

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: FRIDAY, June 7, 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.**     **Irwin Backcountry Guides, LLC, represented by David Leinsdorf,** continued public hearing, 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**
- 9:30 a.m.**     **Planning Commission training,** work session, training on the *Gunnison County Land Use Resolution, Article 10 Locational Standards.*

**Adjourn**     The applications can be viewed on [gunnisoncounty.org](http://gunnisoncounty.org) link to <http://204.132.78.100/citizenaccess/>

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Friday, June 7, 2019**

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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- Vince Rogalski Commissioner- Molly Mugglestone Commissioner-Diego Plata Alternate Commissioner- Daniel Spivey Alternate Commissioner- Laura Puckett Daniels	Director of Community and Economic Development-Cathie Pagano Planner – Rachel Sabbato Manager of Administrative Services- Beth Baker Others present as listed in text
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**Recused/Absent/Seated: None**

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With a quorum present Chairperson Cattles opened the June 7, 2019 regular meeting of the Planning Commission.

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**Irwin Backcountry Guides, LLC (LUC-18-00041):** The Gunnison County Planning Commission conducted a continued public hearing. 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 continued public hearing.

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

Present representing staff; Director of Community and Economic Development Cathie Pagano, and Manager of Administrative Services Beth Baker.

Present representing the application; attorney David Leinsdorf.

Pagano noted no new information had been submitted since the last meeting.

There were no additional comments from the Planning Commission. The commissioners reviewed the draft decision of approval.

Cattles closed the public hearing.

**Moved** by Rogalski seconded by Mugglestone to approve LUC-18-00041, to expand the use of the existing Irwin Backcountry Guides Movie Cabin and Cat Barn, as amended. The motion passed unanimously.

**PROJECT DESCRIPTION:**

Irwin Backcountry Guides, LLC represented by attorney David Leinsdorf, proposes to use the existing Movie Cabin and Cat Barn for shelter in connection with its U.S. Forest Service guiding permits to get out of the rain and to serve lunch and/ or dinner as part of guided outfitting in the Irwin area. Currently, IBG has commercial use permits with the U.S. Forest Service for hiking on the Scarp Ridge Trail, Dyke Trail and Ruby, Owen and Purple Peaks.

In addition, IBG proposes to offer lunch and dinner events at the Movie Cabin and Cat Barn for Eleven guests, Irwin Guides guests and to partner with other organizations and non-profits for lunch and/ or dinner events. Examples include Crested Butte Land Trust, HCCA, Wildflower Festival, Tour de Forks and Crested Butte Film Festival. There will be wedding ceremonies, but no receptions.

The summer event season will be from May 1 to October 31. All events will comply with the noise limitations in Section 9-301.D.10 of the Gunnison County Land Use Resolution. Events will utilize the Movie Cabin and the meeting space in the Cat Barn. There will be no additional construction.

#### Regular Use:

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 10:00 p.m. with staff cleanup to be concluded by 11:00 p.m.

#### Less Frequent Events:

- Lunch and/ or dinner events with Eleven and Irwin Guides clients for up to 24 guests and 6 additional staff, concluding at or before 10:00 p.m. with staff clean up concluded by 11:00 p.m.,
- Wedding ceremonies (no receptions) for up to 24 guests and 6 additional staff, concluding at or before 10:00 p.m. with staff clean up concluded by 11:00 p.m.,
- Events for up to 24 people and 6 additional staff with non-profits, including those listed above, concluding at or before 10:00 p.m. with staff clean up concluded by 11:00 p.m.

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.

Brookway Irwin LLC combined the following mining claims into one parcel, pursuant to a Lot Cluster Agreement and Declaration, Reception No. 542586, June 1, 2004, Gunnison County Clerk and Recorder: Clara MS #2801, Zumo Lode MS #2702, Fourth of July MS #3467, Capitol MS #3466 and Aumego MS #2801; 35.29-acres. Brookway Irwin, LLC was conveyed several small parcels of Forest Service land, under the Small Tracts Act, Reception Nos. 568229 and 568230, August 21, 2006, adding property to several of the claims. The Irwin Lodge is located on the Clara MS #2801 claim and the "Cat Barn" and the "Movie Cabin" are located on the Lead Chief MS #2731 claim.

