



Gunnison County, CO
Community Development Department

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To: Planning Commission
From: Community Development Department Services Manager Beth Baker
CC: Director of Community Development- Russ Forest
Assistant Director of Community Development- Neal Starkebaum
Planner- Cathie Pagano
Date: **January 30, 2014**

Re: Packet Materials/ Document or other materials PC Meeting- February 7, 2014
• Agenda-Preliminary – February 7, 2014
• Minutes-Draft – January 17, 2014
• Cross Bar Ranch work session & public hearing with possible action- LUC-13-00027 Draft Decision of Approval
• Sonrise- LUC-13-00025 - 1st Work Session Application- found on Citizen Access Maps- found on Citizen Access Referral Comments

We will e-mail any documents that are not available yet, and anything that is submitted after we distribute the packets.

Thanks,
Beth

NOTE: Using the Land Use Change number (LUC) you may view the entire project application on the Citizen Access Portal;
<http://gunnisoncounty.org/436/Citizen-Access-Portal>

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, February 7, 2014

- 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.** **Cross-Bar Ranch, LUC 13-00027**, work session/no action, request for third residence on one parcel, located east of the City of Gunnison and north of Sargents on County Road 888 (Whitepine), legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M., 3535 County Road 888
- 9:30 a.m.** **Cross-Bar Ranch, LUC 13-00027**, public hearing/possible action, request for third residence on one parcel, located east of the City of Gunnison and north of Sargents on County Road 888 (Whitepine), legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M., 3535 County Road 888
- 10:00 a.m.** **Sonrise, LUC-13-00025**, work session/no action, request for the construction of three residences on one 13-acre parcel. Sonrise Mountain Ranch is a retreat center and is supported by full time and seasonal staff at 1670 County Road 858 and legally described as 13.673 acres in SE1/4, SW1/4, Section 32, Township 47 North, Range 6 West.
- End of Meeting**
- Report of actions taken by BOCC.
 - A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

Adjourn

The Planning Office has each application available for review on the County website. Please use the Citizen Access Link-<http://gunnisoncounty.org/436/Citizen-Access-Portal>
Using the project number, you will be able to view all documents in the application files. Please call with any questions. 970-641-0360.

NOTE: To receive e-mail / mobile device notification of Planning Commission Agendas, etc. Please go to **Notify Me on the Gunnison County Web site** or use <http://gunnisoncounty.org/list.aspx> , to sign up for notifications.

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 by the staff up to 24 hours before the meeting date. If you are interested in a specific agenda item; you may want to call the Community Development Department (641-0360) ahead of time to confirm its scheduled time.

Anyone needing special accommodations please contact the Community Development Department before the meeting.

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, January 17, 2014

- 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. Scarp Ridge LLC, LUC #13-00005** work session/possible action – recommendation to Board of County Commissioners on the Sketch Plan application. 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, two alpine huts; expansion of the existing maintenance barn; the addition of a roof deck to the existing parking barn; outdoor pavilion that would seat approximately 170 people; new mountain bike trails; zipline; kids' village to include playground equipment; reroute of the existing Scarp Ridge trail. The proposed structures and facilities will comprise a year-round commercial resort.

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.

- 10:00 a.m. Gunnison/Crested Butte Industrial Special Area** work session/no action, proposed Special Area to designate geographic areas in which land development and land use is identified as being appropriate for industrial uses; on lands generally located adjacent to the Signal Peak Industrial Park, east of Gunnison and the Riverland Industrial Park, south of Crested Butte

- End of Meeting**
- Report of actions taken by BOCC.
 - A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

Adjourn

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
January 17, 2014

The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Kent Fulton
Commissioner- Tom Venard
Commissioner- Susan Eskew
Commissioner- Warren Wilcox

Assistant Director of Community Development- Neal Starkebaum
Community Development Services Manager-Beth Baker
Others present as listed in text

Absent; Commissioners Jeremy Rubingh and A.J. Cattles

With a quorum present Chairman Kent Fulton opened the regular meeting of the Planning Commission.

Moved by: Eskew seconded by Fulton to approve Planning Commission minutes dated January 3, 2014 as presented. The motion passed unanimously.

Scarp Ridge LLC, LUC #13-00005 ; The Gunnison County Planning Commission conducted a work session with possible action, to review the recommendation to Board of County Commissioners on the Sketch Plan application. 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, two alpine huts; expansion of the existing maintenance barn; the addition of a roof deck to the existing parking barn; outdoor pavilion that would seat approximately 170 people; new mountain bike trails; zipline; kids' village to include playground equipment; reroute of the existing Scarp Ridge trail. The proposed structures and facilities will comprise a year-round commercial resort.

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.

Commissioner Jeremy Rubingh has recused himself from the review of this application.

With a quorum present Chairman Kent Fulton opened the work session.

Applicant's representatives' attorney David Leinsdorf, Project Manager John Featherman, and Engineer Norm Whitehead were present for the work session.

Chairman Fulton seated Alternate Commissioner Tom Venard for the review and vote on this application.

The commissioners reviewed the draft recommendation of approval.

MOVED; by Venard **Seconded** by Fulton to recommend approval of the sketch plan phase of LUC-13-00005 Scarp Ridge LLC, as amended, to the Board of County Commissioners. The motion passed unanimously.

SKETCH PLAN IS EXPLORATORY. *Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative*

approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.

SKETCH PLAN EXPECTED TO EVOLVE. *Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.*

ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN. *To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.*

PROJECT DESCRIPTION:

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.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- Land Use Change application, LUC-13-00005, including maps and exhibits
- Declaration of Protective Covenants of Scarp Ridge, dated March 4, 2013
- Letter from David Leinsdorf, dated October 20, 2013
- Site plan, dated August 20, 2013, prepared by NCW & Associates, Inc.
- Letter from Monarch & Associates, dated September 20, 2013
- Letter from David Leinsdorf, dated September 19, 2013
- Letter from David Leinsdorf, dated September 9, 2013
- Two letters from David Leinsdorf, dated August 15, 2013.
- Letter from Monarch & Associates, dated August 8, 2013, regarding "Responses to Colorado Parks and Wildlife comment letter dated 7/31/13."
- "Scarp Ridge Sewage Disposal Report for the Gunnison County Sketch Plan," prepared by Norman Whitehead, P.E.-P.L.S, NCW & Associates, Inc. dated August 27, 2013.
- "Scarp Ridge Assessment of Habitat and Wildlife in the Proposed Land Use Change Area," prepared by Monarch & Associates, dated May 20, 2013.
- Letter from David Leinsdorf, dated December 17, 2013.

IMPACT CLASSIFICATION:

The project, by definition, is a Major Impact pursuant to Section 7-101:C. *Expansion of Commercial or Industrial Use of 10,000 Sq. Ft. or More.*

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Scarp Ridge, LLC, application on the following dates:

- June 21, 2013 Work Session
- July 19, 2013 Site Visit
- August 23, 2013 Work Session
- September 6, 2013 Joint Public Hearing
- October 11, 2013 Continued Joint Public Hearing
- November 1, 2013 Work Session
- December 6, 2013 Work Session

SITE VISIT:

The Planning Commission conducted a site visit on July 19, 2013. The Commission and members of the public walked the proposed Scarp Ridge trail realignment and viewed each of the proposed building sites. The Commission viewed the location of the lower alpine hut but did not hike to the proposed upper alpine hut location.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on September 6, 2013 and continued the public hearing on October 11, 2013. The Planning Commission accepted comments until 5:00 p.m. on October 11, 2013. Testimony that was presented and the full record of all hearings, including written letters and oral testimony, are hereby incorporated into this record.

In summary, issues raised during work sessions and public hearings, include, but are not necessarily limited to:

- Proposed trail realignment, including location, length, and accessibility
- The easement between the applicant and the U.S. Forest Service and how it may or may not impact access, parking, and other issues relevant to the public

- Compatibility with adjacent uses including public access, noise, and traffic
- Scale and appropriateness of proposed events including weddings and conferences
- Past violations of County regulations and U.S. Forest Service rules by owners of the Irwin Lodge and/or Scarp Ridge LLC
- Adequacy of proposed sewage treatment and protection of water quality
- Protection of “pristine” habitat and landscapes
- Impacts to wildlife from the proposed development; finding of Monarch & Associates report
- Use of the proposed and existing trails
- Support for the proposed project and jobs/revenue that may occur as a result
- Concern regarding the proposed zip-line and their compatibility with the area and the associated noise level
- Support of the project because of quality of work and experience that is associated with current owner
- Development of an exclusive “country club” type atmosphere
- Trespassing

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent, by electronic mail to review agencies for comments. A referral was sent to the Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Wildlife Coordinator, Gunnison County Trails Commission, Town of Crested Butte, Colorado Division of Water Resources, Colorado Division of Parks and Wildlife, Colorado Division of Water Resources, Colorado Water Quality Control Division, Gunnison Fire Protection District, and Crested Butte Fire Protection District.

State of Colorado, Water Quality Control Division. In a letter dated September 4, 2013, Engineering Section Manager, Brett Icenogle, noted that,

...the existing system does not appear to be currently classified as an active public water supply system, the proposed development appears to meet the definition of a public water system...(which) must comply with the requirements of the CPDWR including the requirements to receive design approval of the water works and a capacity assessment... While the facility (Irwin Lodge) has an active discharge permit...the existing system does not currently accept wastewater and is non-functioning. Due to the current condition of the wastewater treatment works, the facility may not be capable of treating wastewater to the specified limits in the discharge permit.... The Division cannot definitively state whether the proposed [sic] structures each have a designated capacity to generate more than 2,000 gallons of wastewater per day, or whether individual treatment areas have overlapping zones of influence. The Division finds that further analysis is required. Once a more solidified plan emerges, the applicant must work with the Division to determine whether some or all of the proposed wastewater treatment systems meet the definition of a domestic wastewater treatment works...

State of Colorado, Division of Water Resources. Karlyn Armstrong, Water Resource Engineer, for the Division of Water Resources submitted comments via email on July 2, 2013. Her comments noted,

The applicant provides details on the anticipated water uses in their Water Supply Plan and cites an attorney’s letter regarding the intent to obtain a plan for augmentation. At this time the applicant has not published an application for Plan for Augmentation with the Division 4 Water Court. This office cannot issue any well permits for the proposed uses until the court has decreed a Plan for Augmentation, the applicant has submitted a well permit application to this office to operate pursuant to said plan, and this office has reviewed and approved the permit application. Any permit issued will be limited to the uses and amounts augmented in the augmentation plan, which may or may not reflect the exact uses outlined in this application.

As currently presented, the applicant is anticipating year round residential use at their six single family dwellings along with day use at the Movie Cabin, Parking Barn, Lower Alpine Hut and at the Lodge. In addition, there will be overnight use at the Lower Alpine Hut and Special Event use at the Lodge. No residential uses are currently contemplated other than the six single family dwellings and no outdoor uses, such as lawn and garden irrigation and livestock watering, are contemplated in this plan.

So long as the applicant obtains a court decreed plan for augmentation and valid well permits for the uses proposed in this Sketch Plan, this office has no objection to this application.

Gunnison County Fire Protection District. In a letter dated July 23, 2013, Fire Marshal Dennis Spritzer stated, “The plan shows a double track jeep type road accessible only by high profile four wheel drive vehicles. I strongly suggest an

all-weather driving surface capable of holding the imposed loads of fire apparatus..." Spritzer recommends the use of dry hydrants or a 30,000 gallon underground cistern to provide water supply for fire protection. He also says, "any assembly type occupancies should be fire sprinklered for life safety purposes."

Crested Butte Fire Protection District. In a letter dated July 29, 2013 from Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, noted that the subject parcels are not within their district but mutual aid agreements would likely trigger a response from the Crested Butte Fire Protection District. They also "strongly suggest an all-weather driving surface capable of supporting the imposed loads of emergency response vehicles...As any request for emergency services may include a plethora of various mutual aid agencies, we strongly recommend non-combustible road signage and address numbers," and a rapid entry key system. CBPFD also recommends sprinklering, a cistern, dry hydrants, and compliance with Colorado State Forest Service 'Firewise' practices.

Town of Crested Butte. A letter dated June 24, 2013 from Bob Gillie, Building and Zoning Director, notes that the proposed project is subject to the Town's permitting authority because it is in the Town's watershed. Gillie also states that, "the building density and intensity of use that is proposed could have significant effects on the watershed given the roads, buildings, trails, water augmentation and septic systems."

U.S. Forest Service. Cathy Mask of the U.S. Forest Service submitted comments on July 1, 2013. Comments noted:

...The application states that the proposed trail realignment does not require an EA or EIS from the federal or state government. I have to caution that we have not yet determined that. There is a possibility that the realignment of the Scarp Ridge trail and rehab of the lower segment of abandoned trail may meet the criteria for a Categorical Exclusion and will not require an EA or EIS. That has yet to be determined because we have not scoped the project and identified concerns.

The proposal to relocate the lower segment of the Scarp Ridge trail and to construct a trailhead with parking and toilet is discussed. I am supportive of this concept because it would better serve the public, replace an eroding trail with a more sustainable trail and minimize public trespass on the private land.

...The access to the proposed Robinson Creek Cabin and the Lottie cabin appears on the map to be an existing road on National Forest. This access is currently unauthorized and is closed to public travel at this time. The proponent will need to explore constructing access on the private land or apply for an authorization for use of the road on the National Forest. Washington Office direction is that a special use that can be accommodated on private land should not be permitted on National Forest.

...We see that a potential jeep road is identified to access the alpine hut to be located on the Tacoma Lode. Yet there is no access indicated for the alpine hut located on the Justice Lode. Our assumption is that these huts are for winter use and we question the need for the jeep road proposed on the National Forest. More explanation would be helpful.

...It seems that this access (Silverhill Cabin 1 and 2) is unnecessary because the road system proposed on the private land will also provide access to those cabins.

Comments in a letter dated August 23, 2013 from John Murphy, District Ranger, states, "review of the existing easement does not lead me to believe that access for the proposed activities cannot be authorized by the existing easement.

A follow up email from Murphy dated November 1, 2013 responded to specific questions posed by the Planning Commission (USFS responses in italics to questions):

- Does the USFS believe that parking is allowed within the existing 60-ft. easement? *No. The 60 foot easement is for maintenance of the road. It was never intended to accommodate a parking area for the public.*
- If a new trail alignment and trailhead are created, will the existing easement continue to exist or will it be voided? The public has asked if they would still be able to use the road up to the Irwin Lodge for access to public lands. The applicant has currently proposed a gate at the new trailhead, ostensibly prohibiting public access. *The original proposal included vacating the easement from the new trailhead to the lodge. The Scarp Ridge trail easement from the lodge going up the mountain that is no longer needed would be vacated too. This is a Regional Forester decision and has not been discussed with the Regional Office yet.*

- There has been discussion of another trail that connects to the existing Scarp Ridge trail, Trail 421. Is this a legal trail and if so, what is the fate of this trail, if the Scarp Ridge trail is realigned? *Trail #421 is the Scarp Ridge Trail. I believe that the other trail you are referring to is Trail #419 (the Ridge 70 trail). There has been no discussion as to whether this trail would be affected by the realignment of the Scarp Ridge trail but this is a good question.*
- If the trail realignment is approved by the USFS, the public has asked how proper maintenance (by Scarp Ridge LLC) will be ensured over time, especially if the owner goes out of business or sells to another owner. *The Forest Service has maintenance responsibilities for all system trails so there would be no effect if they were to go out of business.*
- Does the USFS have concerns related to the campground? The public has expressed concerns about traffic from the Scarp Ridge project causing safety issues at the campground (particularly if there are large events or parties that will have more traffic than usual). Also, the public has expressed concern about noise levels relative to events at the Irwin Lodge and how that may impact the campground, considering the campground has identified quiet hours. *We have not discussed either of these concerns. The Forest Service does not generally comment on noise coming from private property. If safety issues arise from increased traffic by construction equipment on a Forest Service road this would be addressed and possibly mitigated when we issue a road use permit.*
- The public has stated, and the applicant has acknowledged, that the existing Parking Barn encroaches 1-foot into the easement. *The 60 foot easement is for maintenance of the road so the building extending one foot onto the easement is not a concern for us since it does not impede our ability to maintain the road.*
- A member of the public asked if the USFS will allow Scarp Ridge, LLC to transport construction materials via snow cat during the winter months so that they construct the alpine cabin without creating roads. *The Forest Service considers all proposals. Since we don't have a proposal in hand I can't say how we would respond. On the surface it appears that allowing over the snow access as opposed to constructing a new road would result in reduced environmental impacts.*

Colorado Parks and Wildlife. Comments from J. Wenum, Area Wildlife Manager, in a letter dated July 31, 2013. Wenum explains:

...comments and recommendations on the latest proposal in the Irwin Lake area are consistent with our previous comments, with the exception that the cumulative impacts to wildlife from consistently increasing recreational activities in the Irwin Lake area are likely to become more and more difficult to mitigate. 'Backcountry' outdoor recreation...may have significant wildlife impacts even though it is perceived to be 'light on the land'....CPW offers the following specific recommendations for the County to consider in its efforts to avoid, minimize, and mitigate additional impacts to wildlife in the Irwin Lake area:

Avoid and Minimization Options

- *Cluster development adjacent to existing development of cabins and homes (rather than dispersing them within the development area);*
- *Encourage mountain biking and hiking on existing trails. Minimize new trail development;*
- *While the wildlife impacts associated with zip-lines are unknown, we expect that the noise and commotion created by squealing people, whirring pulleys and rapid movement through the air, whether over open ground or through the trees will have effects similar to trail development.*
- *We are concerned with the potential for avian strikes on the cables causing bird mortality. We suggest marking the lines in a manner to reduce potential bird collisions when not in use.*

Mitigation Options to Address Unavoidable Impacts

- *Due to the extent of the development and use of the proposed project, avoidance and minimization of potential impacts to wildlife resources may not be possible. Offsite mitigation may be the most effective tool for ensuring that cumulative impacts to wildlife are adequately addressed.*

Gunnison County Trails Commission in a letter dated 7/1/13 and noted, "Overall, the Gunnison County Trails Commission is supportive of the proposal to move the Scarp Ridge Trail and trailhead as depicted in the site plan....It should be noted that less fit or avid hikers may object to the longer and more diverse trail opportunity provided by this proposal. Despite those possible objections, the Trails Commission feels as though the proposed trail re-alignment and improved trailhead facilities will ultimately provide a better public trail experience."

