

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: August 15, 2024
221 N. Wisconsin, Suite D Gunnison CO, 81230
In person or on Zoom

Disclaimer: agenda discussion item times are approximate. Public hearings may start on or after the posted notice time. Work sessions may start earlier or later than the posted time.

8:45 a.m.

- Call to order; determine quorum.
- Approval of Minutes from the August 1, 2024, Planning Commission meeting
- Unscheduled Citizens: A brief period in which the public is invited to make general comments or has questions of the Commission or Staff about items which are not scheduled on the day's agenda.

9:00 a.m.

Public Hearing: LUC-24-00023 Minor Impact | Levary Building over 5000 sf

The Applicant, David Levary, represented by Wright Angle Construction, is proposing a residence over 5,000 square feet on Ranch 2, Whetstone Mountain Ranch, commonly known as 228 Willow Lane, Crested Butte.

9:20 a.m.

Public Hearing: LUC-24-00026 Minor Impact | Moore/Redick Aggregate Floor Area Over 7000 sf

The Applicants, Dave Redick & Deedee Moore, represented by Jered Wilkinson, propose to construct a 1,200 sq. ft. horse barn, with no plumbing or utilities, on Lot 26 of the Star Mountain Ranch Subdivision at 397 Star Mountain Drive, Gunnison, CO. A 3,444 sq. ft. single family residence with a 2,687 sq. ft. garage was constructed on the parcel in 2017 under Building Permit no. BP-17-00234.

9:50 a.m.

Work Session: LUC-24-00010 Minor Impact | Horowitz Ridgeline Vantage

The Applicants, Matanya and Kelsey Horowitz, represented by David Gross General Contractors, request a Ridgeline Vantage review for a proposed single family residence and a 1,713 sq. Ft. detached secondary residence on Lot 15, Trappers Crossing at Wildcat, AKA 265 Saddle Ridge Rd. Crested Butte.

10:20 a.m.

Work Session: LUC-24-00016 Minor Impact | Petrus Holdings. Building over 5,000 sf

The Applicant Petrus Holdings Inc., represented by Nathaniel Smith, Esq., proposes the construction of a 13,000 sq. ft. Hermitage House with a 3,500 sq. ft. unfinished basement, a 3,200 sq. ft. Secondary Residence, and 9,000 sq. ft. Barn at 4500 Forest Service Road 563. Development is proposed to take place on a single parcel out of three parcels of land, which total approximately 1,200 acres.

Adjourn

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/86337231015>

Or One tap mobile :

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Webinar ID: 863 3723 1015

International numbers available: <https://us06web.zoom.us/j/86337231015>

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed up to 24 hours before the meeting date. If you are interested in a specific agenda item, you may want to call the Planning Department (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations may contact the Planning Department before the meeting.

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, August 1, 2024**

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. and on Zoom

Present:

Chair - Roland Mason	Director of Community and Economic Development- Cathie Pagano
Vice-Chair- Fred Niederer	Director of Planning- Hilary Seminick
Commissioner- Julie Baca	Planning Technician – Jena Greene
Commissioner- Matt Schwartz	Others present as listed in text
Alt. Commissioner- Catherine McBreen	County Attorney – Matt Hoyt
Alt. Commissioner- Bill Barvitski	

Absent: Commissioner – Julie Baca

Recused: Schwartz and Barvitski (for LUC-23-00032)

Zoom: Catherine McBreen

Regular Meeting

Chairperson Mason opened the August 1, 2024, meeting of the Planning Commission at 8:50 am. and determined a quorum.

Approval of Minutes

Moved by Niederer to approve Planning Commission meeting minutes, dated July 18, 2024, Seconded by Schwartz. The motion passed unanimously in support.

Miscellaneous

Chair Mason made a note that there was an error in the original agenda that was posted. Staff reminded the Commission that there would be an additional meeting on August 29th.

Unscheduled Citizens

None

Work Session: LUC-23-00032 | Centennial Storage

Couty Attorney Matt Hoyt was present. Matt Schwartz recused himself due to having a legal discussion with the applicant’s attorney, Michael O’Loughlin. Bill Barvitski recused himself since his wife was listed as an agent for the applicant.

Chair Mason sat Alternative Commissioner McBreen and redetermined a quorum.

Applicant Presentation The property owner and applicant, Centennial Storage Partners, LLC, represented in person by attorney Michael O’Loughlin, was requesting an expansion of commercial use to allow for approximately 115 outdoor vehicular storage spaces adjacent to the existing Discount Storage at 1825 State Highway 135, Gunnison, CO.

The expansion of commercial use was approved in 2018 with not setbacks or variance required. The applicant had filed litigation concerning the setbacks. The applicant had reviewed proposal with the City of Gunnison planning and zoning commission. Originally had no support from staff, then received unanimous support from the City Commission.

O’Laughlin noted that staff was encouraging this type of use in industrial areas, adding that there wasn’t enough space in those areas to accommodate the storage. In addition, the cost of those spaces was more expensive adding cost to the community members using the storage areas. The current storage area had no availability and a long waiting list.

Staff Comments Seminick gave an overview of the history of the parcel and storage area, showing the original approval was from the 1980s, and the expansion from 2018. She added that the approval from 2018 did not, per current staff interpretation, accurately apply the 50-foot setback from commercial as required by the LUR; and allowed for parking storage to be developed along the zero-lot line. The applicant applied for the proposed expansion in 2023, was denied, and appealed the decision to the Board of Adjustment, who upheld the decision for denial.

Seminick also mentioned the Violation when the area was expanded without a land use in 2019 which involved the placement of 4 feet of structural fill and placement of a culvert. The applicant would need to apply for a major impact or remove the improvements in order to cure the violation.

Seminick overviewed the staff memo with the planning commission which included:

- 2019 BOCC policy concerning expansion of commercial used concerning development in the 135 corridor.
- Fencing issue – notes from Biologist Rumel concerning fencing and wetland delineation in Sage Grouse Habitat
- Location within the three-mile plan area- noted July 10th, 2024, letter of support from the city of Gunnison, encouraged review and discussion
- Landscaping and buffering

Seminick added that if the applicant was to apply for a variance for the setback, that the variance application would need to be considered in a joint hearing with the Planning Commission and the Board of County Commissioners.

Questions from Planning Commission

Mason – Major impact, large tract. Might be good to have a site visit and evaluate the structural fill, size of parking lot, slatted fence, overall scope of space. Look at the ditch.

McBreen – Clarified if the 2019 violation was resolved. Seminick said no. The applicant needed to restore the site or submit for a Major Impact Land Use Change. The curing of the violation would require:

- Possible wetland delineation.
- Residential property – owned by Mr. Tucker Roberts. Oloughlin spoke to ongoing conversations with Mr. Roberts , but there was a possibility of BLA
- Oloughlin – working with an engineer concerning the culvert, would work with staff to see if she could complied wetland delineation

- Phillips – variance would not be considered by the pc, to be considered by the BOA. But could still discuss the screening and buffering.
- Mason – 2019 BOCC policy, (exhibit 1, staff memo)

O’Loughlin other commercial parks didn’t have enough space to accommodate. Noted by Pagano that the industrial area had special area regulations that had zero lot setbacks.

Mason – Three- mile plan concept and infrastructure. Future connectivity for future development. Converting a parking lot in 20 years would not be difficult compared to other types of development, this area may not a parking lot in perpetuity. Compared Gunnison’s growth to Montrose’s. Also mentioned consideration of the visual impacts of fencing.

Niederer – Stated that need for storage was linked to affordable housing. Looking at the existing approved use for the property and neighboring. Sub area master plan -not approved yet/draft – not consistent with the proposed use.

Phillips – future

McBreen – support for having a site visit.

Acknowledged that the city was in support of this project.

Next Steps – Schedule a site visit and a work session. Concerns from the commission about view sheds and neighboring properties, could the applicant work with neighbors to get permission for the PC to \$12000 payment for violation, under impression that the payment cured the violation. Pagano no, fee to cover staffs time for the violation.

BREAK

Commissioner Schwartz and Alternative Commissioner Barvitski rejoined the meeting. Chair Mason sat Commissioner Matt Schwartz and Commissioner McBreen remained seated for this project.

Work Session: LUC-24-00021 | Harmels Major Impact

Commissioner Niederer disclosed for the record that the owners of Harmels were past clients, but that he no longer owned the company and didn’t feel that there were any concerns. Attorney Hoyt agreed and didn’t recommend recusal. There were no concerns from the rest of the Board.

Applicant Presentation – Jacob With from Law of the Rockies was present on behalf of that applicant. Randy Dailey, Terri Reynolds, Brandon Reynolds, Jerry Greene and David Reynolds were also present.

With noted that the applicants were expecting and excited to have the commission onsite for a site visit for this project.

With showed aerial photos as well as photos showing the views of the proposed areas from the road, since there was a variety of topography. Impression of natural screening/buffering

Overview of site plan showing existing and proposed cabins, new glamping sites and RV parking. Noted that there was a plan to provide employee housing onsite to help with employee retention. Possible concerns – rockfall hazard evaluation needed.

Workforce housing – intent to have a restriction in the title, not necessarily a deed restriction, the intent was that the units would be limited to being affordable employee housing. Would work with County Attorney Matt Hoyt

Received CPW comments, hadn't had a lot of time to review, but noted that they were negative which was a surprise. Applicants planned to work with CPW to remedy comments. Seminick noted that those issues would be discussed in greater and further detail during the preliminary plan phase.

Noted help of having impact on Harmels as opposed to having impact in forest service land. Allowed for more people to enjoy natural environment.

Staff Comments – Seminick had nothing to add.

Planning Commission Comments

-waste water treatment plant – support, ability for the general public to be able to access, possibility for dump station.

Mason, CPW report, need to be worked out encouraged a site visit with CPW as well.

Schwartz – suggested something that could represent heights be available during the site visit.

Noted that Harmels having year-round presence would be a big change from the current use.

Next steps – schedule a site visit, followed by a work session. Would it be possible to get the BOCC present at the site visit, due to timing and possibility of BOCC review being when snow is on the ground. Staff would extend the request to the BOCC once a time for the site visit was set.

Meeting adjourned at 11 am

To: Gunnison County Planning Commission

RE: LUC-24-00023 | Minor Impact | Public Hearing | Levary Residence over 5,000 sqft

Date August 7, 2024

Date of Public Hearing: August 15, 2024

1. Updates Since the July 11, 2024 Work Session

Planning Commission met on July 11, 2024 for a work session. Jim Jose of SHM Architects presented the site plan and renderings. The Commission reviewed the application and noted the siting of the proposed Main House and Casita is behind an existing berm, and that the well allows for one acre of irrigation. The Commission voted 5-0 to move the application to a Public Hearing and requested Staff prepare a draft Decision Document (Exhibit C) for review and consideration.

The Land Use Change application was publicly noticed in both the Gunnison Country Times and the Crested Butte News on August 1, 2024. On July 31st, a public notice was sent to neighbors within 500 feet of the property and posted on the subject property. No public comment has been received at memo publication. There have not been any changes to the application nor sections 2-4 of this memo since the July 11, 2024 Work Session. Staff has added one additional exhibit to section 5.

2. Project Summary

The Applicant, 228 Willow Lane/David Levary, represented by Wright Angle Construction, is proposing a residence over 5,000 square feet on Ranch 2, Whetstone Mountain Ranch, commonly known as 228 Willow Lane, Crested Butte. The Levary Residence comprises two units: the Main House, 5,935 square feet, including an attached garage of around 837 square feet, and the Casita, 1,052 square feet of residential living space, with a total aggregate floor area of 6,987 square feet. The lot has no existing buildings or structures. The site will be served by a well and an On-Site Wastewater Treatment System. The proposed residences will remain in the previously approved building envelope.

3. Impact Classification

The Project has been classified as a Minor Impact Project, based upon Gunnison County Land Use Resolution Section 6-102:B MAXIMUM BUILDING SIZE LARGER THAN 5,000 SQ. FT. AND AGGREGATE SQUARE FOOTAGE LARGER THAN 7,000 SQ. FT. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. unless a land use change permit is approved pursuant to Section 13-105: Residential Building Sizes and Lot Coverages.

4. Land Use Resolution Compliance

The proposal has been comprehensively reviewed for compliance with applicable standards of the Land Use Resolution in Exhibit A, Staff Report. Staff has outlined how the proposal meets more substantive LUR standards below.

Section 13-105: Residential Building Sizes and Lot Coverages

Section 13-105:D.2 states that no building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. unless a land use change permit approves the greater size. Planning Commission must determine if the proposed 5,935 square foot residence meets the required findings for coverage exceeding standard, listed below. The proposed primary and secondary residences are clustered within the building envelope, and will be sharing access, water and sewage treatment. All utilities will be underground.

Section 13-105:G IMPACT CLASSIFICATION AND REQUIRED FINDINGS FOR COVERAGE EXCEEDING STANDARD.

1. FINDING OF NO OBTRUSIVE VISIBILITY REQUIRED FOR APPROVAL. The structure(s) is found not to be obtrusively visible. Elements to minimize such visibility shall include:
 - a. MINIMIZE VISIBILITY OF STRUCTURE BY SITING. The proposed Project and structures have been sited and shall be constructed using existing topography and natural vegetation for screening to the maximum extent feasible, to minimize the visibility of each structure from outside of the parcel on which it is to be built. During construction and use, disturbance and removal of existing vegetation outside of the permanent footprint of the structures shall be constrained to the maximum extent feasible, and restored substantially to its preconstruction state, to the maximum extent feasible; **and**
 - b. MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING. After such siting, any structure that would be obtrusively visible from outside of the parcel on which it is to be built shall be screened to the maximum extent feasible from such visibility to preserve the natural characteristics of the site by natural vegetation, landscaping and architectural techniques (including colors that blend with the natural background, forms, and textures of the site, non-reflectability and clustering). Natural land forms are acceptable as screening; earth berming is acceptable only if it replicates the natural forms, scale and characteristics of the site. Deciduous vegetation of adequate density in its non-foliage season to provide effective screening is acceptable in combination with other screening techniques.
 - c. LOCATION OF UTILITIES UNDERGROUND. Utilities shall be located and installed, to the maximum extent feasible, to not be visible. If installed underground, the natural environment disturbed by installation shall be restored to the maximum extent feasible to its condition before the utilities were installed.
2. OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL. If, after such siting and screening, any portion of a structure is obtrusively visible from outside of the parcel on which it is to be built, that portion of the Project shall be denied. In order to meet this standard, the entire structure need not be invisible from outside of the parcel on which it is to be built.

The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.”

The Applicant has provided elevations and renderings to better display the final built result, as shown in Exhibit B. The proposed Main House and Casita will be visible from CO-135. The house is sited behind, to the west, of a small hill, which provides a natural berm and screening for the lower portion of the house. As is, the parcel has minimal large vegetation, but given the size of the parcel, and that the well allows for one acre of watering, there is an opportunity for vegetative buffering. Staff adds that the building need not be invisible to meet the standards of this section, and other residences within the subdivision are visible from CO-135.

5. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-24-00023. Click on "Attachments".

- A. Staff Report
- B. Site Plan, Elevations, Renderings
- C. Draft Decision Document



GUNNISON COUNTY, COLORADO COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT for MINOR IMPACT

Land Use Change Permit Application:
 Application No: LUC-24-00023
 Date application scheduled with Planning Commission: July 11, 2024
 Prepared by: Rachael Blondy, Planner I

Applicant Name:	228 Willow Lane LLC / David Levary
Property Owner Name:	228 Willow Lane LLC / David Levary
Project Description:	The Applicant is proposing a residence over 5,000 square feet on Ranch 2, Whetstone Mountain Ranch, commonly known as 228 Willow Lane, Crested Butte. The Levary Residence comprises two units: the Main House, 5,935 square feet, including an attached garage of around 837 square feet, and the Casita, 1,052 square feet of residential living space, with a total aggregate living area of 6,987 square feet.
Property Location:	228 Willow Lane, Whetstone Mountain Ranch Subdivision Parcel # 3255-000-10-007
Surrounding Land Uses:	Residential & Agricultural
Agency and Department Review:	<p>A copy of the application was sent to the following referral agencies by email on May 2, 2024:</p> <ul style="list-style-type: none"> - Gunnison County Public Works - Town of Crested Butte - Crested Butte Fire Protection District <p>Comments received from the referral agencies have been incorporated throughout the Staff Report. Full transcripts of agency comment(s) may be found in Citizen Access.</p>
Pre-Application Conference:	n/a
Status of Application:	Complete.
Attached Exhibits:	Please refer to Citizen Access → Projects → Application → Search: 'LUC-24-00023' → Click on 'Attachments'
Planning Commission Tasks at Initial Work Session:	<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1.

		<ul style="list-style-type: none"> — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Set site visit date — Determine if application is ready to be set for public hearing, or if other work session is required
Initial Impact Classification:		Minor Impact Project, based upon classification found in <i>Section 6-102: Projects Classified as Minor Impact Projects</i>
Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)		<p>Demand for public services. The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p>Impacts on impact area and the environment. The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p>Impacts related to all existing and proposed development and proposed development in impact area. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
APPLICABILITY OF LAND USE RESOLUTION STANDARDS:		
STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Section 9-101:E STANDARDS FOR DEVELOPMENT OF A DETACHED SECONDARY RESIDENCE OR SECONDARY STRUCTURE INTENDED FOR SLEEPING. A secondary

		<p>detached residence or secondary structure intended for sleeping shall meet these standards:</p> <ol style="list-style-type: none"> 1. SECONDARY SMALLER THAN PRIMARY RESIDENCE. 2. LOCATION 3. DESIGNATION OF BUILDING ENVELOPE 4. ADEQUATE PARKING 5. SHARED WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM 6. COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS <p><i>Staff Response: The proposed second residence, referenced to as the Casita, is adjacent to the proposed primary residence, and will share water supply and an OWTS. The development has adequate parking, exists within a building envelope and abides by the Whetstone Mountain Ranch subdivision covenants.</i></p> <p><i>The proposed development meets the standards outlined in LUR 9-101:E.</i></p>
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application

9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. <i>Staff Response: All standards listed in Section 11-102 are voluntary.</i>
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not located in a flood hazard area.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application Not applicable. <i>Staff Response: The building envelope, on the south 1/3 of the parcel, is mapped as no geologic hazard. The north 2/3 of the parcel is mapped as mudflow-debris fan area. The building will be contained to the no geologic hazard area.</i>
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The parcel is mapped as very high wildfire. <i>Staff Response: All future development will be required to comply with applicable Fire and WUI codes at time of permit. All future development will need to be referred to and reviewed by Crested Butte Fire Protection District (CBFPD).</i> <i>Ric Ems of CBFPD provided comment on May 6th, 2024 stating "We have no issues with the Land Use Change at this time."</i>
11-106: Protection of wildlife habitat areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not in a wildlife habitat area pursuant to this section.

