

**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  
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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

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

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

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**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.

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**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 where 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.

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

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