

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, February 1, 2019

- 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.** **Adagio Properties LLC, Clark Atkinson**, joint public hearing/work session, request for subdivision of .44-acres from N1/2 Block 6, Crested Butte South, F#2 **LUC 18-00040**
- 10:00 a.m.** **CRG Mining, LLC, Hills Gulch Exploration Project, represented by Jacob With, Law of the Rockies**, public hearing, request for mineral exploration, to include 40 exploratory drill holes on approximately 150 acres, at twenty locations. Located on multiple patented mining claims in the Gold Brick and Quartz Creek Mining Districts, above Gold Creek, in the Hills Gulch area; approximately five miles north of Ohio City, east of County Road 771 (Gold Creek Road), above the Gold Links Mine, within Section 31 Township 51 North, Range 3½ East, N.M.P.M. and Section 36 Township 51 North, Range 4 East, N.M.P.M. **LUC-18-00049**

Adjourn

The applications can be viewed on gunnisoncounty.org,
link to <http://204.132.78.100/citizenaccess/>

- Public access
- Projects
- Application #
- **LUC-18- 00040**
- **LUC-18-00049**
- Attachments

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
February 1, 2019

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. **Present:**

Chairperson- Kent Fulton Vice-Chairperson- Jack Diani Commissioner- Vince Rogalski Alternate Commissioner- Daniel Spivey Alternate Commissioner-Diego Plata	Director of Community and Economic Development-Cathie Pagano Assistant Director of Community Development- Neal Starkebaum Planner – Rachel Sabbato Manager of Administrative Services- Beth Baker Others present as listed in text
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Recused/Absent/Seated:

Absent: Commissioners Molly Mugglestone and AJ Cattles

Recused: Commissioner None

Seated: Commissioners Daniel Spivey and Diego Plata for entire meeting

With a quorum present Chairperson Fulton opened the February 1, 2019 regular meeting of the Planning Commission.

Moved by Rogalski seconded by Fulton to approve the Planning Commission meeting minutes of January 18, 2019, as amended, the motion passed unanimously.

ADAGIO PROPERTIES (LUC-18-00040); The Gunnison County Planning Commission and the Board of County Commissioners (BoCC) conducted a Jt. Public Hearing. They discussed the request for subdivision of .44-acres from N1/2 Block 6, Crested Butte South, F#2

With a quorum present Chairperson Fulton opened the Jt. Public Hearing.

Fulton seated Commissioners Spivey and Plata.

Present representing Planning Commission and the BoCC: Commissioners Fulton, Diani, Rogalski, Spivey and Plata- BoCC members Jonathan Houck and Roland Mason.

Present representing staff: Assistant Director of Community and Economic Development Neal Starkebaum, and Manager of Administrative Services Beth Baker.

Present representing the application: representative Clark Atkinson.

Baker confirmed adequate public notice. The applicant submitted the certified mailing receipts, the proof of posting and the affidavit of posting. The staff had the public notice published in the Crested Butte News and Gunnison Country Times.

Applicant’s Presentation

Atkinson explained they are requesting an approximately ½ acre subdivision, from a 6.27 acre lot. The owners are proposing a commercial / residential facility.

Planning Staff Comments

Starkebaum noted all comments received were forwarded to the BoCC and the Planning Commission, and all the comments can be found on the County website.

Review Body Questions

Mason asked if the unit above the clinic will be used for employee housing: Atkinson said it possibly could at times.

Fulton asked if Public Works had approved the proposed access: Starkebaum said yes.

Public Comments

None

Applicant Response

None

Planning Staff Response

Starkebaum noted the plat submitted at the last work session did not have a name, the name is now Crested Butte So. Lot Six Subdivision One.

Atkinson said the developer is primarily concerned with lot size, in a master plan.

Fulton closed the joint public hearing at 9:20 AM.

Planning Commission reviewed the draft recommendation.

Moved by: Rogalski seconded by Diani to approve the Adagio Properties Minor Impact Recommendation- one lot subdivision (LUC-18-00040). The motion passed unanimously.

