GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, March 1, 2013

Draft – For Review

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 <u>not scheduled on the day's agenda.</u>

9:00 a.m. **SG Interests I, Ltd.**, continued public hearing/no action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133

10:00 a.m. **O.A. Pesnell, Monson Creek Outfitters**, public hearing/no action, request for the use of two cabins for year-round guest lodging and sleigh and hay rides. Seasonal use (May – October) as a staging area for guided horseback tours onto adjacent BLM lands, and as a waypoint for jeep tours on adjacent BLM lands; with jeep rentals originating in the City of Gunnison; 59005 Highway 50, north of Highway 50, Doyleville, legally described as being located in the NW/4NE/4, NW/4 Section 1, N/2SW/4, the SE/4SW/4, part of SW/4 Section 1 and NE/4, NE/4SE/4 lying north of Highway 50 Section 2, Township 48 North, Range 3 East, N.M.P.M., 465-acres; possible direction to staff

10:30 a.m. **CD Staff – Crystal Lambert, Assistant Building Inspector** – work session/no action, presentation on Building Code

Adjourn

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING- March 1, 2013
DRAFT – FOR REVIEW
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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Kent Fulton
Vice-Chairman- Jim Seitz
Commissioner- AJ Cattles
Commissioner-Susan Eskew
Commissioner-Warren Wilcox
Alternate Commissioner- Jeremy Rubingh
Alternate Commissioner- Tom Venard

Assistant Director of Community Development- Neal Starkebaum
Planner- Cathie Pagano
Community Development Department Services Manager-Beth Baker

Others present as listed in text

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With a quorum present Chairman Kent Fulton opened the regular meeting of the Planning Commission.

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SG INTERESTS; The Gunnison County Planning Commission (Commission) conducted a continued public hearing request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6th P.M., west of Highway 133.

With a quorum present Chairman Kent Fulton opened the continued public hearing.

Applicant's representative Eric Sanford was present for the discussion.

Assistant Director of Community Development Neal Starkebaum said the project has been continued several times because the Forest Service has not taken action yet. The Forest Service has indicated they will take action in late March. Starkebaum suggested the public hearing be continued to April 19, 2013 at @ 9:00 A.M.

Sanford said the problem with tying the Forest Service and County processes together is the constant delays and continuations. Starkebaum explained the wildlife professionals are particularly concerned with the placement of this well and its potential impact on wildlife. Alternative locations are being considered. Sanford said the alternative site closer to the road and Henderson Creek has a Purple Warbler nest in the tree.

The commissioners continued the public hearing to, April 19, 2013, at 9:00 A.M.

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MONSON CREEK OUTFITTERS; The Gunnison County Planning Commission (Commission) conducted a public hearing with possible direction to staff. They reviewed a request for the use of two cabins for year-round guest lodging and sleigh and hay rides. Seasonal use (May – October) as a staging area for guided horseback tours onto adjacent BLM lands, and as a waypoint for jeep tours on adjacent BLM lands; with jeep rentals originating in the City of Gunnison; 59005 Highway 50, north of Highway 50, Doyleville, legally described as being located in the NW/4NE/4, NW/4 Section 1, N/2SW/4, the SE/4SW/4, part of SW/4 Section 1 and NE/4, NE/4SE/4 lying north of Highway 50 Section 2, Township 48 North, Range 3 East, N.M.P.M., 465-acres.

With a quorum present Chairman Kent Fulton opened the public hearing.

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

Applicant, O.A. Pesnell, was present to review the application. He explained his ranch contains a conservation easement, held by Colorado Open Lands. The agreement does allow commercial outfitting, and they have also agreed upon the level

of use. Gunnison County Wildlife Coordinator, Jim Cochran, has reviewed and approved the proposal. Pesnell has contracted consultant, Susan Lohr, to conduct two studies on the effect of the proposed activities on the Gunnison Sage grouse; and the conservation concerns of Colorado Open Lands. Colorado Parks and Wildlife (CPW) raised concerns with winter sleigh rides and its impacts to big game; the operations will not be conducted outside the ranch. They will stay on the roads, and will restrict the grading of the roads. The current water rights allow only lodging over 30 days in length. They are investigating a commercial well; if they get a commercial well they can rent the cabins for shorter periods of time per visit. Pesnell said any lease agreements will be open to the County for review at any time.

