, the applicant will be required to provide a Development Improvement Agreement (DIA) which provides financial surety so landscaping and utility improvements will be completed.

Fennern asked about the improvements to the utilities. Puckett-Daniels noted the County and the applicant are working on the utilities.

BOCC Houck said he appreciated the comments and concerns. He is comfortable the County will ensure the infrastructure improvements of the new development are completed with the DIA. The lighting standards in the LUR are more stringent than the older surrounding developments. He noted this type of housing price point is critically needed. The County has a consistent record ensuring the improvements are completed. The community has been very clear, it wants to see compact development in and around the city and more spread out as one gets next to agriculture, to prevent sprawl. Infill development like this proposed project is close to utilities. There is always fear of change. We do hear the concerns. He said the boxes have been checked. None of the standards get lowered from major to minor impact. This proposed project meets the community goals and the expectations and standards. Commissioner Mason was at another County meeting.

BOCC Smith said we all know people need housing that is attainable, it is happening county wide. We need this type of development to make the community work. The LUR has protections and guidelines.

Rogalski agreed with Houck and Smith the cost of housing in Gunnison has risen fast. The prices in his neighborhood have doubled in the last 15 years. We do need some attainable housing.

Puckett-Daniels continued the public hearing to July 23, 2021 @ 9 A.M.

Alpha Mechanical Solutions (LUC-18-00025): The Gunnison County Planning Commissioners conducted a work session. The Applicant has requested a three-year extension to their Planning Commission Minor Impact approval, dated September 7, 2018. Property located at 37610 W. Highway 50, approximately one mile west of the City of Gunnison, south of Highway 50, bounded by Shavano Dr. on the west and south, legally described as .92-acres in the Ne1/4NW1/4 section 10, T49N, R1W, NMPM.

With a quorum present Chairperson Puckett-Daniels opened the work session.

Owner of Alpha Mechanical Fred Niederer explained he had received a land use change approval three years prior. He is now requesting an extension for the warehouse improvements. The existing building was completely gutted on both the inside and outside. The fencing and tree planting are complete. The approved two shop bays to the east have not been completed. The expansion will increase the warehouse facilities and add an area for an apprenticeship program. There is chance part of the addition will be two stories.

Director of Community and Economic Development Cathie Pagano said there is an opportunity to request an extension within the LUR, for the 2018 approval. The applicant has applied prior to the three-month deadline. Alpha Mechanical has adhered to all the standards. She noted the proposed apprenticeship program would be a benefit to the community.

Moved by Appleton seconded by Rogalski to approve a three-year extension of the LUC-18-00025 Alpha Mechanical Solutions approval. The motion passed unanimously.

Planning Commission: The Gunnison County Planning Commissioner conducted a discussion of the Gunnison County Land Use Resolution, *Section 13-105: Residential Building Sizes and Lot Coverages*.

With a quorum present Chairperson Puckett-Daniels opened the discussion.

Director of Community and Economic Development Pagano said the Board of County Commissioners (BOCC) met June 1, 2021. Following a discussion on larger residential structure building applications and permits in unincorporated Gunnison County, the BOCC directed the Planning Commission to review and consider limiting the size of residential structures. The current maximum square footage allowed on a single residential parcel is 12,500 sq. ft. The maximum house size is 10,000 sq. ft. with a maximum of 2,500 sq. ft. of additional structures. There is an opportunity to request additional square footage, through a minor impact land use change application. She added before 2003 the square footage limits were 5,000 sq. ft. for a residential structure and an additional 2,500 sq. ft. of structures. She explained the staff has collected data on house size from 2007 through 2021. She said the data showed most of the houses constructed are less than 5,000 sq. ft. There are a few larger homes each year.

Cox asked what size the lots were, because it makes a difference what size a lot was and the size of the house. He added it would be useful to know. He is trying to understand if the changes to the allowed square footage are made, would it impact the exempt 35-acre parcels. Pagano said many of the larger homes were built on 35-acre exempt parcels. Cox asked if the changes suggested would affect the already exempt parcels. Pagano that is question to review with the County Attorney. She explained these parcels were platted and covenants recorded before 2000. The plats and covenants were not reviewed by the County.

Puckett-Daniels asked how built out these exempt subdivisions are. Pagano agreed we could look at that.