The area of the Forest Service special-use permit contains 1,051-acres.

#### A. IMPACT CLASSIFICATION:

The project, by definition, is a Minor Impact Project, pursuant to Section 6-102:T. *Commercial Wedding Site*. "The site on which weddings are regularly or frequently conducted as a commercial operation, irrespective of the

number of people or vehicles generated by the wedding event.” The project may also be classified as a Minor Impact Project without the “wedding ceremonies” component.

In consideration of the additional criteria found in Section 3-111: *Classification of Impact*, regarding the cumulative impacts of the substantial increase in events and activities; including increased traffic, expanded summer season and hours of operation, and that it is appropriate that the review process include a public hearing, due to the adjacency of heavily used public lands, and potential for significant public comment.

#### B. MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Irwin Backcountry Guides, LLC, application on the following dates:

- March 15, 2019
- May 17, 2019
- June 7, 2019

#### C. PUBLIC HEARING:

The Planning Commission conducted a public hearing on May 17, 2019, no public was in attendance. Written comments dated March 14, 2019 were received from Barbara Thomson which stated, “...we have only two concerns: noise after 10:00pm and road safety through the campground after dark...” No other public comments were received.

#### D. 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, Colorado Division of Parks and Wildlife, and Crested Butte Fire Protection District.

**Crested Butte Fire Protection District.** Comments from Ric Ems, Fire Marshal dated January 22, 2019 state, “Is IBG proposing to prepare food in the Movie Cabin and Cat Barn or cater (from off-site)? Will IBG just be warming food that is catered from off-site or? What types of heat or ignition sources are being proposed? Charcoal, sterno can, electric hot plates, etc. Will IBG be serving food within the Movie Cabin or Cat Barn or are they proposing to serve food outside of the Movie Cabin or Cat Barn? If they are cooking/warming outside of the structures, adequate ‘defensible space’ should be evaluated.”

Additional comments dated January 31, 2019 from Ric Ems, Fire Marshal state, “Mr. Leinsdorf’s letter of response dated January 30, 2019 did satisfy all of the questions we asked. CBFPD has no additional requirements for this land use change as proposed.”

**Colorado Parks and Wildlife.** Comments from Chris Parmeter, District Wildlife Manager, in a letter dated January 9, 2019: “Conflicts with black bears is the greatest concern with this proposal. It has been well documented that access to human food and trash is a primary cause of human/bear conflicts. While the use of bear-proof trash containers has been proven the safest and best technique to avoid human/bear conflicts, for this land use change, more effective measures to avoid conflicts could include: not storing food on site and removing from the site all trash, cooking and eating utensils, surplus food, etc. on the same day as the event. Colorado Parks and Wildlife’s ‘Living with Wildlife in Bear Country’ brochure provides guidance on proper trash management and other tips to avoid creating a ‘nuisance bear.’

As the Gunnison Basin continues to develop, habitat available for wildlife is incrementally lost and conflicts with wildlife increase. While this project affects only a fraction of available habitat, we encourage the County to consider the cumulative effects of all projects.”

**Gunnison County Public Works**, in an email dated January 17, 2019 from Public Works Director, Marlene Crosby stated, "This past summer Lake Irwin was busy and there were some parking concerns. However, since Irwin Guides plans to shuttle some guests and will use their own parking, this application will not impact that area."

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

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**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, proposed use complies with the standards of this Section. All events shall comply with the noise limitations in Section 9-301.D.10. Proposed hours of regular operation are between 9 a.m. and 11:00 p.m. Less frequent events will be for up to 24 guests and 6 additional staff, concluding at or before 10:00 p.m. with staff clean up concluded by 11:00 p.m. All food will be prepared off-site and transported to the property per a letter dated January 30, 2019 from David Leinsdorf. All events shall comply with the noise limitations of this Section.