Pesnell said he has addressed the concerns of the use of the existing highway access; they will be improving from the property line to the highway, at a later date. Adjacent owner Stan Irby has expressed concerns with the point of ingress and egress on the ranch; Pesnell can only access from the right of way next to the power line easement, which is attached to the BLM road going up to Tomichi Dome. It can be accessed on Highway 50; they are requesting an access from the ranch as well as the highway. The horseback riding would cause too much congestion on the highway; they need to use a ranch access.

Staff Questions/Comments

Starkebaum identified comments received from Colorado Open Lands, Colorado Parks and Wildlife, and Stan Irby. Wildlife Coordinator Jim Cochran was present to answer any questions concerning Gunnison Sage grouse.

Site Visit- Planning Commission

Wilcox- Did not see anything that seriously concerned him
- Liked the access off the ranch rather than the one off Highway 50

Cattles-Liked how the hillsides made it private, so it won't interfere with neighbors
-Agreed with Wilcox the ranch access is a better option

Rubingh- There was nothing that really negatively popped out
-Agreed with Wilcox and Cattles

Seitz- Unfortunately the roads were not visible because of the snow on the ground
-It was a good opportunity to see the location
-Was able to see the cabins, horses and sheep

Fulton-Agreed with Seitz, Cattles and Wilcox

Eskew- Could not see the roads because of the winter snow

Planning Commission Questions/ Comments

Venard said it was important to know how many sheep the acreage can support; Pesnell will be rotating the sheep throughout the property.

Rubingh asked if the sleigh rides would be conducted only on the ranch; Pesnell said yes they would only be on the ranch property. Rubingh asked about the roads and any upgrading to the roads that has taken place; Pesnell explained there had been limited improvements to the existing roads and no new construction of roads. The existing roads will only be graded if they are unsafe.

Seitz was concerned with road improvements, and the roads used for agricultural purposes; Pesnell said they will not be building any new roads, but they did convert a one track road to a two track road. Pesnell added the power line road is the only road they can access, because they do not have permission to use the Forest Service roads.

Wilcox asked if there are dust issues or mud issues where rock would needed to be used; Pesnell reiterated the roads can only be maintained if they are considered unsafe.

Cattles asked for clarification of the access; Pesnell explained he is requesting ranch access rather than the highway access because the ranch access is safer.

Fulton asked if Pesnell the access was gated; Pesnell said it is gated.

Rubingh asked what was being done about the noxious weeds; Pesnell said some noxious weeds appear on the side of the driveway. They do raise hay, but no hay is taken off site.

Seitz asked if Pesnell was finished fencing the site; Pesnell said they redid the existing fencing five years ago and have not done any more fencing. Barbed wire fencing was replaced with woven wire fence for the containment of the sheep. There is one new fence line on the right side of the highway going to the house. The new fencing is traditional sheep fencing for the most part. There is a large Sage grouse lek near the Wuanita Hot Springs road, some of the woven wire fencing has 16 to18 holes in it; hopefully helps the Sage grouse chicks.

Seitz asked if the County Wildlife Coordinator was aware of the fencing; Cochran said he was. Cochran added the woven wire fence pretty much excludes Sage grouse use of area. Pesnell explained they had installed the fencing upside down for the Sage grouse. Cochran noted when the fencing was being installed the applicant had applied for a building permit and it was through the review he was able to look at the fencing. There are two fences a buffalo fence and inside that a woven fence.