11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: The building envelope is 55 feet away from a National Wetland Inventory mapped wetland. The building will not fall within the restrictive inner buffer of 25 feet, or the variable outer buffer of 25 feet from the top of slope. However, the building will be within 125 feet of the wetland.</i></p> <p><i>Please refer to the wetland map in Exhibit B.</i></p> <p><i>The Applicant will be required to meet the standards set in Section 13-117: Drainage, Construction and Post-Construction Storm Water Runoff at time of building permit. This might include silt fencing.</i></p>
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not on a Ridgeline Vantage.
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: Whetstone Mountain Ranch Protective Covenants allow for a Lessee to run livestock on the Common Areas of the subdivision. The Covenants allow individual property owners to fence five acres of their property, surrounding their building envelope. This application will not impact the Common Area, nor any livestock that might be on the property.</i></p>
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not beyond snowplowed access.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not on an inholding in national wilderness.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not above timberline.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Section 12-103:A COMPLIANCE WITH ROAD AND BRIDGE CONSTRUCTION STANDARDS Section 12-103:C MEETING WITH PUBLIC WORKS DEPARTMENT Section 12-103D RECOMMENDATION OF PUBLIC WORKS DEPARTMENT</p> <p><i>Staff Response: A driveway and parking area are depicted in the site plan. Public Works will determine compliance with road and bridge construction standards upon submission of a Building and Access Permit. No comments were received from Gunnison County Public Works for this application.</i></p>

12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>All land use changes for Minor or Major Impact Projects, for which water is a required and necessary element of the development, shall provide a water supply that is legally and physically adequate in terms of quality, quantity, dependability, and pressure for the proposed development.</p> <p><i>Staff Response: The proposed development meets County requirements as the proposal is for two single family dwelling units, and well permit #235990 is for 3 single family residences.</i></p> <p><i>The parcel has well permit #235990, issued on September 24, 2001.</i></p> <p><i>“The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns.”</i></p>
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Section 12-106:D. SUBMIT EVIDENCE OF ADEQUACY OF ON-SITE WASTEWATER TREATMENT SYSTEMS</p> <p><i>Staff Response: The proposed development will be served by an OWTS. The applicant has not yet submitted an OWTS application. The OWTS will be professionally designed for the applicable waste load.</i></p>
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>12-107:A APPLICANT SHALL CONTACT FIRE PROTECTION DISTRICT</p> <p><i>Staff Response: Applicant will be required to work with the Crested Butte Fire Protection District to ensure they meet standards.</i></p> <p><i>CBFPD Comments were provided on May 6, 2024:</i></p>

		<ul style="list-style-type: none"> - <i>The proponent has reached out to CBFPD and completed a Plan Application.</i> - <i>Upon receipt of payment we will perform a plan review on 228 Willow.</i> - <i>We have no issues with the Land Use Change at this time.</i>
<p>13-102: B.: Location within municipal three-mile plan area</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>Section 13-102:B. DEVELOPMENT SHALL CONSIDER MUNICIPAL THREE MILE PLANS. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal Three-Mile Plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the Three-Mile Plan area. Where there is a conflict between the objectives or policies of a Three-Mile Plan or the intergovernmental agreement, and County standards, County standards shall apply.</p> <p><i>Staff Response: There is no adopted municipal three mile plan with the Town of Crested Butte.</i></p> <p><i>Town of Crested Butte provided comment on May 23, 2024.</i></p> <p>“The Town of Crested Butte understands that application #LUC-24-00023 for Ranch 2, Whetstone Mountain Ranch meets the allowed sf of the LUR as it is written. The Town requests that the County evaluate lowering the allowed floor areas during the upcoming Corridor Study.”</p>
<p>13-103: General Site Plan Standards And Lot Measurements</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p><i>Staff Response: The site and building plans will meet County standards at time of building permit.</i></p> <p><i>Applicant has not yet submitted engineered building plans.</i></p> <p><i>Site plan does include subdivision building envelope. Proposed development is within building envelope.</i></p>

		<p><i>Elevations indicate that the building will be about 22.5 feet tall, not including the chimney. Per LUR Section 13-103:H.1.a FLAT ROOFS, structures with flat roofs shall not exceed 30 feet in height.</i></p>
<p>13-104: Setbacks From Property Lines And Road Rights-Of-Way</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p><i>Staff Response: The site plan meets County setback requirements of 25' front setback and 15' side and rear setbacks. The building envelope is 123, 180 and 210 feet from the closest property boundaries. All buildings are within the building envelope.</i></p>
<p>13-105: Residential Building Sizes And Lot Coverages</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable</p> <p>Section 13-105:D.2 MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft. and the aggregate of all structures shall not exceed 7,000 sq. ft. unless:</p> <ul style="list-style-type: none"> a. LAND USE CHANGE PERMIT APPROVES GREATER SIZE. Approved pursuant to Section 13-105: G: Impact Classification and Required Findings for Coverage Exceeding Standard. <p>13-105:F. BUILDING ENVELOPE.</p> <ul style="list-style-type: none"> 1. BUILDNGS SHALL BE CONFINED IN ENVELOPE 2. BUILDINGS SHALL SHARE SAME SERVICES <ul style="list-style-type: none"> a. SHARE SEWAGE DISPOSAL b. SHARE WATER SUPPLY c. BE LOCATED IN SAME DRAINAGE BASIN d. SHARE ROAD AND DRIVEWAY <p>Section 13-105:G IMPACT CLASSIFICATION AND REQUIRED FINDINGS FOR COVERAGE EXCEEDING STANDARD.</p> <ul style="list-style-type: none"> 1. FINDING OF NO OBTRUSIVE VISIBILITY REQUIRED FOR APPROVAL. The structure(s) is found not to be obtrusively visible. Elements to minimize such visibility shall include: <ul style="list-style-type: none"> a. MINIMIZE VISIBILITY OF STRUCTURE BY SITING. The proposed Project and structures have been sited and shall be constructed using existing topography and natural vegetation for screening to the maximum extent feasible, to minimize the visibility of each structure from outside of the parcel on which it is to be built. During construction and

		<p>use, disturbance and removal of existing vegetation outside of the permanent footprint of the structures shall be constrained to the maximum extent feasible, and restored substantially to its preconstruction state, to the maximum extent feasible; and</p> <p>b. MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING. After such siting, any structure that would be obtrusively visible from outside of the parcel on which it is to be built shall be screened to the maximum extent feasible from such visibility to preserve the natural characteristics of the site by natural vegetation, landscaping and architectural techniques (including colors that blend with the natural background, forms, and textures of the site, non-reflectability and clustering). Natural land forms are acceptable as screening; earth berming is acceptable only if it replicates the natural forms, scale and characteristics of the site. Deciduous vegetation of adequate density in its non-foliage season to provide effective screening is acceptable in combination with other screening techniques.</p> <p>c. LOCATION OF UTILITIES UNDERGROUND. Utilities shall be located and installed, to the maximum extent feasible, to not be visible. If installed underground, the natural environment disturbed by installation shall be restored to the maximum extent feasible to its condition before the utilities were installed.</p> <p>2. OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL. If, after such siting and screening, any portion of a structure is obtrusively visible from outside of the parcel on which it is to be built, that portion of the Project shall be denied. In order to meet this standard, the entire structure need not be invisible from outside of the parcel on which it is to be built.</p> <p><i>Staff Response: The proposed primary residence will be 5,942 square feet and the proposed secondary residence will be 1,052 square feet. The aggregate square footage is 6,994 square feet. Due to the size of the primary residence, this project is determined to be a Minor Impact Project.</i></p> <p><i>The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure</i></p>
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		<p><i>that stands out in the context of its surroundings or that draws attention to itself.”</i></p> <p><i>The Applicant has provided elevations and renderings to better display the final built result, as shown in Exhibit B. The proposed Main House and Casita will be visible from CO-135. The house is sited behind, to the west, of a small hill, which provides a natural berm and screening for the lower portion of the house. As is, the parcel has minimal large vegetation, but given the size of the parcel, and that the well allows for one acre of watering, there is an opportunity for vegetative buffering. The building need not be invisible to meet the standards of this section, and other residences within the subdivision are visible from CO-135.</i></p> <p><i>The proposed primary and secondary residences are clustered and will be sharing access, water and sewage treatment. All utilities will be underground.</i></p>
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: Applicant has not yet submitted building plans. If building plans will be incorporating a solid-fuel burning device, it must comply with adopted intergovernmental agreement with the Town of Crested Butte, including one approved device allowed per residence.</i></p>
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>This section is to determine necessary permanent off-road parking facilities sufficient to minimize traffic congestion and provide safe vehicular access, pursuant to all of the requirements of this Section and with snow storage requirements in 13-112.</p> <p><i>Staff Response: The site plan meets County requirements. A four bedroom home’s minimum required parking spaces is 3 spaces. There is adequate parking for the primary residence, between the garage and the motor court. The Casita requires 2 parking spaces, which is accounted for in the motor court.</i></p>
13-111: Landscaping And Buffering	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application

13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. <i>Staff Response: Applicant has not yet submitted building plans. The site plan will meet County requirements for snow storage upon building permit application.</i>
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-114: Exterior Lighting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. <i>Staff Response: Applicant has not yet submitted building plans. The exterior lighting will meet County requirements.</i>
13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application <i>Staff Response: If there is more than 10k square feet disturbed on the site, it will meet the applicability standards of Section 13-116:B.2.</i>
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. <i>Staff Response: Because development will be within 100 feet of a water body or a mudflow, applicant will be required to have a Colorado licensed engineer design a drainage plan.</i> <i>This drainage plan will be reviewed at the time of building permit.</i>
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-119: Standards To Ensure Compatible Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Section 13-119:A GENERAL. Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following: 1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth. 2. ADVERSE IMPACTS TO ADJOINING LAND. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent

		<p>feasible, avoid changes that will result in significant net adverse impact to adjoining land.</p> <p><i>Staff Response: The proposed development is unlikely to create any hazards or nuisances. It is unlikely to have adverse impacts to adjoining land, as the surrounding uses are also residential.</i></p>
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NOTE: RENDERINGS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.

PROPERTY ADDRESS

228 Willow Lane
Crested Butte, CO 81224

LEGAL DESCRIPTION

RANCH 2, WHETSTONE MOUNTAIN RANCH SUBDIVISION

APPLICABLE CODES

THE FOLLOWING ARE THE ARCHITECT'S UNDERSTANDING OF THE CURRENTLY ADOPTED CODES OF THE GUNNISON COUNTY, INCLUDING LOCAL AMENDMENTS:

- 2021 INTERNATIONAL RESIDENTIAL CODE
- 2021 INTERNATIONAL ENERGY CONSERVATION CODE
- 2021 INTERNATIONAL MECHANICAL CODE
- 2021 INTERNATIONAL PLUMBING CODE
- 2021 NATIONAL ELECTRIC CODE
- 2021 INTERNATIONAL FIRE CODE

ZONING RESTRICTIONS

ZONING DISTRICT *R-16(A)

REQUIRED FRONT YARD SETBACK X'-X"
 REQUIRED REAR YARD SETBACK X'-X"
 REQUIRED SIDE YARD SETBACK X'-X"
 MAXIMUM *RIDGE OR MIDPOINT OF ROOF* HEIGHT X'-X"

ALLOWABLE LOT AREA X,XXX SF (XXX)
 PROPOSED LOT AREA X,XXX SF 0000

AREA TABULATIONS

	AC SPACE	AUXILIARY	NON-AC	TOTAL
SECOND LEVEL	575	0000	0000	575
MAIN LEVEL	4154	0000	0000	4154
LOWER LEVEL	376	0000	837	1213
CASITA	0000	1052	000	1052
TOTAL	5105	1052	837	6994

INSULATION SCHEDULE - CLIMATE ZONE 7

	R10	R15/19	R38	R5+19/21	R60
SLABS	•				
BASEMENT WALL		•			
CRAWLSPACE WALL		•			
FLOORS			•		
WALLS				•	
CEILING/ROOF					•

INSULATION NOTES

1. WOOD FRAME WALLS CAN BE R20 W/ R5 CONTINUOUS OR R13 W/ R10 CONTINUOUS
2. BASEMENT AND CRAWLSPACE WALLS CAN BE R19 OR R21 CONTINUOUS INSULATION
3. DUCT INSULATION TO BE R8 MINIMUM IF LOCATED OUTSIDE OF CONDITIONED SPACE
4. HOT WATER PIPE INSULATION TO BE R3 MINIMUM ON PIPES 3/4" OR LARGER IF LOCATED OUTSIDE OF CONDITIONED SPACE
5. CONTRACTOR TO PROVIDE WEATHER STRIPPING AND INSULATION TO ACCESS HATCHES & DOORS LEADING TO ATTIC AND CRAWLSPACE
6. REFER A5 FOR FENESTRATION REQUIREMENTS

INDEX OF DRAWINGS

ARCHITECTURAL

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- 04.10.24 A1.02 SITE PLAN
- 04.10.24 A1.02A SITE PLAN: VICINITY MAP
- 04.10.24 A1.03 SITE PLAN: WETLANDS OVERLAY
- 04.10.24 A1.04 SITE PLAN: WLDLAND URBAN INTERFACE

- A2.01 FIRST FLOOR PLAN
- A2.02 FIRST FLOOR PLAN
- A2.03 SECOND FLOOR PLAN

- A3.01 EXTERIOR ELEVATIONS
- A3.02 EXTERIOR ELEVATIONS

- A4.01 BUILDING SECTIONS
- A4.02 BUILDING SECTIONS

- A5.01 DOOR TYPES & SCHEDULE
- A5.02 WINDOW TYPES & SCHEDULE

- A6.01 HEAD, SILL & JAMB DETAILS
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- A7.00 INTERIOR ELEVATIONS KEY PLANS
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- A8.01 REFLECTED CEILING PLANS
- A8.02 REFLECTED CEILING PLANS

- A9.01 FLOOR FINISH PLANS
- A9.02 FLOOR FINISH PLANS

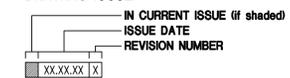
ELECTRICAL

- E2.01 FIRST FLOOR LIGHTING & ELECTRICAL PLAN
- E2.02 SECOND FLOOR LIGHTING & ELECTRICAL PLAN

STRUCTURAL

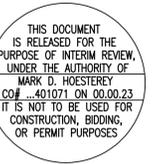
- S1.01 GENERAL NOTES / FOUNDATION DETAILS
- S2.01 FOUNDATION PLAN
- S2.02 SECOND FLOOR & ATTIC FRAMING PLANS
- S2.03 ROOF FRAMING PLANS / DETAILS
- S3.01 FRAMING DETAILS
- S3.02 FRAMING DETAILS

DRAWING ISSUE:



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LEVARY RESIDENCE
 LOT 2, WHETSTONE RANCH, CRESTED BUTTE
 Design Development
 NOT FOR CONSTRUCTION

SHM PROJECT #
 23-084

ISSUE DATE
 APRIL 10, 2024

COVER SHEET /
 INDEX

A1.00

LEVARY RESIDENCE

CRESTED BUTTE, COLORADO

OWNER

David & Ilana Levary
 801 S. Pointe Dr., Apt 601
 Miami Beach, FL 33139-7476

Email: dlevary@gmail.com
 Phone: 314.704.9912

ARCHITECT

SHM Architects, PLLC
 Mark Hoesterey, AIA
 Jim Jose, AIA

126 Elk Avenue, Suite 1W
 Crested Butte, CO 81224

Email: jjose@shmarchitects.com
 Phone: 970.713.0700

INTERIOR DESIGNER

Suede Studios
 Jennifer Hoey

1234 Street Ave.
 City, State ZIP

Email:
 Phone: 000.000.0000

LANDSCAPE ARCHITECT

Company, Inc.
 Contact Person

1234 Street Ave.
 City, State ZIP

Email:
 Phone: 000.000.0000

STRUCTURAL ENGINEER

JVA Engineering
 Paul Stouffel

1234 Street Ave.
 City, State ZIP

Email:
 Phone: 000.000.0000

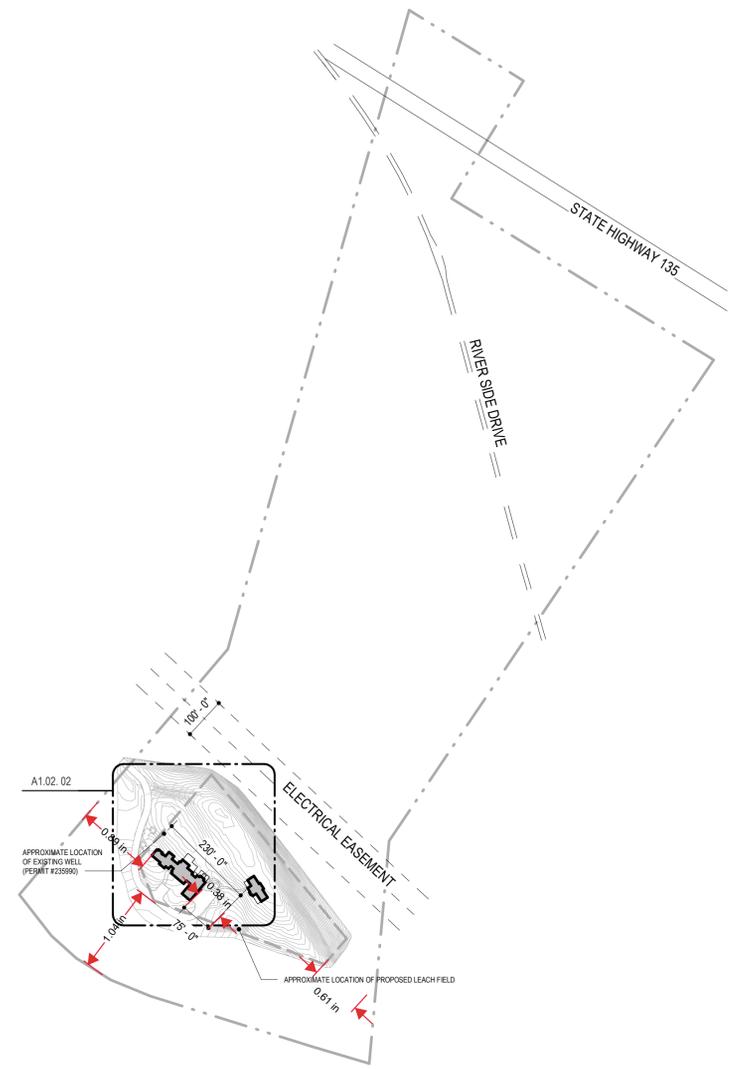
LIGHTING DESIGNER

GENERAL CONTRACTOR

Wright Angle Construction
 Mike Wright
 Katelyn Zieff

PO Box 1637
 Crested Butte, CO 81224

Email: katelyn@wrightangleconstruction.com
 Phone: 970.596.1039



01 SITE OVERVIEW PLAN
SCALE: 1" = 200'-0"

SITE PLAN NOTES

1. REFERENCE LANDSCAPE ARCHITECT AND CIVIL FOR SITE DRAINAGE
2. REFERENCE LANDSCAPE ARCHITECT FOR SITE IMPROVEMENTS
3. 70% OF NON-ROOF AREA TO BE VEGETATION, PERMEABLE PAVING OR IMPERMEABLE PAVING WITH WATER RUNOFF
4. DRIP EMITTERS TO BE INSTALLED AT ALL BEDDING AREAS
5. WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY

ROOF PLAN NOTES

1. GUTTERS TO BE 6" DIAMETER HALF-ROUND PAINT GRIP W/ 4" DOWNSPOUT
2. ALL DOWNSPOUTS TO BE ROUTED TO SUBSURFACE FOR DRAINAGE
3. ARROWS INDICATE DOWNWARD SLOPE OF ROOF
4. ALL ROOFS TO BE 8:12 SLOPE U.N.O., COLORS TO BE SELECTED
5. ROOF FINISH MATERIALS INCLUDE (TBD); REFER TO EXTERIOR FINISH SELECTIONS ON A3.00
6. GANG ALL VENT PIPES WHERE POSSIBLE

ROOF LEGEND



MT-1 METAL STANDING SEAM

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02 SITE PLAN
SCALE: 1/16" = 1'-0"

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CRESTED BUTTE, CO

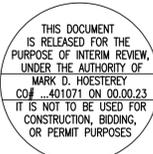
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SITE PLAN / ROOF PLAN

A1.02



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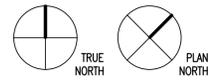
ISSUE DATE
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WETLANDS OVERLAY PLAN

A1.03



NOTE:
 IN ROUGH OVERLAY, THE CLOSEST ADJACENCY TO AN EDGE OF WETLANDS FROM THE EDGE OF BUILDING ENVELOPE IS 55'-0". THE HOME IS SET BACK APPROXIMATELY 75'-0" FROM BUILDING ENVELOPE, ALLOWING THE HOME TO BE WELL OVER 100'-0" FROM ANY ADJACENT WETLAND.