Planner Hilary Seminick said staff worked with the County Assessor office to determine the aggregate floor area it included houses, sheds, etc. Most of aggregate floor area was between 2000 and 3000 sq. ft. She said above 4,000 sq. ft. the numbers drop off precipitously. The information was based on how it was categorized by the County Assessor. Only 9% have an aggregate greater than 6,000 sq. ft., from 2007.

Miller asked if we can we regulate how the residential properties are being used and how much are there being lived in. Pagano said it is probably not legal and next to impossible to enforce. A nexus for a part time resident would be very difficult to enforce.

Pagano explained the houses being built this year do seem to be larger. Environmental Health Official Crystal Lambert agreed.

Pagano said there is no longer a minimum sq. ft limitation. There is building code component. There is a tiny home building code, but there are still guidelines.

Pagano noted there are subdivisions with covenants, approved by the County which would be potentially in conflict with the smaller square footage limitation. Those subdivisions would be allowed to have the larger houses.

Lambert said there have been good and bad outcomes for septic systems (OWTS). She noted periods of extreme use and then no use is detrimental to the septic system. How much it is used, how it is maintained and what goes into the system are all factors. She said limiting waste water sizing maybe a house size limitation tool in populated / concentrated areas. She suggested the Environmental Health (EH) Board could be the body to draft the regulations to be considered by the BOCC.

The current regulations work well when they are used in spread out rural areas. But, there are limitations with the concentration of systems in the subdivisions outside the town limits. If people use systems as designed they tend to work well, but when over used it can cause loading, ruining a field. Often times when a septic is not working properly you don't know it.

Pagano suggested the Planning Commission could request the EH Board for recommendations. A house size limitation could be implemented, allowing a larger house only if connected to central sewer. Outlying areas are not served by central sewer, so it would be very impactful.

Cox said he understands the concerns, but does not see the connection to larger houses. Lambert said the general trend is the bigger the house the bigger the septic system. The nature of the occupancy tends to be the bigger house the less it is used and maintained. Puckett-Daniels suggested education and outreach for the houses and owners with septic systems.

Miller asked if the density/concentration of housing is having a negative impact on the drainages. Seminick explained the County requires a Transfer of Title application when properties with septic systems are sold.

Puckett -Daniels asked what the reduction in house size goals are. Pagano said the community has been very verbal lately, in opposition to the extreme sized houses. BOCC Smith added there has been a community outcry with certain types of development. Also, larger homes tend to use more resources. It seems it would not be terribly disruptive and would be respectful of limited resources.

Director of Sustainable Operations John Cattles said the larger houses use more energy than the smaller houses, making a direct nexus to the stated goals of BOCC. He said charging an energy fee for a larger home, hot tub, heated sidewalks, etc. could be a mitigation tool. Cattles explained the BOCC sets the goal of green house gas emissions. They could be met by building smaller and more efficient homes.

Seminick said a larger home makes a larger energy consumption generation rate. It requires house keepers, cleaners, landscapers, all adding to the house trip generation. Pagano agreed it goes up drastically with the increase of house size.

Puckett-Daniels asked what the negative consequences would be, if house size was limited. Pagano said in 2003 they felt it was valuable to allow the larger homes.

Pagano said limiting the house size benefits include:

- Decrease greenhouse gases
- Decrease visual obtrusiveness
- Decrease in septic loading
- Increase in affordability of a smaller home

Miller asked what the intended outcome is. Pagano said this is just one piece of it. The initial direction from the BOCC was they want to consider reducing house size.

Puckett-Daniels said this is not intended to be the solution, it is a response to what the community wants it to look like. It would be beneficial for sustainability and environmental concerns. Smith agreed citizen comments are important.

Cox said most of this is immaterial, and he doesn't understand looking at this priority. Specific to this issue, let's just address the community value issue. He pointed out the Gunnison County *Land Use Resolution* is prejudicial against smaller lots and density.

Baca said she is interested in impact fees and protecting riparian areas. The size of a house is impactful in riparian areas.

Pagano said the conversation will be continued with some education. We will also determine the goals and how they can be attained.

Miller said understanding the BOCC's intentions and goals is critical.

The meeting was adjourned at 12:00 P.M.

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

