TO: **Planning Commission**

SUBJECT: **Planning Commission Draft Decision**
Sonrise Mountain Ranch
LUC-13-00025

DATE: **May 16, 2014**

PREPARED BY: **Cathie Pagano, Senior Planner**

APPLICANT:
Sonrise Mountain Ranch represented by Matt McGee and Bob Hurford

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PROJECT DESCRIPTION:
Sonrise Mountain Ranch, represented by Executive Director, Matt McGee and consulting engineer Bob Hurford have requested the development 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). The proposed residences will serve guests of the retreat center and may also house employees. The applicants propose to develop the residences and associated ISDS over a five-year time period. They will build each residence as their budget allows.

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.

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

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

- Letter from Bob Hurford dated February 25, 2014 including an aerial photo
- Email from Bob Hurford dated Jan. 10, 2014
- Letter from Bob Hurford dated August 16, 2013
- Letter from Bob Hurford dated July 28, 2013
- Site plan, “Sonrise Mountain Ranch, Minor Land Use Change, Site Development Plan, ISDS, 100-Ft. Impact Area,” dated February 24, 2014
- Site plan, “Sonrise Mountain Ranch, Minor Land Use Change, Site Development Plan,” dated July 26, 2013.

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
- May 2, 2014 Site Visit and Public Hearing

SITE VISIT:
The Planning Commission conducted a site visit at this parcel on May 2, 2014. The Planning Commission noted their observations from the site visit including:

- Locations of irrigation drainage areas and natural drainage areas
- That clustering of home sites would likely be impractical
- Site was generally as described by the applicant

PUBLIC HEARING:
The Planning Commission conducted a public hearing on May 2, 2014. Written comments, in support of the application, were received from Todd Robinson and Don Stephens. No other written or oral comment was received.

REVIEW AGENCY REFERRAL COMMENTS:
A copy of the complete application was sent via electronic mail to the following agencies: Colorado Parks and Wildlife, Gunnison County Public Works, Gunnison County Environmental Health, Colorado Water Quality Control Division, Colorado Division of Water Resources and the Gunnison County Fire Protection District. Comments from the agencies 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. This application is for three residences on the subject parcel, 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, the proposed use, associated with the Sonrise Ranch is considered a non-residential use. The Ranch is providing services to families and individuals. Only standards D.6 and D.10 of this Section are applicable to the proposed use. The applicant is required to comply with the exterior lighting requirements of this Section and Section 13-114: *Exterior Lighting*. Verification of the compliance with these standards shall be accomplished at the time building permits are requested.

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 10-104: *Locational Standards for Commercial, Industrial or other Non-Residential Uses.*
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 uses (e.g. Youth with a Mission and Sonrise). This project specifically serves the adjacent existing Sonrise facility and will reduce vehicle trips between surrounding areas where staff are living and the Sonrise facility by relocating them adjacent to the main area.”

The proposed use is compatible with and similar to the existing uses in the neighborhood. There will be no significant net adverse effect on adjacent land uses, County or other infrastructure or public health, safety or welfare, or the environment.

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. Staff confirmed during the site visit that there are no significant geologic hazards present at the site.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*
Applicable, portions of the subject parcel are in a 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. In an email dated December 10, 2013, from Dennis Spritzer, Gunnison Fire Protection District Fire Marshal, he noted that the District recommends the installation of a dry hydrant placed at the pond on County Road 858.

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 18, 2013, from Renzo DelPiccolo, Area Wildlife Manager-Montrose, notes that CPW

> *…believes (sic) 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…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. CPW would also strongly 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.*

The proposed residences are not in an area of occupied sage grouse habitat which Jim Cochran, Gunnison County Wildlife Coordinator noted in an email dated December 6, 2013.

Section 11-107: *Protection of Water Quality*.
Applicable, 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 shall meet setback requirements from the pond, ditches and canals; this will be especially critical when siting septic systems. ISDS siting and setbacks will be reviewed at the time of application.

During the site visit, staff noted that it appears feasible to meet the setbacks from water bodies for ISDS and building 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. Gunnison County Public Works Director, Marlene Crosby, noted that "the portion of County Road 858 is plowed by Montrose County under an annual intergovernmental agreement."