PROJECT SUMMARY:

Adagio Properties, LLC, represented by Clark Atkinson, request the subdivision of a .44-acre lot from 6.27-acres, described as the Northern ½ Block 6, Crested Butte South, Filing 2, as shown as Lots 1 and 2, on the plat to be titled "Crested Butte South Block 6 Subdivision One". The future development of the lot would include a mixed residential/commercial use building; consisting of three residential units on the second floor and a commercial dental clinic on the first floor. Approval of the future development of the lot resides with the CB South Property Owners Association (POA) Board, pursuant to the *Crested Butte South Special Area Regulations*, and the *CB South Covenants and Restrictions*. Block 6 is designated for commercial use, with discretionary residential use, by approval of the CB South POA. Central water and sewer for the new lot will be provided by the CB South Metro District. Access will be via a driveway, from Gillaspey or Elcho Avenues, or both.

- **CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION:**

- The CB South POA Board of Directors, approved the subdivision request, as noted in a letter of December 17, 2018, and approved a variance to the CB South lot dimension standards, as noted in a letter of January 17, 2019.

- **CRESTED BUTTE SOUTH SPECIAL AREA:** The Board of County Commissioners adopted Resolution 2008-38, September 2, 2008, establishing the *CB South Special Area* and *CB South Special Area Regulations*. Development on lots within CB South is subject to the *Special Area Regulations* and the *CB South Covenants and Restrictions*. Subdivision of land within CB South is not addressed within the *Special Area Regulations* and follows the requirements of the *Land Use Resolution*.

LOCATION:

The property is located in Crested Butte South, legally described as 6.27-acres in the North Portion of Block 6, Crested Butte South, Filing 2.

SURROUNDING LAND USES:

West – Residential; Doubletop Condos, Residential/Commercial; Alpengardner
Northeast –residential lots
South – Pioneer Plaza Commercial Townhomes lots (vacant)

IMPACT CLASSIFICATION: Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

PLANS/REPORTS/SUBMITTALS:

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

- Minor Impact Land Use Change Application
- Subdivision Plat – prepared by Stephen L. Jessoe, PLS, dated December 27, 2018, submitted January 18, 2019
- CB South POA Board of Directors, approving the subdivision request, letter of December 17, 2018
- CB South POA Board of Directors, approving a variance to CB South lot dimension standards, letter of January 17, 2019
- Ronnie Benson, District Manager, CB South Metro District, letter submitted with application
- Marlene Crosby, Public Works Director, email of January 25, 2019

MEETING DATES:

The Planning Commission held meetings on the following dates:

- November 16, 2018 Work Session
- January 18, 2019 Work Session
- February 1, 2019 Joint Public Hearing/Work Session

SITE VISIT:

The Planning Commission determined that a site visit was not necessary, as they were familiar with the property and neighborhood.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on February 1, 2019. At that time, two members from the public were present and written public comments were received from:

- Mary Haskell, email of January 17, 2019, supporting the application
- Greg and Ashleigh White, email of January 8, 2019, noting concerns with the addition of more residential units in CB South, as unnecessary and the value of commercial development far outweighs the development of residential units.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:

Comments were received from the following agencies:

CB South Metro District. Ronnie Benson, District Manager, (undated letter submitted with application), notes:

This letter is to act as a Will Serve Letter for water and wastewater services referencing the subdivision of a 0.4-acre parcel from the northern Block 6, Filing 2, Crested Butte South. This property is expected to be utilized to construct a 5,000 square foot commercial space with 3 additional residential units above for approximately 10,000 square feet total. The Crested Butte South Metropolitan District has infrastructure, resource availability, and treatment ability for said structure at this time.

Gunnison County Public Works Department: Marlene Crosby, Public Works Director, email of January 25, 2019 notes:

As we discussed when we met, it appears that an Access Permit is the best approach for this lot. (Driveway from street) The standard access permit conditions will apply when the applicant applies for a permit.

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

Section 9-508: Keeping of Livestock not on an Agricultural Operation.

No livestock is allowed on the property.

Section 10-102: Locational Standards for Residential Development.

The request meets the primary residential density standard. The proposed subdivision is located within an existing population area or within a municipal three-mile area. Crested Butte South is an identified population center, within the CB South Special Area.

Section 10-103: Residential Density.

Residential development within the N1/2 Block 6, CB South is permitted, subject to the *Crested Butte South Special Area Regulations*, the *Covenants and Restrictions* of CB South, and approval by the CB South POA.

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

The property contains no floodplain, according to County mapping.

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

The property is not within a geologic hazard area, according to County mapping.

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

The property is in a low wildfire hazard area, according to County mapping.