1. **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 residential development is proposed as part of this application.

**Section 10-103: Residential Density.**

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

2. **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 and recreational amenities.

The applicant has demonstrated that the proposed uses can be compatible with existing uses in the impact area.

**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.**

Not applicable, the proposed development utilizes existing structures.

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

Not applicable, the improvements are located in an area of low wildfire hazard.

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

Applicable, the application was referred to the Colorado Division of Parks and Wildlife (CPW) for review and comment. CPW's comments are noted above. The applicant stated that they will remove trash from the development each day that there is an activity to avoid conflicts with wildlife.

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

Not applicable, the buildings are existing and no new development is proposed within 125 feet of a water body.

**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 will continue to access the subject parcels 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.**

Not applicable, the proposed use is not above timberline.

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

Applicable, a copy of the application was referred to Gunnison County Public Works. From the Irwin Townsite intersection to Lake Irwin is Forest Road #826; from Lake Irwin to the intersection to the Irwin Lodge is Forest Road #826.1D, the road to the Irwin Lodge is Forest Road #826.1C. The applicant holds a Forest Road Easement, for access to the private property, recorded at Reception No. 501365, April 28, 2000, Gunnison County Clerk and Recorder. No comments were received from the U.S. Forest Service.

**Section 12-104: Public Trails.**

Not applicable, no public trails are proposed are impacted by this application.

**Section 12-105: Water Supply.**

Applicable, the water supply will be from an existing well and new water line. Well Permit 312620, was issued by the Division of Water Resources February 14, 2019, limited to drinking and sanitary facilities, for the use of the well for commercial business.

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

Applicable, an Onsite Wastewater Treatment System, OWTS-15-00199, was issued 2-19-16 for two bathrooms in snow cat building for 40 people/day. This OWTS will accommodate the proposed expansion.

**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 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.

Comments from CBFPD are noted above.

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

Not applicable, no new construction of buildings is proposed as part of this application.

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

Not applicable, no new construction of buildings is proposed as part of this application.

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

Not applicable, no new construction of buildings is proposed as part of this 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**

Not applicable, open space is not required for this use.

**Section 13-109: Signs.**

Not applicable, there are no signs proposed as part of this application.

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

Applicable, Adequate parking is available at the snow cat barn. Additionally, the applicant indicates fifteen-passenger vans and SUV's will be used to facilitate transport for guests.

**Section 13-111: Landscaping And Buffering.**

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

**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*.

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

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

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

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

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

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

**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.

**E. FINDINGS:**

The Gunnison County Planning Commission finds that:

1. This application, by definition, is classified as a Minor Impact.
2. Events are proposed to allow up to 24 guests and 6 additional staff, concluding at or before 10:00 p.m. with staff clean up concluded by 11:00 p.m.
3. The existing on-site wastewater treatment system has been designed to accommodate up to 40 people.
4. This review and Recommendation 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.
5. 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*.
6. 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.

**F. DECISION:**

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and approves LUC-18-00041 as a Minor Impact, with the following conditions:

1. Trash from the operation shall be removed daily from the site and disposed of at an appropriate location to minimize wildlife conflicts.
2. Events shall allow up to 24 guests and 6 additional staff, concluding at or before 10:00 p.m. with staff clean up concluded by 11:00 p.m.
3. At no time shall the number of people on site exceed the capacity of the on-site wastewater treatment system which can accommodate up to 40 people.
4. 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*.
5. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
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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**Planning Commission Training;** The Gunnison County Planning Commission conducted a work session. Staff did training on the *Gunnison County Land Use Resolution, Section 10-104 Locational Standards*.

With a quorum present Chairperson Cattles opened work session.

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

Present representing staff; Director of Community and Economic Development Cathie Pagano, Senior Planner Rachel Sabbato and Manager of Administrative Services Beth Baker.

Pagano and the commissioners discussed the *Gunnison County Land Use Resolution Section 10-104*, locational and alternative locational standards.

No minutes were taken.

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Cattles adjourned the meeting at 11:30 A.M.

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