

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: Friday, March 15, 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.**    **CRG Mining, LLC, Hills Gulch Exploration Project, represented by Jacob With, Law of the Rockies**, continued 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 Sections 30 & 31, Township 51 North, Range 3 East, NMPM  
**LUC-18-00049**
- 9:15 a.m.**    **Irwin Backcountry Guides, LLC, represented by David Leinsdorf**, work session, request to expand the use of the existing Irwin Backcountry Guides' Movie Cabin and Cat Barn for lunch and/ or dinner service as part of summer guided outfitting in the Irwin area. Additionally, IBG proposes to offer lunch and dinner events for Eleven and Irwin Guides guests, and to partner with other organizations and non-profits for lunch and/ or dinner events, from May through October. From June through September, IBG proposes to use the Movie Cabin and Cat Barn for an average of ten guests per day. This regular use will be in connection with its guiding activities and will be between the hours of 9:00 a.m. and 11:00 p.m. Lunch and/ or dinner events for up to 24 people, and wedding ceremonies (no receptions) for up to 24 people, concluding at or before 10:00 p.m.  
**LUC-18-00041**
- 9:45 a.m.**    **Amy and Leo Morrissette, represented by David Leinsdorf**, work session/site visit, request for single-family residence, in compliance with Section 11-108: Development on Ridgelines, located west of the Town of Crested Butte, south of County Road 12; on Lot 25, Trapper's Crossing at Wildcat  
**LUC-19-00003**

**Adjourn**

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MARCH 15, 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- AJ Cattles Vice-Chairperson-Jack Diani Commissioner-Molly Mugglestone Commissioner- Vince Rogalski Alternate Commissioner- Daniel Spivey Alternate Commissioner- Laura Puckett Daniels	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:** Commissioner Diego Plata

**Recused:** Commissioner None

**Seated:** Commissioner None

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With a quorum present Chairperson Cattles opened the March 15, 2019 regular meeting of the Planning Commission.

Moved by Diani seconded by Rogalski to approve the Planning Commission meeting minutes of March 1, 2019, as amended, the motion passed unanimously.

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**CRG Mining, LLC –LUC-18-00049:** The Gunnison County Planning Commission conducted a continued joint public hearing. They reviewed 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 Sections 30 & 31, Township 51 North, Range 3 East, NMPM

With a quorum present Chairperson Cattles opened the continued public hearing.

Present representing the Planning Commission: Commissioners Cattles, Diani, Mugglestone, Rogalski, Spivey and Puckett Daniels.

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

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

Starkebaum asked With to address several issues, in the Hand comment letter.

With noted:

- Fossil Creek Mine is the real estate holding company reflected in the deed.
- Fossil Creek Mine owns all the claims, the Assessor records are not updated.
- CRG has the lease and will pay the bond.
- They will hire locally if possible.
- There is no effluent discharge, but they do have a storm water permit.
- There will be no roads built for the exploration project.

**Public Comments:** None

**Commissioner Comments- Questions:**

Cattles stated this is not a mining permit it is an exploration permit only.

The commissioners reviewed the draft decision.

Cattles closed the public hearing.

**Moved by** Rogalski **seconded by** Mugglestone to approve CRG Mining (LUC-18-00049) exploration project. The motion passed unanimously, with Commissioners Cattles, Diani, Mugglestone, and Rogalski voting yes.

**PROJECT SUMMARY:**

The request is for a land use change permit to conduct mineral exploration above the Gold Links Mine, in the Gold Creek area, known as the Hills Gulch Exploration Project. The purpose of the exploration project is to quantify the extent, volume, grade and type of mineralization in the exploration area, to determine if further exploration and/or mining development is warranted. Exploration operations will involve core drilling in order to develop a more complete 3D model of the subsurface mineralization. Drilling will take place on approximately 150 acres, with up to 40 - 4 inch, drill holes, at twenty locations. The exploration area is located entirely on private/patented mineral claims. Drilling will only take place Monday – Friday, 8:00 a.m. – 5 p.m.

**IMPACT CLASSIFICATION:** The application was classified as a Minor Impact Project by Planning staff, pursuant to *Section 6-102: Projects Classified as Minor Impact Projects, O. Small New or Expanded Mining Operation.*

**LOCATION:** 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 Sections 30 & 31, Township 51 North, Range 3 East, NMPM.

**SURROUNDING LAND USES:**

Private patented mining claims, National Forest lands, Quartz Creek Properties (private patented mining claims)

**PLANS/REPORTS/SUBMITTALS:**

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

- Land Use Change Application, LUC No. 2018-00041
- Memo from Leonard Karr, Project Geologist, concerning ground water, response to Planning Commission, received March 1, 2019

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.

