

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 7 SERIES 2014**

**A RESOLUTION APPROVING THE MAJOR IMPACT SKETCH PLAN APPLICATION FOR
SCARP RIDGE, LLC FOR A COMMERCIAL USE**

WHEREAS, Attorney David Leinsdorf and John Featherman, representing Scarp Ridge, LLC and affiliates, have applied for an expansion of an existing commercial use at the site commonly referred to as the Irwin Lodge. The applicant has submitted a master plan for proposed facilities on the subject parcels, as requested by the Planning Commission in 2012. The applicant is requesting approval for a master plan for the Scarp Ridge LLC (aka Irwin) property to include use of the existing lodge for weddings and events and as a conference center; six new single-family residences on adjoining mining claims; one storage structure, one elevated overlook structure, one alpine hut; the addition of a roof deck to the existing parking barn; outdoor pavilion that would seat approximately 170 people; new mountain bike trails; zip-lines; kids' village to include playground equipment; and a reroute of the existing Scarp Ridge trail, including trailhead parking, signage and vault toilets. The proposed structures and facilities will comprise a year-round commercial resort.

The residential structures are proposed to be accessed via two track "jeep" roads. There will be no vehicular access to the alpine hut or overlook structure. The applicant proposes to bring construction materials to the sites via snow cat during the winter and have construction workers access the site via foot.

The applicant proposes to serve residential structures with individual sewage disposal systems. There is an existing, permitted wastewater treatment plant adjacent to the Irwin Lodge. Scarp Ridge, LLC intends to evaluate the plant's condition and capacity. Events at the Irwin Lodge will be served by the existing wastewater treatment plant. For large events at which the number of attendees exceeds the capacity of the wastewater treatment plant, portable toilets will be utilized. Individual water wells are proposed to serve the residential structures. An augmentation plan is proposed and required.

The lower portion of the existing Scarp Ridge Trail is proposed to be rerouted. The current trail begins near the existing Irwin Lodge. The applicant and the U.S. Forest Service (USFS) have reciprocal easements (Reception No. 501365 and 500246) allowing Scarp Ridge, LLC to utilize USFS lands to access their private property while also allowing the public to utilize, as authorized by the USFS, the portions of the road that are on private property to access the Scarp Ridge trail. According to John Murphy, District Ranger for the Gunnison National Forest, the easement does not accommodate public parking which is currently causing a conflict between the property owner and the public. Most trail users, park near the beginning of the trail, on property owned by Scarp Ridge, LLC, adjacent to the Irwin Lodge. The proponents assert that the public is trespassing and has no right to park on the private property. The USFS has agreed with the proponent that the reciprocal easement does not afford the public any right to park adjacent to the trailhead.

To resolve the conflict, Scarp Ridge, LLC has proposed to relocate the trailhead and realign the lower portion of the existing Scarp Ridge trail. The trailhead is proposed to be relocated onto the Lead Chief Lode west of where Irwin Lodge Road crosses Robinson Creek. The applicant proposes to construct and maintain, at the applicant's expense, a parking lot for 22 motor vehicles, two restrooms with vault toilets, a trailhead with maps, bear proof trash receptacles and interpretive signs. The applicants also propose to create a new trail from the new trailhead that



will connect to the existing Scarp Ridge trail. The new trail will be approximately 4,050 feet long. In return, the USFS would vacate or administratively close the public easement on the Irwin Lodge Road from the new parking lot to the Irwin Lodge. The proposed gate, just east of the trailhead area, would be a locked gate and prevent future public access to the Irwin Lodge. The USFS would retain access for administrative purposes.

The property is located 12 miles west of the Town of Crested Butte, accessed from Kebler Pass Road (CR 12), Lake Irwin Campground Road (FSR 826), Green Lake Road (FSR 826.1E) and Irwin Lodge Road (FSR 826.1C).

The parcel is legally described as the following 19 lode mining claims, all in the Ruby Mining District: Aumego, U.S. Survey No. 2703; Capitol U.S. Survey No. 3466; Clara U.S. Survey No. 2801; Fourth of July U.S. Survey No. 3467; Zumo U.S. Survey No. 2702; Crystal, U.S. Survey No. 1156; Diquita, U.S. Survey No. 2786; Double Dyke U.S. Survey No. 5511; Lead Chief U.S. Survey No. 2731; Legal U.S. Survey No. 4149; Silver Hill U.S. Survey No. 2813; Justice U.S. Survey No. 2867; Pickwick, U.S. Survey No. 2814; Tacoma U.S. Survey No. 2701; Lottie S U.S. Survey No. 5322; US Treasury, U.S. Survey No. 5322; Lower Chloride, U.S. Survey No. 17240A; Little Minnie, U.S. Survey No. 4421; Staten Island, U.S. Survey No. 3716; and,

WHEREAS, after a review of the Sketch Plan and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on January 17, 2014, forward a recommendation of unanimous approval of that application to the BOCC with certain Findings and Conditions; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Sketch Plan for Land Use Change Permit No. 13-00005, for Scarp Ridge, LLC is approved, subject to each and all conditions of the Sketch Plan recommendation document, as identified above, and the following findings and conditions:

FINDINGS:

1. This application, by definition, is classified as a Major Impact.
2. Pursuant to Section 7-102:Standards of Approval for Major Impact Projects:
 - a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution*, pursuant to Section 7-103, i.e., compliance of the proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.
 - b. The proposed land use change is required to be compatible with, or to enhance the character of existing land uses in the area surrounding the subject property, and shall not adversely impact the future development of the area surrounding the subject property.
 - c. The applicant has proposed to develop the project in a single phase with a general construction sequence outlined.



