

GUNNISON COUNTY PLANNING COMMISSION
AMENDED AGENDA: FRIDAY, October 1, 2021
Blackstocks Government Center 221 N. Wisconsin, Suite D
You may also participate using Zoom

- 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.** **Marble Base Camp (LUC-19-00049): Public Hearing.** The applicant proposes to formalize and continue the historic use of the property for outdoor education by public schools and to allow for minor improvements to address maintenance and to support the existing programming on the site. Property located at 727 Forest Service Rd. 315, Marble, Co.
- 9:30 a.m.** **Marbles Lost (LUC-21-00019): Public Hearing.** The applicant has requested a Ridgeline Vantage Review to permit construction of a single-family residence. The structure will be visible on a ridgeline more than 150 feet higher than the ridgeline vantage of CR3 near Beaver Lake outside of Marble. The property is legally described as Lot 51, Marble Ski Area, Condominium Filing #1.

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, October 1, 2021**

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:**

Vice-Chairperson-Andy Sovick Commissioner-Vince Rogalski Commissioner-Scott Cox Alt.Commissioner-Beth Appleton	Director of Community and Economic Development-Cathie Pagano Senior Planner – Rachel Sabbato Manager of Administrative Services- Beth Baker Others present as listed in text
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Absent: Commissioners Laura Daniels, Melanie Miller and Julie Baca

ZOOM: Commissioners Cox and Appleton

With a quorum present Vice-Chairperson Sovick opened the October 1, 2021 regular meeting of the Planning Commission.

Moved by Cox seconded by Rogalski to approve the Planning Commission meeting minutes of September 3, 2021, the motion passed unanimously.

Marble Base Camp (LUC-19-00049) The Gunnison County Planning Commission conducted a public hearing. They reviewed the applicant's request to formalize and continue the historic use of the property for outdoor education by public schools and to allow for minor improvements to address maintenance and to support the existing programming on the site. Property located at 727 Forest Service Rd. 315, Marble, Co.

With a quorum present Vice-Chairperson Sovick opened the public hearing.

Manager of administrative services Beth Baker confirmed adequate notice. The applicants submitted the certified mailing receipts and proof of posting, and the staff had the notice published in the Crested Butte News and the Gunnison Country Times.

Site Visit Comments:

Commissioner Sovick said:

- The site visit was very helpful.
- The Forest Service access road easement will take some time.
- There was an old historic structure for emergency use and very brief staff housing.
- They were shown where classes are conducted.
- There was a lot of staff enthusiasm.

Applicant's representative Dave Erickson, gave a brief overview of the project. He noted his appreciation for the all the work the county staff had done. The applicants are trying to keep things the way they have been for decades.

Suzanne Stephens Executive Director of Aspen Valley Land Trust (AVLT) said she works closely with Crested Butte Land Trust (CBLT) and appreciates the great partnership.

DHM Design managing principal Jason Jaynes was present to explain any questions on infrastructure.

Staff had no additional comments.

The commissioners had no additional comments or questions.

Neighbor Glenn Jammaron has owned the adjacent property for 30 years, he is in favor of the application, and supportive of everything remaining as is.

CBLT representative Jon Mugglestone expressed support for the project.

The commissioners reviewed the draft decision.

Sovick closed the public hearing.

Moved by Rogalski seconded by Cox to approve LUC-19-00049, Marble Base Camp: formalizing the continuance of the historic use of the property for outdoor education. The motion carried unanimously with Sovick, Rogalski and Cox voting to approve.

PROJECT DESCRIPTION:

The Aspen Valley Land Trust, current owners of the Marble Basecamp property, are seeking a Land Use Change Permit in order to formalize and continue the historic use of the property for outdoor education by public schools and to allow for minor improvements to address maintenance and to support the existing programming on the site. The Basecamp has three components.