Gunnison County Public Works, in a memorandum dated July 24, 2013 from Public Works Director, Marlene Crosby. Crosby noted that the submitted road plans are adequate for this phase of the application. At the August 23, 2013 Planning Commission work session, Crosby addressed the County's jurisdiction concerning the road to Irwin. She explained the County's jurisdiction ends at the Irwin town site and the remainder of the road is regulated by the USFS. Crosby said the roads should be 16- feet wide with an all-weather surface and a waiver of standards would be required for variations of those requirements. She suggested clustering the lots could reduce the linear feet of roads and added the road must be fit for an ambulance to travel. Crosby said that she disagreed with the Fire Districts that an all-weather surface is necessary because the response time from the Fire Districts will be so long due to distance from a fire station.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

Section 7-102: *Standards of Approval for Major Impact Projects.*

Applicable, the application is consistent with the standards of this Section for Sketch Plan application.

1. 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.
2. 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.
3. The applicant is proposing to develop the project in a single phase with a general construction sequence identified:
 - Scarp Ridge trail and trailhead
 - Irwin Lodge renovation, outdoor pavilion and, if indicated, sewage treatment plant update
 - Amenities such as zip-line, mountain bike trails, kids village and overlook structure
 - One cabin start per year. The sequencing and timing of cabin construction will depend on weather-related building season constraints and market conditions.
4. All uses have been identified on the proposed parcels.

Section 9-100: *Uses Secondary to a Primary Residence.*

Not applicable. No secondary uses are proposed as part of this application.

Section 9-200: *Special Residential Uses.*

Not applicable. No special residential uses are proposed as part of this application.

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

Applicable, commercial and industrial developments, including buildings, shall be designed according to the same principles governing the design of residential developments, and shall be sited to complement the topography, avoiding environmentally sensitive areas to the maximum extent feasible. Factors including drainage, noise, and odor and surrounding land uses shall be considered in siting buildings; sufficient access shall be provided, and impacts mitigated.

The applicants have demonstrated compliance with this Section through the siting of proposed structures in areas where existing development is located. The applicant has removed the proposed upper alpine structure from the proposal in response to concerns related to wildlife impacts. The proposed residential buildings have been sited, according to the applicant, to be visually unobtrusive.

In a letter from David Leinsdorf, dated October 21, 2013, the applicants propose to end live outdoor music by 10:00 pm and that "partying will move inside." Traffic from large events will be mitigated by requiring most guests to utilize large vans operated by local transportation providers. Leinsdorf also noted in the letter that, "Four of the proposed cabin sites

were selected to take advantage of naturally occurring defensible space. Applicants have sited the largest cabin on the Silverhill Lode to minimize visual impacts. Applicants have already agreed not to develop at least 3 ½ of their fifteen legal parcels...”

There has been concern expressed regarding the potential noise associated with events that may occur at the site. The applicant shall be required to comply with the noise standards set forth in this Section and demonstrate compliance through testing at Preliminary Plan.

Hours of operation, traffic, trail access and event planning shall be specifically addressed in the Preliminary Plan submittal.

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

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

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

Not applicable. No miscellaneous uses or activities are proposed.

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

Applicable, no new residential development (subdivision) is proposed as part of this application, however, Section 9-301 states that commercial developments shall be designed according to the same principles as residential developments. Section 10-102: 3. *Location Results in No Significant Net Adverse Impact to the Neighborhood* states, “...the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality...”

The applicant noted that proposed cabins were located to reduce visual impacts from the Lake Irwin area. The Commission and staff viewed the sites during the site visit but did not make a visual assessment from the Lake area. A visual assessment or modeling shall be required at Preliminary Plan submittal. Based on the evolution of the project and the impacts to wildlife being mitigated through conservation easements and removal of the upper alpine hut the application is in general compliance with this Section.

Section 10-103: *Residential Density.*

Applicable, no new residential development (subdivision) is proposed as part of this application, however, Section 9-301 states that commercial developments shall be designed according to the same principles as residential developments.

The applicant has located many of the proposed improvements in areas where development already exists. The density of the development is not greater than one unit per legal parcel.

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

Applicable, the applicant has demonstrated compliance with the alternative locational standards of this Section. The applicant has demonstrated that the proposed location is well-suited to the specific use. The existing operation that has included backcountry skiing, lodging and ancillary operations has occurred at the subject parcels for many years. The expansion of the use in that particular location is well suited to the proposed use of expanded event capability, lodging opportunities and recreational amenities.

The applicant has demonstrated that the proposed uses can be compatible with existing uses in the impact area. More specific information will be required at Preliminary Plan to demonstrate that the project and specific aspects of the project are compatible with the uses in the area.

Nearby landowners have argued that there is a significant net adverse impact to the neighborhood through noise, traffic and the realignment of the Scarp Ridge Trail. The applicant has proposed noise mitigation by limiting outdoor music and events to 10 p.m. The applicant also proposes to shuttle guests via vans to and from Crested Butte for large events which they assert would mitigate safety issues associated with traffic. The applicant and CPW have also stated that the realignment of the trail may mitigate wildlife and water quality impacts and will be a better designed and maintained trail.

More specific information regarding event planning, traffic, noise, wildlife impacts, recreational amenities shall be required at Preliminary Plan. The conditions are identified in the recommendations section of this document.

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

Not applicable, no development is proposed within a flood hazard area.

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

Applicable, portions of the subject development are in areas mapped as geologic hazard, according to Gunnison County mapping. A geotechnical review of the site shall be required as part of Preliminary Plan, along with review by the Colorado Geological Survey.

There has been concern expressed by the public that the proposed trail realignment may cross avalanche areas. The geologic hazard report shall include a review of avalanche hazards relative to the trail realignment.

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

Applicable, portions of the subject parcels are in areas mapped as high wildfire hazard, according to Gunnison County mapping. A wildfire mitigation plan in compliance with this Section is required to be submitted at Preliminary Plan; the plan shall include creation of defensible space and not cause adverse impacts. The proposed Protective Covenants shall address wildfire prevention standards in compliance with this Section.

The applicant has demonstrated compliance with this Section relative to the development of access roads. Public Works has concurred that "road design plans at this point in the process are adequate." Section 12-107: B. *Standards for Vehicle Access*, states that "All sites proposed for land use changes shall provide access that is sufficient for emergency vehicles, and for service and other vehicles that need access to the property, except when the site is a patented mining claim..." The subject parcels that are included as part of the Scarp Ridge, LLC application are patented mining claims and thus are not required to provide access sufficient for emergency vehicles. Although both the Gunnison and Crested Butte Fire Districts have expressed concern about emergency vehicle access to the residential building sites, Public Works has indicated that they agree with the applicant's plan for proposed access.

A copy of the Preliminary Plan application shall be referred to the Colorado State Forest Service for review and comment.

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

Applicable, the application was referred to the Colorado Division of Parks and Wildlife (CPW), U.S Fish and Wildlife Service (FWS) and Gunnison County Wildlife Coordinator. Initial comments from CPW indicated significant concerns relative to the proposal and impacts to wildlife. Gunnison County Wildlife Coordinator, Jim Cochran, also noted that portions of the parcel may be in lynx habitat area which triggered referral of the application to the FWS

On September 25, 2013 the applicants, Colorado Parks and Wildlife (CPW), Planning Commission Chairman Kent Fulton and Community Development staff had an on-site visit and a meeting to discuss wildlife issues. The applicant has agreed to remove the upper alpine hut from the proposal and has proposed to encumber at least 40 acres of the mining claims with a conservation easement. CPW has indicated that they are comfortable, at this time, with that proposal and believe that may mitigate impacts to wildlife.

Jim Cochran, Gunnison County Wildlife Coordinator stated that the subject parcel is in mapped lynx habitat. The lynx is currently identified as a Threatened Species by the U.S. Fish and Wildlife Service (FWS). In an email from Patty Gelatt on behalf of Kurt Broderdorp of FWS, they stated, "We do not believe that the subject proposal will result in 'take' of lynx. Therefore, no action under Section 10 of the Endangered Species Act will be required by the applicant...the U.S. Forest Service may be required to analyze the effects of the proposal through Section 7 of the Act, depending on their permitting and approval requirements."

Information on the impacts to wildlife from zip-lines shall be required to be submitted at Preliminary Plan. The applicant shall also be required to submit proposed language for the conservation easements that will encumber 40 acres of the mining claims. The applicants, tentatively, propose to encumber the Justice, Pickwick and the Tacoma (except for the Alpine hut) lode mining claims. An off-site ten acres will also be acquired and encumbered with a conservation easement.

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

Applicable, the proposed development is within 125 feet of a water body. The applicant has identified an area of wetlands on the site plan, dated August 20, 2013 and prepared by NCW & Associates. A wetlands delineation shall be submitted at Preliminary Plan. If the Army Corps of Engineers is unable to review the wetlands delineation for the purpose of certifying the work of the delineator by the time of Preliminary Plan submittal, the Preliminary Plan shall still be accepted. All

buildings are required to maintain a minimum 25-foot setback from wetlands. A water quality protection plan, in compliance with this Section, shall be submitted at Preliminary Plan.

Section 11-108: *Standards For Development On Ridgelines.*

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

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

Not applicable, the proposed development will not affect agricultural lands.

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

Applicable, the site is located beyond snowplowed access. The owners have signed a "Landowner's Acknowledgement of No Snowplowing, No County Liability and No Restriction on Road Closures." The applicants propose that the subject parcels be accessed by snow cat during the winter.

Section 11-111: *Development On Inholdings In The National Wilderness.*

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

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

Applicable, portions of the subject parcels are located above timberline. With the removal of the upper alpine hut from the application, it appears that none of the proposed buildings will be above timberline. If any buildings are proposed above timberline, the standards of this Section shall apply.

Section 12-103: *Road System.*

Applicable, a copy of the application was referred to Gunnison County Public Works. The applicant has identified the general locations of roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan.

The applicant has demonstrated compliance with this Section relative to the development of access roads. Public Works has concurred that "road design plans at this point in the process are adequate." Section 12-107: B. *Standards for Vehicle Access*, states that "All sites proposed for land use changes shall provide access that is sufficient for emergency vehicles, and for service and other vehicles that need access to the property, except when the site is a patented mining claim..." The subject parcels that are included as part of the Scarp Ridge, LLC application are patented mining claims and thus are not required to provide access sufficient for emergency vehicles. Although both the Gunnison and Crested Butte Fire Districts have expressed concern about emergency vehicle access to the residential building sites, Public Works has indicated that they agree with the applicant's plan for proposed access.

Section 12-104: *Public Trails.*

Applicable, the lower portion of the existing Scarp Ridge trail, is proposed to be relocated and realigned. 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. 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.

There has been significant public concern regarding the trail realignment. The public has expressed that the reroute may be in avalanche terrain, that it may be more difficult for users to hike the trail because of the increased length and elevation gain, and that the trail may not be accessible until later in the summer due to snow cover in the treed areas.

The Trails Commission, USFS, and CPW have expressed their support for the trail realignment, stating that it will be a more sustainable trail design and construction which would reduce impacts to natural resources. The agencies also stated that the reroute would enhance the user experience and create better amenities, including bathrooms and legal parking for the public.

The applicant shall be required to pursue the trail realignment with the USFS. The realignment of the trail will be reviewed by the USFS, which will perform a scoping process and determine whether an Environmental Assessment, Environmental

Impact Statement or Categorical Exclusion will be required. The applicant shall also be required to review impacts to other trails in the area, including but not limited to, the Ridge trail.

Section 12-105: *Water Supply.*

Applicable, the applicant proposes to use groundwater and wells for the water supply. Central wells are proposed to serve the development. No fire suppression system is proposed for the commercial structures; the cabins will be sprinkled. An augmentation plan shall be required to obtain well permits through the State of Colorado. The applicants propose to construct one or more augmentation ponds on site. Attorney Marcus Lock has provided a letter regarding feasibility of the plan for augmentation dated April 2, 2013.

Karlyn Armstrong, Water Resource Engineer, for the Division of Water Resources submitted comments via email on July 2, 2013. Her comments noted, "At this time the applicant has not published an application for Plan for Augmentation with the Division 4 Water Court. This office cannot issue any well permits for the proposed uses until the court has decreed a Plan for Augmentation, the applicant has submitted a well permit application to this office to operate pursuant to said plan, and this office has reviewed and approved the permit application...So long as the applicant obtains a court decreed plan for augmentation and valid well permits for the uses proposed in this Sketch Plan, this office has no objection to this application."

The applicant shall demonstrate at Preliminary Plan submittal that they are pursuing a court approved water augmentation plan. The approved augmentation plan shall be a condition of any Final Plan recommendation for approval.

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

Applicable, the applicant proposes to install individual sewage disposal systems where feasible and small residential wastewater treatment plans (Advantex) where soils are not suitable for ISDS. 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.. Detailed information on wastewater treatment for events at the Irwin Lodge and possible use of the existing wastewater treatment system shall be submitted at Preliminary Plan.

The proposed Advantex wastewater treatment systems are 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 Dallemund, P.E. Onsite Wastewater Program Coordinator.

This Section also requires an engineering and economic evaluation of the feasibility of providing a central wastewater treatment system for the development. This evaluation shall be submitted at Preliminary Plan.

The applicant shall consult with the Gunnison County Environmental Health Official, Crystal Lambert, to determine feasibility of the proposed wastewater treatment systems for all buildings.

Section 12-107: *Fire Protection.*

Applicable, portions of the development are in areas mapped as high wildfire hazard . A copy of the application was referred to the Crested Butte Fire Protection District and Gunnison Fire District for review and comment. The subject parcels are in the Gunnison Fire District but through mutual aid agreements, it is anticipated that the Crested Butte Fire Protection District would be the first responders to any emergency at the subject parcels.

In a letter dated July 23, 2013, the Gunnison County Fire District Fire Marshal, Dennis Spritzer, said:

"I have reviewed this Sketch Plan proposal and have concerns about the access to this site and to the various proposed cabins. The plan shows a double track jeep type road, accessible only by high profile four wheel drive vehicles. I strongly suggest an all-weather driving surface capable of holding the imposed loads of fire apparatus. Following the Gunnison County Road and Access specifications would be preferable. For water supply for fire protection, dry hydrants would be one alternative...Another alternative would be an underground cistern with 30,000 gallon capacity. Any assembly type occupancies should be fire sprinklered for life safety purposes."