Cochran noted impacts to the Sage grouse already exist on this site, and public land adjacent to it. The existing fencing greatly reduced the value to the Sage grouse. Improving the two track roads, increases habitat fragmentation and results in negative impacts to the Sage grouse. The widening of roads results in the Sage grouse being susceptible to increased predation. He said because the proposed jeep tours will be in high quality habitat; limiting the time of year the jeep tours can be conducted will limit the negative impacts. Dogs are a great danger to Sage grouse, they increase the sphere of influence greatly; dogs cannot be allowed on site. The jeep tours will access the roads that BLM already allows the public to use, but it will increase the activity level. The horseback riding is a new activity and should be considered too. He included a reporting requirement in his recommendation, in an attempt to limit the impacts.

Cattles asked when there is no access allowed; Cochran explained the County limits access from March 15 to May 15 each year. Some of the proposed routes run through nesting habitat. He suggests keeping horses on the trail and not allowing dogs.

Rubingh asked how many individuals will be on a jeep tour; Pesnell said each vehicle holds 12 individuals.

Fulton asked if the jeeps rented from the applicant can be used on this site; Pesnell said no; Colorado Open Lands restrict that. Starkebaum said the distinction is a jeep tour or renting jeeps are not the same thing.

Rubingh asked about the roads; Pesnell has agreed not to build any new roads and would only improve them if they required safety maintenance. He would likely grade the roads where there is need for fence repairs.

Pesnell expressed concerns with the coyotes. Fulton said you have a right to take care of your coyote issues- the Commission is concerned with domesticated dogs on site.

Seitz questioned if a road plan had been submitted to Colorado Open Lands; Pesnell said there is currently a five year road plan in place. Starkebaum added the roads will be improved minimally to provide safe travel.

Eskew asked why he had chosen sheep; Pesnell said they have a high retail value.

Fulton asked if the sleigh rides could be limited and not be conducted March 15 through May 15; Pesnell said it would be the rare year when there would be enough snow on the ground at those times to conduct sleigh rides. He will agree to not conduct sleigh rides March 15 through May 15 each year.

Pesnell said prior to installing the woven wire fence they have found elk caught in the fencing; now the elk do not get caught in the woven wire fencing.

Rubingh asked if bear proof trash cans were needed; Cochran said no, the fencing will be adequate.

Seitz expressed his concern with the great lengths the community has already gone to self regulate activity in Sage grouse habitat. He was concerned the approval of this application could appear as though the County is not proactive in the protection of Sage grouse habitat. Pesnell explained he is asking for no more than the public already has permission to do, other than use his ranch access rather than the permitted highway access. Pesnell said he will adhere to all restrictions and will remain in compliance with them.

Fulton asked if they are attempting to get a commercial well permit for the cabins: Pesnell said yes, but without a commercial well permit they will not be able to rent for periods less than 30 days. Fulton asked how many people can reside in the cabins; Pesnell said eight in each cabin and there are cooking facilities in each cabin.

Public comments- None

Applicant Response

Pesnell would appreciate an approval. This operation would provide the financial viability to own and operate a ranch. He has self imposed many restrictions, and has mitigated as much as possible.

Staff- No Comment

Fulton closed the public hearing at 11:30 A.M.

Seitz was not satisfied with the information submitted relative to the potential listing of the Gunnison Sage grouse, to know if we are being strict enough. Cochran has sent all of his analysis is to Fish and Wildlife since 2010. The BLM issued a permit to Pesnell last summer, all agencies are working together. Cochran said he feels comfortable with the mitigations taken.

The Commission directed staff to prepare a draft decision approval, to include all the conditions outlined by Cochran; time of year restrictions, no dogs on site, and, a tally of the number of trips.

The Planning Commission will conduct an additional work session on April 5, 2013, to consider the draft decision of approval.

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BUILDING CODE PRESENTATION; The Gunnison County Planning Commission (Commission) conducted a work session. Assistant Building Inspector, Crystal Lambert, gave a brief explanation for the building code.

With a quorum present Chairman Kent Fulton opened the work session.

There were no minutes taken.

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The Planning Commission meeting was adjourned at 12:45 P.M.

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