

GUNNISON COUNTY PLANNING COMMISSION
AGENDA: FRIDAY, September 3, 2021
Blackstock Government Center 221 N. Wisconsin Suite D.
You may participate in person or on ZOOM

- 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):** Continued 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. Parcel Number 378710018005.
- 9:40 a.m. Marble Base Camp (LUC-19-00049):** Work Session. Applicant proposes to formalize and continue the historic use of the property for outdoor education by public schools and to allow for minor improvements to address maintenance and to support the existing programming on the site. Property located at 727 Forest Service Rd. 315, Marble, Co. Parcel No. 291500000007.
- 10:20 a.m. Wattles Subdivision-(LUC-20-00002):** Work Session. Applicant proposes to subdivide 8.9 acres of what was known as Rockey River Resort into a two-lot subdivision. Property located at 4359 County Rd. 10, Gunnison, Co. Parcel No. 369908000025.

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room at, 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed up to 24 hours before the meeting date. If you are interested in a specific agenda Item, you may want to call the Planning Office (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations may contact the Planning Office before the meeting.

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, September 3, 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. **Present:**

Chairperson- Laura Daniels Vice-Chairperson-Andy Sovick Commissioner-Vince Rogalski Commissioner-Melanie Miller Commissioner-Scott Cox 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 Others present as listed in text
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Absent: Commissioner Appleton

ZOOM: Commissioners Daniels

With a quorum present Chairperson Daniels opened the August 20, 2021 regular meeting of the Planning Commission.

Moved by Rogalski seconded by Cox to approve the Planning Commission meeting minutes of August 20, 2021 as amended, the motion passed unanimously.

Dos Rios Village Townhomes (LUC-20-00015) The Planning Commission and Board of County Commissioners (BOCC) conducted a continued joint public hearing. They discussed the applicant’s proposal 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.

BOCC members Jonathan Houck and Roland Mason. attended the joint public hearing.

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

Attorney for the applicant Jacob With explained the utility plans were recently resubmitted. This application is for an infill project near Dos Rios off of Highway 50. The site is surrounded by condominium and townhomes, making it consistent with the nearby uses. The applicant’s engineers met with Public Works and the Gunnison Fire District, some adjustments were made and the plans were resubmitted. The covenants were amended to be consistent with what was requested by the Planning Commission.

The commissioners reviewed the draft recommendation.

The commissioners closed the joint public hearing.

Moved Rogalski seconded by Daniels to approve the recommendation of approval to the BOCC, for LUC-20-00015 Dos Rio Village Townhomes, as amended. The motion passed unanimously.

PROJECT DESCRIPTION:

This is an application 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 Applicant is considering constructing carports that have not been included in the total floor area; however, are on the site plan.

The application spans two lots, Parcel 2 and 3, noted in "Previous Land Approvals", below. A townhome plat will cluster these lots together.

The subject parcel is legally described in Exhibit A.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to: application, referral comments, and staff report and:

- Roadway Plan & Profile, Dos Rios Village, dated August 13, 2021 and stamped by Robert L. Williams, P.E.
- Grading, Drainage, & Erosion Control, Dos Rios Village, dated August 13, 2021 and stamped by Robert L. Williams, P.E.
- Utility Plan, Dos Rios Village, dated August 13, 2021 and stamped by Robert L. Williams, P.E.
- Landscape schedule

IMPACT CLASSIFICATION:

The project, as found by the Planning Commission, is a Minor Impact pursuant to *Section 6-102.B.a Additional Criteria*, based on the following 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.

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.

MEETING DATES:

The Planning Commission and the Board of County Commissioners held work sessions and a joint public hearings to discuss the application on the following dates:

- April 30, 2021 Work session
- April 30, 2021 Site Visit
- June 18, 2021 Joint Public Hearing
- July 23, 2021 Continued Joint Public Hearing
- August 20, 2021 Continued Joint Public Hearing
- September 3, 2021 Continued Joint Public Hearing

SITE VISIT:

A site visit was conducted on April 30, 2021.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on June 18, 2021 and continued the hearing to July 23, 2021.