In a letter dated July 29, 2013 from the Crested Butte Fire Protection District, echoed Gunnison's comments and added: "...we strongly recommend non-combustible road signage and address numbers (premises ID) suitable for Wildland-Urban Interface. A rapid entry key system (KNOX box) is also strongly recommended for gated roads, residences and major structures to minimize access damage and provide the ability to secure them once responding units clear a scene."

The applicant has demonstrated compliance with this Section relative to the development of access roads. Public Works has concurred that "road design plans at this point in the process are adequate." Section 12-107: B. *Standards for Vehicle Access*, states that "All sites proposed for land use changes shall provide access that is sufficient for emergency vehicles, and for service and other vehicles that need access to the property, except when the site is a patented mining claim..." The subject parcels that are included as part of the Scarp Ridge, LLC application are patented mining claims and thus are not required to provide access sufficient for emergency vehicles. Although both the Gunnison and Crested Butte Fire Districts have expressed concern about emergency vehicle access to the residential building sites, Public Works has indicated that they agree with the applicant's plan for proposed access.

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan prepared by NCW & Associates, titled, "Site Plan" dated August 20, 2013 meets the criteria.

A site plan showing proposed improvements and building envelopes shall be submitted at Preliminary Plan.

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

This section applies; the proposed improvements meet the commercial and industrial setback requirements. The proposed development complies with all setback requirements adjacent to other parcels.

A site plan showing proposed improvements and building envelopes shall be submitted at Preliminary Plan.

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

Applicable, the proposed covenants restrict the maximum residential building size as required by this Section.

Section 13-106: *Energy and Resource Conservation.*

Applicable, this section will be applied at the time of building permit application.

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

Applicable, this section applies and any solid fuel-burning devices proposed shall comply with this section.

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

Applicable, Major Impact commercial projects are required to provide open space through landscaping elements and setbacks. The applicant shall submit a landscaping plan identifying areas of open space and in compliance with Section 13-111 at Preliminary Plan.

Section 13-109: *Signs.*

Applicable, 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.

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

Applicable, individual parcels and uses are required to comply with this Section. **A parking plan in compliance with this Section shall be submitted at Preliminary Plan. The parking plan shall identify parking for events at the Irwin Lodge, general customer parking and parking areas at the individual residential buildings.**

Section 13-111: *Landscaping And Buffering.*

Applicable, the applicant is required to submit a landscaping plan pursuant to this Section at Preliminary Plan.

Section 13-112: *Snow storage.*

Not applicable, snowplowing of roads, driveways, and parking areas is not proposed. The applicant proposes over the snow access.

Section 13-113: *Fencing*

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

Section 13-114: *Exterior Lighting.*

Applicable, this section applies and any exterior lighting proposed shall comply with this Section. Additionally, commercial uses are required to comply with the exterior lighting requirements of Section 9-301: D.6. *Exterior Lighting*. The protective covenants shall address exterior lighting requirements.

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

Applicable, the applicant has acknowledged that a reclamation plan, prepared in compliance with this Section, shall be required at Preliminary Plan. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

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

Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan. Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*. A grading and erosion control plan shall be submitted at Preliminary Plan, in compliance with this Section.

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

Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan. A drainage plan, stamped by a Colorado-licensed engineer shall be submitted at Preliminary Plan, in compliance with this Section.

Section 13-118: *Water Impoundments.*

Not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

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

The proposed development shall be designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas. The applicant shall submit additional information relative to noise, traffic, visual impacts, wildlife impacts and other issues as outlined in the recommendation section of this document to demonstrate compliance with this Section at Preliminary Plan.

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 parcels.

FINDINGS:

The Gunnison County Planning Commission finds that:

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.

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-13-00005 be classified 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.

Gunnison/Crested Butte Industrial Special Area; The Gunnison County Planning Commission conducted a work session with no action to review proposed Special Area to designate geographic areas in which land development and land use is identified as being appropriate for industrial uses; on lands generally located adjacent to the Signal Peak Industrial Park, east of Gunnison and the Riverland Industrial Park, south of Crested Butte.

With a quorum present Chairman Kent Fulton opened the work session.

Staff members Assistant Director of Community Development Neal Starkebaum and GIS Director Mike Pelletier were present for the work session.

Starkebaum noted this is a strategic result identified by the Board of County Commissioners (BOCC.) The BOCC has directed staff to investigate areas in unincorporated Gunnison County where industrial designations would be appropriate. This would give developers some degree of certainty when planning a project. The areas being considered are Signal Peak- east of Gunnison on Highway 50 and an extension of Riverland Industrial Park- south of Crested Butte, on Highway 135.

Starkebaum said he had received several phone calls from property owners in the Riverland area who were adamantly opposed to the proposed designation.

Fulton asked who owned the property north of Riverland: Starkebaum said the partnership of John Councilman and John Nichols. Staff has contacted Nichols to see if he was interested in being included; Nichols is interested.

Eskew asked what the process to create a special area includes; Starkebaum said the special area designation was proposed by the BOCC. The owners within the proposed special area are notified and the owners adjacent to the area

are notified of the public hearing date, all work sessions are posted in the newspaper, on the website, and in the designated posting locations for the county.

Wilcox was concerned this is short term solution to a situation which could possibly change with the economy in the coming years. He did not agree to just keep adding to the existing sites is necessarily a good idea. He added planning is more than tomorrow or even 50 years from now. He questioned the sites proposed because of the detriment to the views. He asked if there are other sites less visually intrusive; these proposed sites may be the quickest but not the best areas.

Starkebaum pointed out there is a draft of the proposed specialized regulations being reviewed by the Planning Commission. He said this would give an applicant an exemption to the locational standards.

Adjacent owner to Riverland Industrial Park Ted Colvin was against the proposed designation. He was concerned with; the visual impacts to Highway 135 into Crested Butte, the potential damage to his property value, the potential for a chemical spill into the river, the lack of adequate water for sprinkling the buildings/ fire suppression, no sewer system/ all septic systems, the traffic on Highway 135 and the entrance of the industrial park. He said this is not good planning; stacking more industrial uses is not wise.

GIS Director Mike Pelletier said the BOCC had directed staff to pursue the investigation of these areas for Industrial Special Area designation. The BOCC is seeking sites were a developer can have more certainty. He added it would resemble zoning for industrial. This would also give the surrounding land owners some certainty. Starkebaum added the BOCC has agreed these sites are appropriate areas- adjacent to existing industrial uses.

Wilcox asked about the county owned site near the airport; Starkebaum explained there are Sage grouse and aviation considerations precluding the use of the site.

Adjacent owner to Signal Peak Sally Hayes said she looks down on Signal Peak from her house. She has recently gone through the Tomichi Creek Gravel Pit process and said she appreciated the opportunity to confer with the owner. She does not believe these regulations would allow for open discussions with the adjacent owners; they could lose the consensus building. Starkebaum explained the new regulations will not change the process at all. It will only exempt an applicant from the locational. Hayes asked if this would circumvent notifying the neighbors of changes; Starkebaum said no.

Ramon Reed was concerned with several aspects including the industrial designation would eliminate residential buffers.

Wilcox pointed out this type of designation is a major step, requiring extensive thought in planning- the visual corridor.

Venard asked why the BOCC wants to designate special areas; Pelletier said the lack of certainty from developers- this could bring certainty to the process. Starkebaum also to proactive to designate areas appropriate for industrial.

Fulton said the Planning Commission needs more input from the BOCC, as to what they need / want. He suggested tabling the issue until the next joint meeting with the BOCC in April, 2014.

END OF DAY DISCUSSION;

Starkebaum said the Tomichi Gravel Pit application was recently approved by the BOCC.

Fulton adjourned the meeting at 11:00 A.M.

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

TO: Planning Commission

SUBJECT: Planning Commission Draft Decision
Crossbar Ranch LLC
LUC-13-00027

DATE: February 7, 2014

PREPARED BY: Cathie Pagano, Planner

APPLICANT: Crossbar Ranch, LLC represented by Jennifer Barvitski

PROJECT DESCRIPTION:

Crossbar Ranch, LLC represented by Jennifer Barvitski is requesting construction of a third residence on the subject parcel. There is an existing primary residence adjacent to this proposed third residence. The third residence also includes a garage which has already been permitted; the third residence will be located adjacent to the main residence. The proposed third residence is 1,499 square feet. The garage is currently under construction pursuant to Building Permit No. 13-00190.

The new garage and third residence will be located on a 2,000 acre parcel that is part of the larger Cross Bar Ranch. The proposed third residence would potentially make the total square footage approved through Land Use Change permits 14,499 square feet. The current, existing square footage on the parcel subject to Section 13-105: G. is 3,835 square feet. The applicant proposed a 9,165 square foot addition to the primary residence, making the total single family residence square footage, approved in LUC-13-00007, 12,500 square feet (not including the existing 500 square foot secondary residence).

The subject parcel is located east of the City of Gunnison, north of Sargents on County Road 888 (Whitepine) at 3535 County Road 888. The parcel is legally described as the S1/2E1/2NE1/4, Section 4 and the N1/2N1/2S1/2SE1/4, Section 9, Township 48 North, Range 5 East, and portions of Section 8, 16, 17, 20, 21, 27, 28 and 33, Township 49 North, Range 5 East, N.M.P.M.

IMPACT CLASSIFICATION:

The project, by definition, is a minor impact pursuant to *Section 6-102: A. 2-4 Units*.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Cross Bar Ranch application on the following dates:

- January 3, 2014 Work session
- February 7, 2014 Work session and Public Hearing

SITE VISIT:

The Planning Commission conducted a site visit at this parcel for a separate application on June 21, 2013. The Commission determined that an additional site visit for this specific application was unnecessary.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on February 7, 2014.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on December 6, 2013 to the following agencies: Colorado Parks and Wildlife, Gunnison County Public Works, Gunnison County Environmental Health, Gunnison County Wildlife Coordinator, and the Gunnison County Fire Protection District. 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. There is an existing secondary residence on the parcel; this application is for a third residence on the subject parcel.

Section 9-200: Special Residential Uses.

Not applicable. No special residential uses are proposed as part of this application.

Section 9-300: Commercial and Industrial Uses.

Not applicable, no commercial industrial use is proposed as part of this application.

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

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

Section 9-500: Miscellaneous Uses and Activities.

Not applicable. No miscellaneous uses or activities are proposed.

Section 10-102: Locational Standards for Residential Development.

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

Section 10-103: Residential Density.

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

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

Not applicable, the subject parcel is not in the 100-year floodplain.

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

Not applicable, the subject parcel is not within a mapped geologic hazard area.

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

Applicable, portions of the subject parcel are in high wildfire hazard area. The owner shall be required to sign and have notarized an acknowledgment and disclaimer document as part of the building permit review.

Section 11-106: Protection of Wildlife Habitat Areas.

The application was referred to Colorado Parks and Wildlife and the Gunnison County Wildlife Coordinator.

An email, dated December 29, 2013, from Nick Gallowich, District Wildlife Manager – Gunnison East, notes that CPW has

...determined that the proposed changes should not negatively impact wildlife beyond the level that is currently existing due to the construction on the ranch. CPW does not foresee any major conflicts to wildlife with the potential increase of traffic to this third residence.

CPW does request that the applicant take into consideration the potential for increase human/bear conflict due to greater amounts of household trash. Most encounters can be reduced with proper storage and handling. CPW urges residents in higher density bear areas to utilize bear proof trash containers to reduce such conflict.

The proposed third residence is not in an area of occupied sage grouse habitat.

Section 11-107: Protection of Water Quality.

Not applicable, there are no water bodies within 125 feet of the proposed development.

Section 11-108: Standards for Development on Ridgelines.

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

Section 11-109: Development That Affects Agricultural Lands.

Not applicable, the subject parcel will not directly affect agricultural lands.

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

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

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

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

Section 11-112: Development on Property Above Timberline.

Not applicable, the site is not located above timberline.

Section 12-103: Road System.

Applicable, a copy of the application was referred to Gunnison County Public Works. Marlene Crosby, Public Works Director, noted that an access permit and reclamation permit shall be required and that the driveway must be constructed pursuant to Section 4.5 of the *County Road and Bridge Standards*.

Section 12-104: Public Trails.

There is no public trail existing or proposed on this site.

Section 12-105: Water Supply.

There is an existing well that is proposed to serve the addition to the residence. Well permit No. 234114 has been issued to serve not more than three single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable, the existing residences are served by two individual sewage disposal systems. Crystal Lambert, Environmental Health Official noted that the "third individual sewage disposal system to service the proposed third residence is feasible and was approved under Special Review by the Environmental Health Board on October 16, 2013."

Section 12-107: Fire Protection.

The proposed development is located within the Gunnison Fire Protection District. The application was referred to the Gunnison Fire Protection District; Dennis Spritzer said in an email dated December 9, 2013 that, "I have no fire issues with this proposal as long as the driveway will meet County specifications."

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

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan, "Alvarez Main House Garage & Apartment," prepared by Jennifer M. Barvitski, Architect, LLC and dated November 18, 2013, meets these criteria.

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

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

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

Applicable, the proposed third residence will expand the approved aggregate square footage from 13,000 square feet to 14,499 square feet. 12,500 square feet is the maximum aggregate square

footage allowed without a Land Use Change permit. The applicant received approval in LUC-13-00007 to expand the existing single family residence to 12,500 square feet. The maximum residential square footage allowed without a Land Use Change permit is 10,000 square feet; the maximum aggregate square footage allowed without a Land Use Change permit is 12,500 square feet.

G.1. Finding of No Obtrusive Visibility Required for Approval

G.1.a. Minimize Visibility of Structure by Siting

The proposed third residence is set back approximately three-quarters of a mile from County Road 888 and is located behind the existing main residence.

G.1.b. Minimize Visibility of Structure by Screening

On the south side of the addition is an existing large ridge covered with a dense evergreen and pine forest. This blocks the view of the existing residence and proposed third residence completely from the south and southeast. On the north side of the addition is a large grove of evergreens and pines, which blocks the view of the existing home and the proposed third residence almost completely from the north and northeast. The west side is not visible from any roads. The residences are not visible from any other parcel. The applicant also proposes to use architectural techniques to make the home less obtrusive. Exterior materials will blend with the surrounding site and will consist of barn wood siding, log siding, stone, reclaimed log and square timbers, wood shake shingle roofs and rusted metal roofs.

G.1.c. Location of Utilities Underground

All utilities to the residence will be buried underground.

G.2. Obtrusive Visibility Shall Cause Denial

The structure is not obtrusively visible from outside of the subject parcel.

Section 13-106: Energy and Resource Conservation.

Applicable, this section will be applied at the time of building permit application.

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

This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: Open Space and Recreation Areas

Not applicable, no requirement of open space is required for this application.

Section 13-109: Signs.

There are no signs proposed as part of the submitted application.

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

The number of parking spaces complies with Appendix Table 3 and this section.

Section 13-111: Landscaping and Buffering.

A landscaping plan is required and has been submitted as part of the site plan. The applicants propose that landscape planting areas be seeded with native grasses.

Section 13-112: Snow storage.

Design elements have been included within the site layout design allowing for adequate snow storage.

Section 13-113: Fencing

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

Section 13-114: Exterior Lighting.

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

Section 13-115: Reclamation And Noxious Weed Control.

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

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

Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control.*

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

Not applicable.

Section 13-118: *Water Impoundments.*

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

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

The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

Article 15: *Right-to-Ranch Policy.*

This section is not applicable; there are no agricultural lands that will be affected by the uses on the subject parcel.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.
2. The visibility of the proposed third single-family residence has been minimized by siting and to the shield the building.
3. The visibility of the third single-family residence has been minimized through the use of natural colors and non-reflective building materials.
4. The proposed third single-family residence will not be obtrusively visible from County Road 888 or any of the adjoining parcels.
5. Portions of the subject parcel are in high wildfire hazard area.
6. All utilities to the proposed residence will be buried.
7. This application is consistent with the standards and requirements of this *Resolution*.
8. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above Findings and recommends that LUC-13-00027 be classified as a Minor Impact, and be approved with the following conditions:

1. The driveway shall be constructed pursuant to Section 4.5 of the *County Road and Bridge Standards*.
2. The property owner shall utilize bear proof trash containers to reduce human bear conflicts.

3. The existing topography and vegetation shall be maintained in such a way that the third single family residence remains unobtrusively visible.
4. All utilities to the single family residence shall be buried underground.
5. Non-reflective building materials and natural colors that are similar to the tones of the existing landscape at the site shall be used in design and construction of the single family residence.
6. The owner shall be required to sign and have notarized an acknowledgment and disclaimer document as part of the building permit review.
7. 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*.
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.