- Cabin: This 900 sq.ft. structure has been on the site since 1939. The cabin is ancillary to camp operations and will be used to support outdoor education and maintenance.
- Lower Bench/Outdoor Education Area: The 3.5 acre area has been historically used for camping, team building, trust activities, and a group campfire. Impacts to this area will be minimal and include general maintenance, wildfire hazard mitigation, challenge course, and development of non-motorized trails.
- Small Group Camp Area: a smaller group campsite with anticipated group sizes of 10-30 people for periods of two to four days. Improvements to this area will be limited and similar to that of the Lower Bench described above.

AVLT closes the property to groups from May 15 to June 21st for elk calving at the recommendation of Colorado Parks and Wildlife. Historically, outdoor education activities occur in September. The proposed expanded season will be from summer to early fall. Groups of 20-50 people will use the facilities for two to four days. The property is used to support the Aspen Middle School annual eighth grade outdoor education trip. This use will exceed the 50-person capacity and is expected to obtain a special event permit to hold events of this size.

The property is legally described as a parcel of land in the unsurveyed Section 19, 20, and 30, Township 11, Range 87 West, 6th p.m. described as Homestead Entry Survey No. 318.

IMPACT CLASSIFICATION:

The project, as found by the Planning Commission, is a Minor Impact pursuant to *Section 6-102. Projects Classified as Minor Impact Projects.*

MEETING DATES:

The Planning Commission and the Board of County Commissioners held work sessions and a joint public hearing to discuss the application on the following dates:

- September 3, 2021 Work Session
- September 17, 2021 Site Visit
- October 1, 2021 Public Hearing

SITE VISIT:

A site visit was conducted on September 17, 2021 and the Planning Commission noted the following observations: Commissioner Sovick said:

- The site visit was very helpful.
- The Forest Service access road easement will take some time.
- There was an old historic structure for emergency use and very brief staff housing.
- They were shown where classes are conducted.
- There was a lot of staff enthusiasm.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on October 1, 2021.

Comments received include:

Neighbor Glenn Jammaron has owned the adjacent property for 30 years, he is in favor of the application, and supportive of everything remaining as is.

CBLT representative Jon Mugglestone expressed support for the project.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on May 24, 2021 to the following agencies:

- Aspen-Sopris Ranger District, White River National Forest, USFS
- Carbondale Rural Fire Protection District
- Colorado Division of Natural Resources
- Colorado State Forest Service
- Gunnison County Consumer Protection Specialist
- Gunnison County Environmental Health Official
- Gunnison County Public Works Department
- Town of Marble
- Colorado Geologic Survey
- Colorado Parks and Wildlife

- Colorado State Forest Service
- Colorado Department of Public Health and Environment

Comments from the agencies and are noted in the applicable sections below.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LANDUSE RESOLUTION:

Section 9-100: Uses Secondary to a Primary Residence.

Not applicable. No secondary uses are proposed.

Section 9-200: Special Residential Uses.

Not applicable, no special uses are proposed.

Section 9-300: Commercial and Industrial Uses.

Applicable, the application is for a seasonal campground and shall comply with Section 9-305: *Seasonal Recreational Vehicle Parks and Campgrounds*.

The applicant has described compliance with those standards as follows:

“Camping facilities will be provided by seasonally-erected wall tents and individual, personal camping tents. No permanent RV facilities (pads, utility hook-ups, etc.) are proposed as a part of this application... Year-round residency is not proposed as a part of this application... User groups will be required to supply appropriate wildlife-proof containers and employ best practices for food and refuse storage commensurate with a primitive camp.”

The described use complies with the standards of this Section.

Section 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials.

Not applicable, no minerals or constructions materials operations are proposed.

Section 9-500: Miscellaneous Uses and Activities.

Not applicable, no miscellaneous uses or activities are proposed.

Section 9-600: Essential Housing

Not applicable, the proposed development does not include the provision for essential residences.

Section 10-102: Locational Standards for Residential Development.

Not applicable, this is not an application for a new subdivision.

Section 10-103: Residential Density.

Not applicable, this is not an application for a new subdivision.

Section 10-104: Locational standards for commercial, industrial or other non-residential uses.