Comments received include:

- Questions related to affordability of units
- Proposed project is too dense
- Concerns about adjacent property values being negatively impacted
- Exterior lighting
- Garages should be included
- Additional landscaping should be added to screen units

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on March 9, 2021 to the following agencies:

- Gunnison County Public Works
- Gunnison County Environmental Health Official
- Colorado Department of Public Health and Environment
- Colorado Parks and Wildlife
- Gunnison County Wildlife Coordinator
- Gunnison Fire Protection District
- Gunnison County Consumer Protection Specialist
- Colorado Department of Transportation
- City of Gunnison
- Gunnison Valley Regional Transit Authority (RTA)

- Colorado State Forest Service
- US Forest Service
- Bureau of Land Management
- Gunnison Watershed School District (RE1J)

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.

Section 9-200: *Special Residential Uses.*

Not applicable, no special uses are proposed.

Section 9-300: *Commercial and Industrial Uses.*

Not applicable, no commercial or industrial uses are proposed.

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

Not applicable, no minerals or constructions materials operations are proposed.

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

Not applicable, no miscellaneous uses or activities are proposed.

Section 9-600: *Essential Housing*

Not applicable, the proposed development does not include the provision for essential residences.

Section 10-102: *Locational Standards for Residential Development.*

Applicable, applications for a new subdivision (including townhomes) shall be reviewed for location relative to existing development. The proposal is located within the three-mile area plan and complies with the adopted plan. The subdivision will be served by a central wastewater treatment and water system. The proposal will not have an adverse impact to the surrounding neighborhood because the use and density is consistent with the surrounding area.

Section 10-103: *Residential Density.*

Applicable, The purpose of Residential Density Standards is to “prevent sprawl and leapfrog development and to allow for flexibility in residential subdivision design.”

The application for subdivision must meet Section 10-103.C *Primary Residential Lot Size and Density Standards*. The Applicant proposes to cluster the two existing lots together via a townhome plat.

The townhome development proposes density that exceeds the standard; therefore, shall meet the conditions for smaller lots/greater density which are summarized below.

1. Compliance with Municipal Three Mile Plan Area: The Application was referred to the City of Gunnison on March 9, 2021 for comment on this standard. The City of Gunnison Planning Commission reviewed the proposal on March 24, 2021. The Three Mile Plan notes that the areas adjacent to the City should include residential condos/townhomes and that the proposal is consistent with the plan.

2. Development served by public wastewater system, other services and facilities: The project will connect to the existing Dos Rios Sewer Division and Dos Rios Water Division. Preliminary approval was provided by Gunnison County Public Works on March 10, 2020. The proposal is within 2 miles of the RTA stop at Safeway and is connected to the development via the US 50 frontage road and side streets.
3. Compatibility with existing neighborhood. The project is located adjacent to other multi-family developments and supporting uses noted in the “Surrounding Land Uses” section of this Report. The density is considered substantially similar to the surrounding parcels. The project complies with the adopted three-mile area plan. The development includes draft covenants to ensure compatibility with the standards of this section.

Section 10-104: *Locational standards for commercial, industrial or other non-residential uses.*

Not applicable, no commercial or industrial uses are proposed.

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

Not applicable, the parcel is not located within a Special Flood Hazard Area.

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

Not applicable, the parcel is not located within a Geologic Hazard Area.

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

Not applicable, the parcel is not located within a Wildfire Hazard Area.

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

Applicable, the project is not located within Gunnison Sage-Grouse Tier 1 Habitat but is in Tier II habitat. The applicant has provided a Sage-Grouse Pre-Application Letter, which notes that the project will not adversely impact Gunnison Sage-Grouse or their habitats. A Certificate of Administrative Review (No. 57, Series 2020) is provided in the project file. The applicant has agreed to the conditions for developing within Sage-Grouse Habitat.