- d. All uses have been identified on the proposed parcels.
3. There are no signs proposed as part of this Sketch Plan application. Sign elements as allowed by Section 13-109: Signs may be proposed as part of the Preliminary Plan.
 4. Draft protective covenants or deed restrictions shall be submitted within the Preliminary Plan.
 5. Integration of the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review is required within the Preliminary Plan submittal.
 6. The applicant has identified that they intend to develop the project in one phase and have identified a construction sequence.
 7. There is a lack of clarity regarding the proposed and existing trails; the Planning Commission has requested a map of the proposed and existing trails to be submitted at Preliminary Plan.
 8. Additional information regarding event and traffic planning has been requested to be submitted at Preliminary Plan.
 9. Concern has been expressed about the impacts to wildlife from the proposed zip-lines.
 10. The Colorado Division of Parks and Wildlife have agreed, at this time, that the proposed removal of the upper alpine hut and the placement of a conservation easement on 40 acres of mining claims including the Justice, Pickwick, Tacoma (except for the Alpine hut) lodes and another off-site parcel may mitigate impacts to wildlife.
 11. The U.S. Fish and Wildlife Service has stated that the proposed use on private land does not constitute a 'take' of the lynx under Section 10 of the Endangered Species Act, however the U.S. Forest Service may be required to analyze the effects of the proposal through Section 7 of the Act.
 12. The Planning Commission and public have expressed concern regarding the visual impacts of the proposed project.
 13. Concern has been expressed regarding the potential noise associated with events at the site.
 14. Portions of the subject parcels are in a geologic hazard area, according to Gunnison County mapping.
 15. Portions of the subject parcels are in a high wildfire hazard, according to Gunnison County mapping.
 16. The applicant proposes individual wells to serve the residences; a court approved water augmentation plan has been submitted but not yet approved by the State of Colorado.
 17. The proposed Advantex wastewater treatment systems are technology approved by the Colorado Department of Public Health and Environment, as noted in a letter from that agency dated August 5, 2011 and signed by Barbara Dallemand, P.E., Onsite Wastewater Program Coordinator.



18. The applicant has proposed to utilize the existing wastewater treatment plant adjacent to the Irwin Lodge for large events at the lodge. For large events at which the number of attendees exceeds the capacity of the wastewater treatment plant, portable toilets will be utilized. The capacity of the wastewater treatment plant has not yet been identified.
19. Both Fire Districts have recommended an all-weather driving surface and the use of dry hydrants and/or underground cisterns and that assembly buildings be sprinkled. Gunnison County Public Works Director Marlene Crosby has stated that she supports the applicant's proposal to use primitive roads due to the remote location of the subject parcels.
20. The subject parcels are within the Town of Crested Butte's watershed district and are therefore subject to the Town's permitting authority.
21. The proposed Scarp Ridge trail realignment requires approval from the U.S. Forest Service and may require an Environmental Assessment, Environmental Impact Statement, or Categorical Exclusion to be determined by the U.S Forest Service.
22. Wetlands have been identified on the subject parcels; a wetlands delineation certified by the Army Corps of Engineers is required to be submitted at Preliminary Plan.
23. The applicant has demonstrated compliance with the commercial locational standards set forth in Section 10-104: C. *Alternative Locational Standards*.
24. The Colorado Water Quality Control Division noted that further analysis regarding the proposed wastewater treatment will be required to determine whether some or all of the proposed wastewater treatment systems meet the definition of a domestic wastewater treatment works.
25. Complete, engineered road plans in compliance with Section 12-103: *Road System* are required to be submitted at Preliminary Plan. If the applicant intends to apply for a waiver of standards, they shall contact Public Works prior to submittal of the Preliminary Plan.
26. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this *Resolution*, then the application shall be denied at the Preliminary or Final Plan review stage.
27. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan, subject to the extension provision of Section 7-202:Q. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and required the applicant to begin the Sketch Plan review process again.
28. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.