Applicable, the proposal cannot comply with the primary locational standards; therefore, the alternative locational standards apply.

Of the five locational considerations, one needs to be met. The campground is specifically permitted by the conservation easement. As a recreational facility intended to provide a wilderness experience, it is not practical to locate said facility within or adjacent to the Town of Marble. The proposed location is suitable based on past historic use and the rural and remote nature of the site.

The proposed use needs to be compatible with existing uses in the area. The surrounding uses are federal land and a few remote cabins. A campground is a suitable and compatible use for this site.

The applicant has noted compliance with the standards of this section in the application including:

“The remote location of the site and proximity to backcountry areas make this property well suited as a place for schools to use for outdoor education. Impacts to adjacent properties are extremely limited. This area of Gunnison County is a popular location for outdoor recreation and the use aligns well with other activities in this region. Outward Bound owns a property nearby which has been used for outdoor education and training for over 50 years illustrating that this location is well suited to this specific use. Use of the Outward Bound facility is expensive and out of reach for many school and youth groups. Use of the Marble Basecamp will be free of charge. The property will be supported by AVLT’s ongoing fundraising efforts and/ or private donations. In addition, the project was the recipient of GOCO funding in 2021 to support infrastructure improvements. GOCO funding is highly competitive and it was an honor to be recognized as a project worthy of these funds.

When the property came on the market in 2015 AVLT stepped in to purchase the property and ensure that the historic use for outdoor education trips by the Aspen Middle School could continue and be expanded to other schools and youth groups. The property is uniquely suited for this use and the loss of the use of this property would have had a large impact on the outdoor education program for AMS and the ability for other school and youth groups to have access to affordable outdoor education opportunities. The owners specifically wanted to work with AVLT to ensure the continuity of the use of the site for outdoor education and gave AVLT the additional time needed to raise funds to purchase the property.

The site is off the grid and there are no local or public utilities. The site has been in use for 50 years without issues, complaints or negative impacts. AVLT is sensitive to impacts to the Marble community and is committed to being a good neighbor and partner. Marble Basecamp has support from community entities including the Marble Board and Marble Charter School and is endorsed as a community amenity. The site is in use during limited times of the year amounting to only about 1/3 of the year. Otherwise, the site is quiet. Students using the site hike to the property. There is minimal use of vehicles, mainly for logistical support.”

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

Not applicable, there is a physiographic floodplain associated with the North Fork Lost Trail Creek; however,

this is not a FEMA designated floodplain. No development not located in an area defined as Flood Hazard Area, nor is there development proposed in the physiographic floodplain area.

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

Applicable, the parcel is located in an unstable slope mapped geologic hazard. The MarbleSlope Stability map indicates this parcel is located in a Stability Class III area described as “generally stable, colluvial slopes subject to creep and stabilized landslides”. The applicant submitted a report prepared by Kumar & Associates, Inc. dated July 7, 2020 and titled, “Evaluation of Potential Geologic Hazards and Observation of Cabin and Addition, Marble Base Camp, 727 Forest Service Road 315, Gunnison County, Colorado.”

In a letter dated May 28, 2021, the Colorado Geologic Survey provided the following comments:

“As discussed by Kumar, the site is located on mapped unstable and potentially unstable slopes. Kumar states (page 2), ‘No cracking, bulging, seepage, or other signs of slope instability were observed in the existing building and proposed STA location,’ and CGS agrees that the likelihood of major slope instability on the subject site appears to be low. We have no objection to approval of the proposed

land use change to continue outdoor education and camping uses, and to make necessary improvements related to these uses.

CGS agrees with Kumar that the site is not exposed to rockfall, debris flow, or snowavalanche hazards. However, any change in vegetation conditions above the site, such as through wildfire, disease, erosion, or other disturbance, may increase the rockfall, debris flow, and avalanche hazards, and mitigation may then be needed to protect occupants and improvements.”

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

Applicable, the development is located in a mixed wildfire hazard area. Development is prohibited on slopes 30% or greater within a severe wildfire hazard area. The structural improvements are outside this area.