Comments from Nick Gallowich, Game Warden-Gunnison East, on behalf of Colorado Parks and Wildlife in an email dated March 29, 2021 state:

“The proposed project should not create any major impacts to wildlife, however CPW would like to address potential conflicts. Black bears will likely be the most significant wildlife concern with this development. Bears utilize river drainages as travel corridors and foraging areas. To avoid human/bear encounters, the storage and handling of trash should be given a high priority. The Division of Wildlife’s “Living with Wildlife in Bear Country” brochure provides guidance on proper trash management and other tips to avoid creating a “nuisance bear”. The use of bear-proof trash containers is proven the safest and best technique to avoid human/bear conflicts. Although feeding birds is legal, it is known to attract bears, deer, and other nuisance wildlife.”

The applicant’s attorney has noted that these comments will be incorporated in the protective covenants.

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

Not applicable, development not located within 125 feet of a water body as defined by the Land Use Resolution.

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

Not applicable, development not located on a ridgeline.

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

Applicable, development has a ditch that traverses across the northern portion of the lot, paralleling US-50. The Applicant will maintain a 30' setback from the ditch, which exceeds the standard of 25'.

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

Not applicable; the property currently has snowplowed access to US-50.

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

Not applicable, development not located on an Inholding in a federally designated wilderness area.

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

Not applicable, development not located above timberline.

Section 12-103: *Road System.*

Applicable, development will have an access road to the development. The applicant has provided a road plan and profile.

CDOT administers access for state highways. In an email dated March 24, 2021; CDOT noted the traffic generated by the proposal would not substantively impact the volumes on the existing access permit.

The applicant has revised the road plans title, Road Plan and Profile, dated August 13, 2021 and met with Gunnison County Public Works and the Gunnison County Fire Protection District whom have both given their verbal approval for the revised plans.

Section 12-104: *Public Trails.*

Not applicable, no trails are requested as part of this application.

Section 12-105: *Water Supply.*

Applicable, the Applicant proposes to connect to the existing Dos Rios Water Division. Preliminary approval was provided by Gunnison County Public Works on March 10, 2020. The proposal complies with Section 12-105.B, Connection to Existing Systems.

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

Applicable, the project will connect to the existing Dos Rios Sewer Division and Dos Rios Water Division. Preliminary approval was provided by Gunnison County Public Works on March 10, 2020.

Public Works has requested the applicant coordinate on the installation of deep utilities with the County to resolve some issues on the south end of the parcel at County expense. In an email dated April 5, 2021, Marlene Crosby, Director of Public Works stated:

“Gunnison County has a sewer main on the south end of the property and because adjacent properties needed service at different time periods the sewer line installation is a jigsaw puzzle. Gunnison County would like to work with the developer during the installation of his deep utilities and connection to our sewer system to resolve some issues on the south end of the parcel at County expense.”

The Applicant proposes to connect to an existing system. Developments shall comply with specific studies, plans or agreements. Specifically, “New development shall comply with requirements of any applicable “201” Wastewater Treatment Facilities Studies (pursuant to the federal Clean Water Act) and agreements adopted by Gunnison County”.

Standards 12-106.E – H. These standards apply to Major Impact projects for density greater than one unit per acre. The Applicant has requested the project be classified as a Minor Impact Project.

Section 12-107: Fire Protection.

Applicable, the application was referred to the Gunnison Fire Protection District on March 9, 2021. Comments from Fire Marshal, Hugo Ferchau, in an email dated April 21, 2021 state:

“I see where they have labeled the middle drive as a “Fire turn-Around,” but I do not see the dimensions labeled. According to the IFC, that should be at least 26’ width for the center drive and 20’ width for the main drive coming in up to 500’. If the main drive coming in is 501’ or more, it should also be 26’ in width. The turn radius for the hammerhead turn-around should be a 28’ radius. Ideally, there would be another turn-around at the end of the main road where the turn to the last driveway is. That would extend the main drive by 60’ from the centerline of the last driveway and widen the first portion of the driveway to 26’ like the center drive. I would not expect the extra to be paved, just able to hold the weight of a fire truck and plowed.”