**REVIEW AGENCY REFERRAL COMMENTS:**

Comments were received from the following agencies:

**Gunnison County Public Works:**

Marlene Crosby, Public Works Director, email of January 4, 2019, notes:

*It does not appear that this particular application will cause a significant increase in types or volumes of traffic.*

**Gunnison County Fire Protection District:**

Dennis Spritzer, Fire Marshal, GCFPD, email of December 10, 2018, notes:

*We have no fire issues with this application.*

**Colorado Parks and Wildlife:**

Nick Gallowich, DWM – Gunnison East, CPW, in an email of January 29, 2019, notes:

*Colorado Parks & Wildlife staff has had an opportunity to review the Minor Impact Land Use Change application brought forth by CRG Mining, LLC. CPW believes that there will be little to no impact to wildlife with the minimal surface disturbance, timing, and location of this project. CPW does request that CRG Mining, LLC follow the proper guidelines for reclamation and reseeding of disturbed areas to reduce potential noxious weed issues.*

**APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:**

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

The project area is not within any mapped 100-year flood plains, according to FEMA mapping.

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

The project area is not mapped for geologic hazard areas, according to County mapping. No geologic hazards have been identified or disclosed.

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

The project is within an area that is mapped as low to moderate for wildfire hazards, according to County mapping. No issues were identified in comments from Dennis Spritzer, Fire Marshal, GCFPD, email of December 10, 2018.

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

No identified impacts to wildlife, as noted in comments received from Nick Gallowich, DWM – Gunnison East, CPW, in an email of January 29, 2019.

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

No drill sites are located within 125 feet of any identified wetland or water body.

**Section 11-108: *Standards for Development on Ridgelines.***

Not applicable.

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

The project area is not adjacent to agricultural land or within proximity to agricultural lands.

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

No snowplowing is contemplated in the application.

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

The project area is not located on a National Wilderness inholding.

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

The project area is not located above timberline.

**Section 12-103: *Road System.***

The access is via a National Forest road (Hills Gulch Road), from County Road #771 (Gold Creek Road). No access via roads within or through the Quartz Creek Properties development is contemplated, or allowed.

**Section 12-107: *Fire Protection.***

The project area is within and will be served by the Gunnison Fire Protection District. The applicant identified that there will be fire suppression equipment maintained on the drill sites, including but not limited to fire extinguishers. Dennis Spritzer, Fire Marshal, GCFPD, email of December 10, 2018, notes no issues with the application.

**Section 9-404: *Site Location And Setbacks For Mining Operations.***

**A. Supersedes Locational Standards.**

Section 9-404 supersedes locational standards of Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development.*

**B. Compatibility.**

The project is in a fairly undeveloped area. There are no campgrounds, picnic areas, residential areas or other developed sites within the immediate vicinity. There are several residential properties, within Quartz Creek Properties development, further to the east of the site.

**C. Use Of Best Management Practices.**

The applicant will use best management practices in the operations.

**D. Setbacks.**

Not applicable.

**Section 9-405: General Development Standards For Mining Operations.**

**A. Access And Transportation Plan.**

The access is via Forest Service roads.

**B. Rock Crusher, Asphalt Plant, Cement Batch Plant.**

Not applicable.

**C. Impacts on Environmental and Cultural Resources.**

Surface disturbance will be minimized for the drill pads.

**D. Mine Wastes and Hazardous Materials.**

No mine wastes or hazardous materials will be generated by the operations.

**E. Visual Impacts.**

Due to the limited operational time frame, and minimal site disturbance, no long-term significant changes to the existing visual impacts of the site are reasonably likely to result from the exploration operation.

**F. General Operations.**

**1. Compliance With MSHA.**

Not applicable for MSHA. Compliance with OSHA required.

**2. Hours Of Operation.**

The applicant has noted that the drilling will only occur during standard business hours, 8 a.m. – 5 p.m., Monday through Friday.

**a. Temporary Operations Outside the Approved Hours of Operations.**

Not applicable.

**3. Phasing Of Mining Operations.**

There is no phasing for this operation.

**4. Fire Protection.**

The applicant indicates that they will have on-site fire suppression, including but not limited to fire extinguishers.

**5. Fencing.**

**A. Safety.**

No fencing is required.

**b. Visibility.**

Not applicable.

