

MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Carolyn Riggs	X		
Greg Larson	X		
Councilor Ed Seymour	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Pam Cunningham, City Clerk Gail Davidson.

**I. CALL TO ORDER AT 7:01 PM BY CHAIR BOB BEDA**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. SWEARING IN OF NEW PLANNING AND ZONING COMMISSION MEMBERS.**

City Clerk Gail Davidson administered the Oath of Office for new Planning and Zoning Commissioners Erik Niemeyer and Andy Tocke.

**IV. VANTUYL RANCH ANNEXATION PHASE 2 – DETAILED SCOPING.**

Director Westbay gave an overview of the annexation policy and the three-phase annexation process for the benefit of the new members of the Commission. He also described the Planning and Zoning Commission obligation to look at zoning of the annexed area, which happens concurrently with the City Council process. The annexation and proposed zoning will be brought to City Council for action at the same meeting.

Director Westbay provided a brief history of how the City became the owner of the VanTuyl Ranch and about development of the *VanTuyl Ranch Management Plan*. He then explained the reasons for annexing the Ranch. Animal control, policing, hunting and land uses on the Ranch are the primary concerns. His personal value base is that the Ranch is an icon and jewel of the city and it should be part of the city. To date, the trails system and agricultural management plan have been implemented. He gave an overview of the land uses on the Ranch and explained the reasons for the Colorado Division of Parks and Wildlife (CPW) and Library site deed restrictions. In response to Commissioner Ferchau’s question regarding hunting on the Ranch, Director Westbay explained that it is illegal to discharge a firearm in the city limits, so after the Ranch is annexed hunting will only be allowed on the CPW property (river corridor).

In response to Councilor Seymour’s inquiry, Director Westbay explained why the CPW parcel isn’t being annexed and that it could potentially be traded for a parcel in the Habitat Protection area.

Director Westbay explained the enclaves that are being created by the annexation and that those property owners weren’t interested in being annexed, although they could file an application for annexation in the future. Also, after two years the City has the right to mandate annexation of those properties, but he doesn’t foresee that happening.

In response to Chair Beda’s questions about annexation of County Roads 13, 14, and 15, Director Westbay explained that they won’t be annexed but there may be an agreement between the City and the County for maintenance of the roads.

Commissioner Niemeyer asked for an explanation of the power lines and easements. Director Westbay explained that there are three electric providers that have utilities on the Ranch; the Western Area Power Administration (WAPA), Gunnison County Rural Electric Association (GCEA), and the City. He explained the recorded easements of the WAPA line. The GCEA has lines that have been serving the property for decades; in the 1960's they got easements from property owners but didn't record them. When the City purchased the Ranch the easements for GCEA hadn't been recorded, however, they do have prescriptive rights because they have been maintaining the lines [during the time the City has owned the property]. The City has had discussions with GCEA about memorializing the easements, but because they are in a transition due to a change in leadership this probably won't happen for a while. Commissioner Niemeyer asked about the implied responsibilities of GCEA to protect the property. Director Westbay replied that the City and GCEA have a good working relationship and that probably won't be a problem, but he agrees that the easements do have to be taken care of. Commissioner Niemeyer said he would like to have something in writing that the easements must be taken care of.

Steve explained the easement for the North Sewer District.

Commissioner Riggs asked about use of the term "traditional agriculture" in the proposed land use and zoning. Director Westbay referred to the *VanTuyl Ranch Management Plan (Plan)* and the requirement that lessees have an agriculture management plan developed in conjunction with the Soil Conservation Service and approved by the City. The *Plan* states that agriculture *can* take place; the agriculture management plan spells out the specifics of what *type* of agricultural activities can take place.

Commissioner Ferchau asked about the obligations of the lessee for insurance coverage to cover the City if the animals get out and damage private property. Director Westbay replied that there is an insurance provision in the lease; fencing is the City's obligation and recreation is covered by the City under the Governmental Immunity Act.

Director Westbay explained the City well system and the Water Court decree for future water wells that are anticipated on the Ranch when future development warrants the need for them.

Director Westbay explained the potential realignment of Quartz, Spencer and 11<sup>th</sup> Street, but that this probably won't happen until the Library site is developed. He then gave a brief overview of the tasks to be completed as outlined in the staff report.

Director Westbay explained that the next step is reporting to Council in a joint meeting. He suggested that this may be an instance that the Council liaison could present the Phase 2 Detailed Scoping to Council. He asked if the Commission is comfortable with that approach. Commissioner Riggs said she would like to be present and Commissioner Larson said it is pretty straight forward.

**ACTION:** Commissioner Larson moved to forward the Phase 2 Annexation Detailed Scoping to City Council via the Council Liaison. Commissioner Riggs seconded the motion.