An additional email dated July 21, 2021 from Ferchau states: “Looking at the dimensions provided, the road width and turnaround meet IFC requirements and I am fine as long as they meet County Road & Bridge standards. A fire hydrant will need to be installed, exact location to be determined with input from County water department. I would also recommend automatic sprinklers for these buildings even though they may not be required by current County standards.”

In follow-up conversations Ferchau has reviewed the revised road plans and in an email dated August 30, 2021 approved the August 13, 2021 revised plans.

Section 13-102: B.: Location within municipal three-mile plan area.

Applicable, the proposal is located within three miles of the City of Gunnison.

Applicant Response: The proposed development fills in a gap in leapfrog development and is, accordingly, consistent with the purpose of Section 10-103. The City of Gunnison Three Mile provides that, “Lands to the west of the City have been depicted as an appropriate location for moderate and high-density residential development.” Three Mile Plan, p. 35. The proposed development is moderate or high density residential and thus complies with these density standards. The conditions are appropriate for high density as provided in the Three Mile Plan because of the available public wastewater treatment and public water supply. Permanent covenants will ensure that the development is appropriate – lots will not be sold, only units, and the covenants will preserve the character of the community as completed to Gunnison County standards and as approved by Gunnison County. Any impacts of density are mitigated through the clustering of the development as is demonstrated by the surrounding uses.

The application was referred to the City for comment on March 9, 2021 for comment. The Planning and Zoning Commission provided a letter of support, noting the proposal complies with the adopted plan, on March 25, 2021.

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

Applicable, the site plan includes six buildings with internal roads, driveways, building sites, ditch and utility locations, dedicated and guest parking areas. The landscaping and buffering plan will maintain as much existing vegetation, particularly trees, as practicable. The existing topography is flat and a grading plan has been provided that will slightly change the topography to facilitate drainage of the site.

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

Applicable, setbacks from property lines and road rights-of-way are in Table 7 of the *Land Use Resolution*. Townhome projects are required to be a minimum of 25 feet from the front property line and 15 feet from the side and rear yards. A minimum of 10 feet is required between all buildings. The site plan meets these standards.

There are additional requirements for setbacks from state highways. The setbacks from a state highway are either 40 feet from the edge of known ROW or 80 feet from the centerline of Highway 50. The site plan meets the standards for setbacks from the ROW.

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

Applicable, the applicant stated:

“Applicant is not requesting any single family residence in excess of the 10,000 sq. ft. Applicant is requesting a total square footage of approximately 13,524 square feet for all buildings. Applicant may also construct carports that are not included in this total, but has no plans for doing so at this time. Pursuant to Section 13-105.G., the proposed buildings should be approved. The limitation on aggregate structures larger than 12,500 sq. ft. is a general standard because it fails to differentiate between 12,500 sq. ft. on 35 acres and 12,500 square feet on one acre. Here, Applicant is proposing six separate buildings and no building will exceed the height limitation in the LUR. The six proposed buildings are each reasonable in size and will not be obtrusive as they are reasonable townhome size. Existing screening such as trees will be kept in place to the extent feasible and additional trees will be planted to limited visibility. All utilities will be located underground.”

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

Not applicable.

Section 13-108: Open Space and Recreation Areas

Applicable, Section 13-108.D.G Residential Uses, requires a minimum of 30% of the area within a multi-family development of five or more units. The application proposes a little over 45% Open Space, indicated by light green in the site plan. The proposed open space exceeds the standards of this section.

Section 13-109: Signs.

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

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

Applicable, the proposal is for a total of 24 townhome units. Twelve of the townhomes will be 2-bedroom, 1.5 bath units, the other twelve units will be 3-bedroom, 2 bath units.

Appendix Table 3. *Off-Road Parking Requirements* require two spaces per residence for up to three bedrooms. The applicant has proposed two spaces per unit. The applicant would like to retain the ability to construct driveways and/or carports within any building or parking space. 12 guest spaces have been included on the site plan.

The project engineer has reviewed the proposed parking plan and has confirmed it provides the accessible spaces defined in the 2015 Residential Building Code.

