

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: FRIDAY, November 5, 2021**  
**Participate in person or on 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. Rockey River Subdivision (LUC-20-00002): Joint Public Hearing.** The applicants propose to subdivide 8.9 acres of what was formally known as Rockey River Resort into a two-lot subdivision. Property located at 4359 County Rd. 10, Gunnison, Co., parcel number 3699-080-00-025.
- 9:30 a.m. Marbles Lost (LUC-21-00019): Continued 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, parcel number 2917-252-03-005.
- 9:45 a.m. Cimarron Mountain Club (LUC-21-00020):** Work Session. The applicant has requested to reduce the number of owner families and number of private lots from 15 to 13, move the new equipment barn to the separate 35-acre Barn Parcel, construct up to ten "tiny houses" for use by staff, construction of a short road to access the staff housing and commons building, a new lodge erected on the 35-acre Lodge Parcel, install solar power system to supplement the grid power, and construct a 500 to 600 sq. ft. High Park Lake Cabin. Property at 5201 Cimarron Mountain Road Via County Road 858, located in T47N, R7W, N.M.P.M. Section 22: SE1/4, Section 27: All, Section 28: E1/2E1/2, Section 33: NE1/4NE1/4. Section 34: N1/2, Section 35: W1/2NW1/4, SE1/4NW1/4 and Lots 9 and 10.
- 10:30 a.m. Watclarnone /Blue Mesa Bed and Breakfast (LUC-21-00023):** Work Session. The applicant proposes a bed and breakfast, with a maximum of eight persons using the lodge per day. The lodge will have no more than five sleeping rooms. Property at 9380 West State Highway 50, parcel number 3985-000-00-012.

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Friday, November 5, 2021**

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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:**

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| Chairperson-Laura Daniels<br>Vice-Chair- Andy Sovick<br>Commissioner-Vince Rogalski<br>Commissioner-Scott Cox<br>Commissioner- Melanie Miller<br>Alt. Commissioner-Beth Appleton<br>Alt. Commissioner- Julie Baca | Director of Community and Economic Development-<br>Cathie Pagano<br>Senior Planner – Rachel Sabbato<br>Manager of Administrative Services- Beth Baker<br>Others present as listed in text |
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**ZOOM:** Commissioners Cox, Miller and Baca  
**ABSENT:** None

With a quorum present Chairperson Daniels opened the November 5, 2021 regular meeting of the Planning Commission.

Moved by Sovick seconded by Rogalski to approve the Planning Commission meeting minutes of October 1, 2021, as amended. The motion passed unanimously.

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**Rockey River Subdivision (LUC-20-00002):** The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. They reviewed the application to subdivide 8.9 acres of what was formally known as Rockey River Resort into a two-lot subdivision, located at 4359 County Rd. 10, Gunnison, Co.

Board of County Commissioners (BOCC) members Liz Smith and Jonathan Houck attended the joint public hearing.

With a quorum present Chairperson Daniels opened the joint public hearing.

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

**Applicant Presentation:**

Applicant Rob Wattles said the resort was established in 1963. The Wattles purchased the resort in 1993. Now, after 28 years of business, they have closed the business and are proposing subdividing the site into two lots. The lots are Lot A and Lot B. Lot B could eventually be sold. The cabins on Lot B are still open for friends and family only. When Lot B is sold the entrance will change, no longer being public.

Wattles explained the historical fishing easement for the use of the residents of Rockey River Estates will remain as it has always been. It is 10 ft. from the high-water mark. This easement is not a common access to the public.

### **Planning Staff Comments:**

Planner Sabato explained no Development Improvements Agreement (DIA) will be required. The current public access will continue to be used until Lot B is sold, then the entrance will be shifted to the northern and shared with Lot A.

### **Questions by the Review Body:**

Commissioner Appleton asked if the access was addressed in the new covenants. She also asked if all the cabins remain as is. Wattles said they are not removing any structures at this time.

BOCC Houck said he was very familiar with the property. He agreed the new access point will increase safety.

Commissioner Rogalski said the site visit illustrated how well laid out this new configuration and access is.

BOCC Smith agreed the explanation of the access was very clarifying and she now understands the access point.

Chairperson Daniels explained a new septic system on Lot B would have to be constructed and approved according to the current regulations.