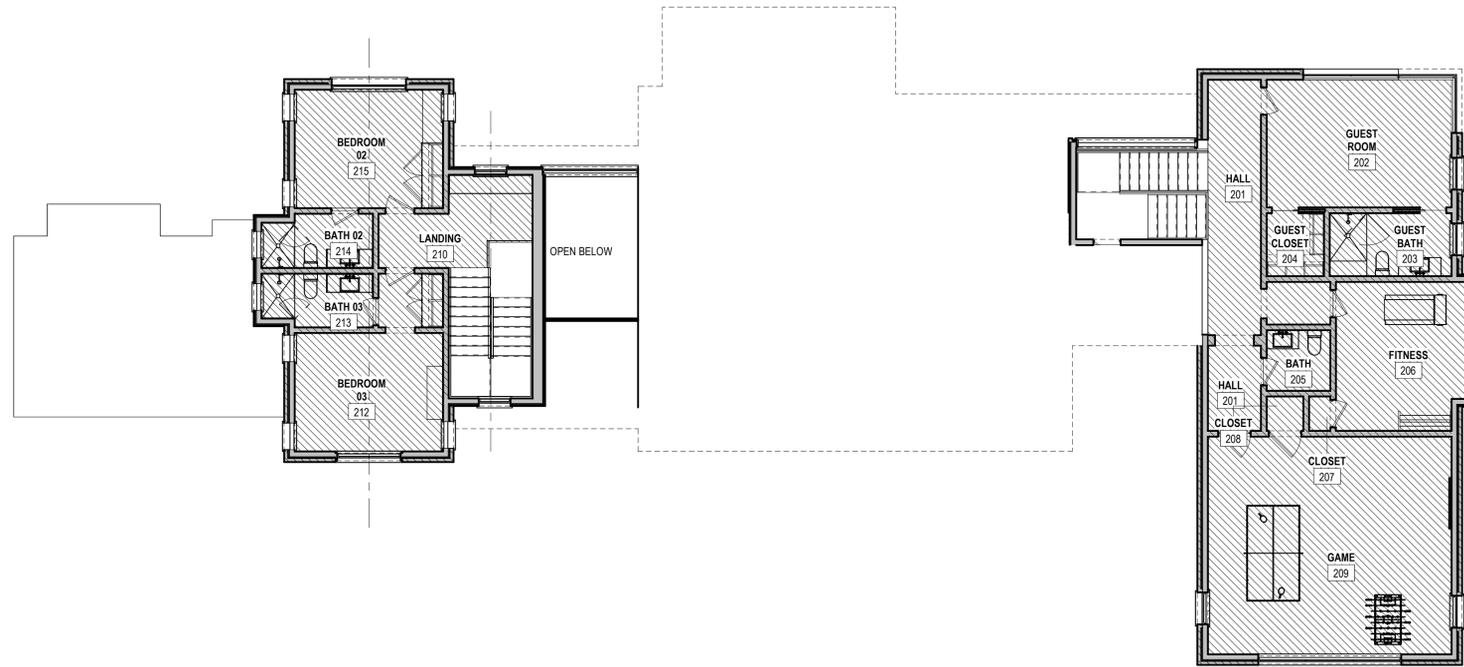


01 WETLANDS OVERLAY PLAN
 SCALE: 1/8" = 1'-0"

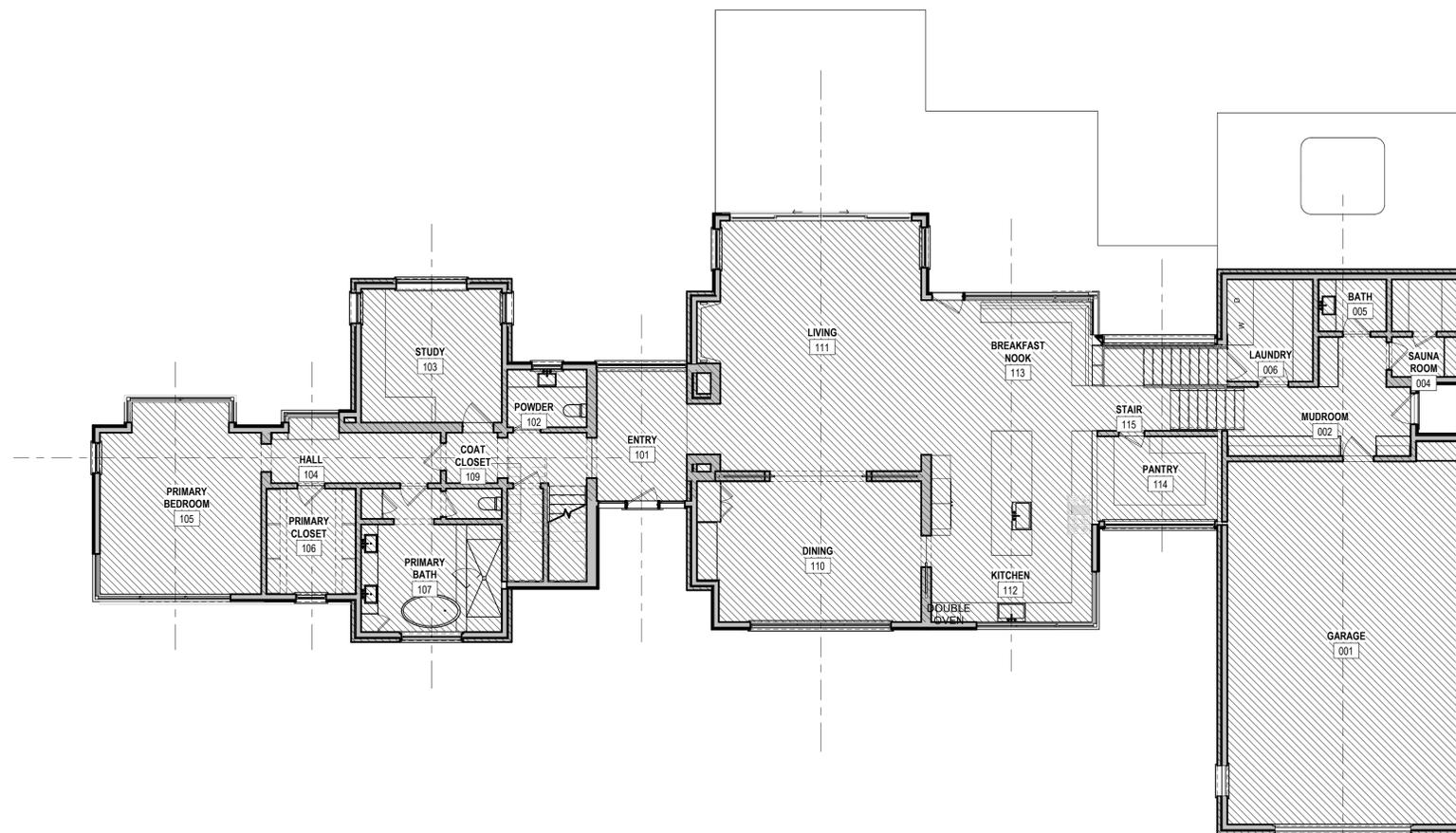
AREA TABULATION

LEVEL	AREA NAME	AREA
-------	-----------	------

A/C		
FIRST LEVEL F.F.	FIRST FLOOR, SAUNA, MUDROOM	3,267 SF
FIRST LEVEL F.F.	GARAGE	837 SF
SECOND LEVEL F.F.	SECOND FLOOR	567 SF
SECOND LEVEL F.F.	SPLIT LEVEL UPPER FLOOR	1,264 SF
TOTAL SF		5,935 SF



02 KEY PLAN - SECOND FLOOR AREA PLAN
SCALE: 1/8" = 1'-0"



01 KEY PLAN - FIRST FLOOR AREA PLAN
SCALE: 1/8" = 1'-0"

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KEY PLANS - AREA PLAN

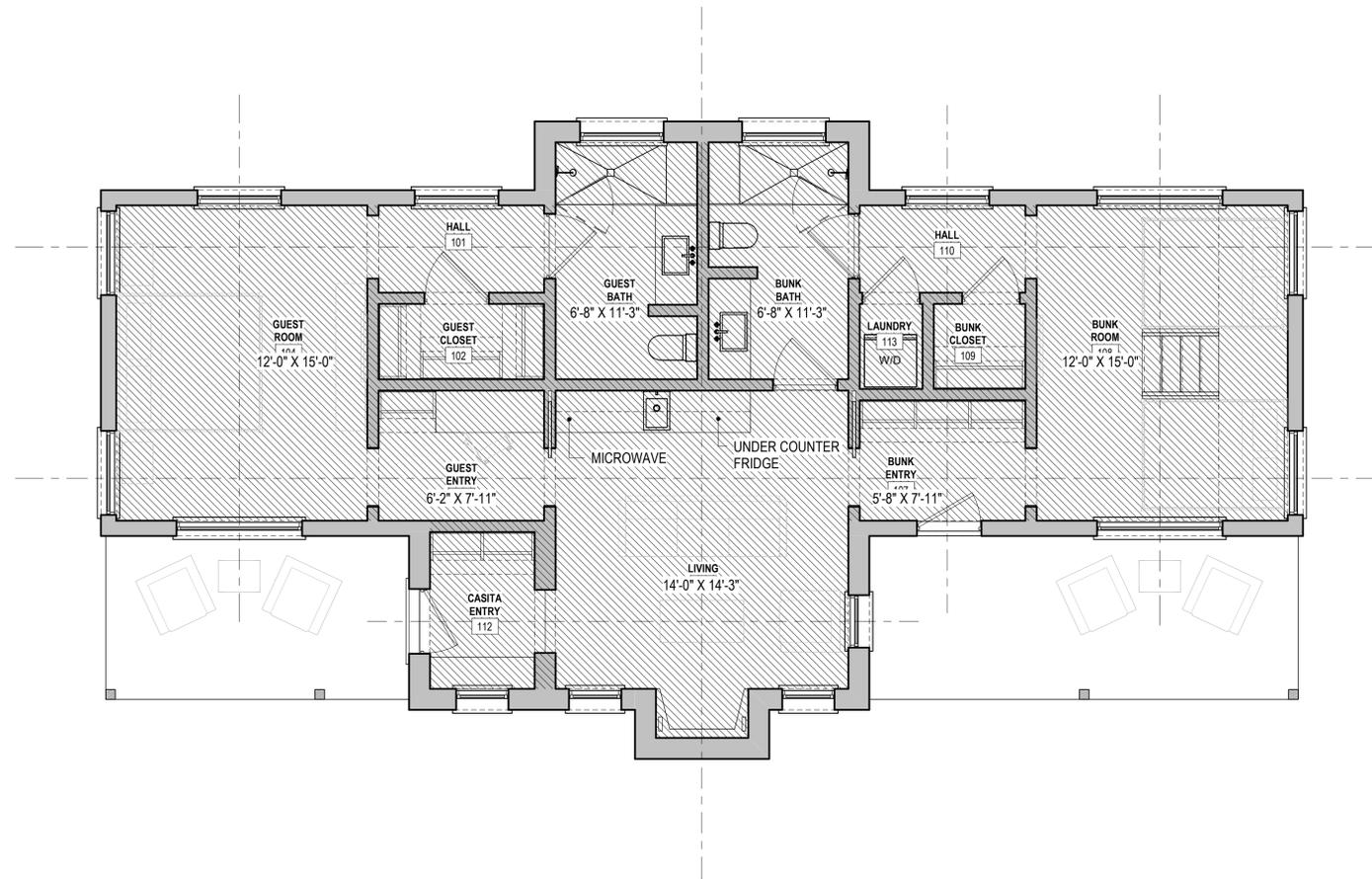
A2.04

AREA TABULATION

LEVEL	AREA NAME	AREA
A/C		
FIRST LEVEL F.F.	CASITA	1,052 SF
		1,052 SF
TOTAL SF		1,052 SF

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01 FIRST FLOOR AREA PLAN
 SCALE: 1/4" = 1'-0"

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LEVARY RESIDENCE - CASITA
 CRESTED BUTTE, CO, WHEISTONE RANCH
 Schematic Design Set - NOT FOR CONSTRUCTION

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CASITA FLOOR PLAN - AREA PLAN

A2.03

EXTERIOR FINISH SELECTION

DESIGNATION	MATERIAL	SPECIES/ALLOY	MANUFACTURER	TYPE	SIZE (NOM.), PATTERN	COLOR	FINISH	JOINT	REMARKS
MT-1A	METAL		TBD	FASCIA			BONDERIZED		
MT-2A	METAL		TBD	CHIMNEY CAP			BONDERIZED		
ST-2A	STONE		TBD	LIMESTONE VENEER		TBD	SPLIT FACE		
ST-3A	STONE		TBD	LIMESTONE SILL		TBD	SPLIT FACE		TO MATCH STONE VENEER
ST-5A	STONE		TBD	ENTER TYPE		ENTER COLOR	ENTER FINISH		
WD-1A	WOOD	ACCOYA	DELTA MILLWORKS	HORIZONTAL SHIPLAP		TBD	TBD		
WD-2A	WOOD	ACCOYA	DELTA MILLWORKS	VERTICAL SHIPLAP		TBD	ENTER FINISH		
WD-3A	WOOD		ENTER MANUFACTURER	ENTER TYPE		ENTER COLOR	ENTER FINISH		
WD-4A	WOOD	ACCOYA	DELTA MILLWORKS	WOOD SILL		TBD	TBD		TO MATCH SIDING

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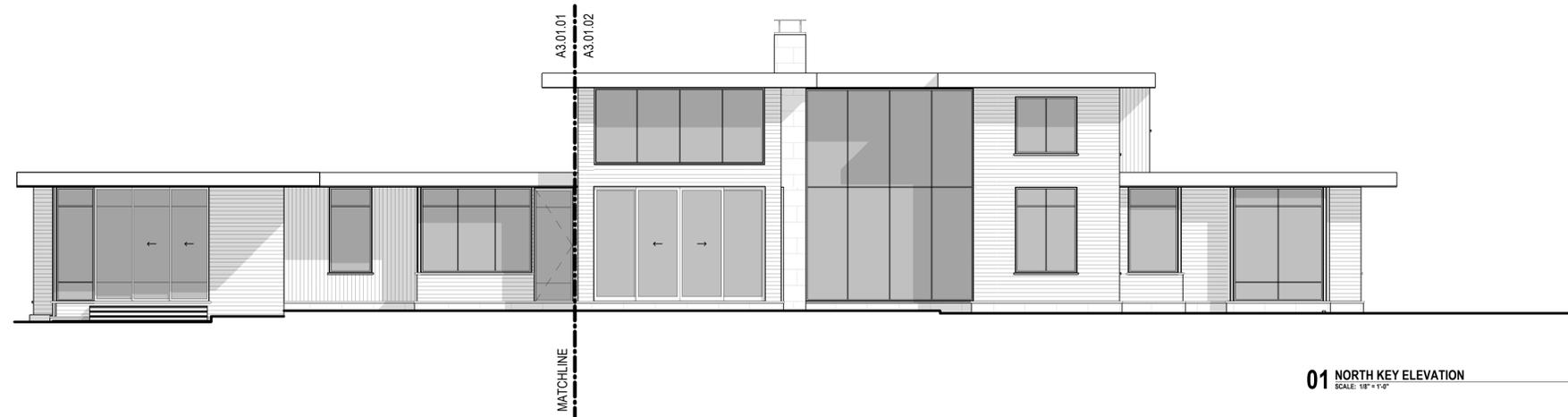
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03 EAST KEY ELEVATION
 SCALE: 1/8" = 1'-0"



02 SOUTH KEY ELEVATION
 SCALE: 1/8" = 1'-0"



01 NORTH KEY ELEVATION
 SCALE: 1/8" = 1'-0"

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LEVARY RESIDENCE
 CRESTED BUTTE, COLORADO
 Preliminary Pricing Set - NOT FOR CONSTRUCTION

SHM PROJECT #
 23-084

ISSUE DATE
 JUNE 11, 2024

KEY EXTERIOR ELEVATIONS

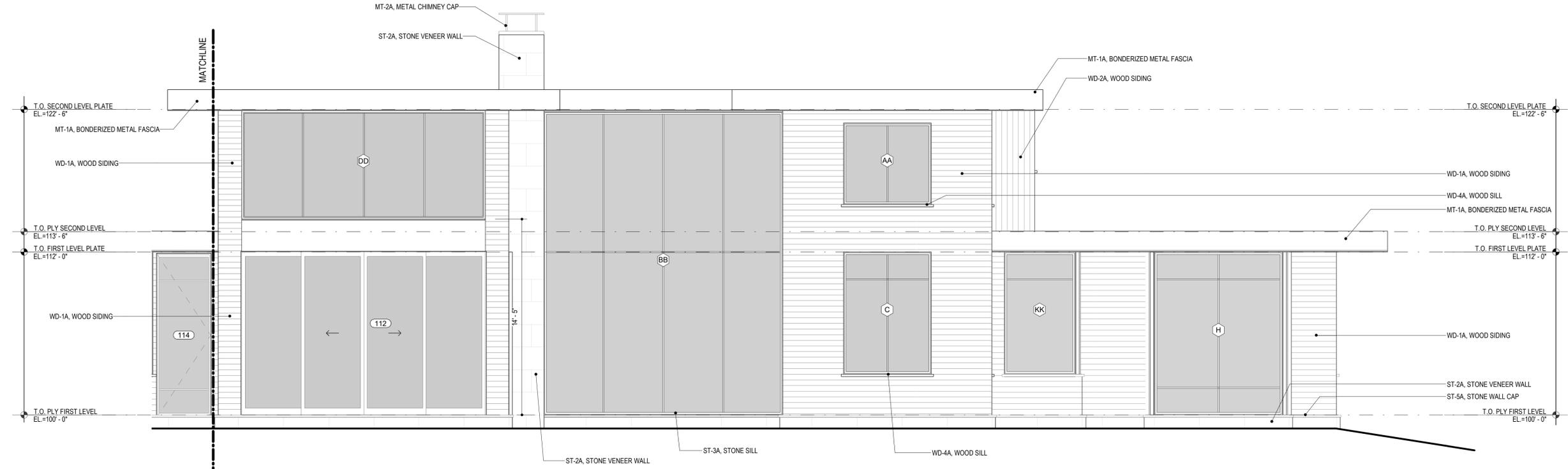
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EXTERIOR FINISH SELECTION

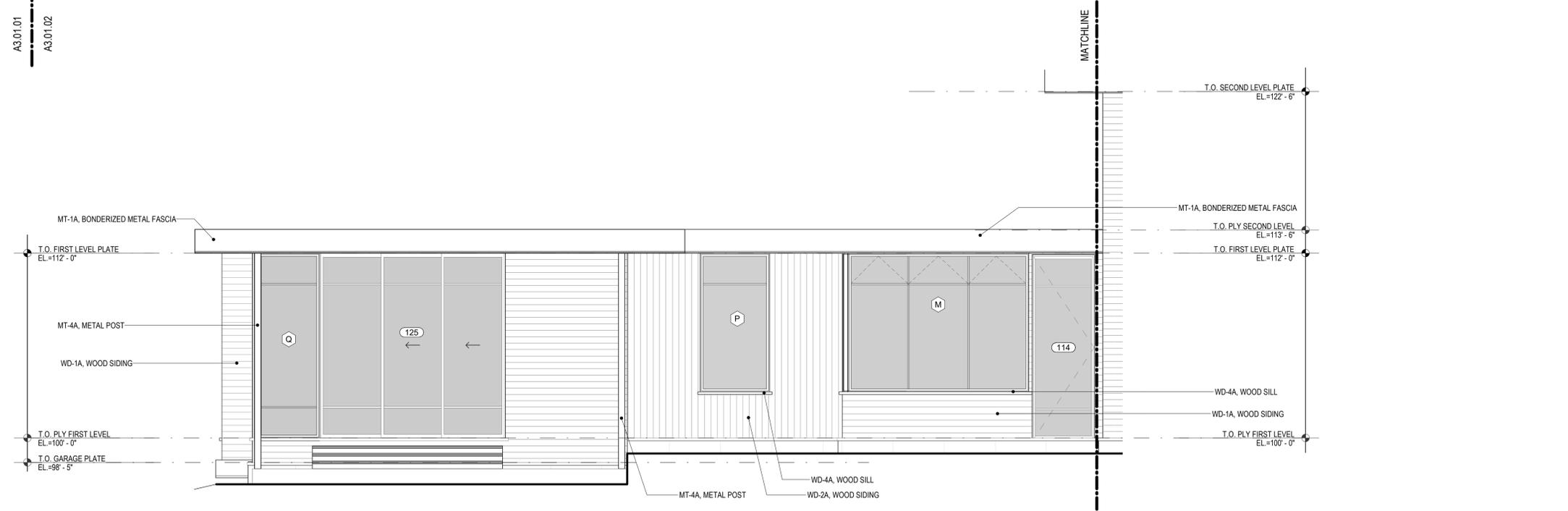
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MT-2A	METAL		TBD	CHIMNEY CAP			BONDERIZED		
ST-2A	STONE		TBD	LIMESTONE VENEER		TBD	SPLIT FACE		
ST-3A	STONE		TBD	LIMESTONE SILL					TO MATCH STONE VENEER
ST-5A	STONE		TBD	ENTER TYPE		ENTER COLOR	ENTER FINISH		
WD-1A	WOOD	ACCOYA	DELTA MILLWORKS	HORIZONTAL SHIPLAP		TBD	TBD		
WD-2A	WOOD	ACCOYA	DELTA MILLWORKS	VERTICAL SHIPLAP		TBD	ENTER FINISH		
WD-3A	WOOD		ENTER MANUFACTURER	ENTER TYPE		ENTER COLOR	ENTER FINISH		
WD-4A	WOOD	ACCOYA	DELTA MILLWORKS	WOOD SILL		TBD	TBD		TO MATCH SIDING

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02 NORTH ELEVATION EAST
 SCALE: 1/4" = 1'-0"



01 NORTH ELEVATION WEST
 SCALE: 1/4" = 1'-0"

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LEVARY RESIDENCE
 CRESTED BUTTE, COLORADO