GUNNISON COUNTY, COLORADO PLANNING DEPARTMENT STAFF REPORT for MINOR IMPACT

Land Use Change Permit Application: Sonrise Mountain Ranch
Application No: LUC-13-00025
Date application scheduled with Planning Commission: January 3, 2014
Prepared by: Cathie Pagano, Planner

APPLICANT NAME:	Matt McGee
PROPERTY OWNER NAME:	Sonrise Mountain Ranch
PROJECT DESCRIPTION:	Applicant is requesting the construction of three residences on the subject parcel. Sonrise Mountain Ranch is a retreat center and is supported by full time and seasonal staff. There is an existing manufactured home on the parcel that will be removed. The residential cabins will be served by a decreed spring and public water supply system. The applicant proposes a road to access the three cabins and three individual sewage disposal systems (ISDS).
PROPERTY LOCATION:	The subject parcel is located at 1670 County Road 858 and legally described as 13.673 acres in SE1/4, SW1/4, Section 32, Township 47 North, Range 6 West.
SURROUNDING LAND USES:	Uses adjacent to the subject parcel include residential and public lands.
AGENCY AND DEPARTMENT REVIEWS:	<ul style="list-style-type: none"> • Gunnison County Public Works • Gunnison County Environmental Health • Colorado Division of Parks and Wildlife • Gunnison Fire Protection District • Colorado Water Quality Control Division • CO Division of Water Resources
PRE-APPLICATION CONFERENCE:	County staff met with the applicants in early 2013.
STATUS OF APPLICATION:	<ul style="list-style-type: none"> • Complete
ATTACHED EXHIBITS:	<ul style="list-style-type: none"> • Copy of Minor Impact application dated November 4, 2013 • Email from Bob Hurford dated Jan. 10, 2014 • Letter from Bob Hurford dated August 16, 2013 • Letter from Bob Hurford dated July 28, 2013 • Memo from Gunnison County Environmental Health dated Dec. 19, 2013 • Letter from CO Division of Parks and Wildlife dated Dec. 18, 2013 • Public Works Department Staff report dated Dec. 27, 2013 • Letter from CO Water Quality Control Division dated Jan. 23, 2014 • Letter from Luke Reschke, Water Commissioner, CO Division of Water Resources dated Jan. 14, 2014

	<ul style="list-style-type: none"> Email from Ivan Franco, Water Resources Engineer, CO Division of Water Resources, dated Dec. 27, 2013 and an updated email dated Jan. 10, 2014 	
PLANNING COMMISSION TASKS AT INITIAL WORK SESSION:	<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Set site visit date — Determine if application is ready to be set for public hearing, or if other work session is required 	
INITIAL IMPACT CLASSIFICATION:	Minor Impact Project as identified in Section 13-105:A	
OTHER CRITERIA OF IMPACT CLASSIFICATION (SEC. 3-111. B. 1.)	<p>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.</p> <p>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.</p> <p>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.</p>	
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
APPLICABILITY OF LAND USE RESOLUTION STANDARDS:		
STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	This proposal is for three residential units on one parcel.
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application

9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not requested as part of this application
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, the application is not a subdivision.
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, the application is not a subdivision.
10-104: Locational standards for commercial, industrial or other non-residential uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable, the applicant has noted that the location is "necessary because it keeps traffic and people at the Sonrise facility as opposed to driving from other areas. The site is well suited for this use as surrounding parcels have

		similar use (e.g. You With A Mission and Sunrise). This project specifically serves the adjacent existing Sunrise facility and will reduce vehicle trips between surrounding areas where staff are not living and the Sunrise facility by relocating them adjacent to the main area.”
11-102: Voluntary best management practices	No submittal requirements and no standard	
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel and proposed development are not located within a 100-year floodplain.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel and proposed development are in an area not mapped for geologic hazards. A site visit by staff will be completed to determine if a geotechnical report shall be required.
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Portions of the subject parcel are in a high wildfire hazard area. The application has been referred to the Gunnison Fire Protection District for review and comment. The owner will be required to sign and notarize an acknowledgement and disclaimer document as part of the building permit review.
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	A copy of the application has been referred to the Colorado Division of Parks and Wildlife. Comments from Renzo DelPiccolo, Montrose Area Wildlife Manager, in a letter dated December 18, 2013 note, “Due to the number of structures and development already in place, negative impacts to wildlife will be minimal. CPW does have concerns related to bear activity and fences that can be hazardous to wildlife...CPW would strongly recommend that the applicant is prepared for bear activity and use bear-proof trash containers and keep trash and other bear attractants properly stored. We would also recommend wildlife friendly fences be constructed throughout the proposed land use change area.”
11-107: Protection of water quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	There is an existing pond on the northeast portion of the parcel. The applicant notes that “the pond is natural and is filled by seepage from the canal. However, over the years, especially as the county road was constructed, the pond has been modified with a ‘dam’ and an outlet to take flow-through water under the county road.” The applicant will be required to meet setback requirements from the pond and ditches or canals; this will be especially critical when siting septic systems.

11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not on a ridgeline.
11-109: Development that affects agricultural lands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Language shall be included in any recommendation of approval that complies with this Section.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not beyond snowplowed access; Public Works comments note that “the portion of CR 858 is plowed by Montrose County under an annual intergovernmental agreement.”
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not an inholding.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not above timberline.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	A new road is proposed to serve the buildings. A referral has been sent to Public Works. Public Works Director, Marlene Crosby, noted that the plans comply with Road and Bridge Standards.
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	No public trails exist on the property and no new public trails are contemplated in this application.
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>The proposed water supply is provided by High Park Spring No. 1. Water from the spring passes through microscopic particulate analysis and provides groundwater free from the influence of surface water. The distribution system includes a single two-mile long, 2-inch transmission from the spring to the four 1,500 gallon buried storage tanks located immediately west and above Eagle’s Rest Subdivision.</p> <p>Luke Reschke, Water Commissioner noted in a letter dated January 14, 2014, that “The history of water acquisitions and use of water rights involved with what is today the Sonrise Mountain Ranch, as well as neighboring properties, is bewildering to say the least. However, it suffices for the purposes of my administration of the water rights in this district, that Sonrise Mountain Ranch has ownership and interest in High Park Spring going back to the original right filed by YWAM in case 82CW154 for 22.5 gallons per minute for all intended uses. Sonrise Mountain Ranch also maintains sufficient replacement water by contract through the Upper Gunnison River Water Conservancy District to protect their use of water in the event of a call for water by a downstream senior water right, as described in the court approved augmentation plan decreed in Case No. 10CW036.</p>

		<p>Ivan Franco, Water Resources Engineer, for the Colorado Division of Water Resources noted in an email dated Dec. 30, 2013:</p> <p>“The decree describes the operation of the YWAM well and the El Rancho Cimarron Pond. Our records indicate that this well has Permit No. 45451-F and is approved to supply water for commercial use to one single family lodge, 10 cabins and related facilities. The permit was issued on conditions that the well be operated in accordance with the Youth With A Mission Augmentation Plan approved by the Division 4 Water Court in Case No. 87CW186 (later finalized as 05CW166). Records indicate that this well has Permit No. 45451-F with an issuance date of September 11, 1995. and a well construction date of March 1, 1996.</p> <p>The applicant should be aware that the central water supply system should be operating under the terms and conditions of said decree or be subject to administration including orders to cease diverting water. The proposed residences are presumed to make up three of the 10 cabins approved in the above mentioned court decree. So long as the applicant operates the water supply in accordance with all pertinent court decrees and water well permits this office has no objection to the proposal.”</p> <p>Bret Icenogle of the Water Quality Control Division provided the following comments in a letter dated January 23, 2014:</p> <p>“... the Division does not find that the proposed improvements impact the current compliance of the Sonrise Mountain Ranch drinking water system within the Division’s regulatory authorities.</p> <p>Sonrise Mountain Ranch applied for a disinfection waiver from the Division prior to November 30, 2010. For an unknown reason, the application for waiver from the disinfection requirements was not received and/or reviewed by the Division. Upon realization, the applicant requested the Division to consider their disinfection waiver request and provided a distribution system protection plan for review. The Division agreed to review the request, but delayed the review due to complications with the water system’s relationship to the provider of the water.</p>
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		The Division will be issuing a request for information to High Park Spring-Sonrise regarding the proposed disinfection system protection plan and has not made a determination at this time whether the system will receive a waiver from disinfection for the ground water source. The Division's goal is to ensure High Park Spring-Sonrise delivers safe water to its customers in accordance with the Colorado Primary Drinking Water Regulations whether granted a waiver from disinfection or not."
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicant has proposed three individual sewage disposal systems to serve each building on the parcel. Gunnison County ISDS Regulations require approval from the Environmental Health Board for more than one ISDS on a parcel. Crystal Lambert, Gunnison County Building and Environmental Health Official noted in a memo dated December 19, 2013 that, "it is feasible that the owner may be able to receive Special Review approval for three ISDS on their single parcel as proposed."
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The subject parcel is within the Gunnison Fire District. The applicant has contacted the Fire District for the purpose of being informed of their standards. Fire Marshal Dennis Spritzer, Gunnison Fire Protection District, stated in an email dated 12/9/13 that there are "no fire issues with this proposal as long as the driveway will meet County specifications."
13-102: B.: Location within municipal three-mile plan area	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The subject parcel is not within a three-mile area.
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Application meets the minimum requirements of this Section.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Proposed development complies with residential setback requirements as identified in this Section.
13-105: Residential Building Sizes And Lot Coverages	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable, the applicant is proposing three residences ranging in size from 2,500-3,000 square feet.
13-106: Energy And Resource Conservation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The proposed development is a residence and this section does apply and will be reviewed at the time of building permit application.
13-107: Installation Of Solid-Fuel-Burning Devices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	This section does apply and will be applied at the time of building permit issuance.
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	No requirement for open space is required of this application.

13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	No signs requested as part of this application.
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	There is adequate area on the parcel for parking of the vehicles which is depicted on the site plan.
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicant proposes that landscape planting areas be seeded with native dryland grasses.
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The applicants have adequate area for snow storage. The application has been sent to Public Works for review.
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	No fencing is proposed as part of the application.
13-114: Exterior Lighting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Compliance with this Section is required.
13-115: Reclamation And Noxious Weed Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Compliance with this Section is required.
13-116: Grading And Erosion Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If grading of the site is proposed a reclamation permit shall be required.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	The proposed development is not within 100 feet of a water body and does not create more than 10,000 square feet of impervious surface area and therefore this Section is not applicable.
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	No water impoundments are proposed as part of this application.
13-119: Standards To Ensure Compatible Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	To be determined by the Planning Commission during review of the application.

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
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Phone (303) 692-2000
Located in Glendale, Colorado

www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

January 23, 2014

Cathie Pagano, AICP CEP, Planner
Gunnison County Community Development
221 North Wisconsin Street, Suite D
Gunnison, Colorado 81230

Subject: Sonrise Mountain Ranch
Minor Impact Review Project: Land Use Change Permit Application
CDPHE Aquifer Case Number ES.13.CASS.00518

Dear Ms. Pagano:

The Water Quality Control Division (Division) has reviewed the available information regarding the Sonrise Mountain Ranch application submitted to Gunnison County for constructing three additional habitable structures and demolishing one manufactured home. The Division reviewed the available information to determine if the proposed improvements have water quality implications related to the Division's regulatory authorities. Based on the available information, the Division does not find that the proposed improvements impact the current compliance of the Sonrise Mountain Ranch drinking water system within the Division's regulatory authorities.

While the Division does not object to the proposed Land Use Change Permit application, the Division would like to provide Gunnison County the following information surrounding the Sonrise Mountain Ranch drinking water system.

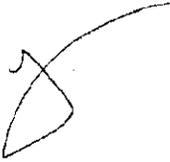
- The Sonrise Mountain Ranch public drinking water system has been recently renamed High Park Spring-Sonrise and has been assigned Public Water System Identification (PWSID) No. CO0226845.
- The High Park Spring-Sonrise drinking water system receives water from a spring source classified as groundwater (High Park Spring No. 1). The water right is owned by High Park Spring LLC, Sonrise Mountain Ranch and, Eagles Rest Subdivision Phase 1 Homeowners' Association, Inc.
- The owners of the water right along with Donald K. Stephens, Gary W. Stephens and Eagles Rest Subdivision Phases 2 and 3 (Combined) Homeowners' Association, Inc. are members of a Joint Venture Agreement, effective September 1, 2010, to provide operation, maintenance and repair of a domestic drinking water system which serves properties owned by the parties, or under the responsibility of the parties to deliver water.
- The Division made a determination that the High Park Spring No. 1 and all the pipes, tanks, treatment equipment and appurtenances used to supply/convey water to the entities/customers served by the spring constitutes a public water system, and that Sonrise Mountain Ranch, Eagles Rest Subdivision, Little Big Horn Subdivision, High Park Spring LLC, High Cimarron LLC and several adjoining lots/homes are customers of this public water system.
- Sonrise Mountain Ranch applied for a disinfection waiver from the Division prior to November 30, 2010. For an unknown reason, the application for waiver from the disinfection requirements was not received and/or reviewed by the Division. Upon realization, the applicant requested the Division to consider their disinfection waiver request and provided a distribution system protection plan for review. The Division agreed to review the request, but delayed the review due to complications with the water system's relationship to the provider of the water.

- The Division will be issuing a request for information to High Park Spring-Sonrise regarding the proposed disinfection system protection plan and has not made a determination at this time whether the system will receive a waiver from disinfection of the groundwater source.

The Division's goal is to ensure High Park Spring-Sonrise delivers safe water to its customers in accordance with the Colorado Primary Drinking Water Regulations whether granted a waiver from disinfection or not.

The Division appreciates the opportunity to comment on the Sonrise Mountain Ranch application. Please contact me by telephone at (303) 692-3278 or by electronic mail at bret.icenogle@state.co.us if you have any questions or comments.

Sincerely,



Digitally signed by Bret Icenogle, P.E.
DN: cn=Bret Icenogle, P.E., o, ou,
email=bret.icenogle@state.co.us,
c=US
Date: 2014.01.23 09:17:27 -07'00'

Bret Icenogle
Engineering Section Manager
Water Quality Control Division
Colorado Department of Public Health and Environment

Cathie Pagano

From: Bob Hurford <bwhurford@gmail.com>
Sent: Wednesday, January 08, 2014 3:41 PM
To: Cathie Pagano
Cc: McGee Matt
Subject: Re: FW: Land Use Change Permit Referral
Attachments: 10CW0036 Decree.pdf

Dear Cathie,

Attached is the updated augmentation plan (10CW036) which protects the uses from High Park Spring. You will notice the spreadsheet looks nearly identical as the one attached to 05CW166, which also covers uses for Sonrise (Formerly El Rancho) from either the YWAM Well or High Park Spring.

I can only apologize for this oversight as I was not aware of the updated plan until very recently. The application was filed on behalf of High Park Springs LLC, a recent entity created to help ensure operations and maintenance of the current water system.

Please replace 05CW166 with 10CW036. I have discussed this matter with Ivan Franco from the State Engineer's Office and he is now up to speed on this matter as well.

I look forward to your comments, questions, concerns. I would like to do whatever is necessary to keep this on track for the February 7 meeting.

Sincerely,

Bob Hurford

On Mon, Dec 30, 2013 at 8:27 AM, Cathie Pagano <CPagano@gunnisoncounty.org> wrote:

Please see the below email. Thanks.

Cathie Pagano, AICP CEP | Planner

Gunnison County Community Development

221 N. Wisconsin St. Suite D

Gunnison, CO 81230

cpagano@gunnisoncounty.org | Ph. [970-641-0360](tel:970-641-0360)

www.gunnisoncounty.org

From: Franco - DNR, Ivan [mailto:ivan.franco@state.co.us]
Sent: Friday, December 27, 2013 1:16 PM
To: Cathie Pagano; Luke Reschke - DNR; Bob Hurford - DNR
Subject: Fwd: Land Use Change Permit Referral

Cathie,

We have reviewed the proposal by Sonrise Mountain Ranch to construct three residential buildings (cabins) on an existing lot within Gunnison County. The applicant has proposed the construction of three new residences that would each be served by a central water system operated by Sonrise. The waste water will be treated by individual septic systems for each residence. The referral made no mention of the intended outdoor uses. However, a water court decree with Case Number: 05CW166 was attached to the referral indicating that the central water system operated by Sonrise obtains a legal source of water from the well described in said decree. No further description of the water supply was provided.