Wattles explained the original well on Lot B will remain, but there will be no septic system on Lot B until it is sold. A septic system would be permitted and installed by the new owner.

Chairperson Daniels asked if there is enough land and space for a new septic: Sabato confirmed they should be able to hit the setbacks.

### **Public Comments:**

Edgar Villanueva concerns:

- If the Rockey River Estates plat would change. Sabato said no it would not.
- The notices to Colorado Parks and Wildlife (CPW) were addressed to the person that had retired. Sabato said CPW responded with no concerns.
- The new access and the historical river access easement. Sabato said when sold the new driveway across Lot B will be a private driveway. Wattles reiterated the historical river access easement will remain the same.

Artie Bathje concerns:

- Would the river access easement remain into perpetuity? Wattles confirmed it would.
- Understanding the existing walkway across the bridge. Sabato said when Lot B is sold it will be a private driveway to Lot B.
- Was the septic system leach field on Lot B decommissioned? Wattles said there wasn't a leach field on Lot B.

Nck Schwab concerns:

- The access to the river. Wattles and Sabbato reiterated the easement for Rockey River Estates residents will not change.

BOCC Houck noted that this is a joint public hearing and the final decision will be discussed by the BOCC at a meeting with the BOCC.

Sabbato noted the river access easement is referenced in the covenants for both Lots A and B.

Gretchen King concerns:

- She was glad the river access will be maintained and endorses the subdivision request.

**Applicant Response:**

Wattles said if Lot B is purchased the new owners will be required to go through the county process for building and septic permits. Lot B is single-family residence lot. Lot A will continue to use their current septic system.

**Planning Staff Response:**

Sabbato explained when a septic system is decommissioned, it will be cleaned out, emptied. Then it will be collapsed or filled with sand. The new owner will be required to adhere to the current septic regulations. It will be an entirely new system.

Rick Carlson asked about the HOA for Rockey River Estates. Sabbato said the HOA has expired.

The Planning Commission reviewed the draft recommendation.

Daniels closed the joint public hearing.

**Moved** by Sovick seconded by Rogalski to approve the recommendation to the BOCC, LUC-20-00002, Rockey River two lot subdivision, as amended. The motion was approved unanimously.

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**PROJECT DESCRIPTION:**

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Applicant is proposing to subdivide 6.9 acres, previously known as Rockey River Resort, into a two lot subdivision with resulting parcels of 4.333 acres for Lot A and 2.551 acres for Lot B. A new common driveway for Lots A and B will access the property off County Road 10 along the northern property line. The current driveway along the river will be reclaimed and revegetated at the time of construction of the new access. Lot B has a domestic well but no On-site Waste Water System exists.

The subject parcel is located at 4359 County Road 10, Gunnison Colorado and is legally described as a seven-acre resort parcel in Rockey River Estates Subdivision, full legal description is attached in exhibit A.

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**PLANS/REPORTS/SUBMITTALS:**

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

- A Sage Grouse review was conducted by Aleshia Rummel, Gunnison Conservation District Wildlife Biologist, dated March 17, 2020 that stated the proposed activity will not adversely impact Gunnison sage-grouse or their habitats.
- A new well permit, 82976-F, for Lot B from Colorado Division of Water Resources dated February 27, 2019 has been provided.
- Upper Gunnison River Water Conservancy District Augmentation Agreement #ASP19-216A, dated March 12, 2019 has been provided.
- Plat of The Resort at Rockey River, a Replat of the Resort Lot of Rockey River Estates Subdivision by Skip Hewitt dated August 8, 2021.
- Restrictive Covenants for The Resort at Rockey River, with access agreement was provided August 8, 2021.

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#### **IMPACT CLASSIFICATION:**

The project, by definition, is a Minor Impact pursuant to *Section 6-102: A: 2-4 Units that are subdivision lots.*

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#### **MEETING DATES:**

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

- August 7, 2020            Work session
- September 4, 2020    Site Visit, Work Session
- May 21, 2021            Work Session
- September 3, 2021    Work Session
- November 5, 2021    Joint Public Hearing

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#### **SITE VISIT:**

The Planning Commission conducted a site visit on September 4, 2020. The attending commissioners included AJ Cattles, Jack Diani, Vince Rogalski, Diego Plata, Laura Puckett-Daniels, Andy Sovick and Scott Cox.