Section 13-111: Landscaping and Buffering.

Applicable, the *Land Use Resolution* requires at least one tree and three shrubs be provided for every 500 sq. ft. of the area shown as being landscaped on the plan. All areas that are not landscaped with trees or shrubs will be landscaped with grass, groundcover, or other appropriate treatment.

The landscape schedule provided shows that 5,280 square feet will be landscaped. A total of 11 trees and 30 shrubs are required. The schedule far exceeds that requirement with a total of 78 trees and 156 shrubs proposed. Of the 78 trees, 12 trees will be existing cottonwoods.

The application stated: "A spreadsheet with landscaping information is enclosed. Simco intends to actively landscape approximately 5% of the open space. The remainder would be seeded pursuant to NRCS recommendations and maintained as lawn or in its natural condition. The covenants will impose upon the association the obligation to maintain the landscaping and open space. Landscaping consisting of a planted flower bed with trees as a backdrop at the entryway. The trees will be at least fifteen feet from the driveway intersection. The perimeter of the subdivision will be planted with trees to provide screening except to the extent that trees already exist and are not removed during construction. To the fullest extent possible, construction will be performed in a manner so as to preserve all existing vegetation, especially trees. Planted trees will be of a type consistent with those already on site, except for any cottonwoods. The Colorado State Forest Service will be consulted to ensure trees are of a type that will thrive at the location. There will be at least one tree every ten feet on the perimeter. Snow storage is shown on the site plan and is not inconsistent with this proposal."

Section 13-112: *Snow storage.*

Applicable; snow storage is required for proposed development and is shown on the site plan.

Section 13-113: *Fencing*

Not applicable; not requested as part of this application. An existing fence lies just beyond the western boundary of the project and is noted to not be disturbed.

Section 13-114: *Exterior Lighting.*

Applicable, the applicant has noted all lighting will be required to comply with the *Land Use Resolution* at time of installation. This requirement will be memorialized in the proposed covenants.

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

Applicable; this Section shall apply for areas of disturbance of 10,000 sq. ft. or greater. The applicant will be required to obtain a reclamation permit from the Gunnison County Public Works Department as part of the building permit application. This will require a surety pursuant to Section 13-115.F Surety.

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

Applicable; the applicant has submitted a grading and erosion control plan.

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

Applicable, the project will disturb more than 10,000 sq. ft. of area. The applicant has provided a grading, drainage, and erosion control plan for the proposal ("Site Plan"). The total disturbance area will be over one acre; therefore, it is anticipated the applicant will need to obtain a Storm Water Discharge Permit from the Colorado Department of Public Health and Environment.

The City of Gunnison Planning Commission letter of support requested that stormwater retention be engineered that historic flow rates are not exceeded at proposed outfalls. This requirement will be memorialized in the Development Improvement Agreement.

The applicant will need to provide a description of the method(s) used to regularly inspect and maintain any proposed retention and detention facilities, if applicable, in the Development Improvement Agreement.

Section 13-118: *Water Impoundments.*

Not applicable.

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

Applicable; the proposal is consistent with the surrounding development and will not adversely impact the character of the neighborhood. The proposal complies with the Three Mile Plan. Trash receptacles will be bear-proofed. This requirement will be memorialized in the proposed covenants

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 initially classified as a Major Impact and the applicant has demonstrated compliance with the standards of Section 3-111: B.1. and the impact classification has been reduced to Minor Impact.
2. This application is consistent with the standards and requirements of this *Resolution*.
3. The total disturbance area will be over one acre; therefore, it is anticipated the applicant will need to obtain a Storm Water Discharge Permit from the Colorado Department of Public Health and Environment (CDPHE) as well as a final release or final certification for the project from CDPHE when completed.
4. The proposed development is in Gunnison Sage-grouse and black bear habitat.
5. The proposed density of the development is substantially similar and compatible with the neighborhood.
6. "Dos Rios Village Declaration of Protective Covenants" have been included as part of the application and comply with applicable standards.
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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-20-00015 be classified as a Minor Impact, and be approved with the following conditions:

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*.