Preliminary Pricing Set - NOT FOR CONSTRUCTION

SHM PROJECT #
23-084

ISSUE DATE
JUNE 11, 2024

NORTH EXTERIOR ELEVATIONS

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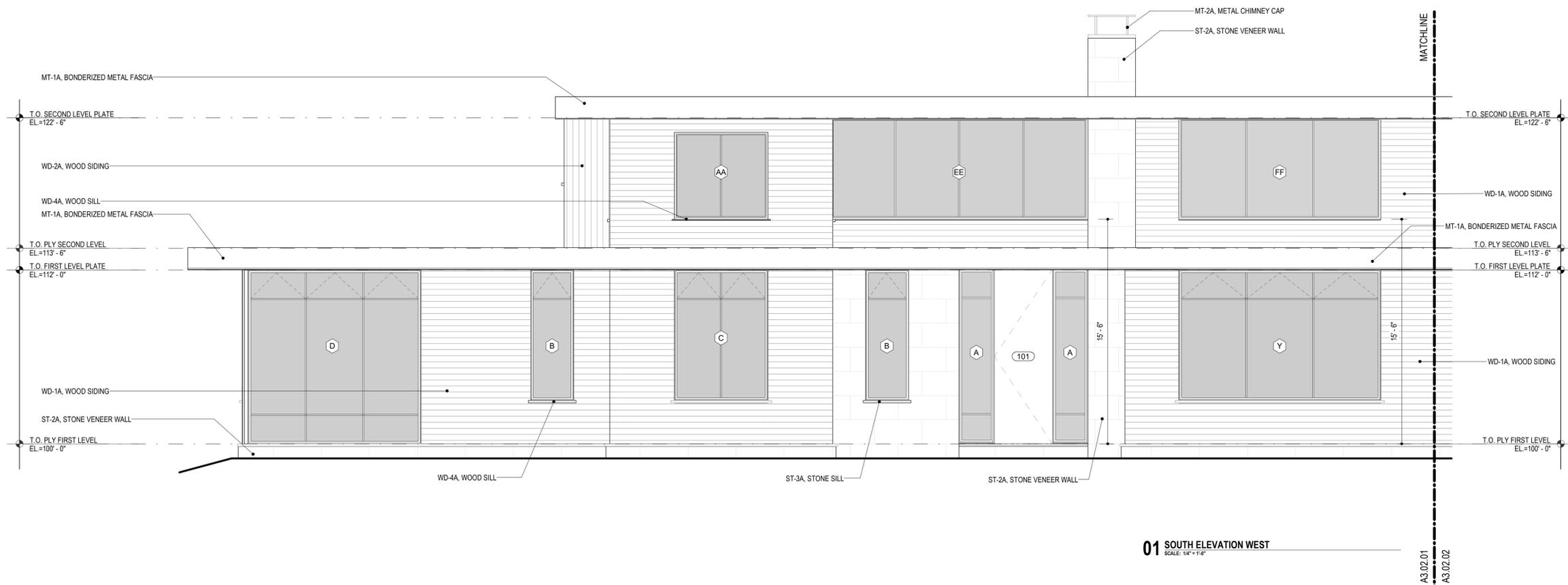
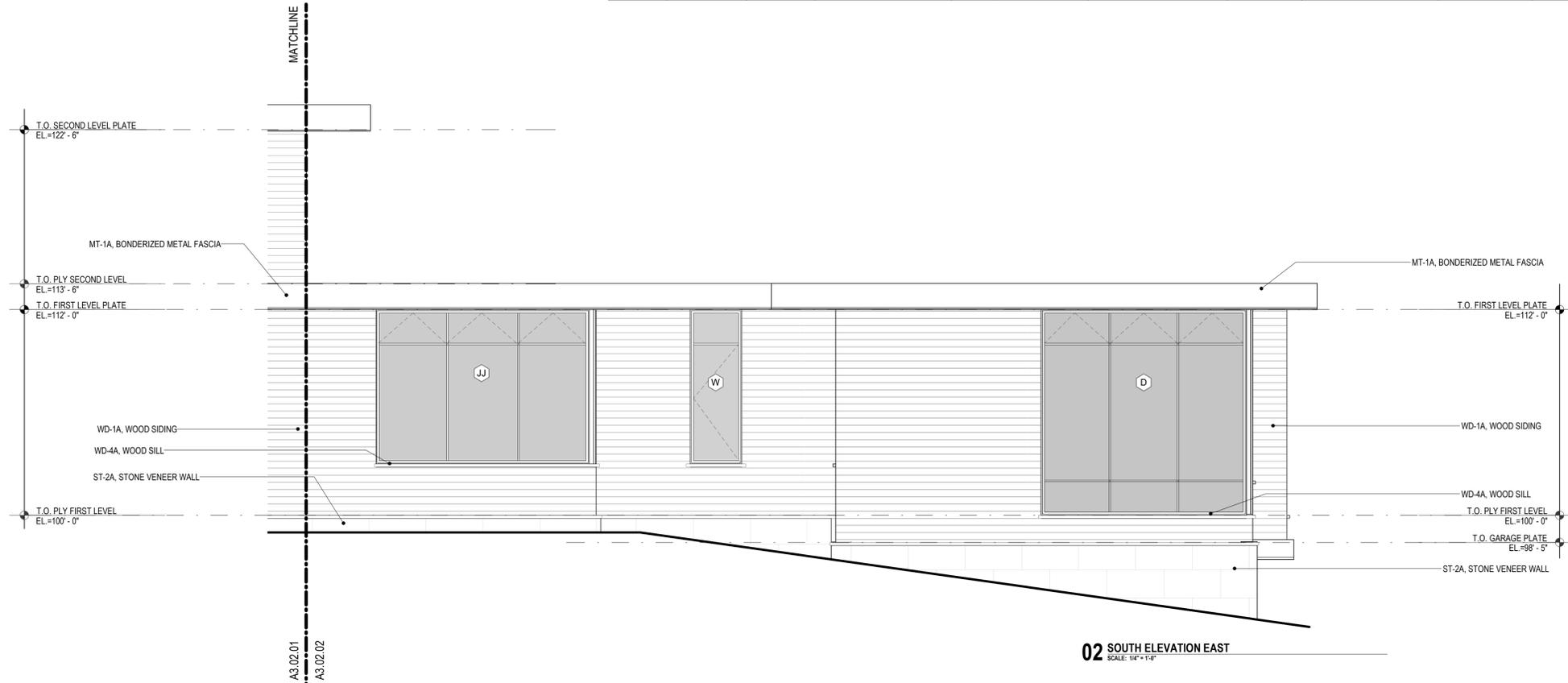
EXTERIOR FINISH SELECTION

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MT-2A	METAL		TBD	CHIMNEY CAP			BONDERIZED		
ST-2A	STONE		TBD	LIMESTONE VENEER		TBD	SPLIT FACE		
ST-3A	STONE		TBD	LIMESTONE SILL		TBD	SPLIT FACE		TO MATCH STONE VENEER
ST-5A	STONE		TBD	ENTER TYPE		ENTER COLOR	ENTER FINISH		
WD-1A	WOOD	ACCOYA	DELTA MILLWORKS	HORIZONTAL SHIPLAP		TBD	TBD		
WD-2A	WOOD	ACCOYA	DELTA MILLWORKS	VERTICAL SHIPLAP		TBD	ENTER FINISH		
WD-3A	WOOD		ENTER MANUFACTURER	ENTER TYPE		ENTER COLOR	ENTER FINISH		
WD-4A	WOOD	ACCOYA	DELTA MILLWORKS	WOOD SILL		TBD	TBD		TO MATCH SIDING

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LEVARY RESIDENCE
 CRESTED BUTTE, COLORADO
 Preliminary Pricing Set - NOT FOR CONSTRUCTION

SHM PROJECT #
 23-084

ISSUE DATE
 JUNE 11, 2024

SOUTH EXTERIOR ELEVATIONS

A3.02



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LEVARY RESIDENCE
 CRESTED BUTTE, COLORADO

Preliminary Pricing Set - NOT FOR CONSTRUCTION

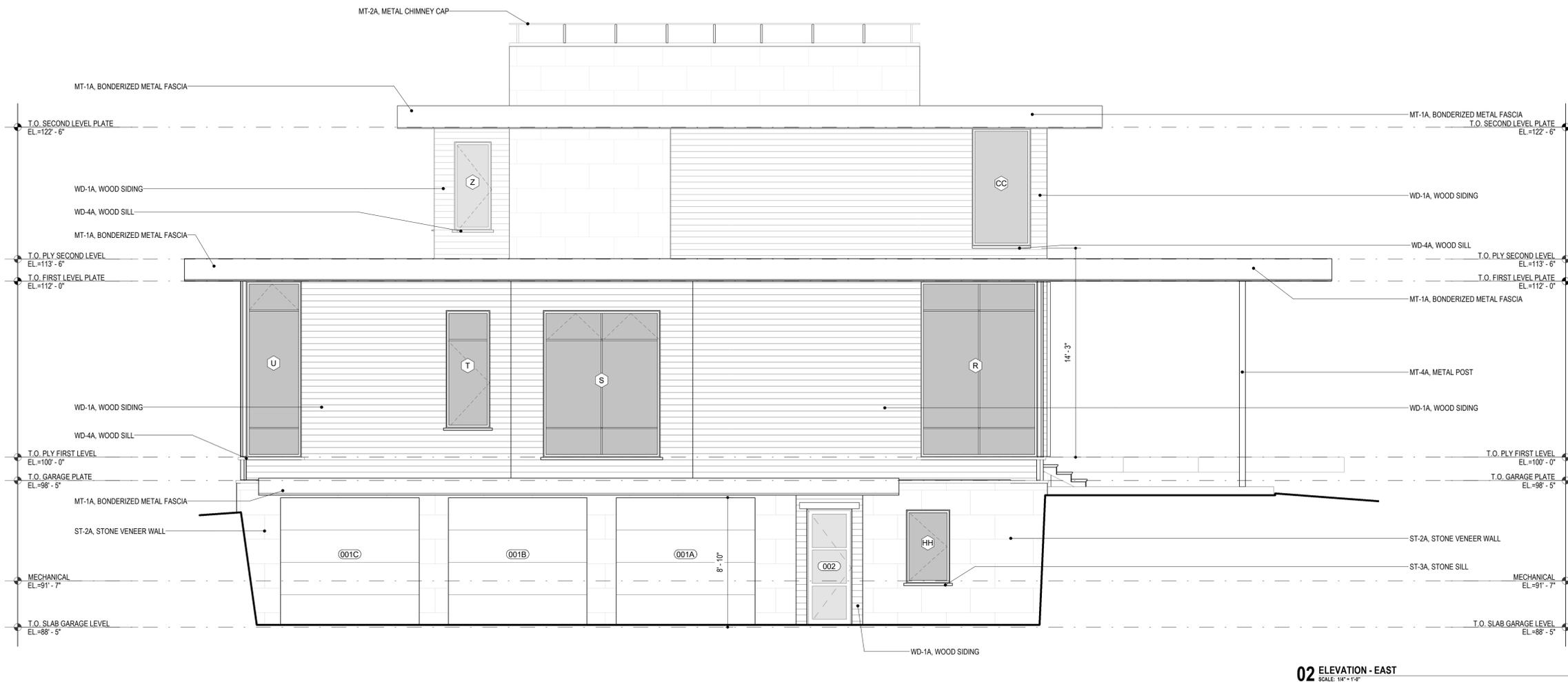
SHM PROJECT #
 23-084

ISSUE DATE

JUNE 11, 2024

EXTERIOR ELEVATIONS - EAST & WEST

A3.03



02 ELEVATION - EAST
 SCALE: 1/4" = 1'-0"



01 ELEVATION - WEST
 SCALE: 1/4" = 1'-0"

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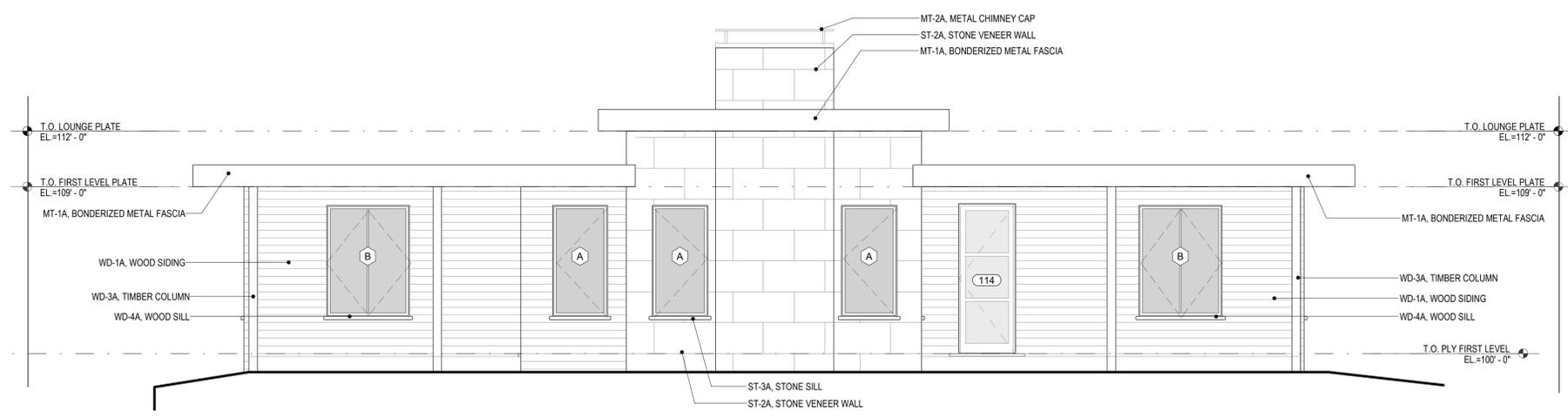
LEVARY RESIDENCE - CASITA
 CRESTED BUTTE, COLORADO
 Preliminary Pricing Set - NOT FOR CONSTRUCTION

SHM PROJECT#
23-084

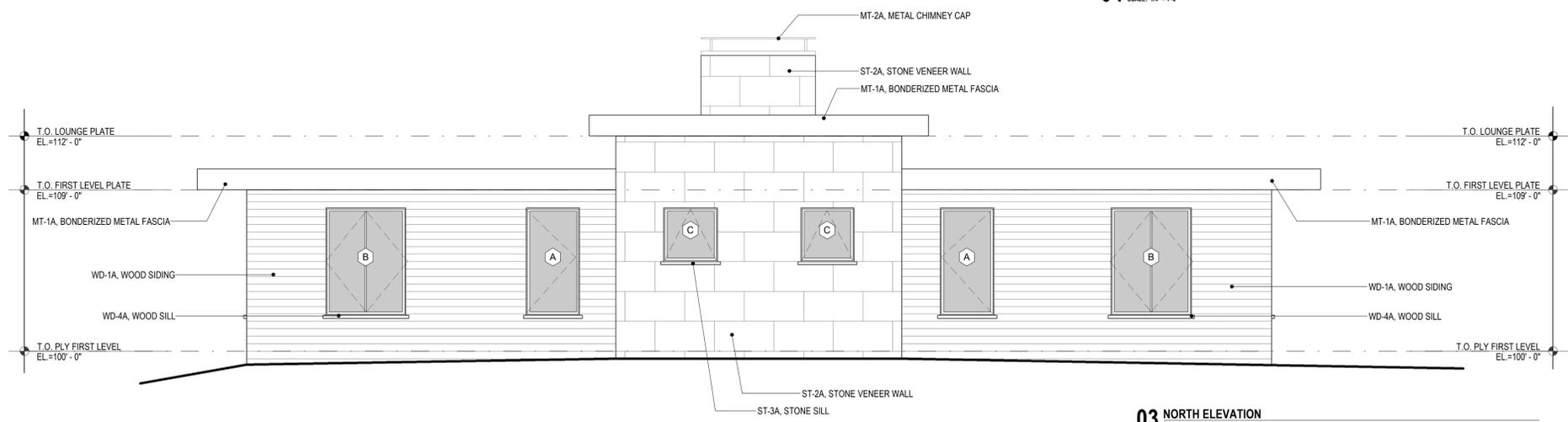
ISSUE DATE
JUNE 06, 2024

EXTERIOR ELEVATIONS

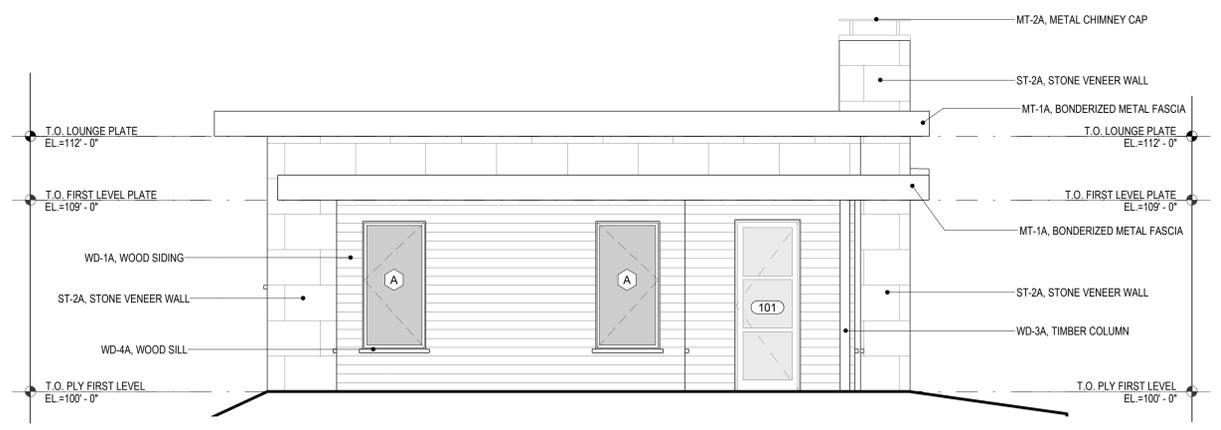
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04 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



03 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



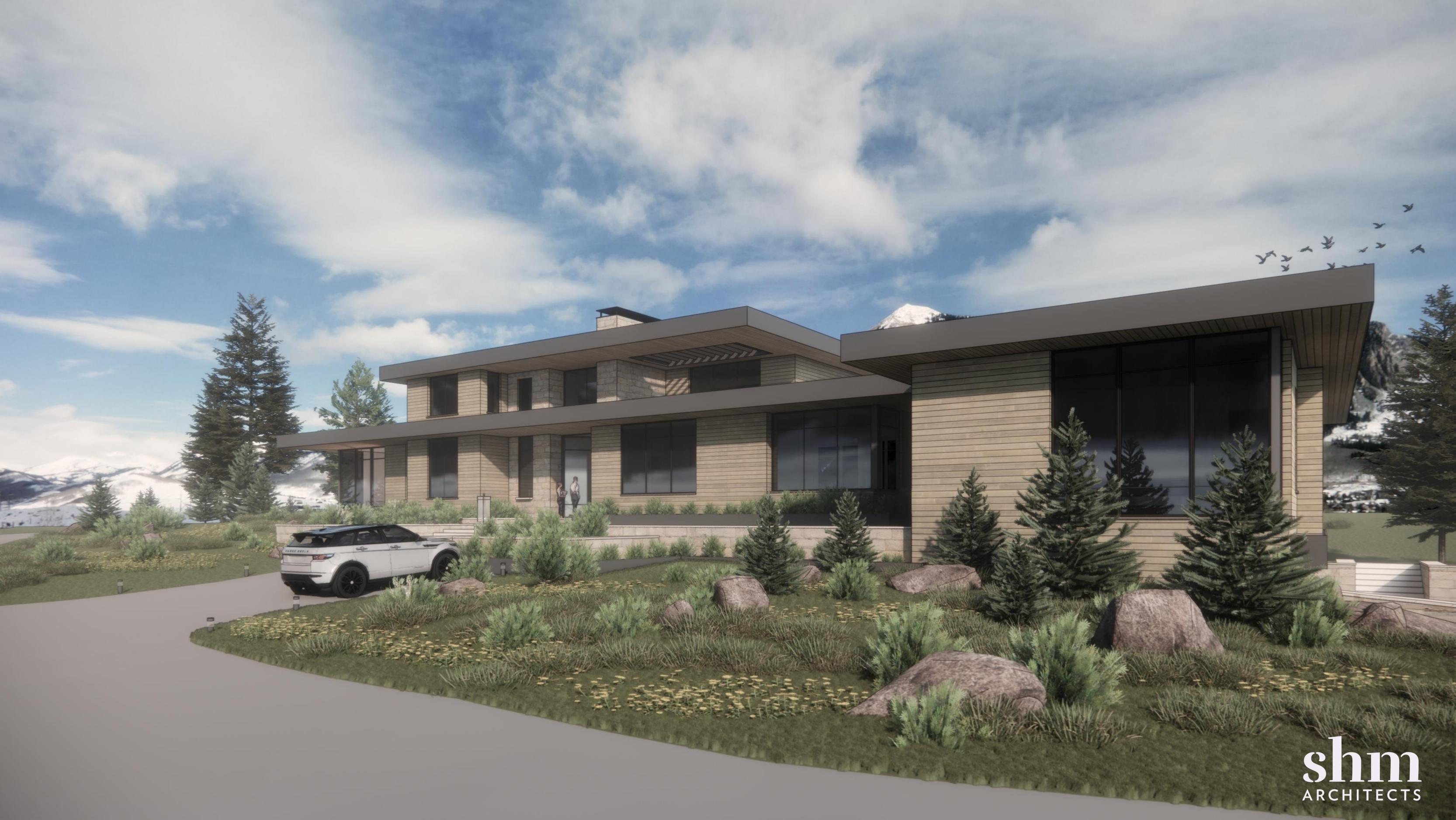
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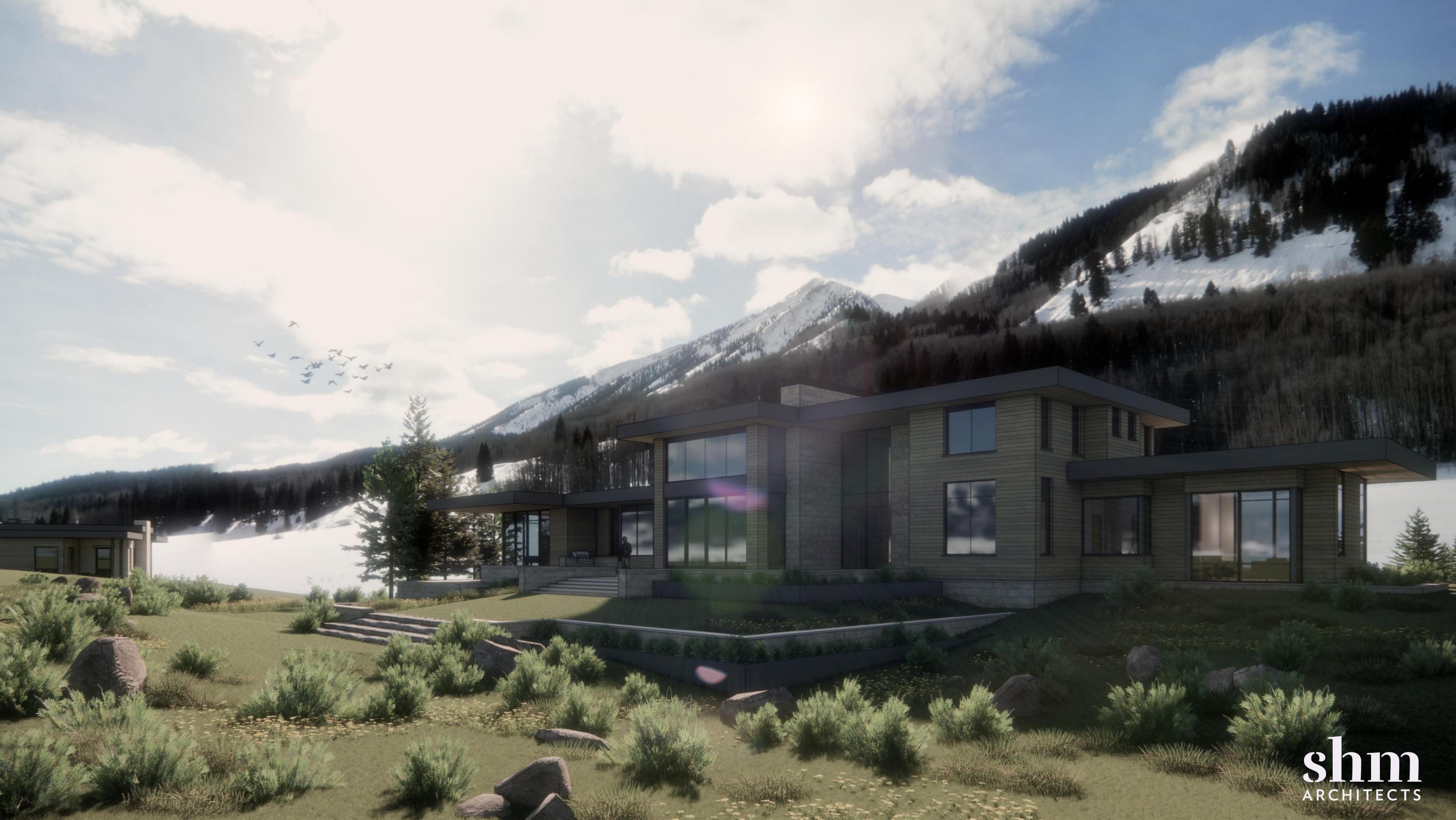
01 EAST ELEVATION
 SCALE: 1/4" = 1'-0"

