Site Visit Comments included:

Cattle stated, "The property is well kept and the proposed subdivision line makes sense."

Diani stated, "It was good to see how the two pieces of property are connected, and understand the possible sale of the existing cabins and the infrastructure."

Rogalski stated, "It was worthwhile to see how it is laid on the ground."

Sovick -agreed with his fellow commissioners' comments.

Cox- asked for the waterbody standards for a septic system close to the river; Sabbato said a septic system must be 100 ft. from any waterbody.

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#### **PUBLIC HEARING:**

The Planning Commission conducted a public hearing on November 5, 2021. No comments were received during the 30 day public notice.

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#### **REVIEW AGENCY REFERRAL COMMENTS:**

A copy of the complete application was sent via electronic mail on June 18, 2020 to the following agencies: Gunnison County Public Works, Colorado Parks and Wildlife, City of Gunnison Fire Marshal, and Gunnison County Environmental Health and Building Official. Comments from the agencies and are noted in the applicable sections below.

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

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**Section 10-102: *Locational Standards for Residential Development.***

Applicable. The proposed subdivision is located next to an established residential area, Rockey River Subdivision, and other adjacent single family residences across County Road 10. It will be served by an approved on-site wastewater treatment system and will have its own well. The location results in no significant net adverse impact to the neighborhood.

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

Applicable. 10-103:C. 2. The resulting two lots will be larger than one acre and will utilize On-site Waste Water Systems.

10-103.C.3.b. *Conditions Are Appropriate For Larger Lot Size or Lesser Density.* Public water supply and wastewater treatment are not available. The lot has existing residence and the surrounding area is an established residential area, Rockey River Estates Subdivision.

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

Applicable. According to Gunnison County GIS mapping, a 100 year floodplain is located along the bank of the river throughout this property. Any development within this area would require a floodplain permit from Gunnison County and would need to comply with the current FEMA regulations for dwellings in a floodplain.

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

Not applicable. According to Gunnison County GIS mapping there are no geologic hazards in this area.

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

Not applicable. According to Gunnison County GIS mapping wildfire hazards in this area are low.

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

Applicable. A Sage Grouse review by Aleshia Rummel, Gunnison Conservation District Wildlife Biologist, dated March 17, 2020 states "The proposed activity will not adversely impact Gunnison sage-grouse or their habitats."

Colorado Parks and Wildlife did not provide comments as the wildlife concerns related to this proposal are insignificant per an email dated June 21, 2020 from Chris Parmeter, District Wildlife Manager.

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

Applicable. Unless otherwise exempted, this Section shall apply to all Land Use Change Permit applications that involve uses within 125 feet of water bodies and mudflow hazard areas in unincorporated areas of Gunnison County.

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

Applicable. Currently, the proposed subdivision and existing residences are accessed by an existing driveway from County Road 10 near the Gunnison River bridge. A new common driveway

for Lots A and B from County Road 10 will access the property along the northern property line, and the current driveway along the river will be reclaimed and revegetated at the time of construction of the new access. The new plat titled "*Plat of The Resort at Rockey River, a Replat of the Resort Lot of Rockey River Estates Subdivision*" illustrates this and the Restrictive Covenants for The Resort at Rockey River also summarize this. In an email from Marlene Crosby, Gunnison County Public Works Director, dated July 1, 2020 she states, "I have reviewed the Rocky River application and have no concerns. The application states that it will reduce traffic on the road and that is definitely correct."

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

Not Applicable. Pedestrian Easement. The 10 foot right of way for foot traffic as set forth on the plat of The Resort at Rockey River being along the northwesterly bank of the Gunnison River is dedicated as an easement for foot fisherman.

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

Applicable. A new well for Lot B was activated on May 20, 2020 per well permit 82976-F. A signed agreement for augmentation with Upper Gunnison River Water Conservancy District dated March 12, 2019 for a total .5 acre-feet has also been provided.

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

Applicable. A new On-Site Treatment System (OWTS) will be required for any new residence on Lot B at the time of development. The existing septic on Lot B that served Rockey River Resort cabins will be demolished. Existing OWTS systems will provide for existing structures that are remaining on Lot A.

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

Applicable. In a phone call with staff the Fire Marshall, Hugo Ferchau, he stated he had no concerns.