The application was referred to the Colorado State Forest Service for review and comments from Sam Pankratz, Supervisory Forester in an email dated May 25, 2021, and state:

“After review of the materials I appreciate the applicant’s attention to the emergency evacuation plan provided. Proper upfront planning is critical given the remote location of the project and limited/difficult access. The proposed addition will utilize a metal roof and trex decking consistent with more fire resistant materials. I would also encourage the applicant to consider future retrofitting of existing structures to include firewise construction materials around the base of the structure (ex: swapping out wood lattice for metal flashing) as well as screening vents. It appears that the footprint of the project is largely within an Aspen forest type with productive understory growth. During dryer years the understory vegetation will likely be the concern for potential susceptible fuels during a wildfire event. Tall grasses and shrubs when cured can contribute to rapid fire spread and I would encourage the applicant consider annual maintenance of this vegetation via mowing and trimming to protect infrastructure. Lastly, I would encourage the applicant to read through our CSFS Home Ignition Zone guide for additional measures to manage wildfire risk.”

Section 11-106: Protection of Wildlife Habitat Areas.

Applicable, the parcel falls outside of the Gunnison Sage-Grouse range. A referral was sent to CPW but no comments were received.

Section 11-107: Protection of Water Quality.

Not applicable, development not located within 125 feet of a water body as defined by the Land Use Resolution.

Section 11-108: Standards for Development on Ridgelines.

Not applicable, the proposed development is not on a ridgeline as defined by this Section.

Section 11-109: Development That Affects Agricultural Lands.

Not applicable, the development is not adjacent to any agricultural operations nor are there any ditches on the property.

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

Applicable; the property is beyond snow plowed access and winter access shall be over the snow. Winter access on Forest Service Road 315 is limited to snow machines and non-mechanized travel. Written acknowledgement, signed by the owner, shall be required prior to building permit issuance.

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

Not applicable, development not located on an Inholding in a federally designated wilderness area.

Section 11-112: Development on Property Above Timberline.

Not applicable, development not located above timberline.

Section 12-103: Road System.

Applicable, development is located on an existing road system and no new road system is proposed. However, access to the subject parcel requires access across U.S. Forest Service lands. In an email dated June 11, 2021, Jennifer Schuller, Deputy District Ranger of the White River National Forest stated,

"In the matter of AVLT's application two issues were brought to my attention. First, the Aspen-Sopris Ranger District does not have record of authorization for the current access enjoyed by AVLT from NSFR 315 Lost Trail Road to the subject parcel. Secondly, given the limited setbacks identified for the proposed group camping site further developed along the southern property boundary, the potential for encroachment may be present. All development where it may occur along the subject property boundary should be completed with a clear understanding of parcel boundaries and an accurate survey.

Regarding use of the current access route from NSFR 315 over National Forest System lands to AVLT's parcel, per Forest Service policy and regulation under 36CFR251.110(d): In those cases

where a landowner's ingress or egress across National Forest System lands would require surface disturbance or would require the use of Government-owned roads, trails, or transportation facilities not authorized for general public use, the landowner must apply for and receive a special-use or road-use authorization documenting the occupancy and use authorized on National Forest System lands or facilities and identifying the landowner's rights, privileges, responsibilities, and obligations.

Therefore, authorization should be sought and secured for legal access into the AVL T-held parcel. If that authorization is in place and/or other rights of access exist, they should be identified.

Additionally, please note commercial use on National Forest System lands requires specific authorization as well, as there are specific size limits in place within the Maroon Bells-Snowmass Wilderness which adjoins the subject parcel. Further permitting would be required to for use of National Forest System lands if the proposed plan is dependent upon such use of adjoining Federal lands."

In follow up conversations with staff at the White River Ranger District they indicated that AVL T is required to submit an SF299 application to permit access across USFS lands. USFS staff indicated that they expect the application would be approved but that it would take some time to process.

Section 12-104: Public Trails.