**6. Noise.**

**a. Noise Mitigation Measures.**

Due to the heavy timber, topography and location, relative to other land uses, and identified manufacturer's decibel levels of the drilling equipment, no noise mitigation is required.

**b. Monitoring.**

Not applicable.

**c. Maximum Permissible Noise Levels.**

The operation is required to comply with the maximum permissible noise levels.

**1. Warning Devices Exempted.** Devices required by MSHA, or the U.S. Department of Labor, are exempt from this standard.

**2. Sage Grouse Breeding Area Noise Limits.**

Not applicable.

**G. Post-Operational Land Use.**

**1. State And Federal Reclamation Requirements.**

Applicable.

**2. County Priorities.**

Not applicable.

**3. Reclamation To Be Completed Pursuant To MLRD Reclamation Plan.**

Applicable, covered by MLRD, Division of Reclamation, Mining and Safety.

**4. Revegetation.**

Applicable, as required by the State Division of Reclamation and Mining Safety.

**a. Three Year Maintenance Required.**

Not applicable.

**Section 9-406: Additional Financial Security.**

Not applicable. No blasting is contemplated in the application.

**PLANNING COMMISSION MEETING DATES:**

The Planning Commission held meetings on the subject project on the following dates:

- January 4, 2019 – Work Session/Site visit
- February 1, March 1 and March 15, 2019 – Public Hearings & Work Session

**SITE VISIT:**

The Commission conducted a site visit on January 4, 2019, and due to heavy snow, only viewed the project area from Gold Creek Road. They identified that the location was very remote, in dense timber, and that visibility from Gold Creek Road would be very limited, if not impossible to see the drill sites.

**PUBLIC HEARING:**

The Planning Commission conducted a public hearing on February 1, 2019, and continued to March 1 and 15, 2019. At that time several citizens testified:

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 in 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.

Ted and Nancy Hand noted their concerns with the application.

The following written comments were received and entered into the record:

Campbells, Camachos – email of January 20, 2019

Gary Bandy, email of January 21, 2019

Linda Robichau, email of January 20, 2019

Matt Landesman, email of January 21, 2019

Hargraves, email of January 21, 2019

Meddocks, email of January 20, 2019

Plasters, email of January 22, 2019

Quartz Creek Property Owners Association, Lawana Langston, President, January 21, 2019

Baiers, email of January 27, 2019

Duemkes, email of January 30, 2019

Timoni Slusher, email of January 30, 2019

Curtis Eisenhauer, letter of January 31, 2019

Loopers, email of January 31, 2019

Hartigs, email of January 31, 2019

Maules, email of January 31, 2019

Loren Fullmer, email of January 30, 2019

Reeds, email of January 31, 2019

Hands, email of January 31, 2019

Gillmans, email of January 31, 2019

Curtis Eishenhauer, March 1, 2019

Ted and Nancy Hand, email of March 14, 2019

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

**FINDINGS:**

The Commission finds that:

1. This Permit is limited to activities described within the "Project Summary" of this application, and as depicted in the narrative and on the exhibits and plans as submitted. 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. The application is classified as a Minor Impact Project, pursuant to *Section 6-102: Projects Classified as Minor Impact Projects, O. Small New or Expanded Mining Operation* and review of *Section 3-111: Classification of Impact. 8034*
3. The application complies with *Section 9-405: General Development Standards for Mining Operations*.
4. Potential impacts generated by the operation are mitigated by the location of the drill sites, the topography and vegetation (heavily forested), the temporary timeframe of the exploration project, lack of development in the immediate vicinity and limitations placed on the operations to eliminate or minimize impacts.
5. Granting of this Land Use Change Permit for this specific land use change does not exempt it from compliance with any applicable Colorado or federal statutory and regulatory requirements.
6. This review and Decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Department file relative to this application, including all exhibits, references and documents as included therein.
7. This Decision is made in reliance on the present and continued existence of all physical features of the property (geological, topographical and vegetative) cited as mitigating a possible conflict with design standards stated in the *Gunnison County Land Use Resolution*.
8. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with the *Gunnison County Land Use Resolution*, and all other applicable codes and regulations. Approval of this use is based upon the facts presented and implies no approval of a 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.