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

Applicable. The proposed subdivision is in compliance of standards of this section. The site plan/plat for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan, "*Plat of The Resort at Rockey River, a Replat of the Resort Lot of Rockey River Estates Subdivision,*" prepared by George Hewitt L.S. and dated August 9, 2021, meets these criteria.

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

Applicable. This section applies; the proposed improvements meet the setback requirements.

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

Applicable. The proposed subdivision is in compliance of standards of this section.

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

Applicable. The proposed subdivision is in compliance of standards of this section.

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

Applicable. The new proposed access off county road 10 and new subdivision lot B are in compliance of the standards of this section.

**Section 13-112: *Snow storage.***

Applicable. Adequate snow storage is available within the subdivision lots.

**Section 13-114: Exterior Lighting.**

Applicable at time of building permit application.

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

Applicable. Reclamation and noxious weed control required at time of building permit and driveway construction application. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

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

Applicable. Compliance with this Section is required at the time of building permit/driveway application. Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

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

Applicable. Compliance with this Section is required at the time of building permit/driveway application.

**FINDINGS:**

The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact.
2. This application is consistent with the standards and requirements of this *Resolution*.
3. A Sage Grouse review was conducted by Aleshia Rummel, Gunnison Conservation District Wildlife Biologist, dated March 17, 2020 that stated the proposed activity will not adversely impact Gunnison sage-grouse or their habitats.
4. A new well permit, 82976-F, for Lot B from Colorado Division of Water Resources dated February 27, 2019 has been provided.
5. Upper Gunnison River Water Conservancy District Augmentation Agreement #ASP19-216A, dated March 12, 2019 has been provided.
6. Plat of The Resort at Rockey River, a Replat of the Resort Lot of Rockey River Estates Subdivision by Skip Hewitt dated August 8, 2021.
7. Restrictive Covenants for The Resort at Rockey River, with access agreement was provided August 8, 2021.
8. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

**RECOMMENDATION:**

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-20-00002 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. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
3. 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.
4. 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.
5. 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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**Marbles Lost (LUC-21-00019):** The Gunnison County Planning Commission conducted a continued public hearing. They reviewed the application 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 Chairperson Daniels opened the continued public hearing.

Director Pagano confirmed adequate public notice. She noted the applicant re-noticed the public hearing, because of a previous applicant error in the mailing of the notice. Also, the notice was sent out again on October 19, 2021, because of an additional applicant error. The staff reviewed the certified mailing receipts to verify the notice was sent out on October 19, 2021.

#### **Applicant Presentation:**

Partner in Marbles Lost LLC Jim Hammeral and applicants representatives Tim Owen, Brian Golden and James Roupp summarized the project. Golden said the house has been sited considering all the site constraints. The site is visible above Beaver Lake. It has been tucked as far north on the lot as possible.

#### **Planning Staff Comments:**

Director Pagano noted a comment received from adjacent owner Eric Johnson, relative to the 30 ft. landscape easement. Pagano explained the Marble Ski area plat dated 1971 had been approved by the county. It does note a 30 ft. easement on the curvature of this lot. The use of the easement is not described or called out in the notes. The County Attorney’s office said all the

streets and easements are dedicated to the county. And the county can reduce the easement, if approved by the planning commission. Pagano illustrated the plat of lot 51 and the landscape easement. The applicants are proposing reducing the easement to 15 ft. rather than 30 ft. easement.

### **Questions by the Review Body:**

Chairperson Daniels asked about the geologic recommendations submitted. Pagano illustrated the site plan and the location of Pit 1. The house has been sited in the area of Pit 1.

Director Pagano explained HP Geotech had submitted a stamped updated letter confirming the pit locations in relation to the house. This has been reviewed by the state engineering office and Colorado Geological Survey (CGS). It has been determined the proposed site does not create impacts to other lots. The CGS review considers the bigger picture and all the surrounding areas. They will often comment if needed.

Sovick asked if the easement would have to be reduced in order to approve the application. Pagano confirmed it would have to be reduced.

### **Public Comments:**

Adjacent property owner Eric Johnson noted he owns Lot 50, the property to the west lot 52. He said he was required to meet that 30 ft. landscaping easement requirement when building his house. He requested the building be moved to adhere to the easement setback.