Section 11-106: Protection of Wildlife Habitat Areas.

The property is in the center of existing residential/commercial development in Crested Butte South. No additional impacts to wildlife have been identified.

Section 11-107: Protection of Water Quality.

No water bodies are located on the property.

Section 11-108: Standards for Development on Ridgelines.

The property is not located on a ridgeline.

Section 11-109: Development that Affects Agricultural Lands.

There are no agricultural lands affected by the request.

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

The property is not located beyond snowplowed access.

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

Not applicable.

Section 11-112: Development on Property above Timberline.

Not applicable.

Section 12-103: Road System.

The lot will be accessed via a driveway from Gillaspay or Elcho Avenue. Marlene Crosby, County Public Works Director provided comments noting that she had reviewed the application and the standard access permit conditions would apply.

Section 12-104: Public Trails.

There is no public trail existing or proposed on the lot.

Section 12-105: Water Supply.

The water supply will be provided by the CB South Metro District. Ronnie Benson, District Manager, CB South Metro District, provided a "Will Serve Letter".

Section 12-106: Sewage Disposal/Wastewater Treatment.

Wastewater connection and treatment will be provided by the CB South Metro District. Ronnie Benson, District Manager, CB South Metro District, provided a "Will Serve Letter".

Section 12-107: Fire Protection.

The property is within the Crested Butte Fire Protection District. A CBFPD substation fire house is located approximately 1000 feet to the west, on Teocali Road. A fire hydrant is located within 50 feet of the proposed lot.

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

Development on the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

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

Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

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

Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

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

Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

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

Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: *Signs.*

Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

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

Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-111: *Landscaping and Buffering.*

Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-112: *Snow storage.*

Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-113: *Fencing*

Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-114: *Exterior Lighting.*

Future development of the lot is required to comply with this section.

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

A reclamation permit from the Public Works Department is required for driveway construction, site clearing and berm construction. CB South POA actively manages for noxious weeds.

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

Grading activities are required to secure a Reclamation Permit from the Public Works Department.

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

Construction activities are required to secure a Reclamation Permit from the Public Works Department.

Section 13-118: *Water Impoundments.*

Not applicable.

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

The property is within the Crested Butte South Special Area and future development of the lot will be subject to compliance with the *Crested Butte South Special Area Regulations*, the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 15-103: *Right-to-Ranch Policy.*

Not applicable.

FINDINGS:

The Commission finds that:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units.*
2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-103: Standards of Approval for Minor Impact Projects.*
3. This review and recommendation 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 plans, exhibits, and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2018-00040 Crested Butte South Block 6 Subdivision One, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site 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.*
2. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
4. Future subdivision of Lot 2, Crested Butte South Block 6 Subdivision One (Remainder N1/2 Block 6, Crested Butte South, Filing 2) is subject to approval of an adopted Master Plan for the Crested Butte South Commercial Area.
5. 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.
6. 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.

7. 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.

CRG MINING (LUC-18-00049): The Gunnison County Planning Commission conducted a public hearing. They discussed the request for mineral exploration, to include 40 exploratory drill holes on approximately 150 acres, at twenty locations. Located on multiple patented mining claims in the Gold Brick and Quartz Creek Mining Districts, above Gold Creek, in the Hills Gulch area; approximately five miles north of Ohio City, east of County Road 771 (Gold Creek Road), above the Gold Links Mine, within Section 31 Township 51 North, Range 3½ East, N.M.P.M. and Section 36 Township 51 North, Range 4 East, N.M.P.M.

Present representing Planning Commission: Commissioners Fulton, Diani, Rogalski, Spivey and Plata.

Present representing staff: Assistant Director of Community and Economic Development Neal Starkebaum, and Manager of Administrative Services Beth Baker.

Present representing the application: attorney Jacob With and applicant Jake Wilkinson.

Site Visit Comments (Commissioners Rogalski, Diani and Fulton attended the site visit)

Rogalski – the location is very remote, with dense timber.

Diani – the site is isolated.

Fulton- what could be seen from the road was limited because of the snow and dense timber.