TO: Planning Commission

SUBJECT: Planning Commission Decision
Levary Minor Impact
LUC-24-00023

DATE: August 15, 2024

PREPARED BY: Rachael Blondy

At its regular scheduled public hearing meeting on August 15, 2024 the Planning Commission _____ the following Minor Impact Decision in a ___ to ___ vote, motioned by _____ and seconded by _____.

PROJECT DESCRIPTION:

The Applicant proposes to build a 5,935 square feet Main House, including an attached garage of around 837 square feet, and a Casita, 1,052 square feet of residential living space, with a total aggregate living area of 6,987 square feet on Ranch 2, Whetstone Mountain Ranch, commonly known as 228 Willow Lane, Crested Butte, CO. Because the Main House is greater than 5,000 square feet, the project is classified as a Minor Impact Project.

PLANS/REPORTS/SUBMITTALS:

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

- Application 4/23/2024
- Site Plan 4/23/2024
- Whetstone Ranch Plat 4/23/2024
- Well Permit 4/23/2024
- Wetlands Overlay Plan 4/23/2024
- Crested Butte Fire Protection District Comments 5/6/2024
- The Town of Crested Butte Comments 5/23/2024
- Elevations, Renderings 7/3/2024
- Planning Commission Staff Memo 7/3/2024
- Planning Commission Staff Report 7/3/2024
- Planning Commission Staff Memo 8/8/2024

IMPACT CLASSIFICATION:

The Impact Classification for this project is a Minor Impact Project, based upon classification found in Section 6-102:B – *Maximum Building Size Larger Than 5,000 sq. ft. And Aggregate Square Footage Larger than 7,000 sq. ft.*

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the application on the following dates:

- July 11, 2024 Work session
- August 15, 2024 Public Hearing

SITE VISIT:

The Planning Commission determined that a site visit was not necessary, as many of the Commissioners were familiar with the area.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via email on May 2, 2024 to the following agencies:

- Town of Crested Butte – Troy Russ
- Crested Butte Fire Protection District – Ric Ems
- Gunnison County Public Works – Martin Schmidt (No comments received)

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

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

Section 9-101:E Standards for Development of a Detached Secondary Residence or Secondary Structure Intended for Sleeping

The proposed second residence, referenced to as the Casita, is adjacent to the proposed Main House, and will share water supply and an OWTS. The development has adequate parking, exists within a building envelope and abides by the Whetstone Mountain Ranch subdivision covenants.

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

The building envelope, on the south 1/3 of the parcel, is mapped as no geologic hazard. The north 2/3 of the parcel is mapped as mudflow-debris fan area. The building will be contained to the no geologic hazard area.

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

All future development will be required to comply with applicable Fire and WUI codes at time of permit. All future development will need to be referred to and reviewed by Crested Butte Fire Protection District (CBFPD).

Section 11-107: Protection of Water Quality

The building envelope is 55 feet away from a National Wetland Inventory mapped wetland. The building will not fall within the restrictive inner buffer of 25 feet, or the variable outer buffer of 25 feet from the top of slope. However, the building will be within 125 feet of the wetland.

The Applicant will be required to meet the standards set in Section 13-117: Drainage, Construction and Post-Construction Storm Water Runoff at time of building permit. This might include silt fencing.

Section 11-109: Development that Affects Agricultural Lands

Whetstone Mountain Ranch Protective Covenants allow for a Lessee to run livestock on the Common Areas of the subdivision. The Covenants allow individual property owners to fence five acres of their property, surrounding their building envelope. This application will not impact the Common Area, nor any livestock that might be on the property.

Section 12-103:A – Compliance with Road and Bridge Construction Standards

Public Works did not provide any comments during the referral period for this Project. The Applicant will be required to obtain either an Access Permit or Access Review at the time of building permit.

Section 12-105: Water Supply.

The parcel has well permit #235990, issued on September 24, 2001.

“The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns.”

Section 12-106: Wastewater Treatment

The proposed development will be served by an OWTS. The applicant has not yet submitted an OWTS application. The OWTS will be professionally designed for the applicable waste load.

12-107: Fire protection

Applicant will be required to work with the Crested Butte Fire Protection District to ensure they meet standards.

CBFPD Comments were provided on May 6, 2024:

- The proponent has reached out to CBFPD and completed a Plan Application.
- Upon receipt of payment we will perform a plan review on 228 Willow.
- We have no issues with the Land Use Change at this time

13-102:B – Location within Municipal Three-Mile Plan

There is no adopted municipal three mile plan with the Town of Crested Butte.

The Town of Crested Butte provided comment on May 23, 2024.

“The Town of Crested Butte understands that application #LUC-24-00023 for Ranch 2, Whetstone Mountain Ranch meets the allowed sf of the LUR as it is written. The Town requests that the County evaluate lowering the allowed floor areas during the upcoming Corridor Study.”

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

The site and building plans will meet County standards at time of building permit. Applicant has not yet submitted engineered building plans.

Site plan does include subdivision building envelope. Proposed development is within building envelope.

Elevations indicate that the building will be about 22.5 feet tall, not including the chimney. Per LUR Section 13-103:H.1.a FLAT ROOFS, structures with flat roofs shall not exceed 30 feet in height.

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

The site plan meets County setback requirements of 25' front setback and 15' side and rear setbacks. The building envelope is 123, 180 and 210 feet from the closest property boundaries. All buildings are within the building envelope.

Section 13-105:G – Impact Classification And Required Findings For Coverage Exceeding Standard

Pursuant to LUR 13-105:G, application must meet the standards of this section in order to exceed the maximum building size.

Section 13-105:G.1.a – Minimize Visibility Of Structure By Siting

The proposed Main House and Casita are sited behind and below an existing berm. This topography will natural screen the buildings to the maximum extent feasible.

Section 13-105:G.1.b – Minimize Visibility Of Structure By Screening

The proposed Main House and Casita will follow architectural techniques (including colors that blend with the natural background, forms, and textures of the site, non-reflectability and clustering) to preserve the natural characteristics of the site. The existing berm and other natural forms are acceptable as screening.

Section 13-105:G.1.c – Location Of Utilities Underground

All utilities are to be located underground.

Section 13-105:G.2 – Obtrusive Visibility Shall Cause Denial

The building need not be invisible in order to meet the standards of this section, as this residence, along with other residences within the subdivision are visible from CO-135. The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.”

The proposed Main House and Casita will be visible from CO-135. The house is sited behind, to the west, of a small hill, which provides a natural berm and screening for the lower portion of the house. As is, the parcel has minimal large vegetation, but given the size of the parcel, and that the well allows for one acre of watering, there is an opportunity for vegetative buffering. The building need not be invisible to meet the standards of this section, and other residences within the subdivision are visible from CO-135.

Section 13-110: Off-Road Parking and Loading

Application is for a four (4) bedroom residence. The minimum required parking spaces is three (3) spaces, with a two car garage and a parking space in the motor court. The Casita requires two (2) parking spaces, which is accounted for in the motor court.

Section 13-112: Snow Storage.

Applicant has not yet submitted building plans. The site plan will meet County requirements for snow storage upon building permit application.

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

Because development will be within 100 feet of a water body or a mudflow, applicant will be required to have a Colorado licensed engineer design a drainage plan. This drainage plan will be reviewed at the time of building permit.

Section 13-119: Standards to Ensure Compatible Uses.

The project is consistent with the neighboring uses.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The project is classified as a Minor Impact Land Use Change pursuant to Section 6-102:B – Maximum Building Size Larger Than 5,000 sq. ft. And Aggregate Square Footage Larger than 7,000 sq. ft.
2. The proposed development is consistent with the residential development within the subdivision.
3. PC finds that the proposal meets Section 13-106.G1.b. as it is currently sufficiently screened by an existing berm and no additional screening or landscaping is required.
4. The project meets or exceeds the standards of Section 13-105:G.1 Finding of No Obtrusive Visibility Required for Approval and Section 13-105:G.2 Obtrusive Visibility Shall Cause Denial by_____.
5. This application is consistent with the standards and requirements of this Resolution.
6. 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.

DECISION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-24-00023 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. A Gunnison County Reclamation Permit shall be required for any site disturbing activities on this parcel. That permit shall contain specific reclamation conditions. Disturbed areas shall be reseeded with an approved seed mix. For activities not requiring a Reclamation Permit, disturbed areas shall be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.

3. Property owners shall control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weedspecies The Gunnison County Weed Management Program should be contacted (970-641-4393) for additional information and technical assistance.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. 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.
6. 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.
7. 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.



Sean Pope, Planner

(970) 641-7981

spope@gunnisoncounty.org

www.GunnisonCounty.org

To: Gunnison County Planning Commission

RE: LUC-24-00026 | Minor Impact | Work Session | Moore/Redick, Aggregate Floor Area over 7,000 Square Feet

Memo Date: August 8, 2024

Public Hearing Date: August 15, 2024

1. Updates July 18 Work Session Memo

Staff has carried over the memo from the July 18, 2024 work session for reference. Planning Commission discussed the project and no concerns were raised during the work session. Per the direction of Planning Commission, Staff scheduled the public hearing and drafted a decision document for review (Exhibit C).

2. Summary

The Applicants, Dave Redick & Deedee Moore, represented by Jered Wilkinson, propose to construct a 1,200 sq. ft. horse barn, with no plumbing or utilities, on Lot 26 of the Star Mountain Ranch Subdivision at [397 Star Mountain Drive, Gunnison, CO](#) A 3,444 sq. ft. single family residence with a 2,687 sq. ft. garage was constructed on the parcel in 2017 under Building Permit no. BP-17-00234. The addition of the proposed horse barn puts the aggregate square footage to 7,331 sq. ft, exceeding the maximum aggregate square footage by 331 sq. ft. The location of the barn is within a mature stand of aspens approximately 60' to the northeast of the existing residence. Staff has summarized the following below: compliance with the applicable sections of the Land Use Resolution (LUR).

3. Compliance with Applicable Standards of the Land Use Resolution

The proposal has been reviewed for compliance with applicable standards of the Land Use Resolution in Exhibit A, *Staff Report*. Staff analyzed documents submitted with the application, referral agency comments, and evaluated these against the applicable standards of the LUR.

The building site, located on Lot 26 of the Star Mountain Ranch Subdivision, consists of a steep grade with native scrub brush, aspen and pine trees on the west side, with the eastern side having a gentle westward slope and mostly consisting of aspens. Due to the location of the proposed barn being more than 50' away from the existing residence, the International Wildland Urban Interface Code, as amended and adopted by Gunnison County, does not apply to the structure.

9-508 – Keeping of Livestock Not on an Agricultural Operation

- A. *LIVESTOCK AND SMALL ANIMALS ALLOWED WITH NO LAND USE CHANGE PERMIT. The keeping of livestock and domestic animals on property other than an agricultural operation is permitted without a Land Use Change Permit subject to the following standards:*

Staff response: This project qualifies as “keeping of livestock not on an agricultural operation,” as the horse is not to be used for an Agricultural Operation. See Exhibit C – Section 9-508. Applicant Responses attachment for the complete Applicant response to this Section. Below are the standards of this Section, along with staff responses below each bullet.

1. *CONFINEMENT TO THE SITE. Animals shall be confined to the parcel on which the primary use is located unless with the owner.*
 - a. The horse will remain onsite and within the confines of the fence, except when taken out for rides.

2. *DISPOSAL OF MANURE. Manure may be composted, used as fertilizer on meadows, or removed at least every six months from the property.*
 - a. Per the Applicant, “a 6’ X 10’ dump trailer with plastic bed liner will be emptied every month.”

3. *DISTANCE FROM LOT LINES AND WATER. Manure piles shall be located a minimum of 40 feet from any lot line and 150 feet from any well, stream or water body. Manure shall be stored so as to protect surface and groundwater*
 - a. The proposed barn and paddock are 157’ from onsite well. The nearest property line is 156’ away from the barn and approximately 40’ from the fenced area. Additionally, the manure will be stored in the dump trailer and emptied monthly.
 - b. The dump trailer is 187’ from the subject property well, 173’ and +>200’ from adjacent property lines, and the trailer will be lined to prevent seepage and covered to reduce nuisance odors.

4. *ODOR CONTROL. Animals shall not be allowed to create excessive odor problems or present a health hazard to neighbors or surrounding lands.*
 - a. There will be routine cleaning of the stall and paddock. The dump trailer will be kept covered. Absorbent pine shavings/pellets will be used to control urine odor. The Applicant adds that they will be the closest to the barn/paddock, so it is in their best interest to minimize any odors.

5. *DRAINAGE FACILITIES. Adequate drainage facilities or improvements shall be provided by the landowner and constructed to prevent any adjacent land or natural drainages from receiving runoff containing contaminants including sediment or organic wastes.*
 - a. The Applicant does not propose any additional drainage facilities for the proposed barn. The closest neighboring property is 156 feet away, and the potential for contaminated runoff will be reduced by the storage of manure in a dump trailer that is regularly emptied off-site.

6. *VEGETATION STANDARDS. The following vegetation requirements shall apply only to land uses other than agricultural operations.*
 - a. *NATURAL RESOURCES CONSERVATION SERVICE GUIDELINES. Recommendations of the Natural Resource Conservation Service may be utilized in determining the maximum devegetation per lot area.*

b. MAINTENANCE OF VEGETATION. The site, excluding the area that is allowed to be devegetated, must be maintained with vegetative groundcover. Vegetative groundcover includes native plants or introduced grasses and forbs, but does not include weeds on bare dirt. The minimum amount of vegetative groundcover required shall comply with the Section 13-115: Reclamation and Noxious Weed Control. Natural rock outcroppings shall not count towards the maximum area that may be devegetated.

*i. Applicant proposes to reseed disturbed areas with native wildflowers and grasses with a seed mix from Western Native Seeds. See the *Proposed Native Seed Mix* for details. The only devegetated area will be the paddock. The remainder of the grounds will be required maintain groundcover to comply with the standards of this section.*

7. NONDOMESTIC/EXOTIC ANIMALS.

a. The Applicant does not propose the husbandry of nondomestic and/or exotic animals.

13-105 :G – Impact Classification and Required Findings for Coverage Exceeding the Standard

a. FINDING OF NO OBTRUSIVE VISIBILITY REQUIRED FOR APPROVAL. The structure(s) is found not to be obtrusively visible. Elements to minimize such visibility shall include:

i. MINIMIZE VISIBILITY OF STRUCTURE BY SITING. The proposed Project and structures have been sited and shall be constructed using existing topography and natural vegetation for screening to the maximum extent feasible, to minimize the visibility of each structure from outside of the parcel on which it is to be built. During construction and use, disturbance and removal of existing vegetation outside of the permanent footprint of the structures shall be constrained to the maximum extent feasible, and restored substantially to its preconstruction state, to the maximum extent feasible; and

Staff response: Proposed barn is located in the middle of an existing aspen grove 230' from Star Mountain Drive. The structure appears to be fully screened by existing aspen trees from the road and neighboring properties during the summer, and significantly screened throughout the winter.

b. MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING. After such siting, any structure that would be obtrusively visible from outside of the parcel on which it is to be built shall be screened to the maximum extent feasible from such visibility to preserve the natural characteristics of the site by natural vegetation, landscaping and architectural techniques (including colors that blend with the natural background, forms, and textures of the site, non-reflectability and clustering). Natural land forms are acceptable as screening; earth berming is acceptable only if it replicates the natural forms, scale and characteristics of the site. Deciduous vegetation of adequate density in its non-foliage season to provide effective screening is acceptable in combination with other screening techniques.

Staff response: In addition to the existing screening, the Applicant states that the “Barn will be clad in Metal siding that matches the existing home which is of a color and texture that resembles Aspen trees.” See the *Building Plans* for further details.

- c. *LOCATION OF UTILITIES UNDERGROUND. Utilities shall be located and installed, to the maximum extent feasible, to not be visible. If installed underground, the natural environment disturbed by installation shall be restored to the maximum extent feasible to its condition before the utilities were installed.*

Staff Response: No utilities are proposed.

- d. *OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL. If, after such siting and screening, any portion of a structure is obtrusively visible from outside of the parcel on which it is to be built, that portion of the Project shall be denied. In order to meet this standard, the entire structure need not be invisible from outside of the parcel on which it is to be built.*

Staff Response: The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.” The project is mostly, if not entirely screened by existing vegetation and the exterior materials appear to blend in with the natural vegetation.

3. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click “Projects”, search by application number LUC-24-00026 . Click on “Attachments”.

- A. LUC-24-00026 - Staff Report for Minor Impact
- B. LUC-24-00026 – Site Plan
- C. Draft Decision Document



**GUNNISON COUNTY, COLORADO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT for MINOR IMPACT**

Land Use Change Permit Application: Moore/Reddick Horse Barn
 Application No: LUC-24-00026
 Date application scheduled with Planning Commission: August
 15, 2024
 Prepared by: Sean Pope

Applicant Name:	Dave Redick & Deedee Moore, represented by Jered Wilkinson
Property Owner Name:	Dave Redick & Deedee Moore
Project Description:	The Applicants propose to construct a 1,200 sq. ft. horse barn on Lot 26 of the Star Mountain Ranch Subdivision. A 3,444 sq. ft. single family residence with a 2,687 sq. ft. garage was constructed on the parcel in 2017 under building permit no. BP-17-00234. The addition of the proposed horse barn puts the aggregate square footage to 7,331 sq. ft, exceeding the maximum aggregate square footage by 331 sq. ft. The location of the barn is within a mature stand of aspens approximately 60' to the northeast of the existing residence.
Property Location:	Lot 26, Star Mountain Ranch Subdivision. AKA 397 Star Mountain Dr., Gunnison County, CO
Surrounding Land Uses:	Lots 25, 27 and 31 of Star Mountain Ranch Subdivision. All 35+ acres and classified as 'mixed use' according to the Assessors website. One 79 acre parcel to the west, also classified as 'mixed use'
Agency and Department Review:	A copy of the application was sent to the following referral agencies by email on May 31, 2024 date: Gunnison County Public Works – Martin Schmidt (No Comments Received) Gunnison County Building and Environmental Health Official – Crystal Lambert (No Comments Received) Colorado Parks and Wildlife (CPW) – Clayton BonDurant Gunnison County Fire Protection District (GCFPD) – Hugo Ferchau Colorado Geologic Survey (CGS)
Pre-Application Conference:	N/A
Status of Application:	Complete
Attached Exhibits:	You may review the entire application at https://permitdb.gunnisoncounty.org/citizenaccess , click "Projects", search by application number LUC-24-00026 . Click on "Attachments".