1. The applicant shall comply with the conditions for developing within Sage-Grouse Habitat in accordance with a Certificate of Administrative Review (No. 57, Series 2020) recorded in the office of the Gunnison County Clerk and Recorder at Reception No. 666938.
2. Amendment or termination of the protective covenants is subject to approval by Gunnison County.
3. Bear proof trash containers shall be installed at the development in accordance with comments from Colorado Parks and Wildlife.
4. Gunnison County Public Works shall work with the developer during the installation of the deep utilities and connection to the County sewer system to resolve some issues on the south end of the parcel at County expense.
5. The stormwater retention shall be engineered to ensure historic flow rates are not exceeded at proposed outfalls. This requirement shall be memorialized in the Development Improvement Agreement that will also require any necessary permits are issued by and released via final approval from CDPHE.

6. A description of the method(s) used to regularly inspect and maintain any proposed stormwater retention and detention facilities, if applicable, shall be provided as part of the Development Improvement Agreement.
7. A Development Improvement Agreement shall be executed and funded in compliance with Section 16-118: Development Improvement Agreement Required and shall include the following improvements:
 - 1) Roadway Plan & Profile, Dos Rios Village, dated August 13, 2021 and stamped by Robert L. Williams, P.E.
 - 2) Grading, Drainage, & Erosion Control, Dos Rios Village, dated August 13, 2021 and stamped by Robert L. Williams, P.E.
 - 3) Utility Plan, Dos Rios Village, dated August 13, 2021 and stamped by Robert L. Williams, P.E.
 - 4) A Stormwater Discharge permit from the Colorado Department of Public Health and Environment. Stormwater retention shall be engineered so that historic flow rates are not exceeded at proposed outfalls.
 - 5) Landscaping Schedule dated March 9, 2021.
8. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
9. 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.
10. 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.
11. 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.

Exhibit A. Legal Description

TOWNSHIP 48 NORTH, RANGE 1 WEST, N.M.P.M

PARCEL NO. 1

SECTION 10: A PARCEL OF LAND LOCATED IN SAID SECTION 10, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND ABUTTING PARCEL 1 IN WARRANTY DEED RECORDED DECEMBER 29, 1992 IN BOOK 718 AT PAGE 57 ON THE WEST DESCRIBED AS FOLLOWS: BEGINNING AT CORNER NO. 1, A POINT FROM WHICH THE WEST QUARTER CORNER, SAID SECTION 10, BEARS S 54°07' W 3369.15 FEET; THENCE S 62°49' W 100 FEET TO CORNER NO. 2; THENCE N 20°15' W 400 FEET TO CORNER NO. 3; A POINT ON THE SOUTH RIGHT OF WAY BOUNDARY OF US HIGHWAY 50; THENCE N 62°49' E 100 FEET ALONG SAID RIGHT OF WAY BOUNDARY TO CORNER NO. 4; THENCE S 20°15' E 500 FEET TO CORNER NO. 1, THE POINT OF BEGINNING.

PARCEL NO. 2

SECTION 10: A PARCEL OF LAND LOCATED IN SAID SECTION 10, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND ABUTTING PARCEL 2 IN WARRANTY DEED RECORDED DECEMBER 29, 1992 IN BOOK 718 AT PAGE 57 ON THE WEST, DESCRIBED AS FOLLOWS: BEGINNING AT CORNER NO. 1, A POINT FROM WHICH THE WEST QUARTER CORNER, SAID SECTION, BEARS S 53°51' W 3270.9 FEET; THENCE S 78°50' W 100.50 FEET TO CORNER NO. 2; THENCE N 20° 15' W 473.10 FEET TO CORNER NO. 3, A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 50; THENCE N 62°49' E 100.00 FEET ALONG SAID RIGHT OF WAY LINE TO CORNER NO. 4; THENCE S 20°15' E 500 FEET TO CORNER NO. 1, THE POINT OF BEGINNING.