Roll Call Yes: Neimeyer, Ferchau, Tocke, Beda, Riggs, Larson, Seymour

Roll Call No:

Roll Call Abstain:

Motion carried

**V. CONSIDERATION OF THE MAY 23, 2012 MEETING MINUTES**

Commissioner Larson moved to approve the May 23, 2012 meeting minutes as corrected.

Commissioner Riggs seconded the motion.

Roll Call Yes: Ferchau, Beda, Riggs, Larson, Seymour

Roll Call No:

Roll Call Abstain: Niemeyer, Tocke

Motion carried

**V. UNSCHEDULED CITIZENS**

There were none

**VI. COUNCIL UPDATE**

Councilor Seymour updated the Commission on recent Council business.

At the June 5<sup>th</sup> Work Session, the Council:

- heard an update from Scott Truex of RTA. They are asking for one-time contributions from municipalities, the County and the ski area to address their budget shortfall.

At the Regular Session on June 12<sup>th</sup>, the Council:

- heard an update from Habitat for Humanity;
- approved a multi-day special events permit for the Arts Center “Sundays at 6”; and,
- adopted the revised *Sign Code* which will take effect on June 21<sup>st</sup>.

Councilor Seymour stated that a few weeks ago he gave a report to Council on how the P&Z is approaching review of the “big box” standards and explained to Council the idea of contacting large retail companies to see if they would come and share their thoughts. He said the Council had some concerns with that and that “what it came down to is, Council feels the big box standards are in good shape, it is newest part of the *Code* and a lot [of time and money] has been invested [in developing it]. They say it can be reviewed, but not changed a lot. They also had concern with contacting big box companies because if we aren’t going to drastically alter the *Code*, it would not be the best use of time. The Mayor said that staff can contact companies electronically and see if we can get some feedback.” Councilor Seymour said that with that direction from Council it should help the P&Z speed through the *LDC*.

Commissioner Ferchau said that P&Z had talked about him and Councilor Seymour drafting a letter to [initiate discussions with “big box corporations”]. They didn’t get the letter written. So, he drafted a letter, which he passed out to the Commissioners. He asked “To what degree do we review our agenda with Council to get their approval before we do what we think we need to do? We should have the independence to proceed how we feel necessary. The objective wasn’t to revise the standards. I thought it would accomplish two things: it is an area of expertise no one on the Commission has, so it is an educational process; it is also adopting a philosophy that we recognize the importance of businesses being successful and the challenges they have in the community. The impetus was to become more informed.”

Chair Beda said that at the time when the big box standards were developed, there was a fair amount of sentiment that the standards were purposely drafted to make it so onerous that they [Wal-

Mart] would not pursue coming here and that sentiment still exists. He said that at that time we [P&Z] had consultants from other areas that came in and it worked well.

Councilor Seymour said he agreed that sentiment is still out there. But he said “The other issue we are starting to run into is that we are here to define code and regulations, not to set policy that sends us in another direction. The Council sets out a block and we sculpt it. The block is a general direction of policy. Council feels the big box standards are appropriate. It still warrants review, but they don’t want to see it completely redone. When we look at the amount of work and money spent on big box, it is still new enough that it doesn’t need to be redone.”

Commissioner Ferchau asked, “Is that what you think is being suggested? I wasn’t suggesting an overhaul of those standards.”

Councilor Seymour responded, “People feel there is a disconnect between business and policy at times. This is an example of where people feel that way.”

Chair Beda said, “That is why I wanted to do this [bring representatives from big box in]. This is where we might hear that they don’t have a problem with our *Code*. We haven’t done it before, except when we didn’t have a policy so we put a moratorium on it.”

The following discussion ensued:

Commissioner Larson: “The time to find out is before it becomes a problem. Realistically, where could a 50,000 square foot building go? Only in Gunnison Rising. The Gunnison Rising PUD addresses it.” Director Westbay clarified that the Gunnison Rising PUD refers to the big box standards but that the PUD does have lengthy design standards.

Commissioner Neimeyer: “Having information is always good. I am curious why we haven’t approached other similar-sized communities and looked at their codes. That would be more objective. It is like asking the fox how the chicken coop is that is being built to keep him out.”

Commissioner Ferchau: “It is up to us to have objectivity. We are asking them to understand our objectivity. Reviewing other communities is a good way to get other ideas. At the end of the day, the complexion of this community is the complexion of this community.”

Councilor Seymour: “The Mayor’s suggestion wasn’t to shut the door to the idea, but to frame it a bit. [Council] just doesn’t feel we have a lot to gain from this and doesn’t want to put a lot of resources and time into it.”

Commissioner Ferchau: “There is a public relations aspect to what we do. It isn’t that we want to just open the door and let things come running in. It is nice to be friendly in your approach. I would be happy to do it on my own, but would need some time.”

Commissioner Riggs: “That is not our role. It is the staff’s role. We cannot go on the street and talk to them, it isn’t our job.”