Owner to the south Karen Good was concerned with the siding material; she would rather it not be shiny and not obtrusive. She was also concerned with the septic system, the house design, and the taking down of trees because of site stability.

Ellen Sappington was concerned with county road maintenance.  
Chairperson Daniels left the meeting.

### **Applicant Response:**

Jim Hammeral apologized for the multiple notices. He clarified the exterior to the home will be dark brown and metal to match the bedrock surrounding. He located the home in a spot where none or minimal trees would be removed. The road is privately maintained by the owners in the area.

Brian Golden said the siding materials will be dark charcoal and the most matte finish possible. The southern glazing will be addressed by trellised screening. The pockets of the existing trees will remain.

Sovick said the visibility had been addressed as much as possible.

### **Planning Staff Response:**

Staff had no further comments.

Vice-Chairperson Sovick closed the public hearing

The Planning Commission reviewed the draft decision.

Following a discussion of the proposed reduction of the 30 ft. landscaping easement to 15 ft., the planning commissioners unanimously agreed to reduce the landscaping easement to 15 ft.

**Moved** by Commissioner Rogalski seconded by Commissioner Miller to approve LUC-21-00009, Marbles Lost ridgeline vantage, as amended. The motion was approved unanimously.

### **PROJECT DESCRIPTION:**

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 County Road 3 near Beaver Lake outside of Marble.

Due to the steep slope of Lot 51 and its proximity to County Road 3, the majority of the site is visible to County Road 3, especially from the east-most vantage point. The northern half of the site is primarily comprised of a thin layer of broken shale soil over bedrock while the southern half of the site terminates in a series of sheer cliffs. The slopes on the site average greater than 20% with many areas of the site exceeding 60% slope.

The site is sparsely vegetated with rocky mountain juniper and gambel oak ranging in size from small shrubs up to 20 feet in height. Sparse grasses can be seen but most of the site is covered in thin, rocky soil unsuitable for large swaths of vegetation.

Based on the site conditions described above, the residence was sited in the most northwest corner of the property where the grades are moderate enough for construction and the entry driveway from Village Road. Additionally, the need to locate the septic field in the area with the most topsoil dictated the position of the residence.

Consequently, the residence is located at the northwest corner of the site furthest from County Road 3 and in close proximity to Village Road which minimizes the impact of site access. The high level of bedrock on the site will make construction excavation difficult.

To minimize the visual impact as much as possible, the residence is nestled in an existing grove of juniper and oak providing minimal screening for the east and south faces of the residence. Additionally, the residence will be clad with dark metal siding and light wood that echo the tones of the soil and rock on the site.

The subject parcel is legally described as Lot 51, Marble Ski Area, Condominium Filing No. 1.

### **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 hearings to discuss the application on the following dates:

- September 3, 2021 Work Session
- September 17, 2021 Site Visit

- October 1, 2021      Public Hearing

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#### **SITE VISIT:**

A site visit was conducted on September 17, 2021 and the Planning Commission noted the following observations: the site was viewed from Beaver Lake and utilized the projected graphics to understand house location; the Commission also visited the subject parcel and saw the site constraints and the proposed site materials.

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#### **PUBLIC HEARING:**

The Planning Commission conducted a public hearing on October 1, 2021 and a continued hearing on November 5, 2021.

Comments received include: concern related to the adequacy of the notice and concern related to the 30-ft landscape easement shown on the Marble Condo Filing 1 plat and potential impacts of the proposed house location on the stability of the neighboring lot owned by Eric Johnson. Additional comments included questions about removal of trees on the parcel, the maintenance of the road, and the design of the structure.

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#### **REVIEW AGENCY REFERRAL COMMENTS:**

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

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

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

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#### **COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE 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.***

Not applicable, no commercial or industrial uses are proposed.

**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.**

Not applicable, no commercial or industrial uses are proposed.

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

Not applicable, the parcel is not located within a Special Flood Hazard Area.

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

*Applicable*, the parcel is located in an Unstable Slope geologic hazard. The Marble Slope 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.” Colluvial is a general term for loose, unconsolidated sediments deposited by gravity.