COUNTY OF GUNNISON, STATE OF COLORADO

Marble Base Camp (LUC-19-00049) The Planning Commission reviewed the applicant's proposal to formalize and continue the historic use of the property for outdoor education by public schools and to allow for minor improvements to address maintenance and to support the existing programming on the site. Property located at 727 Forest Service Rd. 315, Marble, Co.

With a quorum present Vice-Chairperson Sovick opened the work session.

Applicant's representatives Bud Tymczyszyn and Dave Erickson were present. Erickson introduced Jason Jaymes and Brian Hightower with the Aspen Valley Land Trust.

Erickson said the site has been privately owned since 1930. It is a primitive 47-acre site, with a maintained wilderness feel and experience. In June 2016 an easement was given to the Land Trust, protecting the trail corridor through the property. The owners have allowed the Aspen Middle School to use the facilities since 1967.

Erickson added the Land Trust launched a successful fund-raising campaign and they have been the recipients of several grants. There are also on-going fund-raising efforts, to ensure the students can participate free of charge. He said six new schools have participated since 2016, and more are inquiring all time.

Tymczyszyn explained the intent is to keep a light touch on the land. He has worked with County Environmental Health to design the bathroom connected to the septic system. He noted the lower bench is used by the middle school for camping and gatherings. There is a cabin used for a storage facility, and a wall tent site above the cabin. The site is used July through early October. The remainder of the year the site is not used and is quiet.

Hightower explained the access is for foot traffic only, and some accommodations made for medical issues. Supporting teachers is a goal, to ensure they know how to use the site. They upskill in terms of outdoor education proficiencies and medical proficiencies. This year has been very successful with five schools from two districts using the site. The programs service the entire valley, including the groups that don't get outdoors as much. They are trying to establish a sense of place for the kids, to create the next generation of land stewards. These programs help make them more comfortable spending time in nature.

Commissioner Baca left the meeting 9:45 a.m.

Pagano explained a land use change is required to formalize and legitimize the current and historical uses, and to expand any improvements to the septic system.

Pagano said the access over Forest Service land is a 60 ft. driveway. The Land Trust is going through the process to legitimize the Forest Service access. There is no better access available and it has been used for approximately 40 years. It shouldn't be a problem but it will be time consuming. Pagano suggested making the Forest Service access a condition approval.

Cox questioned the consequences of a sale of the property. Tymczyszyn explained the Land Trust holds the conservation easement, which protects the underlying conservation value of the program. There are layers of oversight between the Aspen Valley Land Trust and the Crested Butte Land Trust.

The commissioners will conduct a site visit September 17, 2021.

The commissioners directed staff to schedule a public hearing and prepare a draft decision of approval, for review at that time.

Wattles Subdivision-(LUC-20-00002) The Planning Commission conducted a work session. They reviewed the applicant's proposal to subdivide 6.8 acres of what was known as Rocky River Resort into a two-lot subdivision. Property located at 4359 County Rd. 10, Gunnison, Co.

With a quorum present Vice-Chairperson Sovick opened the work session.

Planner Rachel Sabato noted the Planning Commission had conducted a site visit, prior to this work session. She also said the applicants had submitted the proposed covenants and plat.

Applicants Danni Wattles and Rob Wattles said the current cabins on the lot will be conveyed with the property when sold. The cabins don't have septic systems. The current septic has been dismantled and collapsed. Whoever buys the parcel will have to permit a new septic system.

Sabato said there is a pedestrian easement that runs along the river, for the use of the neighborhood. It is a fishing access, no motorized vehicles, or dogs. The easement is in keeping with the original plat, and worded like it was in the original covenants.

Sabato added the access point north of the bridge on County Rd. 10, will continue to be used, until the sale of the property. There will be no Development Improvements Agreement (DIA) required, because a DIA is most often used for public roads and structures. The access will come across the north end for both properties with a common access off of County Road 10. The current access will be discontinued once the lot is sold.

The commissioners directed staff to schedule Joint Public hearing and draft a recommendation of approval, for review at that time.

The Planning Commission meeting was adjourned at 10:40 A.M.

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