The decree describes the operation of the Ywam well and the El Rancho Cimarron Pond. Our records indicate that this well has Permit No. 45451-F and is approved to supply water for commercial use to one single family lodge, 10 cabins and related facilities. The permit was issued on conditions that the well be operated in accordance with the Youth With A Mission Augmentation Plan approved by the Division 4 Water Court in Case No. 87CW186 (later finalized as 05CW166). Records indicate that this well has Permit No. 45451-F with an issuance date of September 11, 1995. and a well construction date of March 1, 1996.

The applicant should be aware that the central water supply system should be operating under the terms and conditions of said decree or be subject to administration including orders to cease diverting water. The proposed residences are presumed to make up three of the 10 cabins approved in the above mentioned court decree. So long as the applicant operates the water supply in accordance with all pertinent court decrees and water well permits this office has no objection to the proposal.

If you have any questions please contact me at this office.

Regards,

Ivan Franco, E.I.T.
Water Resources Engineer
Colorado Division of Water Resources
1313 Sherman St, Room 818
Denver, CO 80203
(303) 866-3581

----- Forwarded message -----

From: **Cathie Pagano** <CPagano@gunnisoncounty.org>

Date: Thu, Dec 5, 2013 at 3:40 PM

Subject: Land Use Change Permit Referral

To: Marlene Crosby <MCrosby@gunnisoncounty.org>, Crystal Lambert <CLambert@gunnisoncounty.org>, J Wenum <j.wenum@state.co.us>, Jim Cochran <JCochran@gunnisoncounty.org>, "megan.sullivan@state.co.us" <megan.sullivan@state.co.us>, "karlyn.armstrong@state.co.us" <karlyn.armstrong@state.co.us>, Dennis Spritzer <dennis@cityofgunnison-co.gov>, "Icenogle - CDPHE, Bret" <bret.icenogle@state.co.us>

Please find an application for Sonrise Mountain Ranch attached for your review. The applicants own a parcel legally described as 13.673 acres in SE ¼ SW ¼ and SW ¼ SE ¼ of Section 32, Township 47 North, Range 6 West. The applicants are proposing to construct three residential buildings on the parcel to serve their camp operation which is adjacent to the subject parcel. The proposed residences would each be served by individual septic systems and a central water system that is operated by Sonrise.

Please return any comments you may have no later than December 27, 2013. Please let me know if you have any questions or concerns. Thanks.

Cathie Pagano, AICP CEP | Planner

Gunnison County Community Development

221 N. Wisconsin St. Suite D

Gunnison, CO 81230

cpagano@gunnisoncounty.org | Ph. [970-641-0360](tel:970-641-0360)

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--
Megan Sullivan, P.E.

Colorado Division of Water Resources

1313 Sherman St. Rm. 818

Denver CO 80203

303-866-3581

303-866-3589 (fax)

www.water.state.co.us

Cathie Pagano

From: Franco - DNR, Ivan <ivan.franco@state.co.us>
Sent: Friday, January 10, 2014 12:38 PM
To: Cathie Pagano; Megan Sullivan - DNR
Subject: Re: Land Use Change Permit Referral

Mrs. Pagano,

As Mr. Hurford has noted the most current plan for augmentation is that decreed in Case No. 2010CW36. The Division Engineer does not have any concerns with this plans operation, but does want to have the record reflect the correct augmentation plan. As my previous comments state:

The applicant should be aware that the central water supply system should be operating under the terms and conditions of said decree or be subject to administration including orders to cease diverting water. The proposed residences are presumed to make up three of the 10 cabins approved in the above mentioned court decree. So long as the applicant operates the water supply in accordance with all pertinent court decrees and water well permits this office has no objection to the proposal.

I hope this clears up any confusion. Please let me know if you have any questions.

Ivan Franco, E.I.T.
Water Resources Engineer
Colorado Division of Water Resources
1313 Sherman St, Room 818
Denver, CO 80203
(303) 866-3581

On Thu, Jan 9, 2014 at 4:44 PM, Cathie Pagano <CPagano@gunnisoncounty.org> wrote:

Mr. Franco,

I'm forwarding the below email and attached decree for your review in reference to the Sunrise Mountain Land Use Change application. It sounds like Bob Hurford may have spoken to you already regarding this matter. If you have updated comments please let me know. Thanks.

Cathie Pagano, AICP CEP | Planner

Gunnison County Community Development

221 N. Wisconsin St. Suite D

Gunnison, CO 81230

From: Bob Hurford [mailto:bwhurford@gmail.com]
Sent: Wednesday, January 08, 2014 3:41 PM
To: Cathie Pagano
Cc: McGee Matt
Subject: Re: FW: Land Use Change Permit Referral

Dear Cathie,

Attached is the updated augmentation plan (10CW036) which protects the uses from High Park Spring. You will notice the spreadsheet looks nearly identical as the one attached to 05CW166, which also covers uses for Sonrise (Formerly El Rancho) from either the YWAM Well or High Park Spring.

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Please replace 05CW166 with 10CW036. I have discussed this matter with Ivan Franco from the State Engineer's Office and he is now up to speed on this matter as well.

I look forward to your comments, questions, concerns. I would like to do whatever is necessary to keep this on track for the February 7 meeting.

Sincerely,

Bob Hurford

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Please see the below email. Thanks.

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From: Franco - DNR, Ivan [<mailto:ivan.franco@state.co.us>]
Sent: Friday, December 27, 2013 1:16 PM
To: Cathie Pagano; Luke Reschke - DNR; Bob Hurford - DNR
Subject: Fwd: Land Use Change Permit Referral

Cathie,

We have reviewed the proposal by Sunrise Mountain Ranch to construct three residential buildings (cabins) on an existing lot within Gunnison County. The applicant has proposed the construction of three new residences that would each be served by a central water system operated by Sunrise. The waste water will be treated by individual septic systems for each residence. The referral made no mention of the intended outdoor uses. However, a water court decree with Case Number: 05CW166 was attached to the referral indicating that the central water system operated by Sunrise obtains a legal source of water from the well described in said decree. No further description of the water supply was provided.

The decree describes the operation of the Ywam well and the El Rancho Cimarron Pond. Our records indicate that this well has Permit No. 45451-F and is approved to supply water for commercial use to one single family lodge, 10 cabins and related facilities. The permit was issued on conditions that the well be operated in accordance with the Youth With A Mission Augmentation Plan approved by the Division 4 Water Court in Case No. 87CW186 (later finalized as 05CW166). Records indicate that this well has Permit No. 45451-F with an issuance date of September 11, 1995. and a well construction date of March 1, 1996.

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If you have any questions please contact me at this office.

Regards,

Ivan Franco, E.I.T.
Water Resources Engineer
Colorado Division of Water Resources
1313 Sherman St, Room 818
Denver, CO 80203
(303) 866-3581

----- Forwarded message -----

From: **Cathie Pagano** <CPagano@gunnisoncounty.org>

Date: Thu, Dec 5, 2013 at 3:40 PM

Subject: Land Use Change Permit Referral

To: Marlene Crosby <MCrosby@gunnisoncounty.org>, Crystal Lambert <CLambert@gunnisoncounty.org>, J Wenum <j.wenum@state.co.us>, Jim Cochran <JCochran@gunnisoncounty.org>, "megan.sullivan@state.co.us" <megan.sullivan@state.co.us>, "karlyn.armstrong@state.co.us" <karlyn.armstrong@state.co.us>, Dennis Spritzer <dennis@cityofgunnison-co.gov>, "Icenogle - CDPHE, Bret" <bret.icenogle@state.co.us>

Please find an application for Sunrise Mountain Ranch attached for your review. The applicants own a parcel legally described as 13.673 acres in SE ¼ SW ¼ and SW ¼ SE ¼ of Section 32, Township 47 North, Range 6 West. The applicants are proposing to construct three residential buildings on the parcel to serve their camp operation which is adjacent to the subject parcel. The proposed residences would each be served by individual septic systems and a central water system that is operated by Sunrise.

Please return any comments you may have no later than December 27, 2013. Please let me know if you have any questions or concerns. Thanks.

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Megan Sullivan, P.E.

Colorado Division of Water Resources

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Denver CO 80203

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[303-866-3589](tel:303-866-3589) (fax)

www.water.state.co.us

2. Timely and adequate notice of the filing of this Application was given as required by law. More specifically, a résumé of this Application was published on April 9, 2010, in the *Crested Butte Chronicle*, and a Proof of Publication of each such notice has been filed with the Court.
3. A Statement of Opposition was filed by Eagles Rest Subdivision Phase I Homeowners Association, Inc. A formal Stipulation in Settlement, signed by counsel for the Applicant and the Opposer, was filed with the Court on October 4, 2010.

I. APPLICATION RE: CHANGE OF WATER RIGHT

4. Name of structure for which change is sought: High Park Spring No. 1 Enlargement.
5. Decreed point of diversion: at a point in the NW1/4SW1/4NW1/4, Section 36, Township 47 North, Range 7 West N.M.P.M., 400 feet east of the west section line and 3550 feet south of the north section line, Gunnison County, Colorado.

Source: Natural spring tributary to the Big Cimarron River, tributary to the Gunnison River.

Appropriation date: November 1, 1994. Amount decreed: 0.11c.f.s. [Amount presently owned by Applicant is 0.06237c.f.s.]

Historic use: Decreed for domestic use in Eagles Rest Subdivision, the irrigation of ten acres, commercial use in El Rancho Cimarron lodge, stockwater and fire protection. Actual uses of said water have been consistent with said decree. See map attached as Exhibit 1.

6. Amount decreed: 0.11 c.f.s. [Amount presently owned by Applicant is 0.06237 c.f.s.]
7. Requested changes:

- a. Additional places of use: High Cimarron Properties 1 and 2, the legal descriptions for which are attached and incorporated as Exhibits A-1 and A-2, respectively. Little Bighorn Subdivision, the legal descriptions for which is attached and incorporated as Exhibit B-1. The Court notes that depletions resulting from use at the ten homes comprising the Little Bighorn Subdivision are included within the calculations underlying the prior Plan of Augmentation, 05 CW 165, but reference to that subdivision as a decreed place of use was erroneously omitted from that decree. Consequently, that place of use is included in this Ruling.

Use: Domestic and fire protection. All water will be provided out of Applicant's existing water right of 0.06237 c.f.s.

- b. Amount: Out of its existing water rights Applicant will provide: (i) water to the High Cimarron Property 1, (ii) water to the High Cimarron Property 2 and (iii) water to ten homes within the Little Bighorn Subdivision.

Plan for operation: Applicant will deliver water for said uses to the High Cimarron Property 1 *via* the Stephens Pipeline and a short pipeline connection on fee property owned by the Stephens. Applicant will deliver water for said uses to the High Cimarron Property 2 *via* the Stephens Pipeline and a short pipeline connection on a right-of-way held by the High Park Association, LLC and authorized under BLM right-of-way permit COC-70993.

Applicant will also deliver water to the Little Bighorn Subdivision *via* the Eagles Rest Pipeline No. 1 and Little Bighorn pipeline for those uses previously decreed and augmented per Case No. 05 CW 165.

8. Names of owners of land on which structures are located:
- a. High Park Spring No. 1 Enlargement and the Stephens Pipeline are located on federal lands administered by the Bureau of Land Management. Their operations are authorized by BLM right-of-way permit COC-64375. The pipeline connection from the Stephens Pipeline to High Cimarron Property 2 is located on federal lands administered by the Bureau of Land Management. Its operation is authorized by BLM right-of-way permit COC-70993.
 - b. Gary Stephens and Don Stephens are owners of the real property over which a portion of said decreed water is transported to said additional places of use.
 - c. High Cimarron LLC is the owner of a portion of the property upon which the additional places of use are requested.
 - d. The ten residential lots within the Little Bighorn Subdivision have received all of their domestic water from through the Eagles Rest Pipeline No. 1 since prior to the Plan for Augmentation approved in Case No. 05 CW 165, and are covered by that decree. The legal description of the Little Bighorn Subdivision is as set forth in Exhibit B-1 and on the plat thereof, as recorded on June 3, 1980 at Reception Number 350461 of the Gunnison County records.

III. APPLICATION RE: PLAN FOR AUGMENTATION

9. Names and addresses of owners of land on which structures are located: Same as paragraph 8, above.

10. Previous decree(s) for water right(s) to be used for augmentation:

Releases from Blue Mesa Reservoir, at the direction of the Division Engineer, pursuant to a long-term contract which Gary Stephens and Don Stephens have entered with the Upper Gunnison River Water Conservancy District for the release of up to 20.02 acre-feet *per annum* to augment the depletions addressed by this Application.

11. A description of the plan for augmentation, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8):

The decreed places of use of water diverted from the High Park Spring No. 1 Enlargement will be modified by the addition of the High Cimarron Property 1, the High Cimarron Property 2 and the Little Bighorn Subdivision, with the uses for said water being domestic and fire protection. Attached and incorporated as Exhibit 2 is the Calculation of Depletions for Upper Gunnison River Water Conservation District contract, as prepared by Applicant's water engineer, Richard Weaver, P.E., of Del-Mont Consultants, Inc.

The depletions which result from said additional places of use will be addressed by the Applicant's entry into a long-term contract with the Upper Gunnison Water Conservancy District for the release of up to 20.02 acre-feet *per annum* from Blue Mesa Reservoir.

12. The Court has reviewed and hereby approves Exhibit 2, and finds that releases under the long-term contract will augment said depletions to the end that the Applicant's uses will not injuriously affect the owners of or persons entitled to use water under any vested water right or decreed conditional water right. The timing and amount of said releases shall be at the discretion of the Division Engineer for Water Division 4.

CONCLUSIONS OF LAW

13. The Application filed herein is complete, covering all applicable matters required under C.R.S. 37-92-302.
14. All notices required by law have been given, and no further notice need be given.
15. The Court has authority to approve the partial change of water right and plan for augmentation as requested in the application. C.R.S. 37-92-301(2), -302 and -303(1).

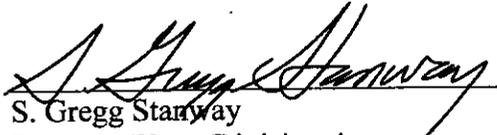
RULING OF THE REFEREE

16. The foregoing Findings of Fact and Conclusions of Law are incorporated by reference.
17. The Referee notes that the changes requested in the Application, allowing additional uses from the High Park Spring No. 1 Enlargement, are subordinate to the Opposer's rights to use of the Spring, and are not to be charged to Opposer's 10% ownership in that structure.
18. The Referee concludes that the Application should be granted, and hereby rules that said partial change of places of use and revised plan for augmentation are hereby approved, at the points of diversion, from the sources, at the places of use, in the amounts and for the uses set forth herein.
19. Pursuant to C.R.S. 37-92-502(5), the Applicant shall install, maintain and monitor at the locations determined by the Division Engineer, and at the Applicant's expense, any measuring device which the Division Engineer reasonably deems necessary to administer said decree.

20. It is ORDERED that a copy of this Ruling shall be filed with the Division Engineer for Water Division 4, and with the State Engineer.

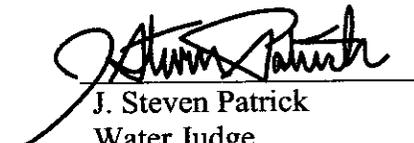
DONE IN OPEN COURT this 18th day of November, 2010.

BY THE COURT:


S. Gregg Starway
Referee, Water Division 4

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the judgment and decree of this Court.

DONE this 13th day of Dec, 2010.