DECISION:

The Gunnison County Board of County Commissioners, having considered the submitted plan, site observations and public testimony, has reached the above findings and approves LUC-13-00005 as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

1. A clear and distinct phasing plan and/or construction sequence shall be submitted at Preliminary Plan.
2. The site plan shall include proposed building envelopes for all proposed structures and shall delineate the location of proposed amenities including trails, zip-lines, etc.
3. A site plan showing the proposed and existing trails (on public and private land) on the subject parcels and surrounding the subject parcels shall be submitted at Preliminary Plan.
4. Event, traffic, and customer planning shall be submitted at Preliminary Plan; this should include a description of how large events will be handled with respect to hours of operation, food/drink service, traffic, parking, noise, what number of people constitutes a "large" event, and any other relevant issues. This plan shall also address how potential customers will access/utilize amenities (i.e. zip-lines, trails, etc.).
5. The Preliminary Plan shall address whether the proposed and existing trails on private property will be open to the public and how that will be managed.
6. Proposed language relative to conservation easements on the 40 acres of mining claims shall be submitted as part of the Preliminary Plan.
7. A visual simulation of the proposed structures and amenities shall be submitted at Preliminary Plan.
8. Noise level testing shall be completed and the results submitted as part of the Preliminary Plan.
9. A geologic hazard report, in compliance with Section 11-104: *Development in Areas Subject to Geologic Hazards* shall be submitted at Preliminary Plan. This report shall address any geologic hazards present on the subject parcels including, but not limited to, avalanche hazards, unstable slopes, rockfall, landslide and debris flows.
10. The geologic hazard report and application shall be referred to the Colorado Geological Survey at Preliminary Plan, at the expense of the applicant.
11. The applicant shall provide information on the impact of zip-lines to wildlife at Preliminary Plan submittal.
12. Portions of the subject parcels are in a high wildfire hazard, according to Gunnison County mapping; the applicant is required to submit a wildfire mitigation plan in compliance with Section 11-105: F.3.
13. Protective covenants shall include wildfire prevention standards in compliance with Section 11-105: F.5.



14. The applicant shall consult with both the Gunnison Fire Protection District and Crested Butte Fire Protection District prior to submittal of the Preliminary Plan.
15. The applicant shall submit a water supply plan in compliance with Section 7-301: J.12.
16. Detailed information on events at the Irwin Lodge and how wastewater treatment will be addressed and possible use of the existing wastewater treatment system shall be submitted at Preliminary Plan. Identification of the capacity of the existing wastewater treatment plant shall be submitted at Preliminary Plan.
17. The applicant shall apply for a watershed permit from the Town of Crested Butte in conjunction with the submittal of the Preliminary Plan.
18. The applicant shall work with the U.S. Forest Service to determine the appropriate public process for the proposed realignment of the Scarp Ridge Trail, any changes to the existing access easement and any other impacts to other trails (including the Ridge trail) or public lands associated with the proposed project. The applicant shall submit an operations and maintenance plan for the trailhead toilets and parking area with the submittal of the Preliminary Plan.
19. Wetlands have been identified on the subject parcels; a wetlands delineation shall be submitted at Preliminary Plan. Certification of that delineation from the Army Corps of Engineers shall be required prior to any recommendation of approval of the Preliminary Plan.
20. A plan for water quality protection, in compliance with Section 11-107: *Protection of Water Quality*: D.2. shall be submitted at Preliminary Plan.
21. A reclamation plan shall be submitted at Preliminary Plan.
22. The applicant shall consult with the State Colorado Water Quality Control Division (WQCD) to determine if a State permit is required for the domestic wastewater treatment.
23. A wastewater treatment plan in compliance with Section 12-106: *Sewage Disposal/Wastewater Treatment* including treatment options for events to be held at the Irwin Lodge shall be submitted at Preliminary Plan. The plan shall also address the potential for a central wastewater treatment system in compliance with Section 12-106: E. *Evaluation Required*.
24. Complete, engineered road plans in compliance with Section 12-103: *Road System* are required to be submitted at Preliminary Plan. If the applicant intends to apply for a waiver of standards, Public Works shall be consulted prior to submittal of the Preliminary Plan.
25. A parking plan, in compliance with Section 13-110: *Off-Road Parking and Loading*, shall be submitted at Preliminary Plan.
26. A landscaping plan in compliance with Section 13-111: *Landscaping and Buffering*, shall be submitted at Preliminary Plan.
27. An exterior lighting plan in compliance with Section 13-114: *Exterior Lighting*, shall be submitted at Preliminary Plan.



28. A grading and erosion control plan, in compliance with Section 13-116: *Grading and Erosion Control*, shall be submitted at Preliminary Plan.
29. A drainage plan, in compliance with Section 13-117: *Drainage, Construction and Post-Construction Storm water Runoff*, shall be submitted at Preliminary Plan.
30. Integration of the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review is required within the Preliminary Plan submittal.
31. 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*.
32. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
33. 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.
34. 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.
35. 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.

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and passed on this 4th day of Feb, 2014.

BOARD OF COUNTY COMMISSIONERS

(Abstained)
 Paula Swenson, Phil Chamberland, Jonathan Houck,



Chairperson

Commissioner

Commissioner

ATTEST:



Gunnison County Clerk and Recorder



S Dominguez Gunnison County, CO
2/5/2014 3:00:54 PM
447



625430
Page 8 of 8
R 0.00 D 0.00