With presented a Google Earth aerial, pointing out the drilling area and pads, noting it is half way up the mountain. There are several residences, and Quartz Creek property owners are at the very top. He addressed the noise comments, noting the type of drill rig used has a decibel rating of 96 to 98 decibels for the operator, compared to an ATV which is 90 to 100 decibels. It sounds like a power drill about 200 ft. away. The closest residence is 3,700 ft. away. The drilling would not be done on the top of the mountain, there is no gold there. To mobilize the equipment there would be one trip in and one trip out. The mine has been in operation for 116 years,

With explained the majority of the surrounding property is owned by the applicant and has been historically mined. Wilkinson explained all the activity is at the bottom of the hill, in the same footprint as it has been for the last 100 years. Spivey asked what type of mining activity and what scope is being considered: With said it is very speculative, the gold market dictates the mining. The price of gold has not exceeded the cost of labor. They are permitted to pull two hundred and ten tons of ore out. This will never be an open pit project. It is all done with a drill, blasting and mucking. Wilkinson said between 2012 and 2014 there has been nine men maximum working on site. He noted if there were mining today it could take about three men working on the surface.

Rogalski asked if the State is involved; Wilkinson said yes, in every step of the process.

Public Hearing Opened

With a quorum present Chairperson Fulton opened the Public Hearing.

Fulton seated Commissioners Spivey and Plata.

Baker confirmed adequate public notice. The applicant submitted the certified mailing receipts, the proof of posting and the affidavit of posting. The staff had the notice published in the Crested Butte News and Gunnison Country Times.

Applicants Presentation

The applicants had given the presentation prior to the opening of the Public Hearing.

Staff Comments

Starkebaum said the comments from CPW noted little to no impact to wildlife and minimal surface impacts. Gunnison Fire expressed no issues. Public Works noted no significant increase to traffic on County. Rd. 771.

Public Comments

Chuck Kolinski was in favor of the project. He presented examples of core drilling and gave a brief presentation on mining.

Joy Duemke is not in favor of the project. She was concerned with light and noise pollution, and the ultimate impacts to the area if the drilling is successful.

Steve Eberhardt is not in favor of the project. He noted concerns including access, and further deterioration of the road.

Jeff Dykes is not in favor of the project. He is concerned with further deterioration of County Rd. 771, and the major impacts to the area if the drilling is successful.

Curtis Eisenhower is in favor of the project, noting the road is in better shape now than it was 20 years ago.

Brian Murphy is not in favor of the project, citing concerns including noise pollution, unknown hours of operation and water migration from drilling holes.

Tony Smith is in favor the project, noting mining provides all the things in our lives.

Patri Reinmund is not in favor of the project, noting concerns including not enough speed limit signs, the need for blind curve signs and increased traffic.

Dale Bruno is not in favor of the project, noting his concerns including ore storage, and ultimate impacts if the drilling is successful.

Debra Dykes is not favor of the project, agreeing the road is in bad shape.

Pat Bruno is not in favor of the project. He has seen the impacts of gold mining, with his biggest concern being the eventual mining, and lack of appropriate reclamation.

Keith Fisher is not in favor of the project, noting his concern that this is adjacent to a wilderness area, and the excess noise.

Patri Reinmund requested something other than mag-chloride be used for dust mitigation.

Review Body Questions

Plata requested the applicant submit the State reclamation information. He asked what impacts to hydrology the drilling holes may have, and noted information was needed. Wilkinson said reclamation is part of the process with the State, and the State also looks at the hydrology in the area, consulting with the Army Corps.

Plata asked how big the pads are. Wilkinson explained the drilling rig is eight ft. wide, and they will not have to widen the road. Most of the holes will not be bigger than a picnic table, no more than 40 holes on 20 pads.

Diani asked what materials will be used for refilling the drill holes. Wilkinson said bentonite or Portland cement, essentially re-rocking the holes.

Applicant Response

Wilkinson explained the amount of waste dirt out of a drill hole is minimal, and it will be put back in the hole or spread across the field area and the area will be reseeded. This will not be an open pit mine, because it is not that type of gold. All reclamation is bonded with the State. He agreed to help with the road maintenance. The hours of operation will be Monday through Friday- 8:00 A.M. to 5:00 P.M. He added this is compatible with the existing land use of the area. They are trying to have a better - cleaner, more efficient way to mine, causing fewer impacts, and more financially feasible.

Fulton continued the public hearing to March 1, 2019, at 1:00 P.M, in the Planning Commission meeting room.

The commissioner adjourned the meeting at 11:45 A.M.

/S/ Beth Baker

Gunnison County Community and Economic Development Department