J. Steven Patrick
Water Judge

Copy to: Mathis
Clay
Division Engineer
State Engineer

EXHIBIT A-1
HIGH CIMARRON PROPERTY

The following real property situated in Gunnison County, Colorado:

THAT PART OF THE N1/2 OF SECTION 36 AND THAT PART OF SECTION 25 LYING SOUTH OF COAL CREEK, TOWNSHIP 47 NORTH, RANGE 7 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN, EXCEPT THE FOLLOWING TWO TRACTS OF LAND:

A PARCEL OF LAND LOCATED IN THE SOUTH 1/2 OF SECTION 25, AND THE NORTH 1/2 OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 7 WEST, NEW MEXICO PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE CENTERLINE OF COAL CREEK, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE BRASS CAP SET FOR THE NORTHEAST CORNER OF SECTION 36; THENCE SOUTH 5°27'52" EAST 974.31 FEET ALONG THE EAST LINE OF SECTION 36; THENCE SOUTH 90°00' WEST 267.82 FEET; THENCE NORTH 67°46'31" WEST 396.01 FEET; THENCE NORTH 32°34'59" WEST 413.00 FEET; THENCE NORTH 28°03'32" EAST 331.30 FEET; THENCE NORTH 49°16'24" WEST 452.26 FEET; THENCE SOUTH 85°15'49" WEST 435.77 FEET; THENCE NORTH 13°52'50" EAST 618.72 FEET TO THE CENTERLINE OF COAL CREEK; THENCE GENERALLY ALONG THE CENTERLINE OF COAL CREEK THE FOLLOWING COURSES; NORTH 81°35'00" EAST 99.99 FEET; NORTH 55°35'00" EAST 98.50 FEET; NORTH 73°35'00" EAST 234.80 FEET; NORTH 77°05'00" EAST 191.40 FEET; NORTH 47°05'00" EAST 134.20 FEET; NORTH 81°27'44" EAST 280.00 FEET; NORTH 73°57'44" EAST 201.10 FEET; NORTH 51°57'44" EAST 99.98 FEET TO A POINT ON THE EAST LINE OF THE S1/2 OF SECTION 25; THENCE LEAVING SAID CREEK CENTERLINE SOUTH 0°07'20" WEST 1109.58 FEET ALONG THE EAST LINE OF SECTION 25 TO THE POINT OF BEGINNING,

ALSO EXCEPT: A PARCEL OF LAND LOCATED IN THE SOUTH 1/2 OF SECTION 25 AND NORTH 1/2 OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 7 WEST, NEW MEXICO PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE CENTERLINE OF COAL CREEK, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE BRASS CAP SET FOR THE NORTHEAST CORNER OF SECTION 36; THENCE SOUTH 5°27'52" EAST 974.31 FEET ALONG THE EAST LINE OF SECTION 36; THENCE SOUTH 90°00' WEST 267.82 FEET; THENCE NORTH 67°46'31" WEST 396.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 87°20'57" WEST 731.98 FEET; THENCE NORTH 59°52'32" WEST 1791.45 FEET TO THE CENTERLINE OF COAL CREEK; THENCE GENERALLY ALONG THE CENTERLINE OF COAL CREEK THE FOLLOWING COURSES; SOUTH 79°39'28" EAST 157.48 FEET; NORTH 53°05'00" EAST 69.70 FEET; NORTH 72°50'00" EAST 146.70 FEET; SOUTH 71°55'00" EAST 133.50 FEET; NORTH 61°50'00" EAST 274.90 FEET; SOUTH 62°55'00" EAST 96.50 FEET; NORTH 56°50'00" EAST 82.60 FEET; NORTH 8°05'00" EAST 96.60 FEET; NORTH 57°35'00" EAST 236.90 FEET; NORTH 67°35'00" EAST 138.70 FEET; NORTH 30°50'00" EAST 136.50 FEET; NORTH 84°39'09" EAST 299.96 FEET; THENCE LEAVING SAID CREEK CENTERLINE SOUTH 13°52'50" WEST 618.72 FEET; THENCE NORTH 85°15'49" EAST 435.77 FEET; THENCE SOUTH 49°16'24" EAST 452.26 FEET; THENCE SOUTH 28°03'32" WEST 331.30 FEET; THENCE SOUTH 32°35'00" EAST 413.00 FEET TO THE TRUE POINT OF BEGINNING

Concerning the Application of High Park Spring
District Court, Water Division, 2010CW 36

Exhibit A -2

High Cimarron Property

A tract of land situated in Section 31, Township 47 North, Range 6 West, N.M.P.M., Gunnison County, Colorado, described as follows:

Beginning on the West line of said Section 31 whence the northwest corner of said Section 31 bears N 05°24'02" W, 1120.86 feet; thence the following twenty-nine courses along the average centerline of a draw;

1. S 80°46'54" E, 237.54 feet;
2. N 76°33'41" E, 164.20 feet;
3. N 66°54'40" E, 239.85 feet;
4. N 27°59'47" E, 134.75 feet;
5. N 14°28'32" E, 93.86 feet;
6. N 55°20'43" E, 130.18 feet;
7. N 35°06'01" E, 243.07 feet;
8. N 66°47'03" E, 132.01 feet;
9. N 42°52'03" E, 69.64 feet;
10. N 80°45'59" E, 150.09 feet;
11. N 29°49'46" E, 137.95 feet;
12. N 52°13'59" E, 119.50 feet;
13. N 60°20'11" E, 251.51 feet;
14. N 32°08'29" E, 365.91 feet;
15. N 52°57'23" E, 136.50 feet;
16. N 33°57'21" E, 321.65 feet;
17. N 49°47'55" E, 345.88 feet;
18. N 86°00'12" E, 171.03 feet;
19. N 54°18'31" E, 302.68 feet;
20. S 80°06'04" E, 261.07 feet;
21. N 60°28'21" E, 84.29 feet;
22. S 67°07'25" E, 201.93 feet;
23. N 68°34'35" E, 128.95 feet;
24. N 41°04'35" E, 88.15 feet;
25. N 35°26'19" E, 92.12 feet;
26. N 26°35'48" W, 214.85 feet;
27. N 48°52'41" W, 66.31 feet;
28. N 12°23'34" W, 131.38 feet;
29. N 76°14'49" E, 145.98 feet to the centerline of Cimarron Road;

thence the following four courses along said centerline;

1. S 22°05'57" E, 41.68 feet;
2. S 57°01'21" E, 627.72 feet;
3. S 74°23'41" E, 311.41 feet;
4. S 46°58'46" E, 182.11 feet;

thence leaving said Road centerline, S 43°01'14" W, 30.00 feet to the South R.O.W. of said Cimarron Road; thence S 04°26'40" W, 521.45 feet to the West bank of Cimarron Canal; thence the following seven courses along said West bank;

1. S 46°27'59" E, 50.86 feet;
2. S 26°12'45" E, 32.61 feet;
3. S 03°54'07" W, 100.37 feet;
4. S 12°21'39" E, 43.44 feet;
5. S 42°44'26" E, 386.77 feet;
6. S 32°09'54" E, 138.14 feet;
7. S 07°06'00" W, 165.27 feet;

thence leaving said west bank S 23°48'46" W, 1320.13 feet; thence S 87°00'00" W, 4213.48 feet to the West line of said Section 31; thence N 05°24'02" W, 735.94 feet to the Point of Beginning, containing approximately 212.418 acres more or less, County of Gunnison, State of Colorado.

CERTIFICATE OF OWNERSHIP AND DEDICATION

Know all men by these presents: That we, Horry L. Ergott and Joanne Ergott, being the owners of that part of the S1/2 of Section 32 T47N R6W N.M.P.M. Gunnison County, Colorado, described as follows: Beginning at a point on the centerline of the existing county road whence the S1/4 corner of said Section 32 bears S07°19'54" W 1197.47 ft.; thence N 78°44'09" W 235.00 ft.; thence N 15° 56' 25" W 93.03 ft.; thence N 40° 31' 16" W 259.37 ft.; thence N 36° 00' 00" W 238.00 ft.; thence N 17° 54' 13" W 238.00 ft.; thence N 11° 27' 31" W 213.58 ft.; thence N 11° 36' 13" W 210.00 ft.; thence N 31° 23' 03" W 46.91 ft.; thence N 86° 52' 26" W 501.57 ft.; thence N 51° 00' 00" W 319.83 ft.; thence N 04° 26' 30" W 30.00 ft. to the centerline of said county road; thence along said centerline the following 11 (eleven) courses, N 85° 33' 30" E 147.00 ft.; thence 147.58 ft. along the arc of a curve to the right, said curve having a central angle of 10° 34' 10" and a radius of 800.00 ft.; thence S 83° 52' 20" E 119.45 ft. thence 109.88 ft. along the arc of a curve to the left, said curve having a central angle of 06° 17' 44" and a radius of 1000.00 ft.; thence N 89° 49' 56" E 293.94 ft.; thence 239.96 ft. along the arc of a curve to the right, said curve having a central angle of 78° 33' 51" and a radius of 175.00 ft.; thence S 11° 36' 13" E 515.67 ft.; thence 468.32 ft. along the arc of a curve to the left, said curve having a central angle of 38° 19' 58" and a radius of 700.00 ft.; thence S 49° 56' 11" E 166.39 ft.; thence 213.63 ft. along the arc of a curve to the right, said curve having a central angle of 61° 12' 02" and a radius of 200.00 ft.; thence S 11° 15' 51" W 120.00 ft. to the point of beginning, containing 12.301 acres, have by these presents caused same to be laidout, platted and subdivided under the name and style of Little Bighorn Subdivision as shown hereon and do hereby convey to the County of Gunnison, for the use of the public, the road as shown hereon and do hereby dedicate all easements for the installation and maintenance of public utilities as shown on this plat.

Concerning the Application of High Park Spring
District Court, Water Division, 2010CW 26



Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org/planning.html
Email: planning@gunnisoncounty.org

December 19th, 2013

To: Cathie Pagano, Gunnison County Planner
From: Crystal Lambert, Gunnison County Building & Env. Health Official
Re: Sunrise Mountain Ranch Land Use Change Application 13-00025

The Environmental Health Office has received a request to review the application for the Sunrise Mountain Ranch Land Use Change. The application is for three single family residences on a single parcel, each with their own individual sewage disposal system (ISDS).

According to the *Gunnison County Individual Sewage Disposal System Regulations* more than one ISDS on a single parcel requires Special Review from the Environmental Health Board. The Environmental Health Board may place special conditions on the granting of a Special Review approval, but may approve an application for Special Review only under the following unique, site-specific conditions:

1. Variance warranted by unique site-specific characteristics;
2. Approval will not result in substantial variance from requirements;
3. Approval will not violate minimum standards;
4. Proposed system will not injure public health;
5. Approval will not result in substantial injury.

The Environmental Health Board has, in the past, given Special Review approval to applications for a third ISDS on a single parcel. In those cases, the owner was able to prove items 1-5 above. After reviewing the Sunrise Mountain Ranch Land Use Application, it is feasible that the owner may be able to receive Special Review approval for three ISDS on their single parcel as proposed.

Thank you,

Crystal Lambert



GUNNISON COUNTY, COLORADO

**PUBLIC WORKS DEPARTMENT STAFF REPORT
FOR MINOR IMPACT
LAND USE CHANGE APPLICATION**

DATE REQUESTED COMMENTS BE RETURNED TO PLANNING DEPARTMENT:

LAND USE CHANGE PERMIT APPLICANT:

LUC APPLICATION NO.: 13-0025

Marlene D. Crosby

PUBLIC WORKS REPORT PREPARED BY:

DATE: 12 /27 /2013

Wastewater treatment and water supply:

- 1. Is the proposed land use change located in an area served by a water supply or wastewater treatment system administered by the Public Works Department? Yes No
 - a. If so, is the proposed land use change located within 400' of the wastewater treatment system?
 Yes No
 - b. If so, do the systems have the capacity to serve the proposed land use change? Yes No

Road System:

- 1. Does the application comply with the applicable standards of the *Standards and Specifications for Road and Bridge Construction*?
 Yes No
 - a. If not, what additional information must be submitted, and/or what changes must be made to the plans for them to be in compliance?
The road plan refers to a 1,230 LF driveway, it is actually a road rather than a driveway since it will serve three homes, but the Standards are the same.
- 2. Public Works requires that a traffic study be conducted and submitted as a part of the submittal if (either because the development will generate more than 100 vehicle trips per day or because the Public Works Department believes that a localized transportation safety or capacity deficiency exists or is projected). Yes No
- 3. Which County road(s) will be impacted by this proposed land use change?
The Big Cimarron Road which is CR #858.
- 4. Are current traffic counts available for the impacted roads? Yes No. If so, what data is shown for the affected roads?
The ADT for this road in 2013 was 184 (remember our numbers are not seasonally adjusted and they count traffic going both directions). The average ADT for the last 13 years is 197.
- 5. What standards of the Land Use Resolution or the *Specifications for Road and Bridge Construction* are required to be addressed to ensure that road design and construction, and access easements are sufficient for the proposed use(s)?

The most important standards are width (must be 16'), grade, especially at the intersection with CR #858, and adequate gravel surfacing.

6. What impact mitigations should be addressed by the applicant for this proposed land use change (including any prorated share of improvements and/or dedication of a right-of-way, provision of easement)? What section(s) of either the Land Use Resolution or Gunnison County Road and Bridge Construction regs?

None

7. If snow storage is required, has the Public Works Department approved the design as required by Section 13 112: E. 5. of the Land Use Resolution? Yes No None required. If the design is not approved, what must be submitted by the applicant for the design to meet standards?

There is no information in the report I received indicating whether the use is seasonal or year round.

8. Is this proposed land use change located beyond snowplowed access? Yes No

The portion of CR #858 that serves this application is plowed by Montrose County under an annual IGA. The cost of plowing cannot exceed \$5,000 without approval by the Board.

8. Is the department aware of any access easements that will need to be obtained and/or granted by the applicant for road or other accesses? Yes No.

9. Does the proposed land use change conform to the Public Works Department's Strategic Business Plan? N/A

Yes No If not, how does it not conform?

10. Are shared access roads or access points necessary? Yes No. If yes, describe.

Noxious Weed Control and Reclamation

Comments about requirements for a noxious weed control plan or Reclamation Permits that will be required of this proposed land use change:

Road construction will require a Reclamation Permit and/or DIA. Building Permits will require a Reclamation Permit.

Trails:

1. Is there a public trail on the parcel on which the land use change is proposed? Yes No
2. If so, what government entity has jurisdiction over the trail?
3. Is there an issue of a contested, or newly proposed public trail related to the parcel on which the land use change is proposed? Yes No
4. Based on existing and proposed public trails in the Gunnison County Trails Master Plan, is access over the subject land advisable? Yes No

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

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Colorado Department
of Public Health
and Environment

January 23, 2014

Cathie Pagano, AICP CEP, Planner
Gunnison County Community Development
221 North Wisconsin Street, Suite D
Gunnison, Colorado 81230

Subject: Sonrise Mountain Ranch
Minor Impact Review Project: Land Use Change Permit Application
CDPHE Aquifer Case Number ES.13.CASS.00518

Dear Ms. Pagano:

The Water Quality Control Division (Division) has reviewed the available information regarding the Sonrise Mountain Ranch application submitted to Gunnison County for constructing three additional habitable structures and demolishing one manufactured home. The Division reviewed the available information to determine if the proposed improvements have water quality implications related to the Division's regulatory authorities. Based on the available information, the Division does not find that the proposed improvements impact the current compliance of the Sonrise Mountain Ranch drinking water system within the Division's regulatory authorities.

While the Division does not object to the proposed Land Use Change Permit application, the Division would like to provide Gunnison County the following information surrounding the Sonrise Mountain Ranch drinking water system.

- The Sonrise Mountain Ranch public drinking water system has been recently renamed High Park Spring-Sonrise and has been assigned Public Water System Identification (PWSID) No. CO0226845.
- The High Park Spring-Sonrise drinking water system receives water from a spring source classified as groundwater (High Park Spring No. 1). The water right is owned by High Park Spring LLC, Sonrise Mountain Ranch and, Eagles Rest Subdivision Phase 1 Homeowners' Association, Inc.
- The owners of the water right along with Donald K. Stephens, Gary W. Stephens and Eagles Rest Subdivision Phases 2 and 3 (Combined) Homeowners' Association, Inc. are members of a Joint Venture Agreement, effective September 1, 2010, to provide operation, maintenance and repair of a domestic drinking water system which serves properties owned by the parties, or under the responsibility of the parties to deliver water.
- The Division made a determination that the High Park Spring No. 1 and all the pipes, tanks, treatment equipment and appurtenances used to supply/convey water to the entities/customers served by the spring constitutes a public water system, and that Sonrise Mountain Ranch, Eagles Rest Subdivision, Little Big Horn Subdivision, High Park Spring LLC, High Cimarron LLC and several adjoining lots/homes are customers of this public water system.
- Sonrise Mountain Ranch applied for a disinfection waiver from the Division prior to November 30, 2010. For an unknown reason, the application for waiver from the disinfection requirements was not received and/or reviewed by the Division. Upon realization, the applicant requested the Division to consider their disinfection waiver request and provided a distribution system protection plan for review. The Division agreed to review the request, but delayed the review due to complications with the water system's relationship to the provider of the water.