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 plans submitted (dated July 29, 2013) comply with 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*.
Applicable, 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, two-inch transmission line from the spring to the four 1,500 gallon buried storage tanks located immediately west and above Eagle's Rest Subdivision. The applicant has demonstrated that they have a legally and physically adequate supply of water that is permitted by the State of Colorado.

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.*

Ivan Franco, Water Resources Engineer, for the Colorado Division of Water Resources noted in an email dated Dec. 30, 2013:

> *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.

The YWAM well is not currently in use or planned to be used by Sonrise Mountain Ranch. According to Bob Hurford, the well does not have sufficient quality or quantity to provide the water supply for the subject parcel. The Sonrise facility can be served by either the High Park Spring or the YWAM well. The YWAM well is used as a backup in case of any type of failure of the High Park Spring system and it is cost effective alternative for augmentation water. An updated augmentation plan (Case No. 10 CW 36) was filed on December 13, 2010 and approved by the water judge. The updated augmentation plan protects the uses from High Park Spring

Bret Icenogle of the Water Quality Control Division provided the following comments in a letter dated January 23, 2014:

…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.

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 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.

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

Section 12-107: *Fire Protection*.
Applicable, the subject parcel is within the Gunnison Fire Protection District. Gunnison Fire Protection District, Fire Marshal, Dennis Spritzer 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." Spritzer also recommended the installation of a dry hydrant at the pond at County Road 858.

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, “Sonrise Mountain Ranch, Minor Land Use Change, Site Development Plan,” prepared by Bob W. Hurford, P.E. and dated July 29, 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 applicant is proposing three residences, each approximately 2,500-3,000 square feet in size. The total residential square footage allowed on the parcel is 10,000 square feet and the aggregate square footage allowed is 12,500 square feet; any proposal exceeding those thresholds shall require an additional Land Use Change permit.

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. There is adequate area on the parcel for parking of the vehicles which is depicted on the site plan.

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 dryland 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 and the exterior lighting requirements of Section 10-104: D.6. which requires that all exterior lighting rays are confined to the subject parcel.

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, 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.

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 applicant has demonstrated that they have a legal and physically adequate supply of water from the High Park Spring No. 1. Case No. 10CW36 has been approved by the water judge for the High Park Spring uses. The drinking water is supplied by the High Park Spring No. 1 and is approved by the Colorado Water Quality Control Division as a public drinking water system named High Park Spring-Sonrise, PWSID No. CO0226845.

3. The applicant has proposed three individual sewage disposal systems to serve each residence on the subject parcel. The applicant has been notified that the Gunnison County Individual Sewage Disposal System Regulations require a Special Review application for more than one ISDS on a single parcel.

4. Portions of the subject parcel are in high wildfire hazard area.

5. The subject parcel is in an area identified as a bear conflict area; it is also in a deer migration corridor.

6. There is an existing mobile home on the subject parcel that the applicant plans to remove.

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-13-00025 be classified as a Minor Impact, and be approved with the following conditions:

1. The existing mobile home shall be removed from the parcel and properly disposed of, prior to issuance of a Certificate of Occupancy for any new residence on the subject parcel.

2. The applicants shall maintain compliance with the Colorado Water Quality Control Division for the public water system, High Park Spring-Sonrise.

3. The installation of Individual Sewage Disposal Systems (also known as Onsite Wastewater Treatment systems) shall be in compliance with Gunnison County ISDS Regulations, as amended. This may require a Special Review by the Environmental Health Board for review and approval of more than one ISDS on a single parcel.

4. This permit neither implies nor grants any approval of the installation of ISDS or of a Special Review on the subject parcel. The applicant shall be required to demonstrate compliance with the applicable regulations when they apply for each ISDS permit.

5. The driveway shall be constructed in compliance with the *Gunnison County Road and Bridge Standards.*

6. The property owner shall utilize bear proof trash containers to reduce human bear conflicts. If fencing is proposed the applicant shall utilize wildlife friendly fencing techniques, as outlined by the Division of Parks and Wildlife.

7. The owner shall be required to sign and have notarized an acknowledgment and disclaimer document, relative to the wildfire hazard, as part of the building permit review.

8. All exterior lighting shall comply with the requirements of Sections 10-104:D.6 and 13-114, which requires that all rays be confined to the subject parcel.

9. 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*.

10. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

11. 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.

12. 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.

13. 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.