In a letter dated July 15, 2021, the Colorado Geologic Survey provided the following comments:

*“CGS agrees with HP’s 2000 hazard assessment, and with Kumar (June 16, 2021 Update): ‘the proposed construction should not adversely impact the existing stability of the steep slope below the building area provided the recommendations for grading and drainage are followed and the building foundation is set back at least 30 feet from the top of steep slope as indicated by the current drawings. When the building foundation has been staked, we [Kumar] should confirm adequate setback from top of steep slope.’ Provided H-P Geotech and Kumar’s recommendations are adhered to, CGS has no objection to approval of LUC-21-00019. 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 structures.”*

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

*Not Applicable*, the parcel falls within moderate and low wildfire hazard areas, which are not considered wildfire hazards by the Land Use Resolution.

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

*Not 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.**

*Applicable*, development is located on a ridgeline vantage as viewed from County Road 3.

Exceptions to the ridgeline vantage standards may be permitted if the Planning Commission finds that the project meets the standards of Section 11-108.I.1.

The developable area on the subject parcel is fairly limited and potential building sites appear to be limited to the proposed location. The applicant proposes to maintain as much of the existing vegetation as possible; however, it is not considered “significant” by the standards of this section. The dominant native vegetation is juniper and Gambel oak, which would not provide the same degree of screening as more heavily timbered site. Given the aspect of the parcel and geologic characteristics, it is unlikely the parcel could support vegetation that would provide significant screening. The well permit provided is limited to ordinary uses occurring *within* a residence and prohibits irrigation. It is improbable that tree plantings would survive without significant irrigation.

The applicant has responded to the applicable standards:

*“Due to the steep slope of Lot 51 and its proximity to CR 3, the majority of the site is visible to CR 3, especially from the east-most vantage point. The northern half of the site is primarily comprised of a thin layer of broken shale soil over bedrock while the southern half of the site terminates in a series of sheer cliffs. The slopes on the site average greater than 20% with many areas of the site exceeding 60% slope. The site is sparsely vegetated with rocky mountain juniper (Juniperus scopulorum) and gambel oak (Quercus gambelli) ranging in size from small shrubs up to 20 feet in height. Sparse grasses can be seen but most of the site is covered in thin, rocky soil unsuitable for large swaths of vegetation.*

*Based on the site conditions described above, the residence was sited in the most northwest corner of the property where the grades are moderate enough for construction and the entry driveway from Village Rd. Additionally, the need to locate the septic field in the area with the most topsoil dictated the position of the residence. Consequently, the residence is located at the NW corner of the site furthest from CR 3 and in close proximity to Village Rd which minimizes the impact of site access. The high level of bedrock on the site will make construction excavation difficult. To minimize the visual impact as much as possible, the residence is nestled in an existing grove of juniper and oak providing minimal screening for the east and south faces of the residence. Additionally, the residence will be clad with dark metal siding and light wood that echo the tones of the soil and rock on the site.*

*Accounting for the rocky nature and extreme slopes of the site; the requirements for a well and septic field; and the possible locations for vehicular access (driveway); the residence was sited in the only viable location on the property. The location of the residence seeks to preserve as much natural vegetation on the site as possible.*

*By choosing materials that blend with the natural character and colors of the site, it is proposed that visual impact as viewed from the ridgeline vantage will be minimized to the greatest extent possible. - The residence is partially screened by existing rocky mountain juniper and gambel oak on the site. The residence has been sited as close to the rear*

*setback as possible to both minimize the view from CR 3 (to the greatest extent possible) and to preserve the maximum amount of existing vegetation possible.”*

**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.***

Not applicable; the property currently has snowplowed access.

**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.***

Not applicable, development is located on an existing road system, County Road 3, and no new road system is proposed. A driveway access permit shall be obtained prior to issuance of any building or onsite wastewater treatment system permits.

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

Not applicable, no trails are requested as part of this application.

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

Applicable, the applicant has demonstrated the project will have adequate water supply. Well permit no. 322153 allows for water usage for ordinary household purposes inside one single family dwelling. Irrigation or animal husbandry usage is prohibited.

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

Applicable, a wastewater treatment system is required of the proposed development. The OWTS application will be required to comply with the provisions of this section and applicable regulations.

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

Applicable, this section applies to Minor Impact projects. 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 the 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 proposal exceeds the required setbacks of 40' from the right-of-way of County Road 3. The proposal also exceeds the required 15' side and rear setback locations. The plat for Marble Ski Area Condo Filing 1 recorded in the office of the Gunnison County Clerk and Recorder at Reception No. 285757 identifies a 30-ft. landscape easement on a small portion of the parcel.