Applicable, approximately 2,000' of the USFS North Lost Trail (#1967) traverses the property along the eastern parcel boundary. Public parking is along FS 315 (Lead King Road). The trail is identified in Exhibit 10, Sheet L-1.0, Site Master Plan.

A conservation easement was granted by AVL T to the Crested Butte Land Trust ensuring non-motorized public access in perpetuity. The trail will continue to be maintained by the USFS for recreational uses as defined in this easement. The CE, and a map depicting the route, have been recorded on June 3, 2016 at Reception No. 639723.

The CE includes a provision that allows for future construction and maintenance of low- impact trail pursuant to the Master Plan, as amended. The proposal currently includes two connector trails between different areas within the camp; however, the applicant reserves the right to construct additional low-impact trails pursuant to this agreement.

Section 12-105: Water Supply.

Applicable, due to the remote nature of the property and the inherent difficulty to construct a well, the applicant has proposed a cistern for potable water for use at the camps.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable, the project has proposed an Onsite Wastewater Treatment System (OWTS) for the project. Due to the remote nature of the site, the applicant has proposed a "Toilet Tech" system that has been implemented in other projects in the state including the Tenth Mountain Hut System and federal lands. An OWTS permit shall be required.

Section 12-107: Fire Protection.

Applicable, the application was referred to the Carbondale Fire Protection District and no comments were received.

Section 13-102: B.: Location within municipal three-mile plan area.

Not applicable, while within three miles of the Town of Marble, there is not an adopted three-mile area plan. The application was referred to the Town of Marble and no comments were received.

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

Applicable, a site plan has been provided that shows driveways, parking, building footprint, and snow storage locations.

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

Applicable, the proposed improvements comply with the standards of this Section.

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

Not applicable, not requested as part of this application.

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

Not applicable not requested as part of this application.

Section 13-108: Open Space and Recreation Areas

Not applicable, no open space is required as part of this application.

Section 13-109: Signs.

Applicable, the proposal includes an entry way sign. The applicant will be required to submit a sign permit that complies with the standards of this section. The applicant has provided confirmation that they anticipate the signage will comply with the regulations at the time of permit.

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

Applicable, the use will generate off-road parking requirements. The use does not fit within the uses outlined in Appendix Table 3. Off-Road Parking Requirements; the spaces provided are based on the historical use of the property as a children's camp.

The applicant described parking and access in the application:

“Access to the site for education groups is by foot, with students hiking into the property. Support vehicles are used to bring food and supplies to the site and there is ample space for parking on site to accommodate necessary support vehicles. The gross floor area of the existing cabin structure is less than 15,000 sf. per table 8 in Section 13.110 Off-Road Parking and Loading, one parking space would be required for the cabin. A proposed parking plan has been provided to comply with code standards and to meet the actual need for parking based on the historic use of the property. The parking plan includes 12 spaces total, which is more than sufficient to accommodate support vehicles during the peak use of the site by AMS. This includes 2 parking spaces in front of the cabin, 5 parking spaces

below the cabin and 5 parking spaces adjacent to the outdoor education area. To meet ADA standards, one space adjacent to the cabin and one space adjacent to the outdoor education area will be designated as ADA parking spaces and the dimensions of these areas will be accessible to an ADA vehicle capable of reaching Basecamp. See attached parking diagrams for parking layout information.”

Section 13-111: Landscaping and Buffering.

Applicable, the applicant has proposed management of vegetation on the property to include: fire mitigation, pest control, and weed management. The restrictive covenants of the CE ensure that existing vegetation will be maintained and relatively undisturbed.

Section 13-112: Snow storage.

Not applicable; snow storage is not required for the use because FS-315 is not maintained in the winter.

Section 13-113: Fencing

Not applicable; not requested as part of this application.

Section 13-114: Exterior Lighting.

Applicable, exterior lighting will be required to comply with this Section at the time of building permit application.

Section 13-115: Reclamation And Noxious Weed Control.

Not applicable; the proposal is not expected to disturb more than 10,000 square feet.

Section 13-116: Grading and Erosion Control.

Not applicable, the application does not meet the thresholds of applicability.