**DECISION:**

The Gunnison County Planning Commission has reviewed all of the documentation submitted to the County file, including all exhibits, references and documents included therein. Having reached the above cited Findings, the Planning Commission approves LUC #2018-00049, CRG Mining, LLC Hills Gulch Exploration Project, as a Minor Impact Project, with the following conditions, and directs that such approval be memorialized by recordation of a Certificate of Minor Impact, with the Office of the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the site plans submitted as part of this application, including the following
  - a. Drilling is only permitted Monday through Friday between 8 a.m. and 5 p.m.
  - b. Access to the project area is only permitted from County Road #771 (Gold Creek Road).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. The applicant shall comply with the applicable standards identified in *Section 9-405: General Development Standards for Mining Operations, Gunnison County Land Use Resolution*.
3. The term of permit term is specifically limited to the completion of the exploration operations by December 31, 2019.
4. The applicant shall obtain all required State or Federal approvals or permits prior to the commencement of the drilling operation.

5. Granting this Land Use Change Permit does not exempt the use from compliance with any applicable State or federal statutory and regulatory requirements.
6. 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.
7. 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.
8. 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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**Irwin Backcountry Guides, LLC- LUC-18-00041:** The Gunnison County Planning Commission conducted a work session. They reviewed the request to expand the use of the existing Irwin Backcountry Guides' Movie Cabin and Cat Barn for lunch and/ or dinner service as part of summer guided outfitting in the Irwin area. Additionally, IBG proposes to offer lunch and dinner events for Eleven and Irwin Guides guests, and to partner with other organizations and non-profits for lunch and/ or dinner events, from May through October. From June through September, IBG proposes to use the Movie Cabin and Cat Barn for an average of ten guests per day. This regular use will be in connection with its guiding activities and will be between the hours of 9:00 a.m. and 11:00 p.m. Lunch and/ or dinner events for up to 24 people, and wedding ceremonies (no receptions) for up to 24 people, concluding at or before 10:00 p.m.

With a quorum present Chairperson Cattles opened the work session.

Present representing the Planning Commission: Commissioners Cattles, Diani, Mugglestone, Rogalski, Spivey and Puckett Daniels.

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

Present representing the application: attorney David Leinsdorf, and Managing Director of Eleven Jake Jones.

Jones explained they have applied to use the facilities on site in the summer season. They currently use them in the winter and want to extend that commercial use. They will have smaller groups, maximum 24 participants and six staff members. They will most often be offering lunch and dinners

He said the existing infrastructure includes: water lines, an approved well permit, flush toilets, retail food and liquor license for the Cat barn. The food is prepped off site- heated and served on site.

Mugglestone asked if Eleven would be only accommodating members or the public too: Jones said they would like the opportunity to offer the service to the public, but it has not been truly contemplated.

Leinsdorf pointed out Eleven owns the Public House restaurant in Crested Butte, and that would more than likely be used or the Taylor River Lodge.

Daniels asked if this would increase the number of trips occurring: Jones said they are limited by the number of days in their Forest Service Permit.

Mugglestone requested date clarification: Jones said they will operate May thru October. They will be operating no later than 10:00 P.M. and an additional hour for cleanup.

Daniels asked how many events per day would be conducted: Jones said they do not anticipate more than one per day. He added they could not exceed the capacity of the waste water treatment system.

Diani asked about trash removal: Jones said trash will be disposed of in bear proof containers that are emptied daily.

The commissioners reviewed the locational standards: they concluded this location is well suited for the activity proposed. Starkebaum added this is an expansion of a commercial use.

Starkebaum said the Fire District, Colorado Parks and Wildlife and Public Works had submitted referral comments. None of the referral agencies had concerns with the proposed use of the road.

The commissioners will conduct a public hearing on May 17, 2019.

The work session was closed.at 9:40 A.M.

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**Morrisette, LUC-19-00003:** The Gunnison County Planning Commission conducted a work session and site visit. They reviewed the request for a single-family residence, in compliance with Section 11-108: Development on Ridgelines, located west of the Town of Crested Butte, south of County Road 12; on Lot 25, Trapper's Crossing at Wildcat

With a quorum present Chairperson Cattles opened the work session.

Present representing the Planning Commission: Commissioners Cattles, Diani, Mugglestone, Rogalski, and Puckett Daniels.

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

Present representing the application: attorney David Leinsdorf, architect Dan Murphy, and engineer Norman Whitehead.

Murphy explained this house will not be obtrusive. The house will be 3,788 Sq. Ft. They will only cut enough trees for 25ft. of defensible space.

The work session was closed. And the commissioners left for a site visit.

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**Morrisette, LUC-19-00003:** Site Visit.

The commissioners that attended the site visit were: Cattles, Rogalski, Mugglestone and Daniels.

No minutes were taken during the site visit.

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/S/ Beth Baker  
Community Development Department Title  
Gunnison County Community Development Department