Commissioner Ferchau: "Our job is to be educated and smart about what we are making decisions about. We can't take an issue on the street, but it is our duty to be well prepared for these meetings even if that means understanding some aspect of some industry."

Commissioner Riggs: "There is a level of representation that is not our job. It is staff's."

Councilor Seymour: "I appreciate you doing it on your time, but it is not appropriate to approach [corporations] as an agent of the City. That is a role much more appropriate for staff. When we are talking about contacting corporations outside the valley, I would feel more comfortable with staff doing it."

Commissioner Ferchau: "I am always doing that, that's what I do. Don't think you will keep me from doing that. I thought it was a good objective exercise that hasn't been done in the past."

Councilor Seymour: "I'm not accusing you of doing anything inappropriate."

Commissioner Riggs: "So, are we asking staff to go forward with the letter?"

Chair Beda: "We are still in Council Update, we can discuss it under Commissioner Comments."

#### IV. COMMISSIONER COMMENTS

- Chair Beda addressed Commissioner Neimeyer's earlier question about Commissioner Riggs' comment in the May 23<sup>rd</sup> minutes regarding "too many Conditional Uses popping up in a zone district." Commissioner Neimeyer asked if there is a threshold of how many Conditional Uses can be in a district before it should be rezoned. Chair Beda asked, "if that were the case should we just make it an allowed use? We may have done that in the *LDC*. We need to come back to the use tables." Director Westbay gave the example of a day care facility that must meet specific state and local standards. In that case it is still appropriate to use a Conditional Use application process to make sure everything is addressed and to give the neighbors an opportunity for input.

Commissioner Neimeyer asked who is responsible for tracking requests in a certain district. Director Westbay replied that applications haven't been tracked in a zoning context, but it would be possible to go back and do that. Commissioner Ferchau said that the Commission did ask for a list, which was provided. Staff will get a report together. Chair Beda explained the B1 zone district which was created to make uses allowed that were previously conditional.

- Commissioner Riggs asked if the Commission wanted to send staff on a task to get input [from big box corporations]. Director Westbay said staff will do some research and said that if the Commission wants to follow up and send revisions of the *LDC* he will take that responsibility.

Commissioner Tocke said he sees a benefit in finding out what big box stores like so we can react at a non-contentious time and that looking at communities of a similar nature would be beneficial.

Commissioner Neimeyer said that regarding the Commission members' need to interface with the public; "One way to assuage concern of onerous policies is to show that as we measure ourselves against other communities, we are equivalent. If we can do that through research, it will give us credibility."

Commissioner Larson said that getting better educated is never a waste of time and that he likes the idea of contacting other communities to see what worked and what didn't. He also likes the idea of contacting the businesses. It will result in a better product.

Commissioner Neimeyer said that maybe ultimately [the Code] will only need minor tweaks, or none.

Councilor Seymour said that the Commission gained a lot from the matrix on the Sign Code; staff will work on that.

**VII. ACTION.** Chair Beda asked for a motion to excuse Commissioner Neimeyer from the June 27<sup>th</sup> meeting for a previously scheduled business trip. Commissioner Larson moved and Commissioner Riggs seconded the motion.

Roll Call Yes: Ferchau, Tocke, Beda, Riggs, Larson, Seymour  
Roll Call No:  
Roll Call Abstain: Neimeyer  
Motion carried

**VII. PLANNING STAFF UPDATE**

Director Westbay updated the Commission on recent activity in the Community Development Office:

- Staff has been working with CPW to write a grant to the Colorado Water Conservation Board for river restoration on the Ranch. The project would be a four-step process: a detailed survey of the river reach and 70 cross sections; development of a set of alternatives to restore the stream channel on the segment of the river that has been historically affected by headgates and levees; detailed designs of the restoration project; and, an implementation phase to develop a trail spur to the river corridor that will involve a wetlands impact study and ACOE permitting. The total amount being requested is \$294,000. The outcomes will be better fishing habitat, better flood control and reduced impacts in other areas. The Palisades Retreat Club (across the river from the Ranch) and Mr. William Goddard (owner of the Harris Ranch) are interested in the project as well. The grant proposal was approved at the local level and will go to the State in September.
- Staff has been working with Dennis Minchow of the Schuck Corporation regarding a boundary line adjustment, text amendment and highway access control plan for Gunnison Rising;
- The fire danger is still at Stage 1 and local fire managers will meet on June 14<sup>th</sup> to discuss whether to go to Stage 2. The logic at the local level is that Stage 1 was just implemented and people are still getting used to it. There is always the possibility that the Governor may implement Stage 2 statewide. For now though, the 4<sup>th</sup> of July Fireworks are still on.

**VIII. ADJOURN.** Chair Beda adjourned the meeting at 9:02 p.m.

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Bob Beda, Chair

Attest:

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Pam Cunningham, Secretary

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