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

Not Applicable, the application does not meet the thresholds of applicability.

Section 13-118: Water Impoundments.

Not applicable.

Section 13-119: Standards to Ensure Compatible Uses.

Applicable; the proposal is consistent with the surrounding development and will not adversely impact the character of the neighborhood. The application described compliance with this Section:

“The use and development of the property is directed by a conservation easement, which imposes strict controls. The purpose of the programming for the property is to reflect the conservation values described in the conservation easement in the use of the property as a primitive outdoor education venue. The physical improvements to the site are located in the building envelope of the cabin, and on several acres of the lower (southwest) portion of the property. The proposed improvements and the

activities supported by those improvements are fundamentally low-impact and are compatible with the rural/remote nature of the property and nearby uses.

The conservation easement, included in the Appendix as Exhibit 4, has the following restrictions:

- The cabin and any additional permanent structures are confined to a one acre building envelope with the combination of all covered structures not to exceed 5,000 square feet
- No utilities may be constructed to service the Property
- Existing North Lost Trail (No. 1967) across the property is formally protected for public use
- Outdoor education use of the property is permitted
- Property is managed in accordance with a management plan to ensure uses are compatible with the terms and conditions of the conservation easement
- Property cannot be subdivided
- Property cannot be used for commercial activities or for any industrial activities
- No additional roads or driveways can be constructed
- No mining is permitted

The property will not be publicly accessible for commercial uses; access and use will be limited to groups invited and approved by the applicant for outdoor

education activities. As such, supporting vehicles accessing the site will be limited to those required for logistical support of individual user groups, and for routine maintenance. Commercial delivery, refuse hauling, and lighting are not proposed under this application. Trash will be removed by the individual user groups or AVL staff as described in Appendix Exhibit 5 "6 CRR 1010-9 Campground Requirements" of this application. Additionally, the proposed improvements will not alter neighboring properties' access to natural light/solar, and will not generate noxious fumes or dust."

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 initially classified as a Minor Impact project.

2. This application is consistent with the standards and requirements of this *Resolution*.
3. The proposed development is in an area of designated geologic hazards and the applicant has submitted a report prepared by Kumar & Associates, Inc. dated July 7, 2020 and titled, "Evaluation of Potential Geologic Hazards and Observation of Cabin and Addition, Marble Base Camp, 727 Forest Service Road 315, Gunnison County, Colorado."
4. The Colorado Geological Survey has reviewed the application and noted no objections to the development provided that it complies with the recommendations in the report prepared by Kumar & Associates, Inc.
5. 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.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and determines that LUC-19-00049 be classified as a Minor Impact, and be approved with the following conditions:

1. 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*.
2. The applicant shall comply with the recommendations in the report prepared by Kumar & Associates, Inc. dated July 7, 2020 and titled, "Evaluation of Potential Geologic Hazards and Observation of Cabin and Addition, Marble Base Camp, 727 Forest Service Road 315, Gunnison County, Colorado."
3. The applicant shall obtain approval from the U.S. Forest Service for access across public lands to the subject parcel.
4. The applicant shall obtain an OWTS permit prior to the start of the 2022 season.
5. The applicant shall obtain a building permit for the additions to the existing cabin on the parcel.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.
8. 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.
9. 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.

Exhibit A. Legal Description

TOWNSHIP 48 NORTH, RANGE 1 WEST, N.M.P.MPARCEL NO. 1

SECTION 10: A PARCEL OF LAND LOCATED IN SAID SECTION 10, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND ABUTTING PARCEL 1 IN WARRANTY DEED RECORDED DECEMBER 29, 1992 IN BOOK 718 AT PAGE 57 ON THE WEST DESCRIBED AS FOLLOWS: BEGINNING AT CORNER NO. 1, A POINT FROM WHICH THE WEST QUARTER CORNER, SAID SECTION 10, BEARS S 54°07' W 3369.15 FEET; THENCES 62°49' W 100 FEET TO CORNER NO. 2; THENCE N 20°15' W 400 FEET TO CORNER NO. 3; A POINT ON THE SOUTH RIGHT OF WAY BOUNDARY OF US HIGHWAY 50; THENCE N 62°49' E 100 FEET ALONG SAID RIGHT OF WAY BOUNDARY TO CORNER NO. 4; THENCE S 20°15' E 500 FEET TO CORNER NO. 1, THE POINT OF BEGINNING.