- The Division will be issuing a request for information to High Park Spring-Sonrise regarding the proposed disinfection system protection plan and has not made a determination at this time whether the system will receive a waiver from disinfection of the groundwater source.

The Division's goal is to ensure High Park Spring-Sonrise delivers safe water to its customers in accordance with the Colorado Primary Drinking Water Regulations whether granted a waiver from disinfection or not.

The Division appreciates the opportunity to comment on the Sonrise Mountain Ranch application. Please contact me by telephone at (303) 692-3278 or by electronic mail at bret.icenogle@state.co.us if you have any questions or comments.

Sincerely,



Digitally signed by Bret Icenogle, P.E.
DN: cn=Bret Icenogle, P.E., o, ou,
email=bret.icenogle@state.co.us,
c=US
Date: 2014.01.23 09:17:27 -07'00'

Bret Icenogle
Engineering Section Manager
Water Quality Control Division
Colorado Department of Public Health and Environment



DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor
Mike King
Executive Director
Dick Wolfe, P.E.
Director/State Engineer
Bob W. Hurford, P.E.
Division Engineer

January 14, 2014

Cathie Pagano, AICP CEP, Planner
Gunnison County Community Development
221 N. Wisconsin St. Suite D
Gunnison, CO 81230

RE: LUC-13-00014 – Sunrise Mountain Ranch Use of High Park Spring

Dear Cathie,

This letter is intended to help you with your evaluation of the water rights serving Sunrise Mountain Ranch as well as the court approved augmentation plan that protects the use of the water rights in the event of a downstream call by senior water rights.

The history of the acquisitions and use of water rights involved with what is today the Sunrise Mountain Ranch, as well as neighboring properties, is bewildering to say the least. However, it suffices for the purposes of my administration of the water rights in this district, that Sunrise Mountain Ranch has ownership and interest in High Park Spring going back to the original right filed by YWAM in case 82CW154 for 22.5 gallons per minute for all intended uses. Sunrise Mountain Ranch also maintains sufficient replacement water by contract through the Upper Gunnison River Water Conservancy District to protect their use of water in the event of a call for water by a downstream senior water right, as described in the court approved augmentation plan decreed in case 10CW036.

In light of my comments above, High Park Spring should be considered a reliable source of water supply for Sunrise Mountain Ranch. If you have any questions or concerns related to these water rights, please contact me via email or at the Division Office number at the bottom of this page.

Sincerely,

Luke Reschke, Water Commissioner
Water District 62
luke.reschke@state.co.us

Water Division 4 • Montrose

P. O. Box 456, Montrose, CO 81402 • 2730 Commercial Way • Phone: 970-249-6622 • Fax: 970-249-8728
<http://water.state.co.us>

Cathie Pagano

From: Franco - DNR, Ivan <ivan.franco@state.co.us>
Sent: Friday, December 27, 2013 1:16 PM
To: Cathie Pagano; Luke Reschke - DNR; Bob Hurford - DNR
Subject: Fwd: Land Use Change Permit Referral
Attachments: Application.pdf; ISDS.pdf; PWSID.pdf; Road Plan.pdf; Site Plan.pdf; Water decree.pdf

Cathie,

We have reviewed the proposal by Sunrise Mountain Ranch to construct three residential buildings (cabins) on an existing lot within Gunnison County. The applicant has proposed the construction of three new residences that would each be served by a central water system operated by Sunrise. The waste water will be treated by individual septic systems for each residence. The referral made no mention of the intended outdoor uses. However, a water court decree with Case Number: 05CW166 was attached to the referral indicating that the central water system operated by Sunrise obtains a legal source of water from the well described in said decree. No further description of the water supply was provided.

The decree describes the operation of the Ywam well and the El Rancho Cimarron Pond. Our records indicate that this well has Permit No. 45451-F and is approved to supply water for commercial use to one single family lodge, 10 cabins and related facilities. The permit was issued on conditions that the well be operated in accordance with the Youth With A Mission Augmentation Plan approved by the Division 4 Water Court in Case No. 87CW186 (later finalized as 05CW166). Records indicate that this well has Permit No. 45451-F with an issuance date of September 11, 1995. and a well construction date of March 1, 1996.

The applicant should be aware that the central water supply system should be operating under the terms and conditions of said decree or be subject to administration including orders to cease diverting water. The proposed residences are presumed to make up three of the 10 cabins approved in the above mentioned court decree. So long as the applicant operates the water supply in accordance with all pertinent court decrees and water well permits this office has no objection to the proposal.

If you have any questions please contact me at this office.

Regards,

Ivan Franco, E.I.T.
Water Resources Engineer
Colorado Division of Water Resources
1313 Sherman St, Room 818
Denver, CO 80203
(303) 866-3581

----- Forwarded message -----

From: Cathie Pagano <CPagano@gunnisoncounty.org>
Date: Thu, Dec 5, 2013 at 3:40 PM
Subject: Land Use Change Permit Referral
To: Marlene Crosby <MCrosby@gunnisoncounty.org>, Crystal Lambert <CLambert@gunnisoncounty.org>, J Wenum <j.wenum@state.co.us>, Jim Cochran <JCochran@gunnisoncounty.org>, "megan.sullivan@state.co.us" <megan.sullivan@state.co.us>, "karlyn.armstrong@state.co.us" <karlyn.armstrong@state.co.us>, Dennis Spritzer <dennis@cityofgunnison-co.gov>, "Icenogle - CDPHE, Bret"

<bret.icenogle@state.co.us>

Please find an application for Sonrise Mountain Ranch attached for your review. The applicants own a parcel legally described as 13.673 acres in SE ¼ SW ¼ and SW ¼ SE ¼ of Section 32, Township 47 North, Range 6 West. The applicants are proposing to construct three residential buildings on the parcel to serve their camp operation which is adjacent to the subject parcel. The proposed residences would each be served by individual septic systems and a central water system that is operated by Sonrise.

Please return any comments you may have no later than December 27, 2013. Please let me know if you have any questions or concerns. Thanks.

Cathie Pagano, AICP CEP | Planner

Gunnison County Community Development

221 N. Wisconsin St. Suite D

Gunnison, CO 81230

cpagano@gunnisoncounty.org | Ph. [970-641-0360](tel:970-641-0360)

www.gunnisoncounty.org

--

Megan Sullivan, P.E.
Colorado Division of Water Resources
1313 Sherman St. Rm. 818
Denver CO 80203
[303-866-3581](tel:303-866-3581)
[303-866-3589](tel:303-866-3589) (fax)
www.water.state.co.us



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cpw.state.co.us

December 18, 2013

Cathie Pagano
AICP CEP/ Planner
Gunnison County Community Development
221 N. Wisconsin St. Suite D
Gunnison, CO 81230

RE: Sunrise Mountain Ranch Land Use Change Permit

Dear Ms. Pagano,

Thank you for the opportunity to comment on the proposed land use change for Sunrise Mountain Ranch. Colorado Parks and Wildlife (CPW) has reviewed the application and visited the site of the proposed change, and believe the change in land use may have minimal negative impacts on wildlife. The location of the proposed land use change is in an area that is already well developed. Due to the number of structures and development already in place, negative impacts to wildlife will be minimal. CPW does have concerns related to bear activity and fences that can be hazardous to wildlife.

The location of Sunrise Mountain Ranch and the proposed land use change lies within CPW mapped summer and fall bear habitat. The residents in the area surrounding the proposed land use change do experience bear conflicts throughout the summer and fall months. Due to the bear activity that exists in the area of the proposed land use change, CPW would strongly recommend that the applicant is prepared for bear activity and use bear-proof trash containers and keep trash and other bear attractants properly stored.

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Bob D. Broscheid, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian, Secretary • Jeanne Home
Bill Kane, Chair • Gaspar Perricone • James Pribyl • John Singletary
Mark Smith, Vice-Chair • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

received
12-23-13

SCANNED

CPW would also recommend wildlife friendly fences be constructed throughout the proposed land use change area. The site of the proposed land use change is in the migration corridor for the Cimarron deer and elk herds. Deer are frequently in the area and would benefit from wildlife friendly fences to allow safe migration. Please see the following link for fencing recommendations.

<http://wildlife.state.co.us/SiteCollectionDocuments/DOW/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

Again, thank you for the opportunity to comment. If you have further questions please contact myself, or District Wildlife Manager Matt Ortega at 970.252.6011.

Sincerely,



Renzo DelPiccolo

Area Wildlife Manager - Montrose

970.252.6010

Cc: Matt Ortega-DWM, Patt Dorsey- SW Region Manager



July 25, 2013

Gunnison County Planning Commission
Blackstock Govt. Center
221 N. Wisconsin Street
Gunnison, CO 81230

RE: Sonrise Mountain Ranch Water System - Cimarron Colorado

This letter describes the water system owned and operated by and serving Sonrise Mountain Ranch (Sonrise), located 12.2 miles south Highway 50 on County Road 858. Formerly known as El Rancho Resort, Sonrise facilities include a lodge, dining facility, and staff and guest housing cabins. Sonrise seeks approval of a Minor Impact Land Use Change Application to develop an adjacent parcel recently acquired. The development plan consists of constructing up to three cabins for Sonrise purposes. Sonrise intends on extending the water system to the recently acquired 13.67 acre parcel to serve the proposed cabins.

As stated above, Sonrise is responsible for the operation of a private water system that utilizes the same source of water which serves others. This includes the Eagles Rest Subdivision to the west, and service lines to several cabins on properties owned by individuals immediately adjacent to Sonrise. The maximum combined occupancy is not expected to exceed 100 persons in the foreseeable future. Currently, approximately 71 persons are served by the system. The water rights are secured with a consolidated court decree, 05CW165, 166, & 177, and a court approved augmentation plan.

Wastewater disposal at Sonrise is provided by a common sewage disposal system installed with Gunnison County approval in accordance with setback requirements. All other homes served by the water system operated by Sonrise are on individual subsurface disposal systems (ISDS).

The water system that serves this facility receives raw water from High Park Spring No. 1, located approximately 3 miles to the west, and at an elevation of approximately 9,700 feet, which is 1,500 feet above the Sonrise elevation. Water from the spring passes through microscopic particulate analysis and provides groundwater free from the influence of surface water. The distribution system includes a single two-mile long, 2-inch transmission from the spring to the four 1,500 gallon buried storage tanks located immediately west and above Eagles Rest Subdivision.

The tanks are normally filled with water in series from the spring at 50 gallons per minute. Overflow from the last tank is directed to an overflow pipe with a screened outlet and air gap. An additional 5,000 gallon tank is located within the Eagles Rest Subdivision for the purpose of supplying water to Sonrise. This tank is also intentionally designed to fill at all times, in this case at 17 gallons per minute, to minimize detention time to less than four hours. Water from the 5,000 gallon tank flows east by gravity to Sonrise, where a final dose of UV disinfection occurs prior to distribution. A network of smaller diameter water service lines carries water to each structure following UV disinfection at the Sonrise facility.

Sincerely,



Bob W. Hurford, P.E.
#37799



Colorado Department
of Public Health
and Environment

Water Quality Control Division

Safe Drinking Water Information System (SDWIS) Inventory Form

This form is used to collect the information necessary to maintain an accurate database, and to ensure that the monitoring procedures for the public water system are established correctly.

PWSID Number (For new systems, the PWSID will be assigned by the WQCD/CADM Unit): CO0 226845

Reason for Inventory Update Request (select one)

Proposed System or Existing System not in Inventory or Changes to System Information

For Existing Systems: All items on pages one (1) and two (2) must be completed or form will be returned. If updating information on an existing system, complete only those fields that have changed. For Proposed Systems, please provide all available information.

Existing System: Changes include (please check all appropriate boxes):

System Name System Mailing Address System Physical Address System Phone/Fax
 Admin Contact Info Owner Contact Info System Population Sources Treatment
 Sampling Point Activation Inactivation Other _____

Reason for Change(s): _____

System Name: EL RANCHO WATER (Now Sunrise Mtn. Ranch) County: GUNNISON
System Mailing Address: P.O. BOX EL RANCHO City: CIMARRON State: CO Zip: 81220
(P.O. Box or Mail Stop)
System Physical Address: 1670 COUNTY ROAD 558 City: CIMARRON State: CO Zip: 81220
System Phone: 970-249-5774 Fax: _____ E-mail (if applicable): _____

Administrative Contact Name: GARY STEPHENS
(Administrative Contact: The administrative contact receives mail at the PWS location and is the primary contact person for drinking water program communications.)

Admin Contact Mailing Address: P.O. BOX EL RANCHO City: CIMARRON State: CO Zip: 81220
Admin Contact Phone: 970-249-5774 Fax: _____ E-mail (if applicable): _____

MERCY SHIPS, EAGLES REST SUBDIVISION &
Owner Contact Name: LITTLE BIG LOON SUBDIVISION
(Legal Owner: The legal owner is an individual, corporation, partnership, association, state or political subdivision thereof, municipality, or other legal entity.)
Owner Mailing Address: P.O. BOX EL RANCHO City: CIMARRON State: CO Zip: 81220
(P.O. Box or Mail Stop)
Owner Phone: 970-249-5774 Fax: _____ E-mail: _____

System Population Types & Operating Periods

Population Types (See Page 3)	Maximum Number of Persons Served per Day	Are these year-round populations? If No, please include months of service	Number of service connections (i.e., buildings) used by each population type
Resident	17		6
Non-Resident	43	JUNE - OCT.	17
Visitors	50	THROUGHOUT YEAR	37
Wholesale			

For Dept. Use Only:
Entered By: _____ Date: _____



STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090
<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

August 17, 2011

Mr. David Mills
P.O. Box 220
Cimarron, CO 81220

Subject: Sanitary Survey of Sonrise Mountain Ranch
Public Water System Identification (PWSID) No. CO0226845
Gunnison County

Dear Mr. Mills:

This letter serves to report the findings of the sanitary survey conducted by the Engineering Section of the Water Quality Control Division ("the Division") at Sonrise Mountain Ranch ("the System") on July 19, 2011. The assistance that was provided was very helpful and is greatly appreciated. Table 1 identifies parties present during the sanitary survey.

Table 1: Parties Present

Name	Organization
Todd Johnson	Sonrise Mountain Ranch, Operator in Responsible Charge
Adam Turner	Project 7, Other Operator for Sonrise Mountain Ranch
Cathy Heald	CDPHE-WQCD

This letter is the System's notification of any significant deficiencies and/or alleged violations of the Colorado Primary Drinking Water Regulations (CPDWR) that were identified during the sanitary survey. A significant deficiency or violation of the CPDWR represents an unacceptable risk to public health or safe delivery of drinking water. Table 2 summarizes the number of findings and the required response and resolution dates.

Table 2: Sanitary Survey Findings

Severity	Number Identified
Significant Deficiencies or Major Violations	0
Other Violations	1
Observations-Recommendations	2

Description of Severity

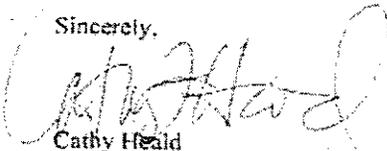
- **Other Violations:** The System may be contacted by a compliance specialist from the Division's Compliance Assurance Section for additional follow-up on these violations. The System must resolve these violations prior to the subsequent sanitary survey, which will be verified by the Division inspector at that time. See the Other Violations table attached below.
- **Observations/Recommendations:** While the Division will not directly follow-up on these items, it is highly recommended that the System address these items. See the Observations/Recommendation table attached below.

Reminders

- Article 1.11.2 (Prior Approval Required) requires the Department's approval prior to commencement of construction of any improvements, treatment process modifications, or the addition of new water sources.

If you have any questions, please contact me by phone at 303.692.3613 or via e-mail to catherine.heald@state.co.us. Thank you for your time and cooperation.

Sincerely,



Cathy Heald

Non-Community Groundwater System Inspection Coordinator
Water Quality Control Division - Engineering Section
Colorado Department of Public Health and Environment

cc: Gunnison County Health Department
Drinking Water File, PWSID# CO0226845
Richard Thompson, Montrose Health & Human Services, rthompson@montrosecounty.net
Adam Turner, Project 7, aturnerfan@yahoo.com
Tyson Ingels, Lead Drinking Water Engineer, CDPHE-WQCD-ES
Jocelyn Mullen, District Engineer, CDPHE-WQCD-ES (Grand Junction)

Other Violations

Monitoring & Reporting and Data Verification

The system lacks a monitoring plan, the plan does not include the required content, the plan has not been updated for facility changes, or the plan has not been submitted. This is a violation of the CPDWR, Section 1.12.1.