The applicant proposes to infringe 15 feet into that easement. According to the plat, all streets and easements are dedicated to Gunnison County in fee simple. In review with the Gunnison County Attorney's office, staff has determined that the County may grant encroachment into that 30-ft. landscape easement if the Planning Commission determines that it is appropriate.

**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.**

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

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

Applicable, two parking spaces are proposed. Appendix Table 3. Off-Road Parking Requirements requires that two spaces be provided for up to a three-bedroom dwelling. The application meets this standard.

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

Applicable, the applicant will retain existing vegetation to the greatest extent possible. The well permit does not permit for irrigation and additional plantings have not been proposed.

**Section 13-112: Snow storage.**

Applicable; there is adequate area for snow storage shown on the site plan.

**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.**

Applicable; this Section shall apply for areas of disturbance of 10,000 sq. ft. or greater. The applicant will be required to obtain a reclamation permit from the Gunnison County Public Works Department as part of the building permit application.

**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.

**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:**

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The Gunnison County Planning Commission finds that:

9. This project is initially classified as a Minor Impact project.
10. This application is consistent with the standards and requirements of this *Resolution*.
11. The proposed development is in an area of designated geologic hazards and the applicant has submitted an "Update of Geotechnical Study Report for Proposed Residence, Lot 51, Filing 1, Marble Ski Area, Marble Village Drive, Gunnison County, Colorado," dated June 16, 2021 and prepared by Kumar & Associates, Inc.
12. 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.
13. The applicant proposes to encroach 15 feet into the 30-ft. landscape easement shown on the Marble Ski Area Condominium Filing No. 1 plat recorded at Reception No. 285757.
14. All streets and easements in the Marble Ski Area Condominium Filing No. 1 have been dedicated to Gunnison County which allows Gunnison County to approve encroachment into the 30-ft. landscape easement.
15. Encroachment into the landscape easement enables the applicant to maintain a greater setback from the steep slope on the parcel.
16. Relative to the ridgeline standards, the applicant has demonstrated that no feasible alternative site for development exists on the subject parcel.
17. Neither full screen nor significant screening exists on the parcel. The visual impact of the development has been minimized by siting, use of materials, and maintenance of the existing vegetation on the site.
18. 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:**

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The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and determines that LUC-21-00019 be classified as a Minor Impact, and be approved with the following conditions:

6. 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*.
7. The applicant shall comply with the recommendations in the report “Update of Geotechnical Study Report for Proposed Residence, Lot 51, Filing 1, Marble Ski Area, Marble Village Drive, Gunnison County, Colorado,” dated June 16, 2021 and prepared by Kumar & Associates, Inc.
8. As per the submitted “Site Plan” prepared by 2757 Design Co. dated April 6, 2021 and the “Homesite Topography for Jim Hallmerel,” dated May 8, 2020, the location of the proposed structure within the 30-ft. landscape easement shall be permitted.
9. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. 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.
11. 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.
12. 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.M

PARCEL 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; THENCE S 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

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**Cimarron Mountain Club (LUC-21-00020)** The Gunnison County Planning Commission conducted a work session to review the application to reduce the number of owner families and number of private lots from 15 to 13, move the new equipment barn to the separate 35-acre Barn Parcel, construct up to ten "tiny houses" for use by staff, construction of a short road to access the staff housing and commons building, a new lodge erected on the 35-acre Lodge Parcel, install solar power system to supplement the grid power, and construct a 500 to 600 sq. ft. High Park Lake Cabin. Property at 5201 Cimarron Mountain Road Via County Road 858, located in T47N, R7W, N.M.P.M. Section 22: SE1/4, Section 27: All, Section 28: E1/2E1/2, Section 33: NE1/4NE1/4. Section 34: N1/2, Section 35: W1/2NW1/4, SE1/4NW1/4 and Lots 9 and 10.

Commissioner Miller left the meeting.

With a quorum present Vice-Chairperson Sovick opened the work session.

Applicant, President of Cimarron Mountain Club (CMC), Inc, Jim Aronstein on ZOOM. Applicant representative Christopher Noel present in person explained the application.