PARCEL NO. 2

SECTION 10: A PARCEL OF LAND LOCATED IN SAID SECTION 10, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND ABUTTING PARCEL 2 IN WARRANTY DEED RECORDED DECEMBER 29, 1992 IN BOOK 718 AT PAGE 57 ON THE WEST, DESCRIBED AS FOLLOWS: BEGINNING AT CORNER NO. 1, A POINT FROM WHICH THE WEST QUARTER CORNER, SAID SECTION, BEARS S 53°51' W 3270.9 FEET; THENCE S 78°50' W 100.50 FEET TO CORNER NO. 2; THENCE N 20° 15' W 473.10 FEET TO CORNER NO. 3, A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 50; THENCE N 62°49' E 100.00 FEET ALONG SAID RIGHT OF WAY LINE TO CORNER NO. 4; THENCE S 20°15' E 500 FEET TO CORNER NO. 1, THE POINT OF BEGINNING.

COUNTY OF GUNNISON, STATE OF COLORADO

Marbles Lost (LUC-21-00019): The Gunnison County Planning Commission conducted a public hearing. They reviewed the applicant 's request for a Ridgeline Vantage Review, to permit construction of a single-family residence. The structure will be visible on a ridgeline more than 150 feet higher than the ridgeline vantage of CR3 near Beaver Lake outside of Marble. The property is legally described as Lot 51, Marble Ski Area, Condominium Filing #1.

With a quorum present Vice -Chairperson Sovick opened the public hearing.

Manager of administrative services Beth Baker confirmed the notice was published in the Crested Butte News and the Gunnison Country Times, but the public hearing was improperly noticed by the applicants and the public hearing will be continued allowing the applicant to re-notice the hearing.

Applicant's representatives Tim Owen, and Brian Golden gave a brief summary of the project. Brian Golden reviewed the exhibits. He noted the challenges of the site constraints and ridgeline vantages. The location proposed represents the best effort to create as minimal impact as possible. He reviewed the material palate, adding they will retain as much vegetation as possible. There are also bedrock constraints.

Partner in Marbles Lost LLC Jim Hammerel was present for the meeting. He said the proposed siting is best option on the site.

Staff had no comments.

Site Visit Comments:

Commissioner Sovick said:

- The commissioners were met at the lake and could see where the house would be sited.
- The applicants provided a computer model of what the structure will look like from different spots on the site.
- The commissioners were shown the materials proposed for the outside of the structure.
- It was clear the applicants had done what could be done, within reason.
- No big questions were left hanging.

The commissioners had no comments or questions.

Public Comment:

Adjacent owner Eric Johnson said he owns lot 50 feet to west of this lot. He is concerned there are geologic hazards on the site. He also has concerns with the stability of the slope because of the possible blasting done close to his house.

Owen agreed the site is rocky, but the soils engineer has reviewed the site, and confirmed the site was not a geological hazard site. He said the excavation process will not include blasting. They have placed the structure in compliance with the county regulated setbacks.

Director Pagano added the Colorado Geological Survey (CGS) considers the site, in the context of the whole Marble area, looking at it in a bigger picture. CGS has not expressed any concerns.

Applicant response:

Hammerel explained they have adhered to all setbacks. The foundation is on piers, the stability issues will be diminished.

Commissioner Cox asked if the materials were matte finish; Sovick said there were no red flags on the sheen or the colors.

Vice-Chairperson Sovick continued the public hearing to November 5, 2021, at 9:30 a.m. The applicant will re-notice the owners within 500 ft. and repost the property.

Sovick closed the regular meeting of the Gunnison County Planning Commission at 10:45 a.m.

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