At the time of the sanitary survey, the Sonrise Mountain Ranch public water system had a monitoring plan that the Division inspector reviewed. Based on this review, the system shall update the plan pursuant to Section 1.12 requirements including but not limited to the following:

- water system map identifying the distribution throughout the facility as well as the sampling locations and water system facilities,
- description and details on the System's source, treatment, and distribution, and
- sampling requirements included in the following individual rule sampling plans:
 - total coliform (TCR),
 - entry point chlorine residual (to be tested weekly and maintained at a minimum of 0.2 mg/L)
 - distribution chlorine residual (to be tested at the same time as TCR),
 - inorganics (e.g., nitrate and nitrite), and the
 - ground water rule.

In order to aid in the completion of the monitoring plan, the Division recommends that the System use the monitoring plan template for transient non-community groundwater systems that may be accessed from the Division's web site at <http://www.alpha.state.co.us/water/drinkingwater/FacilityWaterSystemReportingForms.html>. In addition, the System may contact Bryan Pickle of the Drinking Water Compliance Assurance Section at 303.692.3527 or via email to bryan.pickle@state.co.us for assistance on how to complete a monitoring plan.

Upon completing the plan, the System is required to submit a copy to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division/Compliance Assurance Section
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Fax: (303) 758-1398
Email: alpha.drinkingwater@state.co.us

Observations/Recommendations

EI RANCHO UV FACILITY & EAGLES REST SUBDIVISION UV FACILITY	No disinfection equipment present, equipment not operating, or inadequate disinfection or methods. This is a violation of the CPDWR, Section 13.2 (Groundwater).
At the time of the sanitary survey, the Somrise Mountain Ranch water system was using ultraviolet (UV) treatment as their only means of disinfection. According to Division records, the UV treatment system was approved by the Division on January 4, 2002. This treatment system consisted of the El Rancho UV facility and the Eagles Rest Subdivision UV facility.	In accordance with Article 13 of the CPDWR, Section 13.1(a)(8), UV treatment is no longer an acceptable standalone means of disinfection. All groundwater systems that have an approved UV treatment system as their only means of treatment must comply with sections 13.2(a-c) by July 1, 2012, which requires disinfection at all times by at least one Division approved chemical treatment method. Furthermore, in order for the System to maintain the required chlorine residual at entry point and within the distribution system per section 13.2, an approved chlorination system must be installed.
On November 29, 2010, the Division received from Somrise Mountain Ranch a completed application and supporting documentation for waiver from the requirement for disinfection pursuant to Section 13.2 of the CPDWR. During the sanitary survey, the Division inspector reviewed the System's documentation and physical conditions that were associated with the groundwater source (High Park Spring No. 1) of the water system.	The Division has formed a Waiver Consensus Team to evaluate the waiver-related information that was obtained during the sanitary survey for the System's water source in accordance with Section 13.2 of the CPDWR. The Division will provide the Somrise Mountain Ranch water system with written information regarding the findings of the Waiver Consensus Team under separate cover.
Please note that if any modification to the system is required, such as adding a chlorination treatment system, it must be approved by the Division prior to construction. The system may contact the Division's District Engineer for Gunnison County, Jocelyn Mullen at 970.248.7153 or via email to jocelyn.mullen@state.co.us for additional information on disinfection systems and the design review and approval process.	

629

<p>DISTRICT COURT, WATER DIVISION 4, COLORADO</p> <p>Court Address: 1200 N. Grand Ave., Bin A Montrose, CO 81401-3146</p> <hr/> <p>IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF</p> <p>MERCY SHIPS FOUNDATION</p> <p>IN THE GUNNISON RIVER, GUNNISON COUNTY</p>	<p>Filed in the District Court Water Division 4 EFILED Document CO Montrose County District Court 7th JD Filing Date: Oct 16 2007 1:44PM MDT Filing ID: 16693590 Review Clerk: Darleen Cappannokeep Filed in the District Court Water Division 4 OCT 11 2007 Case Number: 05CW166</p>
<p align="center">AMENDED FINDINGS AND RULING OF REFEREE AND DECREE</p>	

Applicant, Mercy Ships Foundation, d/b/a El Rancho Cimarron, 18876 54.95 Road, Montrose CO 81401, requests Approval of a Plan For Augmentation by Application filed October 13, 2005.

FINDINGS OF FACT

1. All notices required by law of the filing of this Application have been given. The time for filing of statements of opposition has expired and the only such statement was filed by the Colorado Water Conservation Board, by Beth Van Hurst, assistant attorney general, 1525 Sherman St., 5th Floor, Denver CO 80203.

2. Applicant requests approval of an augmentation plan to allow it to withdraw water from the YWAM WELL, and to compensate for evaporation from the EL RANCHO CIMARRON POND, which are tributary to the Big Cimarron River and located as follows:

a. YWAM Well is at a point in the SW1/4SE1/4, Section 32, Township 47 North, Range 6 West N.M.P.M., 475 feet north of the south section line and 2218 feet west of the east section line. It was decreed in Case 87CW186 and 01CW191 for 0.066 c.f.s. for domestic and commercial use in El Rancho Cimarron lodge, with an appropriation date of March 1, 1987. 0.033 c.f.s. remains conditional.

b. El Rancho Cimarron Pond is on the grounds of El Rancho Cimarron, in the SW1/4SE1/4, Section 32, Township 47 North, Range 6 West N.M.P.M

3. This Plan revises and replaces the Plan decreed in case 87CW186. Applicant plans to divert up to 0.066 c.f.s. from the YWAM WELL and use this water for the decreed purposes at El Rancho Cimarron, and to allow evaporation from the Pond. Applicants have calculated that this use, including domestic and commercial use and evaporation from El Rancho Cimarron Pond, will consume 3.6371 acre-feet of water per year. The Court accepts these figures as being accurate. The consumptive use calculations are attached as Exhibit "A."

✓

4. To prevent injury to senior water rights holders on the Gunnison River, Applicants propose to make available to the stream 18.5 acre-feet of water pursuant to a contract with the Upper Gunnison River Water Conservancy District. (This water will also be used in the Augmentation Plans in 05CW165 and 05CW177.) This water is stored in Blue Mesa Reservoir, and can be released to the Gunnison River drainage upon request by the Division Engineer. The Court further finds that, with the limitations set forth below, this water is available in a normal year to be released upon call by the Division Engineer to compensate for water consumed from the listed structures, on a gallon-for-gallon basis.

5. The Division Engineer shall have complete discretion as to the necessity for, timing of, and amount of, any call upon the water represented by the contract.

6. The Colorado Water Conservation Board (CWCB) currently holds the following instream flow water rights on the Cimarron River, which are decreed senior to the water rights that are the subject of this application:

Case No.	Amount	Appropriation Date
84CW395	25/15cfs	5/4/84
84CW398	16	5/4/84

In order to prevent injury to the CWCB's instream flow water rights on the Cimarron River, during any time when the CWCB's existing senior instream flow water rights are not being met, Applicant shall curtail its out-of-priority diversions, or shall replace any out-of-priority depletions in time, place and amount with releases from the El Rancho Cimarron Pond as more fully described in paragraph 2(b), above.

7. As a result of the operation of the foregoing plan for augmentation, replacement water will be provided to the extent necessary to meet the lawful requirements of, and prevent injury to, senior diverters at the time and location and to the extent senior diverters would otherwise be injured by the operation of the YWAM WELL for domestic and commercial use at El Rancho Cimarron Lodge, and evaporation from the EL RANCHO CIMARRON POND.

RULING

8. Applicant is hereby GRANTED approval of the plan for augmentation above-described. The State Engineer, Division Engineer, and other water officials shall administer the plan for augmentation as follows:

a. By exercising the power granted herein to make calls for the water represented by the contract, as needed in the discretion of the Division Engineer to prevent injury to senior appropriators;

b. By directing Applicant to curtail all out-of-priority diversions, the depletions from which are not replaced as to prevent injury to vested water rights. Pursuant to C.R.S. 37-92-305(8), the State and Division Engineers shall curtail all out-of-priority diversions under Applicants' Plan for Augmentation, the depletions from which are not so replaced as to prevent injury to vested water

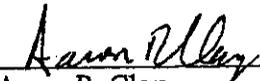
rights. If the augmentation water supply should not be available for any reason, curtailment of all out-of-priority diversions will occur.

9. Applicant must install a totalizing flow meter on the Well and report the volumetric total therefrom for each month or part thereof when the structure is in use to the Water Commissioner by the 10th of the following month.

10. Pursuant to C.R.S. 37-92-304(6), the Court will reserve jurisdiction of this case for five years after the date of this Decree, for the consideration of injury to any person from the augmentation plan granted herein.

11. This Plan for Augmentation replaces and supercedes all previous Plans decreed for the YWAM Well.

Done this 13th day of September, 2007.


Aaron R. Clay
Water Referee

The time for filing of protest having expired, and no such protest having been made, the Court hereby confirms the foregoing Ruling, and makes it the Decree of the Court.

Done this 1th day of October, 2007.

BY THE COURT:


J. Steven Patrick
Water Judge

CALCULATION OF DEPLETIONS FOR UGRWCD CONTRACT

PREPARED BY: RICHARD WEAVER, P.E.
DATE: JULY 3, 2006

NOTE: THIS IS A DRAFT FOR CONFIRMATION BY UGRWCD AND THEN LAST COLUMN IS TO BE DELETED. Rwm 7/3/06

REF: UGRWCD TABLES 1 & 6B FOR LAKE EVAP. & BLUEGRASS CONSUMP. USE	JANUARY AMT (FT.)	FEBRUARY RATE/AF (FT.)	MARCH AMT (FT.)	APRIL RATE/AF (FT.)	MAY AMT (FT.)	JUNE RATE/AF (FT.)	JULY AMT (FT.)	AUGUST RATE/AF (FT.)	SEPTEMBER AMT (FT.)
YOUTH WITH A MISSION (DEPLETIONS TO HIGH PARK SPRING FROM DOMESTIC, IRRIGATION AND PONDS)									
INTAKE LAKE (0.6 ACRES, 9300')	0.6	0	0	0	0.6	0.01	0.006	0.6	0.234
NEW LAKE (1.8 ACRES, 9300')	1.6	0	0	1.6	0.01	0.016	1.6	0.28	0.464
SUBTOTAL LAKES ONLY									
LANDSCAPED/GARDEN AREAS (0.5 ACRES, 8800')	0.5	0	0	0.5	0	0	0.5	0.27	0.135
DOMESTIC USE - "REC. & SEASONAL" (100 PERSONS, 10% CONSUMPT. 50 GAL/DAY/PERSON)	31	0.0155	0.043	31	0.015	0.046	31	0.015	0.046
SUBTOTAL, YWAM	0.048	0.043	0.048	0.068	0.821	1.099	1.025	0.797	0.704
EL RANCHO RESORT (DEPLETIONS TO WELL SOURCE OR HIGH PARK SPRING FROM DOMESTIC, IRRIGATION AND POND)									
POND (1.44 ACRES, 8400')	1.44	0	0	1.44	0	0	1.44	0.12	0.173
LANDSCAPED AREAS (0.1 ACRES, 8400')	0.1	0	0	0.1	0	0	0.1	0	0
DOMESTIC USE - "REC. & SEASONAL" (71 PERSONS, 10% CONSUMPT. 50 GAL/DAY/PERSON)	31	0.0198	0.034	31	0.011	0.034	31	0.011	0.034
NOTE: THIS IS FOR WELL AUGMENTATION IF HIGH PARK SPRING SOURCE IS NOT USED									
SUBTOTAL, EL RANCHO RESORT	0.034	0.031	0.034	0.206	0.539	0.694	0.664	0.513	0.449
EAGLES REST SUBDIVISION AND ADJACENT 10 HOMES AT LITTLE BIG HORN SUBDIVISION (DEPLETIONS TO HIGH PARK SPRING SOURCE FROM DOMESTIC, IRRIGATION, & POND EVAL)									
EAGLES REST RES. NO. 1 (1.2 AC., 8800')	1.2	0	0	1.2	0	0	1.2	0.06	0.072
COTTON RESERVOIR (1.94 ACRES, 8800')	1.94	0	0	1.94	0	0	1.94	0.06	0.116
SUBTOTAL RESERVOIRS ONLY									
LANDSCAPED AREAS (31 LOTS @ 1200 SF EACH, 8600')	0.854	0	0	0.854	0	0	0.854	0	0
LANDSCAPED INCIDENTAL ON STEPHENS 110 ACRE PARCEL (0.2 AC IRRIG, 8800')	0.2	0	0	0.2	0	0	0.2	0	0
DOMESTIC USE - "ORDINARY HOUSEHD." (41 DWELLINGS, 10% CONSUMPT. 350 GAL/DAY/DWELLING)	31	0.044	0.123	31	0.044	0.132	31	0.044	0.132
SUBTOTAL, EAGLES REST	0.137	0.123	0.137	1.403	1.879	1.768	1.382	1.223	1.223
TOTAL DEPLETIONS & UGRWCD PURCHASE	0.218	0.197	0.218	2.763	3.872	3.457	2.692	2.375	2.375



APR 8 1980

IN THE DISTRICT COURT IN AND FOR *Kay Phillips*

WATER DISTRICT NO. 4

By _____
DEPUTY

STATE OF COLORADO

Case No. 79CW329

WD-62

IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF HARRY L.)
ERGOTT IN THE GUNNISON RIVER AND)
IN GUNNISON COUNTY.)

RULING OF WATER REFEREE

The Applicant, Harry L. Ergott, Box 176, Cimarron, Colorado, 81220, requests the right to use surface water for domestic, stock water and fish culture purposes.

Filed December 13, 1979.

No opposition has been filed.

FINDING OF FACT

The LITTLE BIG HORN SPRING PIPELINE NO. 1 has, as a source of water supply, a small spring tributary to Cimarron River, which is a tributary to the Gunnison River in Gunnison County and in old Water District No. 62.

The diversion is described as being located in the Southeast Quarter of the Southwest Quarter of Section 32, Township 47 North, Range 6 West of the N.M.P.M., whence the South Quarter Corner of said Section 32 bears South 39° 53' 43" East 349.37 feet.

Said diversion will consist of a collection facility and pipeline to a 10,000 gallon storage tank and thence to land and improvements owned by the Applicant and there to be used for domestic, stockwatering and fish culture purposes.

.033 c.f.s. of water is claimed as having been used for the stated purposes since June 1, 1935.

R U L I N G

IT IS THE RULING OF THE REFEREE that water has been appropriated and applied beneficially and that the Little Big Horn Spring Pipeline No. 1 is APPROVED AND GRANTED AN ABSOLUTE DECREE FOR the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed .033 c.f.s. for domestic, stockwatering and fish culture purposes, with an appropriation date of June 1, 1935.

DATED 4-8-80

E. L. WILSON

[Signature]
Water Referee, Division No. 4.

No protest was filed in this matter.
The proposed ruling is approved
and the same is hereby
declared and entered of this court.

Dated: 4-30-80
[Signature]



AQUAMAP

Colorado Division of Water Resources

Little Big Horn Spring Pipeline No1

Map created by bwh 7/19/2013



1,424 ft

Based on work developed at <http://www.carto.net>

Address location by Bing Maps
AquaMap Version 3.0.1 July 5, 2009

PLSS LOCATOR MENU

PLSS <=> UTM Zone Conversions Lat-Long

Section	Township	Range	Meridian
32 ▼	47 ▼ N ▼	6 ▼ W ▼	NM ▼
Q 160	Q 40	Dist. (ft N/S) 327 ▼ S ▼	Dist. (ft E/W) 2395 ▼ W ▼

Copy From Map

Zoom In Map

Easting UTM X (m) 276862

Northing UTM Y (m) 4240237

DATA DISPLAY

Background

Counties

PLSS

Roads

Hydrography

County Parcels (No Public Access)

Towns

Water Well Applicat

DWR Parcels

EPA Well Notificati

Oil/Gas Well Locati

More Data

LOCATION

Section Township Range Meridian

32 ▼ 47 ▼ N ▼ 6 ▼ W ▼ NM ▼

PLSS Locator Quick Zoom Spacing

PRINTING

Output Scale Page Size User

2,400 ▼ 8.5x11 ▼ bwh

Title Little Big Horn Spring Pipeline No1

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file available on the Division of Water Resources website for well location details.