Planning Commission Tasks at Initial Work Session:		<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Set site visit date — Determine if application is ready to be set for public hearing, or if other work session is required
Initial Impact Classification:		Minor Impact Project, based upon classification found in <i>Section 6-102:G – Maximum Building Size Larger than 5,000 sq. ft and Aggregate Square Footage Larger than 7,000 sq. ft.</i>
Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)		<p>Demand for public services. The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p>Impacts on impact area and the environment. The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p>Impacts related to all existing and proposed development and proposed development in impact area. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
APPLICABILITY OF LAND USE RESOLUTION STANDARDS:		
STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation

9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>The Applicant proposes a 1,200 sq. ft. horse barn for a single horse. This project qualifies as “keeping of livestock not on an agricultural operation,” as the horse is not to be used for an Agricultural Operation. View the <i>Section 9-508 - Applicant Responses</i> attachment for the complete Applicant response to this Section.</p> <p>A. LIVESTOCK AND SMALL ANIMALS ALLOWED WITH NO LAND USE CHANGE PERMIT. The keeping of livestock and domestic animals on property other than an agricultural operation is permitted without a Land Use</p>

		<p>Change Permit subject to the following standards (staff response included below each section):</p> <ol style="list-style-type: none"> 1. CONFINEMENT TO THE SITE. <ol style="list-style-type: none"> a. Horse will remain onsite and within the confines of the fence, except when being taken out for rides. 2. DISPOSAL OF MANURE. <ol style="list-style-type: none"> a. Per the Applicant, "a 6' X 10' dump trailer with plastic bed liner will be emptied every month." 3. DISTANCE FROM LOT LINES AND WATER. <ol style="list-style-type: none"> a. Barn and Paddock are 157' from onsite well. The nearest property line is 156' away from the barn and approximately 40' from the fenced area. 4. ODOR CONTROL. <ol style="list-style-type: none"> a. There will be routine cleaning of the stall and paddock. The dump trailer will be kept covered. Absorbent pine shavings/pellets will be used to control urine odor. 5. DRAINAGE FACILITIES. <ol style="list-style-type: none"> a. The Applicant does not propose any additional drainage facilities for the proposed barn. Staff believes that the distance to the neighboring properties is sufficient to mitigate any adverse impacts to neighboring properties. 6. VEGETATION STANDARDS. <ol style="list-style-type: none"> a. NATURAL RESOURCES CONSERVATION SERVICE GUIDELINES. b. MAINTENANCE OF VEGETATION. The minimum amount of vegetative groundcover required shall comply with the Section 13-115: Reclamation and Noxious Weed Control. <ol style="list-style-type: none"> i. Applicant proposes to reseed with native plant species. See the <i>Proposed Native Seed Mix</i> for details.
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		7. NONDOMESTIC/EXOTIC ANIMALS. a. N/A
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application is not for a residential subdivision
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application is not for a residential subdivision
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application is not for commercial or industrial uses
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant shall comply to the maximum extent feasible to the standards of this Section.
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located within a flood hazard area
11-104: Development in geologic hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Parcel is located within a mapped as potentially unstable slopes according to County mapping. Applicant has provided the original geotechnical report prepared by Daniel E. Hardin, P.E., titled "Subsoil Study for Foundation Design, Proposed Residence, Lot 26, Star Mountain Ranch, 397 Star Mountain Drive, Gunnison County, Colorado," dated January 6, 2017. Geotechnical reports are valid for 5 years, so the Applicant contacted the geotechnical firm who conducted the original study and obtained a stamped letter from Daniel E. Hardin, P.E., titled "Subsoil Study for Foundation Design, Proposed Residence, Lot 26, Star Mountain Ranch, 397 Star Mountain Drive, Gunnison County, Colorado," dated</p> <p>September 26, 2023, which provided foundation recommendations for the proposed barn and confirmed that applicable recommendations in the original letter should be followed. The foundation plans included within building permit BP-24-00083 have been designed in accordance with the recommendations within the geotechnical reports.</p> <p>In a letter from Jill Carlson, C.E.G., Engineering Geologist, dated June 26, 2024, she concluded that "CGS has no objection to</p>

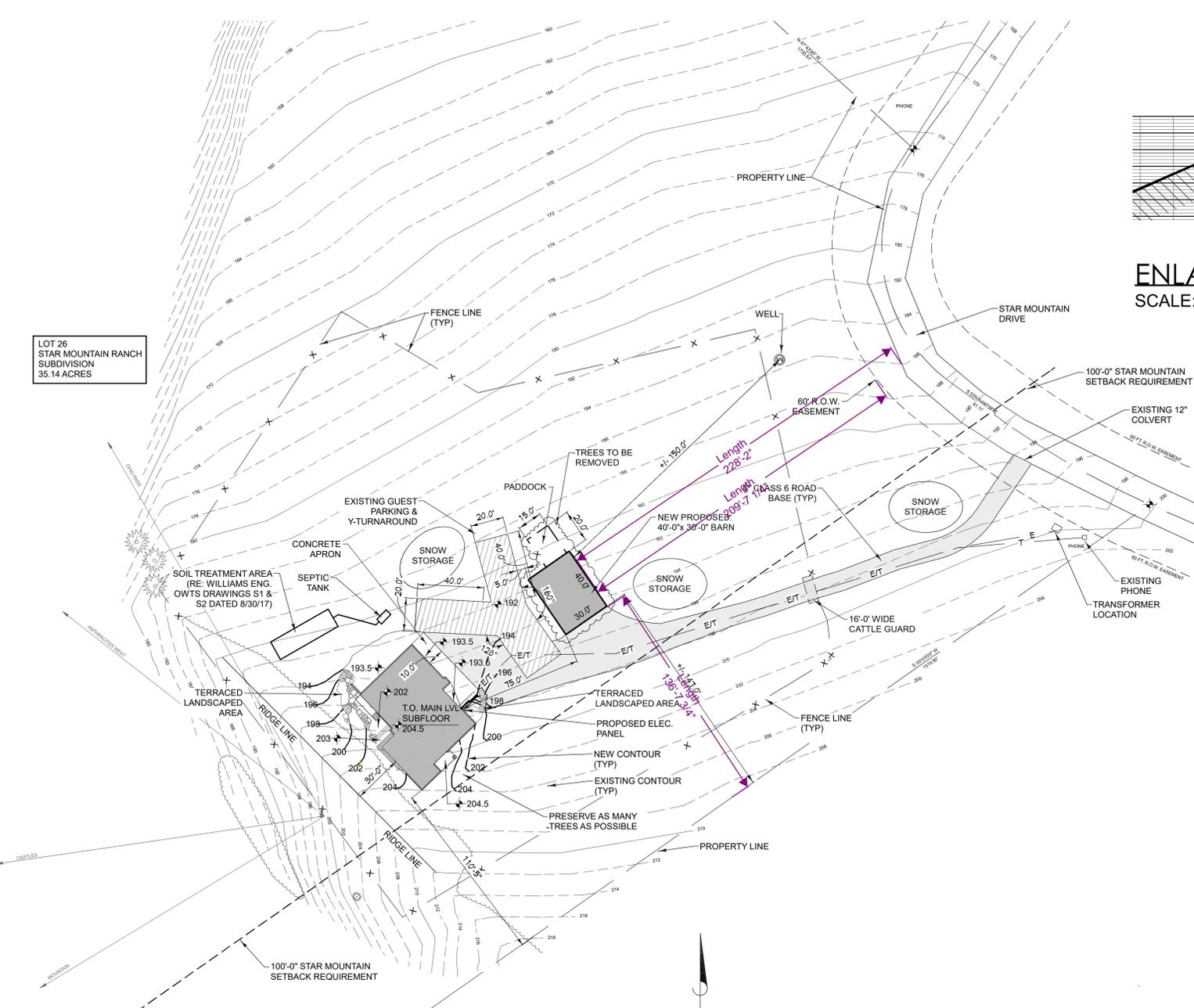
		approval of LUC-24-00026.”. See <i>CGS Comments</i> for complete letter.
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Parcel is located within a high wildfire hazard area according to County mapping. The proposed barn is located more than 50’ away from the single family residence, which means the IWUIC requirements do not apply. Staff adds that the barn is located within a mature aspen stand, and according to the Colorado State Forest Service, mature aspen stands do not need to be thinned to create defensible space around structures.
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Project is located within an elk and mule deer migration corridor. In an email from Clayton BonDurant, District Wildlife Manager for Gunnison West – Area 16, dated June 11, 2024, stated that CPW did not have any formal comments for this project. However, it provided information about how to reduce human-bear conflicts, information about fencing and household pets.
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, application not located within 125’ of any water body
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located along any ridgeline, as shown on the <i>Site Plan</i> which has Ridgeline Vantage Analysis shown for the residence.
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Language shall be included in any recommendation of approval that complies with this Section.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located beyond snowplowed access.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located within an inholding in national wilderness
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located above timberline.
12-103: Road system	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no road system proposed
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project does not impact any trail systems
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant has a well permitted for “...ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one(1) acre of home gardens and lawns.” The well permit number is 302504.
12-106: Wastewater treatment	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no wastewater proposed within this project
12-107: Fire protection	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.

		In an email from Hugo Ferchau, Chief with Gunnison County Fire Protection District, stated that he had no issues with the project as proposed.
13-102: B.: Location within municipal three-mile plan area	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located within a municipal three-mile plan area
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The parcel is over 35-acres in size and the building height of the proposed barn is less than 30'. The project as proposed complies with the standards of this section.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The proposed barn is located over 200' away from the nearest property line and road right-of-way.
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Applicant proposes to construct a 1,200 sq. ft. horse barn on a parcel of land, approximately 35 acres in size, which contains a 3,444 sq. ft. single family residence with a 2,687 sq. ft. garage. With the construction of the proposed barn, the total aggregate square footage would be 7,331 sq. ft, which is 331sq. ft. above the maximum aggregate square footage allowable without a Minor Impact review.</p> <p>Pursuant to Section 13-105:G – <i>Impact Classification and Required Findings for Coverage Exceeding Standard</i>, the application must meet the standards of this section (below) in order to exceed the maximum building size.</p> <p>a. MINIMIZE VISIBILITY OF STRUCTURE BY SITING</p> <p>Staff response: Proposed barn location is located in the middle of an existing aspen grove 230' from Star Mountain Drive. Based on the existing aspen vegetation, the structure appears to be fully screened from the road and neighboring properties during the summer, and significantly screened throughout the winter.</p> <p>b. MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING.</p> <p>Staff response: In addition to the existing screening, the Applicant states that the “Barn will be cladded in Metal siding that matches the existing home which is of a color and texture that resembles</p>

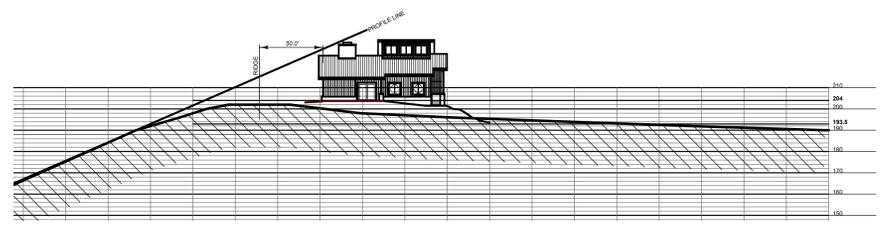
		<p>Aspen trees.” Staff believes that the addition of the natural colors will further minimize the obtrusiveness of the structure.</p> <p>c. LOCATION OF UTILITIES UNDERGROUND.</p> <p>Staff response: No utilities are proposed</p> <p>d. OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL.</p> <p>Staff Response: The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.” The project as proposed does not appear to be visually obtrusive, as it is mostly, if not entirely screened by existing vegetation and the exterior materials appear to blend in with the natural vegetation.</p> <p>Planning Commission will evaluate the project against these standards.</p>
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no solid fuel burning devices proposed within this project
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no signs proposed
13-110: Off-Road Parking And Loading	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no additional parking required for this project
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>The <i>Landscaping Plan</i> submitted shows that there will be minimal clearing of the mature stand of aspens in the location of the barn. The existing vegetation will provide sufficient buffering from adjacent uses. Applicant proposes to revegetate disturbed areas with a native seed mix from Western Native Seeds.</p>
13-112: Snow Storage	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no fencing proposed
13-114: Exterior Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no exterior lighting proposed

13-115: Reclamation And Noxious Weed Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant proposes to control invasive species on site and revegetate disturbed areas with a native seed mix from Western Native Seeds.
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project
13-119: Standards To Ensure Compatible Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Section 13-119:A GENERAL. Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following (staff responses below each section): 1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth. a. The horse barn will be used to house a single horse. The barn will have no utilities and is sited in a location that is hidden from neighboring properties. The applicant has demonstrated compliance with Section 9-508 and staff does not anticipate any hazards are nuisances to neighboring properties. The use of the land remains residential in character. 2. ADVERSE IMPACTS TO ADJOINING LAND. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.

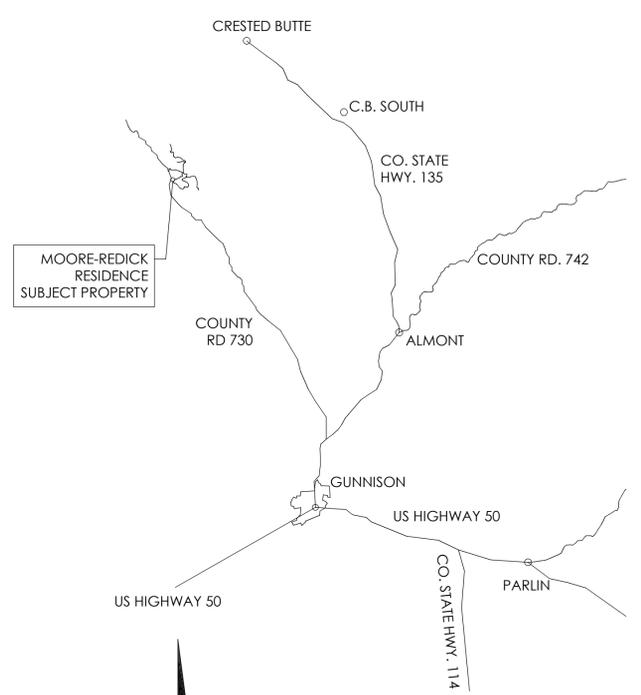
		a. Based on the description above, staff does not believe the project as proposed will cause any significant adverse impacts to adjoining land.
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ENLARGED SITE PLAN
SCALE: 1" = 40.0'



ENLARGED RIDGE LINE PROFILE STUDY
SCALE: 1" = 40.0'



VICINITY MAP
SCALE: N.T.S.

NOMAD
DRAFTING & DESIGN
NOMAD DRAFTING AND DESIGN, LLC
104 EMERALD LN.
GUNNISON, COLORADO 81230
PHONE: (970) 596-8496
EMAIL: damon@nomaddraftingdesign.com

PROJECT TEAM:
ENGINEER:
CONTRACTOR:
JERED WILKINSON
ROYAL CONSTRUCTION, INC.
102 EMERALD LN.
GUNNISON, COLORADO 81230
PHONE: (410) 210-2448
EMAIL: 1royalconstruction@gmail.com

PROJECT NAME:
MOORE-REDICK RESIDENCE
STAR MOUNTAIN RANCH SUBDIVISION
3471 STAR MOUNTAIN DRIVE - LOT 26
GUNNISON, COLORADO 81230

SHEET TITLE:
ENLARGED SITE PLAN

SEAL:

SET ISSUE DATES:
DATE: 04/23/24
ISSUE: BUILDING PERMIT

REVISIONS:

NO.	DATE	DESCRIPTION
1.	7/15/24	SITE PLAN REVISIONS
2.		
3.		
4.		
5.		

DESIGNER: DWP
DRAWN BY: DWP
APPROVED BY:

ENLARGED - SITE PLAN
SHEET NO.
SP1
PROJECT NO. 24-0014
DATE: 07/15/24

TO: Planning Commission

SUBJECT: Planning Commission Decision
Redick/Moore Minor Impact
LUC- 24-00026

DATE: August 15, 2024

PREPARED BY: Sean Pope

At its regular scheduled public hearing meeting on _____ the Planning Commission _____ the following Minor Impact Decision in a ___ to ___ vote, motioned by _____ and seconded by _____ .

PROJECT DESCRIPTION:

The Applicants, Dave Redick & Deedee Moore, represented by Jered Wilkinson, propose to construct a 1,200 sq. ft. horse barn on Lot 26 of the Star Mountain Ranch Subdivision. A 3,444 sq. ft. single family residence with a 2,687 sq. ft. garage was constructed on the parcel in 2017 under building permit no. BP-17-00234. The addition of the proposed horse barn puts the aggregate square footage to 7,331 sq. ft, exceeding the maximum aggregate square footage by 331 sq. ft. The location of the barn is within a mature stand of aspens approximately 60' to the northeast of the existing residence.

PLANS/REPORTS/SUBMITTALS:

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

- Application 5/6/2024
- Site Plan 5/6/24
- Geotechnical report 1/6/2017
- Updated Geotech Letter 9/26/2023
- Colorado Parks and Wildlife (CPW) Comments 6/11/2024
- Colorado Geological Survey (CGS) Comments 6/26/2024
- Gunnison County Fire Protection District Comments 5/30/2024
- Updated Site Plan 7/17/2024
- Site Photo 7/17/2024

IMPACT CLASSIFICATION:

The Impact Classification for this project is a Minor Impact Project, based upon classification found in Section 6-102:B – *Maximum Building Size Larger Than 5,000 sq. ft. And Aggregate Square Footage Larger than 7,000 sq. ft.*

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the application on the following dates:

- July 18, 2024 Work Session

- August 15, 2024 Public Hearing

SITE VISIT:

The Planning Commission did not request a site visit, as the site plan and photo submitted showed the barn location clearly.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via email on May 30, 2024 to the following agencies:

- Colorado Parks & Wildlife (CPW) – Brandon Diamond and Nathan Seward
- Gunnison County Fire Protection District (GCFPD) – Hugo Ferchau
- Gunnison County Building and Environmental Health Official – Crystal Lambert (No comments received)
- Gunnison County Public Works – Martin Schmidt (No comments received)
- Colorado Geological Survey (CGS) – Jill Carlson

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

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

9-508: Keeping of Livestock Not on an Agricultural Operation

The Applicant proposes a 1,200 sq. ft. horse barn for a single horse. This project qualifies as “keeping of livestock not on an agricultural operation,” as the horse is not to be used for an Agricultural Operation. View the Section 9-508 - Applicant Responses attachment for the complete Applicant response to this Section.

Section 9-508:A – Livestock and Small Animals Allowed with No Land Use Change Permit

This project qualifies as “keeping of livestock not on an agricultural operation,” as the horse is not to be used for an Agricultural Operation. See Exhibit C – Section 9-508. Applicant Responses attachment for the complete Applicant response to this Section. Below are the standards of this Section, along with staff responses below each bullet.

Section 9-508:A.1 – Confinement to the Site

The horse will remain onsite and within the confines of the fence, except when taken out for rides.

Section 9-508:A.2 – Disposal of Manure

Per the Applicant, “a 6’ X 10’ dump trailer with plastic bed liner will be emptied every month.”

Section 9-508:A.3 – Distance from Lote Lines and Water

The proposed barn and paddock are 157’ from onsite well. The nearest property line is 156’ away from the barn and approximately 40’ from the fenced area. Additionally, the manure will be stored in the dump trailer and emptied monthly. The dump trailer is 187’ from the subject property well, 173’ and +>200’ from adjacent property lines, and the trailer will be lined to prevent seepage and covered to reduce nuisance odors.

Section 9-508:A.4 – Odor Control

There will be routine cleaning of the stall and paddock. The dump trailer will be kept covered. Absorbent pine shavings/pellets will be used to control urine odor. The Applicant adds that they will be the closest to the barn/paddock, so it is in their best interest to minimize any odors.

Section 9-508:A.5 – Drainage Facilities

The Applicant does not propose any additional drainage facilities for the proposed barn. The closest neighboring property is 156 feet away, and the potential for contaminated runoff will be reduced by the storage of manure in a dump trailer that is regularly emptied off-site.

Section 9-508:A.6.b – Maintenance of Vegetation

Applicant proposes to reseed disturbed areas with native wildflowers and grasses with a seed mix from Western Native Seeds. See the Proposed Native Seed Mix for details. The only devegetated area will be the paddock. The remainder of the grounds will be required maintain groundcover to comply with the standards of this section.