Aronstein said CMC is a club that ten families have purchased to enjoy the 1,715 acres. The mission statement includes the perseveration of the wilderness character of the property.

Aronstein is the president and Noel is the general manager. CMC is not a business or subdivision. Each family owns a 35-acre lot and the communal property is managed. There are no services available to the public. Owners are not allowed to rent and must accompany their visitors.

Aronstein explained the overall site plan. The property is located in the Cimarron Valley, 20 miles before Montrose. It is at 8,300 ft elevation. There is a private access road up the mountain to 9,900 ft. elevation. There is a mountain parcel of 1,450 acres, and a bench where everything is located. He illustrated the vicinity map showing the entry parcel, the private access, lake parcel, and the large mountain parcel. The club is in three counties. The improvements are not visible outside the site.

Aronstein purchased the property in 2004. They cleaned up the slash from previous tree cutting and reseeded the areas, turning those areas into meadows. They are proposing a clubhouse lodge in one of the cleared meadows. They improved the access road because it had become muddy and impassable. It is now graveled all the way up. They operate under a right-of-way (ROW) from the BLM in 2009 that was updated in 2020.

Aronstein explained CMC has been through several land use change applications and iterations/approvals. The current application includes reducing the number of owner families and number of private lots from 15 to 13. They will move the new equipment barn to the separate 35-acre Barn Parcel, and construct up to ten "tiny houses" for use by staff. They will construct a short road to access the staff housing and commons building. They will build a new lodge on the 35-acre Lodge Parcel. They will install solar power system to supplement the grid power, and construct a 500 to 600 sq. ft. High Park Lake Cabin.

Commissioner Appleton let the meeting.

Planner Sabbato explained the applicant has requested the application impact be reduced from a Major Impact to a Minor Impact.

Commissioner Rogalski said the planning commission had conducted a site visit in 2017, for another application. Following a discussion, the planning commissioners unanimously agreed that a site visit was not necessary. In lieu of a site visit, the applicants agreed to provide a virtual tour and photos for the next work session.

Aronstein said the proposed lodge has not moved, and there are several yurts that have already been constructed, which contain a kitchen and sleeping accommodations for two.

The commissioners discussed the impact reduction requested. Aronstein explained there are more than four units in the staff units, but taken all together they are not much larger than a large single-family residence. They have designated an open-space parcel of several hundred acres. When looking at the total proposal it is a positive impact on the county. It reduces commuting on the road, no additional demand on public services, employee housing, increasing safety, no visibility from any neighboring land, and ten units of employee housing.

**Moved** by Rogalski seconded by Cox to reduce the impact classification from major to minor. The motion passed unanimously.

Vice-Chairperson Sovick closed the work session.

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**Watclarnone /Blue Mesa Bed and Breakfast (LUC-21-00023):** The Gunnison County Planning Commission conducted a work session to review the applicant's proposal to propose a bed and breakfast, with a maximum of eight persons using the lodge per day. The lodge will have no more than five sleeping rooms. Property at 9380 West State Highway 50.

With a quorum present Vice-Chairperson Sovick opened the work session.

Applicant Danny Watson gave a presentation to explain the application. He purchased the land in 1977 and built a cabin in 1980. In 2006 he built the lodge. The county issued a stop work order, because there were no permits issued for building or septic.

Planner Sabbato explained there was a lawsuit that occurred in 2020. Now the lawsuit is concluded and there is a specific settlement agreement between the applicant and the county. Watson is currently residing in a structure without building or septic permits. The purpose of this application is to permit a bed and breakfast. The additional items in the settlement agreement speaks to an access permit, and safety will have to be complied with at the time of building.

Watson said he has maintained the residential appearance, with no intention of changing the lodge appearance. They will not be hosting receptions or private parties, or serving meals to the public. The kitchen will be used by staff. There will guest stays longer than 30 days. During the winter they will ski or snowshoe up to the site, and will have parking at the highway. Guests will be shuttled in.

Following a discussion, the planning commissioners unanimously agreed no site visit was necessary.

The commissioners directed staff to schedule a public hearing and prepare a draft decision of approval for the public hearing.

Vice-Chairperson Sovick closed the work session.

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The November 5, 2021 Gunnison County Planning Commission meeting was closed at 12:16 P.M.

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