Section 11-104: Development in Geologic Hazard Areas

Parcel is located within a mapped as potentially unstable slopes according to County mapping. Applicant has provided the original geotechnical report prepared by Daniel E. Hardin, P.E., titled “Subsoil Study for Foundation Design, Proposed Residence, Lot 26, Star Mountain Ranch, 397 Star Mountain Drive, Gunnison County, Colorado,” dated January 6, 2017. Geotechnical reports are valid for 5 years, so the Applicant contacted the geotechnical firm who conducted the original study and obtained a stamped letter from Daniel E. Hardin, P.E., titled “Subsoil Study for Foundation Design, Proposed Residence, Lot 26, Star Mountain Ranch, 397 Star Mountain Drive, Gunnison County, Colorado,” dated September 26, 2023, which provided foundation recommendations for the proposed barn and confirmed that applicable recommendations in the original letter should be followed. The foundation plans included within building permit BP-24-00083 have been designed in accordance with the recommendations within the geotechnical reports.

In a letter from Jill Carlson, C.E.G., Engineering Geologist, titled “Star Mountain Ranch – LUC-24-00026, Gunnison County, CO; CGS Unique No. GU-24-0013,” dated June 26, 2024 stated:

The Colorado Geological Survey has reviewed the LUC-24-00026 referral. I understand the applicant proposes a 1,200 sq. ft. horse barn on a 35-acre parcel platted as Lot 26, Star Mountain Ranch Subdivision. The available referral documents include a Subsoil Study for Foundation Design, Proposed Residence, Lot 26, Star Mountain Ranch, 397 Star Mountain Drive, Gunnison County, Colorado (H-P Kumar Project No. 16-7-528, January 6, 2017), and a 9/26/2023 letter commenting on use of the 1/6/2017 report for design and construction of the proposed barn.

The proposed barn would be east-northeast of the existing residence, on slopes of less than 20%, within a mapped “potentially unstable slopes” area. Well-defined landslide scarps are present immediately north of the existing home. The proposed barn is set back a sufficient distance (>100 feet) from the crest of the steep,

descending slope immediately west of the residence and, under existing conditions, does not appear to be impacted by unstable slopes.

The property is undermined by room-and-pillar workings of the Alpine Mine. The depth of the workings is not known, but overburden thickness was reported in production records as 0 to 150 feet. No high-hazard shafts or other mine openings are known or suspected to be present on the subject property. CGS agrees with Kumar's statement (page 2 of the 1/6/2017 report) that "There is potential for underground mine subsidence due to the underground mineworks mapped as underlying the site. The risk of subsidence is considered to be low and similar to other sites in the area."

CGS has no objection to approval of LUC-24-00026.

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

Parcel is located within a high wildfire hazard area according to County mapping. The proposed barn is located more than 50' away from the single family residence, which means the IWUIC requirements do not apply. Staff adds that the barn is located within a mature aspen stand, and according to the Colorado State Forest Service, mature aspen stands do not need to be thinned to create defensible space around structures.

Section 11-106:G – General Standards for Development in Sensitive Wildlife Habitat Areas.

The project is located within elk and mule deer migration corridors.

In an email from Clayton BonDurant, District Wildlife Manager for Gunnison West – Area 16, dated June 11, 2024, stated

After review of the building permit, CPW does not have any formal comments. The proposed addition of the horse barn is located close to the existing residential infrastructure on the property, infrastructure on the surrounding property, and CR 730. I do not foresee any substantial effects of the building in this location to wildlife, in addition to what already exists on the landscape.

All, or portions, of the property are located in CPW mapped black bear summer concentration area, fall concentration area, and black bear-human conflict area. This area of the Upper Gunnison Basin has had human-bear conflicts in the past. Unprotected trash, bird feeders, and unprotected agriculture products in the area could lead to more conflicts between humans and bears. Additionally, any restriction on the use of bird feeders during the months of April-October could potentially reduce human-bear conflicts as well. CPW often recommends the following to residents in bear occupied habitat:

- *Keep trash secured in bear proof/resistant trash cans or a secured building.*
- *Agricultural products attractive to bears, such as grain, should be kept in bear-proof containers in a secured building.*
- *No bird feeders between April and October.*
- *If bird feeders are used between April and October they should be brought in every night before dark and fallen seeds, hulls, and sugar water should be cleaned up.*

- *If bird feeders are left outside continuously between April and October they should be hung out of reach--10 feet off the ground and 10 feet from anything bears can climb. Fallen seeds, hulls, and sugar water should be cleaned up.*

Trash and bird feeders are often the first reward a bear gets for exploring human places. A positive food reward, such as trash or bird seed, teaches bears that it's safe to come close to people and homes looking for food. This type of behavior can lead to more costly interactions between humans and bears.

If the applicant intends to undertake any small-scale residential agricultural activities (gardening, chickens, composting, etc.) CPW recommends utilizing small electrified fenced enclosures to reduce conflicts with bears. Please refer to the "Living with Bears" brochure provided at the link below:

<https://cpw.state.co.us/Documents/Education/LivingWithWildlife/LivingWithBears.pdf>

Other than electric fencing associated with mitigating bear conflict, CPW typically recommends that no new fencing is included as part of any future development. If new fence must be constructed, CPW recommends that whether it be wire, wood, electric, or synthetic, that it be built using wildlife friendly specs so as not to restrict movement of elk, deer, and other wildlife. "Fencing with Wildlife in Mind" is a landowner resource available from CPW that is intended to help design and construct wildlife friendly fences that also meet property owners' needs. Please refer to CPW's "Fencing with Wildlife in Mind" which may be found at:

<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

Household pets, including cats and dogs, present a threat to native wildlife following new development. Dogs which are allowed to roam freely may harass and kill wildlife. Dogs outside their yard, kennel, or dog-run should be on a leash or otherwise under direct control. Domestic cats are adept hunters and may be extremely impactful to populations of local birds and small mammals if allowed to range freely. They may also attract and ultimately become prey for coyotes, foxes, lions, and bears. CPW recommends that domestic cats are kept indoors or under direct control while outdoors. Pet food left outside may attract bears and other predators as well as nuisance wildlife species, therefore CPW recommends securing all pet food sources to help mitigate conflicts.

Section 12-103:A – Compliance with Road and Bridge Construction Standards

Public Works did not provide any comments during the referral period for this Project. The Applicant will be required to obtain either an Access Permit or Access Review at the time of building permit.

Section 12-105: Water Supply.

Applicant has a well permitted for "...ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock

on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns.” The well permit number is 302504.

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

The parcel is over 35-acres in size and the building height of the proposed barn is less than 30’ tall.

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

The proposed barn is located over 200’ away from the nearest property line and road right-of-way.

Section 13-105:G – *Impact Classification And Required Findings For Coverage Exceeding Standard*

Pursuant to LUR 13-105:G, application must meet the standards of this section in order to exceed the maximum building size.

Section 13-105:G.1.a – *Minimize Visibility Of Structure By Siting*

Staff response: Proposed barn location is located in the middle of an existing aspen grove 230’ from Star Mountain Drive. Based on the existing aspen vegetation, the structure appears to be fully screened from the road and neighboring properties during the summer, and significantly screened throughout the winter.

Section 13-105:G.1.b – *Minimize Visibility Of Structure By Screening*

Staff response: In addition to the existing screening, the Applicant states that the “Barn will be clad in Metal siding that matches the existing home which is of a color and texture that resembles Aspen trees.”

Section 13-105:G.1.c – *Location Of Utilities Underground*

No utilities are proposed.

Section 13-105:G.2 – *Obtrusive Visibility Shall Cause Denial*

Staff Response: The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.” The project as proposed does not appear to be visually obtrusive, as it is mostly, if not entirely screened by existing vegetation and the exterior materials appear to blend in with the natural vegetation.

Section 13-111: *Landscaping and Buffering.*

The Landscaping Plan submitted shows that there will be minimal clearing of the mature stand of aspens in the location of the barn. The existing vegetation will provide sufficient buffering from adjacent uses. Applicant proposes to revegetate disturbed areas with a native seed mix from Western Native Seeds.

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

Applicant proposes to control invasive species on site and revegetate disturbed areas with a native seed mix from Western Native Seeds.

Section 13-119: *Standards to Ensure Compatible Uses.*

The project is consistent with the neighboring uses, and the applicant has described in detail how they conform with the standards of this section within the Applicant Responses to 13-119 document. Staff agrees that the proposal is compatible with the existing neighborhood.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The project is classified as a Minor Impact Land Use Change pursuant to Section 6-102:B – *Maximum Building Size Larger Than 5,000 sq. ft. And Aggregate Square Footage Larger than 7,000 sq. ft.*
2. The proposed development is compatible with the existing development within the subdivision.
3. The project meets or exceeds the standards of Section 13-105:G.1 *Finding of No Obtrusive Visibility Required for Approval* and Section 13-105:G.2 *Obtrusive Visibility Shall Cause Denial.*
4. This application is consistent with the standards and requirements of this *Resolution.*
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.

DECISION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-24-00026 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 horse shall remain onsite and within the confines of the fence, except when taken out for rides.
3. A dump trailer with plastic bed liner shall be used to store manure and will be emptied every month
4. There shall be routine cleaning of the stall and paddock and the dump trailer used for manure shall be kept covered.
5. The Applicant will reseed disturbed areas with native wildflowers and grasses with a seed mix from Western Native Seeds.

6. Applicant shall use bear-proof trash containers to minimize human-bear conflict.
7. Any fencing shall be built using wildlife friendly specs so as not to restrict movement of elk, deer, and other wildlife.
8. Pets, specifically domestic dogs and cats, are not allowed to range freely and shall be kept under appropriate control, by means which may include kenneling, leashing, or other physically secure methods to ensure that negative effects to wildlife from pets do not occur.
9. All pet food sources shall be kept secure to not attract bears, predators, and/or nuisance wildlife species.
10. Applicant shall use bear-proof trash containers to minimize human-bear conflict.
11. Any fencing shall be built using wildlife friendly specs so as not to restrict movement of elk, deer, and other wildlife.
12. Pets, specifically domestic dogs and cats, are not allowed to range freely and shall be kept under appropriate control, by means which may include kenneling, leashing, or other physically secure methods to ensure that negative effects to wildlife from pets do not occur.
13. All pet food sources shall be kept secure to not attract bears, predators, and/or nuisance wildlife species.
14. Husbandry of domestic livestock, specifically domestic sheep, shall not be allowed on the subject property in order to mitigate risk to Rocky Mountain bighorn sheep health, who are year-round occupants of the Almont area.
15. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
16. 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.
17. 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.
18. 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.



Sean Pope, Planner

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To: Gunnison County Planning Commission

RE: LUC-24-00010 | Ridgeline Vantage I Work Session | Horowitz

Memo Date: August 8, 2024

Work Session Date: August 15, 2024

1. Summary

The Applicants, Matanya and Kelsey Horowitz, represented by Jon Brown with David Gross General Contractor, have submitted building permit for a 1,377 sq. ft. Single Family Residence (SFR) at Lot 15, Trappers Crossing at Wildcat, AKA 265 Saddle Ridge Rd. under building permit no. BP-24-00193. This SFR is proposed to be the future Secondary Residence, and the main residence is planned to be constructed at a later date. The building site consists of a dense conifer forest with steep slopes to the north and east. This project is classified as a Minor Impact Project due to the proposed structures breaking the Ridgeline Vantage from points along Gothic Rd. and along the eastern edge of the Town of Crested Butte. The Applicant requests a Ridgeline Vantage Minor Impact review for both the proposed SFR and future main residence.

2. Compliance with Applicable Standards of the Land Use Resolution

The proposal has been reviewed for compliance with applicable standards of the Land Use Resolution (LUR) in Exhibit A, *Staff Report*. Staff analyzed the application documents submitted and comments from referral agencies and evaluated these against the applicable standards of the LUR.

Section 11-104:C.1. Areas Designated On The Geologic Hazard Maps.

According to County Mapping, the parcel is located entirely within "Potentially Unstable Slopes" geologic hazard area. A geotechnical report created by Darin R. Duran, P.E., titled "Geotechnical Study, 265 Saddle Ridge Road, Lot 15, Trappers Crossing at Wildcat, Gunnison County, Colorado," dated June 24, 2024. In this report, it concluded that "The CMT geologist concluded that there is low risk of slope instability on this site."

In a letter from Amy Crandall, P.E. Engineering Geologist with CGS, titled "Trappers at Wildcat Subdivision, Lot 15, Minor Impact Project LUC-24-00010, Gunnison County, CO; CGS Unique No. GU-25-00001," dated July 24, 2024, she provided the following recommendations:

1. CGS recommends a building setback be established from the crest of the steep slope to the north in accordance with Section R403.1.7, Footings on or adjacent to slopes, as described in the 2021 International Residential Code (or Section 1808.7 of the 2021 International Building Code) currently adopted by Gunnison County (Building Code 14.10.020 Adoption).
2. If cuts in excess of 10 feet are planned to achieve proposed grades, CGS recommends the county require a slope stability analysis using site-specific strength values.

3. CGS recommends that all grading activities should be carefully observed to identify any unmapped shafts or other mining features.

See *CGS Comments* document for the full letter.

Staff Response: The Applicant is required to determine the setbacks to the ridge according to the methods listed above. This is to ensure the locations of the main and secondary residences shown on the site plan will meet the appropriate setbacks and can be constructed accordingly. These setbacks are required prior to approval of this project. The Applicant is required to conduct a slope stability analysis for cuts exceeding ten feet as described in the CGS letter prior to any approval of the project to ensure the building site and driveway design meet the provisions of this Section for this site-specific development Land Use Change request.

Section 11-108: Standards For Development on Ridgelines

Pursuant to Section 11-108:l – *Exceptions*, if Planning Commission finds by clear and convincing evidence that the building(s) meets or exceeds one of LUR standards 11-108:l.1.a-d.; the building(s) shall be permitted. LUR standard 11-108:l.1a does not apply because the project is not a Public Utility.

11-108:l.1.b. NO FEASIBLE ALTERNATIVE SITE EXISTS ON THE PARCEL. No feasible non-ridgeline site for the building exists on the parcel which, considering existing natural vegetation, would be less visibly obtrusive than the ridgeline site; or

Staff response: Applicant has provided a *Ridgeline Vantage Analysis*, which shows that the parcel is located along a ridgeline and constrained by steep slopes (greater than 30%) and within a very high wildfire hazard area. Per LUR Section 11-105: F.2 – *Prohibited Locations for Development*, locations that are on steep slopes and located within very high wildfire hazard areas are prohibited for development. Exhibit C. *Ridgeline Vantage Analysis* shows slope areas that are obviously too steep for development, staff has requested the applicant provide a full slope analysis to determine all areas prohibited for development pursuant to this section.

The Ridgeline Vantage Analysis shows two potential locations for the main residence, and both are breaking the Ridgeline Vantage. Planning Commission may wish to schedule a site visit to better understand the topography of the site and visual impacts.

11-108:l.1.c. FULL SCREENING EXISTS AND IS PROTECTED.

Any building on a ridgeline vantage shall be fully screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building shall be visible from any ridgeline vantage, at any time of the year. A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; or

Staff response: On April 12, 2024, staff conducted a *Balloon Analysis* with the Applicant, where the Applicant held balloons at the approximate location of the structures and staff drove around from different Ridgeline Vantage areas to see visibility impacts. See *Balloon Analysis Photos* for details. In this analysis, staff found it very difficult to locate the balloons due to the existing vegetation. The only location where they were visible was on the eastern end of the Town of Crested Butte along

8th street. From this location, the balloons were just visible to the naked eye, and were slightly breaking the Ridgeline Vantage. However, it should be noted that the Applicant did move closer to the edge of the ridge in order to move the balloons beyond trees that were obstructing their view. Additionally, the future main residence is to be constructed on fill and will be elevated a approximately five feet higher than the balloon string. The area where the Applicant was standing is shown on the *Balloon Analysis*. With this analysis it is difficult to determine if full screening exists. If it is determined the project is fully screened; a recorded covenant, easement or agreement that ensures replacement of similar screening vegetation, should it be destroyed, be required for this project.

11-108:l.1.d. IF SIGNIFICANT SCREENING EXISTS AND IS PROTECTED, DECISION SHALL BE MADE BY THE BOCC.

If the Planning Commission finds that the Project does meet the first three requirements of this section, but that any building on the ridgeline shall be significantly screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of the year, the Commission shall so note in a recommendation to the BOCC, and the BOCC shall be the decision-making body. If approved, the approval shall include:

1. RECORDED COVENANT, EASEMENT OR AGREEMENT. A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and
2. MINIMAL VISUAL IMPACT. When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and:
 - a. IS NOT OBTRUSIVE OR VISIBLE FROM A MUNICIPAL RIDGELINE VANTAGE. Must comply with both of the following standards:
 1. OBTRUSIVENESS. The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and
 2. MUNICIPAL RIDGELINE VANTAGE. The building will not be visible with the naked eye from a municipal ridgeline vantage; and
 - b. MUST NOT BE VISIBLE FROM RIDGELINE VANTAGE OR VISIBILITY IS ONLY MOMENTARY. Must comply with and with one of the following standards:
 1. DISTANCE FROM RIDGELINE VANTAGE(S). The building will not be visible with the naked eye from near or distant ridgeline vantages; or
 2. NUMBER AND LENGTH OR DURATION OF RIDGELINE VANTAGES. The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the building will be visible only momentarily to passersby.

Staff response:

Staff recommends in addition to a site visit to determine adequacy of existing vegetative screening, additional analysis be provided to understand if the proposed building site(s) are the only feasible development location on the parcel, including but not limited to:

- a. A geological slope stability analysis as described in the CGS recommendations; and
- b. Update the site plan to ensure adequate setbacks from the top of slope as described in the CGS recommendations; and
- c. A slope analysis that describes slopes equal or greater than 30% within High Wildfire Areas, which are prohibited development areas pursuant to LUR Section 11-105: F.2 – *Prohibited Locations for Development*.

3. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-24-00010 . Click on "Attachments".

- A. Staff Report for Minor Impact
- B. Site Plan
- C. Ridgeline Vantage Analysis
- D. Architectural Renderings



**GUNNISON COUNTY, COLORADO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT for MINOR IMPACT**

Land Use Change Permit Application: Horowitz Driveway to Vacant
Land – Ridgeline Vantage
Application No: LUC-24-00010
Date application scheduled with Planning Commission: August
15, 2024
Prepared by: Sean Pope

Applicant Name:	David Gross General Contractor – Jon Brown Project Manager
Property Owner Name:	Matanya & Kelsey Horowitz
Project Description:	The Applicants, Matanya and Kelsey Horowitz, represented by Jon Brown with David Gross General Contractor, have submitted building permit for a 1,377 sq. ft. Single Family Residence (SFR) at Lot 15, Trappers Crossing at Wildcat, AKA 265 Saddle Ridge Rd. under building permit no. BP-24-00193. This SFR is proposed to be the future Secondary Residence, and the main residence is planned to be constructed at a later date. This project is classified as a Minor Impact Project due to the proposed structures breaking the Ridgeline Vantage from points along Gothic Rd. and along the eastern edge of the Town of Crested Butte. The Applicant requests a Ridgeline Vantage Minor Impact review for both the proposed SFR and future main residence.
Property Location:	Lot 15, Trappers Crossing at Wildcat. AKA 265 Saddle Ridge Rd.
Surrounding Land Uses:	<p><u>West</u></p> <ul style="list-style-type: none"> - Vacant. Lot 10, Trappers Crossing at Wildcat – 36 acres <p><u>North</u></p> <ul style="list-style-type: none"> - Residential. Lot 4, Trappers Crossing South– 35 acres - Residential. Lot 5, Trappers Crossing South – 35 acres <p><u>East</u></p> <ul style="list-style-type: none"> - Vacant. Lot 16, Trappers Crossing at Wildcat – 38 acres <p><u>South</u></p> <ul style="list-style-type: none"> - Vacant/Residential. Lots 11-14, Trappers Crossing at Wildcat – between 35-37 acres
Agency and Department Review:	<p>A copy of the application was sent to the following referral agencies by email on July 3, 2024 date:</p> <ul style="list-style-type: none"> - Gunnison County Public Works (no comments received) - Gunnison County Building and Environmental Health Official (no comments received) - Town of Crested Butte - Colorado Parks and Wildlife (CPW) (no comments received)

		<ul style="list-style-type: none"> - Crested Butte Fire Protection District (CBFPD) - Colorado Geologic Survey (CGS)
Pre-Application Conference:		N/A
Status of Application:		Complete
Attached Exhibits:		The entire application and all attachments may be viewed at https://permitdb.gunnisoncounty.org/citizenaccess , click “Projects”, search by application number LUC-24-00010, Click on “Attachments”.
Planning Commission Tasks at Initial Work Session:		<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Set site visit date — Determine if application is ready to be set for public hearing, or if other work session is required
Initial Impact Classification:		Minor Impact Project, based upon classification found in <i>Section 6-102:H Development Requiring Detailed Ridgeline Vantage Visibility Analysis</i> .
Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)		<p>Demand for public services. The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p>Impacts on impact area and the environment. The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p>Impacts related to all existing and proposed development and proposed development in impact area. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICABILITY OF LAND USE RESOLUTION STANDARDS:

STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
<p>9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>Staff has evaluated the proposal against the standards within Section 9-101:E. See below for the applicable standards with staff comments:</p> <ol style="list-style-type: none"> 1. <u>Secondary Smaller than Primary Residence</u> <ul style="list-style-type: none"> - Final plans have yet to be submitted. As shown on the site plan, the secondary residence is shown to be smaller than the primary residence. 2. <u>Location</u> <ul style="list-style-type: none"> - The secondary residence is proposed to be located approximately 150' west of the main residence. This is in close proximity considering the steep slopes on the parcel. 3. <u>Designation of Building Envelope</u> <ul style="list-style-type: none"> - The Trappers at Wildcat subdivision is a 35+ acre subdivision and does not have platted building envelopes. For the purposes of this project, HOA approval suffices to show that the secondary residence is meeting the standards of the HOA guidelines. 4. <u>Adequate Parking</u> <ul style="list-style-type: none"> - Four parking spaces are shown on the site plan. This is adequate for up to a 5 bedroom secondary residence. 5. <u>Shared Water Supply and Wastewater Treatment System</u> <ul style="list-style-type: none"> - Both the main and secondary residences shall share the same OWTS unless a variance from the Environmental Health Board is obtained. 6. <u>Complies with Deed Restrictions or Protective covenants</u>

		- In a letter from Rob Harper, Toad Property Management, dated June 30, 2024, the project received HOA approval.
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application

9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no commercial or industrial uses are proposed.
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant shall comply with the standards of this Section to the maximum extent feasible.
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located within a flood hazard area.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 11-104:C.1. AREAS DESIGNATED ON THE GEOLOGIC HAZARD MAPS. Land use changes on lands that are designated on the Gunnison County Geologic Hazards Maps as avalanche areas, landslide areas, rockfall areas, alluvial fans, talus slopes, steep or potentially unstable slopes, Mancos shale, mudflow hazard areas, and faults.</p> <p>Staff response: According to County Mapping, the parcel is located entirely within “Potentially Unstable Slopes” geologic hazard area. A geotechnical report created by Darin R. Duran, P.E., titled “Geotechnical Study, 265 Saddle Ridge Road, Lot 15, Trappers Crossing at Wildcat, Gunnison County, Colorado,” dated June 24, 2024. In this report, it concluded that “The CMT geologist concluded that there is low risk of slope instability on this site.”</p> <p>The geotechnical report and plans were referred to Colorado Geologic Survey for review on July 3, 2024.</p> <p>In a letter from Amy Crandall, P.E. Engineering Geologist with CGS, titled “Trappers at Wildcat</p>

		<p>Subdivision, Lot 15, Minor Impact Project LUC-24-00010, Gunnison County, CO; CGS Unique No. GU-25-00001,” dated July 24, 2024, she provided the following recommendations:</p> <ol style="list-style-type: none"> 1. CGS recommends a building setback be established from the crest of the steep slope to the north in accordance with Section R403.1.7, Footings on or adjacent to slopes, as described in the 2021 International Residential Code (or Section 1808.7 of the 2021 International Building Code) currently adopted by Gunnison County (Building Code 14.10.020 Adoption). 2. If cuts in excess of 10 feet are planned to achieve proposed grades, CGS recommends the county require a slope stability analysis using site-specific strength values. 3. CGS recommends that all grading activities should be carefully observed to identify any unmapped shafts or other mining features. <p>See <i>CGS Comments</i> document for the full letter.</p> <p>Staff Response: The Applicant is required to determine the setbacks to the ridge according to the methods listed above. This is to ensure the locations of the main and secondary residences shown on the site plan will meet the appropriate setbacks and can be constructed accordingly. These setbacks are required prior to approval of this project. The Applicant is required to conduct a slope stability analysis for cuts or fills exceeding ten feet as described in the Geotechnical report and CGS letter, prior to any approval of the project to ensure the building site and driveway design meet the provisions of this Section for this site-specific development Land Use Change request.</p>
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11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 11-105:B. APPLICABILITY. The requirements of this Section shall apply to any development in areas designated as wildfire hazard areas on the Wildfire Hazard Maps, and in areas where the Colorado State Forest Service determines that there is the potential for a proposed development to be threatened by a wildfire hazard.</p> <p>Staff response: According to County Mapping, the parcel is located entirely within “Very High Wildfire Hazard” area. Applicant has submitted defensible space plans for both the SFR and the secondary residence. Final defensible space plans shall be required at the time of Building Permit.</p>
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Parcel is located within both Elk and Mule Deer migration corridors according to CPW’s Wildlife Species Map Application.</p> <p>No comments from CPW were received.</p>
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no water bodies are located within the project area.

Yes No N/A

11-108: Standards for development on ridgelines

Applicable.

SECTION 11-108:I. EXCEPTIONS. A building on a ridgeline that is sited, designed, shaped, oriented, screened, lighted and constructed to avoid visibility from ridgeline vantages to the maximum extent feasible otherwise prohibited by this Section shall be permitted only if one of the below conditions are met. Staff has pulled out the potential applicable standards and provided commentary below:

b. NO FEASIBLE ALTERNATIVE SITE EXISTS ON THE PARCEL. No feasible non-ridgeline site for the building exists on the parcel which, considering existing natural vegetation, would be less visibly obtrusive than the ridgeline site; or

Staff response: Applicant has provided a *Ridgeline Vantage Analysis*, which shows that the parcel is located along a ridgeline and constrained by steep slopes (greater than 30%) and within a very high wildfire hazard area. Per LUR Section 11-105: F.2 – *Prohibited Locations for Development*, locations that are on steep slopes and located within very high wildfire hazard areas are prohibited for development. *The Ridgeline Vantage Analysis* shows two potential locations for the main residence, and both are breaking the Ridgeline Vantage. Furthermore, Staff has reviewed the *Ridgeline Vantage Analysis* and believes that there is low likelihood of a feasible building location on the parcel to avoid breaking the Ridgeline Vantage. Planning Commission may wish to schedule a site visit to better understand the topography of the site and visual impacts.

c. FULL SCREENING EXISTS AND IS PROTECTED.

Staff response: On April 12, 2024, staff attempted to conduct a *Balloon Analysis* with the Applicant, where

		<p>the Applicant held balloons at the approximate location of the structures and staff drove around from different Ridgeline Vantage roads to see visibility impacts. See <i>Balloon Analysis Photos</i> for details. In this analysis, staff found it very difficult to locate the balloons due to the existing vegetation. The only location where they were visible was on the eastern end of the Town of Crested Butte along 8th street. From this location, the balloons were just visible to the naked eye, and were slightly breaking the Ridgeline Vantage. However, it should be noted that the Applicant did move closer to the edge of the ridge in order to move the balloons beyond trees that were obstructing their view. Additionally, the future main residence is to be constructed on fill and will be elevated a few feet higher than the balloon string. The area where the Applicant was standing is shown on the <i>Balloon Analysis</i>. With this analysis it is doubtful that full screening exists, however, it is difficult to tell based on this analysis. If this is this is the Section that Planning Commission finds for this project, a recorded covenant, easement or agreement that ensures replacement of similar screening vegetation, should it be destroyed, be required for this project.</p> <p>d. IF SIGNIFICANT SCREENING EXISTS AND IS PROTECTED, DECISION SHALL BE MADE BY THE BOCC.</p> <p>If the Planning Commission finds that the Project does meet the first three requirements of this section, but that any building on the ridgeline shall be significantly screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of the year, the Commission shall so note in a recommendation to the BOCC, and the BOCC shall be the decision-making body. If approved, the approval shall include:</p>
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		<ol style="list-style-type: none"> 1. RECORDED COVENANT, EASEMENT OR AGREEMENT. A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and 2. MINIMAL VISUAL IMPACT. When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and: <ol style="list-style-type: none"> a. IS NOT OBTRUSIVE OR VISIBLE FROM A MUNICIPAL RIDGELINE VANTAGE. Must comply with both of the following standards: <ol style="list-style-type: none"> 1. OBTRUSIVENESS. The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and 2. MUNICIPAL RIDGELINE VANTAGE. The building will not be visible with the naked eye from a municipal ridgeline vantage; and b. MUST NOT BE VISIBLE FROM RIDGELINE VANTAGE OR VISIBILITY IS ONLY MOMENTARY. Must comply with and with one of the following standards: <ol style="list-style-type: none"> 1. DISTANCE FROM RIDGELINE VANTAGE(S). The building will not be visible with the naked eye from near or distant ridgeline vantages; or 2. NUMBER AND LENGTH OR DURATION OF RIDGELINE VANTAGES. The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the
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		<p>building will be visible only momentarily to passersby.</p> <p>Staff response: Staff recommends in addition to a site visit to determine adequacy of existing vegetative screening, additional analysis be provided to understand if the proposed building site(s) are the only feasible development location on the parcel, including but not limited to:</p> <ol style="list-style-type: none"> a. A geological slope stability analysis as described in the CGS recommendations; and b. Update the site plan to ensure adequate setbacks from the top of slope as described in the CGS recommendations; and c. A slope analysis that describes slopes equal or greater than 30% within High Wildfire Areas, which are prohibited development areas pursuant to LUR Section 11-105: F.2 – <i>Prohibited Locations for Development.</i>
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable. Application is not located near agricultural lands and is not anticipated to affect agricultural lands.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located beyond snowplowed access.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located on an inholding.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project not located above timberline.
12-103: Road system	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 12-103:A COMPLIANCE WITH ROAD AND BRIDGE CONSTRUCTION STANDARDS. All applicants for Land Use Change Permits that have a component of driveways, roads and/or bridges shall comply with the requirements of the Gunnison County Standards and Specifications for Road and Bridge Construction, and this Section.</p>

		Staff response: Applicant has provided the Access Easement shown on the Amended Plat, which provides access to lot 15, crossing lots 10 and 11. Applicant will be applying for building permits for the SFR and secondary residence and shall obtain an Access Permit from Public Works to satisfy the standards of this Section. Additionally, because the project is located within the Town of Crested Butte's Three Mile Area, the Town has the opportunity to review the project to see if it comports with the Three Mile Plan.
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no trails are to be impacted by this project.
12-105: Water Supply	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. SECTION 12-105:A. GENERAL STANDARD. All land use changes for Minor or Major Impact Projects, for which water is a required and necessary element of the development, shall provide a water supply that is legally and physically adequate in terms of quality, quantity, dependability, and pressure for the proposed development. In making its determination as to whether the proposed water supply will be adequate for the proposed use, the decision-making body shall consider the recommendations of the Colorado Division of Water Resources, the Gunnison County Environmental Health Official and other County staff, or consultants engaged by the County and the applicant. Staff response: Applicant has provided a copy of the <i>Well Permit</i> , which was permitted under permit number 327047 and had a permit extension granted on April 23, 2024. In condition number 4 of the permit, it states <i>"The use of groundwater from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns."</i>
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.

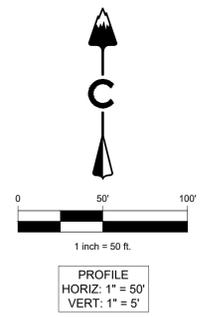
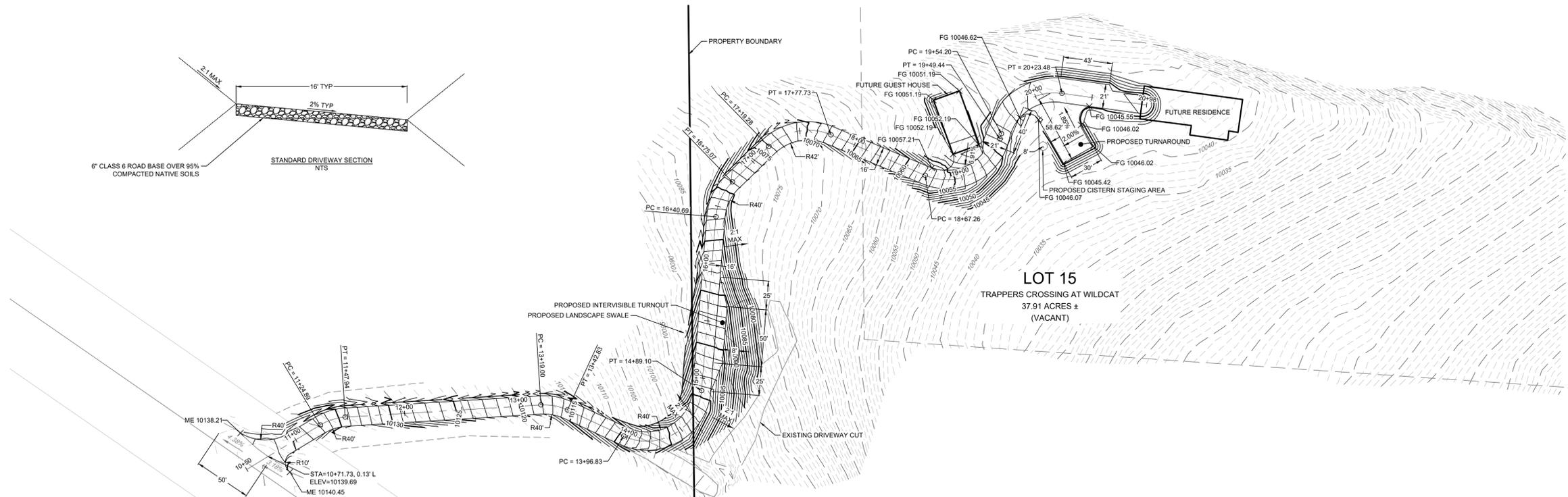
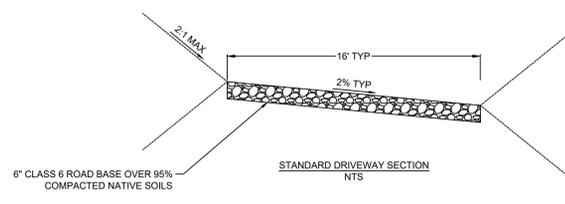
		<p>SECTION 12-106: A. SANITARY SEWAGE DISPOSAL SYSTEM REQUIRED. No land use change shall be permitted unless a method of sewage disposal is available to that lot or development that complies with all applicable standards of this Resolution, the Gunnison County On-Site Wastewater Treatment System Regulations, and of the Colorado Department of Public Health and Environment.</p> <p>Staff response: Applicant has indicated that an OWTS is proposed for the SFR and secondary residence. Applicant shall comply with the standards of this Section at the time of building permit.</p>
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>12-107:A APPLICANT SHALL CONTACT FIRE PROTECTION DISTRICT.</p> <p>Staff response: Applicant is required to obtain approval from the Crested Butte Fire Protection District in order to meet the standards of this Section.</p> <p>In an email from Ric Ems, Fire Marshal with CBFPD, dated May 15, 2024, he stated: “CBFPD did provide a plan review Letter# 2024-2-038 dated 1/17/2024. We have no other comments at this time.”</p>
13-102: B.: Location within municipal three-mile plan area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 13-102:B DEVELOPMENT SHALL CONSIDER MUNICIPAL THREE MILE PLANS. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal Three-Mile Plan.</p> <p>Staff response: The project is located within the Town of Crested Butte’s Three Mile Plan Area.</p>

		<p>In a letter from Troy Russ, Community Development Director at the Town of Crested Butte, titled “RE: LUC-24-00011, Lot 15, Trappers at Wildcat Subdivision,” dated July 23, 2024 states that “...the proposed 1,713 sf secondary residence is in violation of the 1,500 sf maximum allowance set forth in Section 16 of the 1990 agreement between Trappers Crossing LTD and the Town of Crested Butte...” and that “Section 20 states, the solid fuel-burning device must comply with the most restrictive building regulation, which is the Town of Crested Butte.”</p> <p>Staff response: Staff forwarded the Applicant the letter from the Town, and pointed out the inconsistencies with the 1990 agreement. The Applicant provided clarification: the secondary residence is to be 1,377 sq. ft. of gross floor area with a 336 sq. ft deck. Furthermore, the solid fuel-burning device will be evaluated at the time of building permit and will be required to meet the standards of Section 13-107.</p>
<p>13-103: General Site Plan Standards And Lot Measurements</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>SECTION 13-103:H.1.b PITCHED ROOFS. All structures with pitched roofs shall not exceed 30 feet in height. The minimum roof pitch shall be as required by the applicable building code, adopted and amended by Gunnison County.</p> <p>Staff response: Application is located on a 35-acre parcel and has received HOA approval for the construction of the secondary residence. The proposed height of the secondary residence approximately 28’ to the ridge, which is well below the 30’ maximum of the average gable height.</p>
<p>13-104: Setbacks From Property Lines And Road Rights-Of-Way</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>SECTION 13-104:A Unless otherwise exempted by this Resolution, the following shall apply, all land use changes and approved Building Permit site plans shall meet property line setback requirements</p>

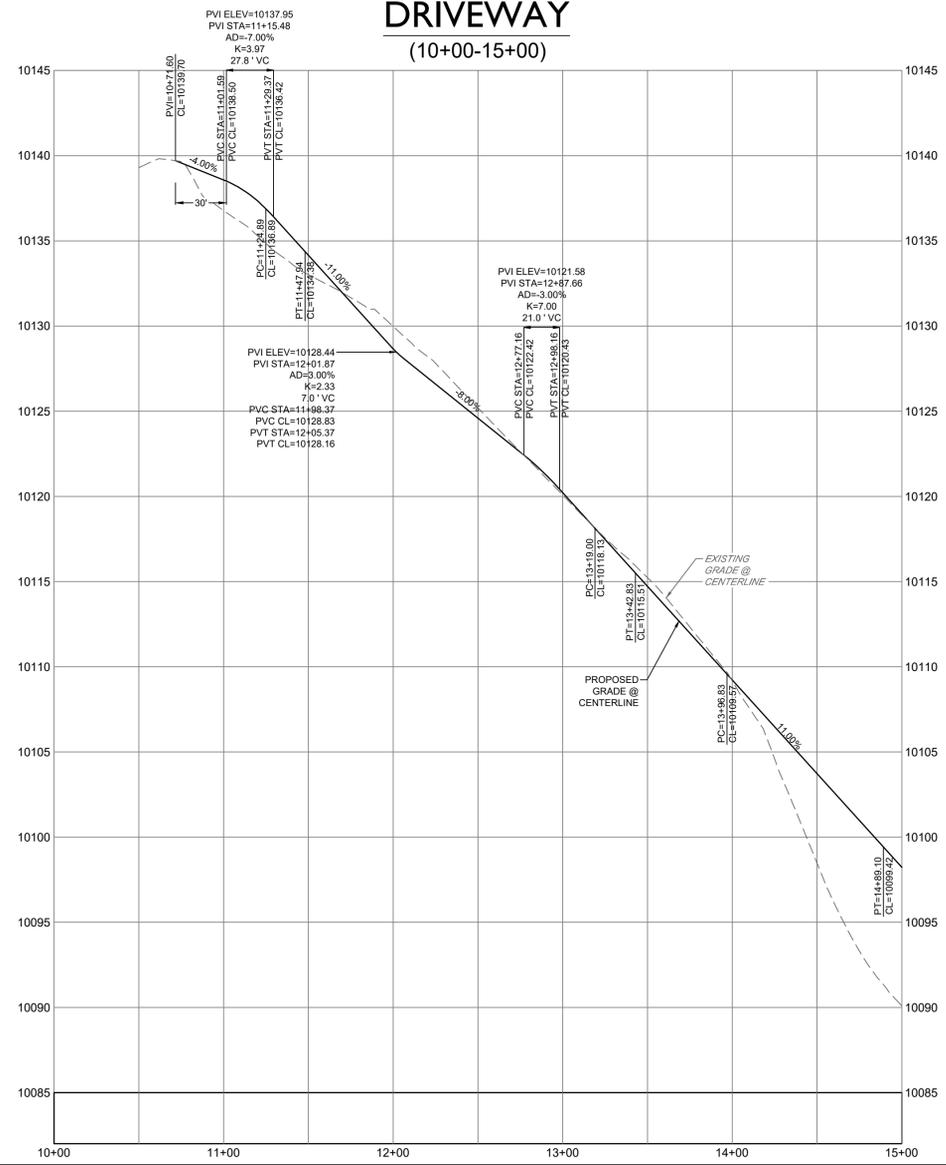
		<p>indicated in Table 7: Setbacks from Property Lines and Road Rights-of-Way..</p> <p>Staff response: The <i>Site Plan</i> submitted shows the primary residence is at over 370' away from the nearest property boundary and the guest house is over 150' from the nearest property boundary. This exceeds the minimum of 25' from the front and 15' from the side and rear property lines.</p>
<p>13-105: Residential Building Sizes And Lot Coverages</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>SECTION 13-105:D. PARCELS EQUAL TO OR LARGER THAN 6,500 SQ. FT.</p> <p>Staff response: The SFR proposed (the future secondary residence) is 1,377 sq. ft. with a 336 sq. ft deck, and the main residence will be constructed later. The combination of both residences will be less than 45% of the maximum allowable coverage area. Additionally, if the total aggregate square footage is greater than 7,000 sq. ft., the project will be required to go through a Minor Impact at that time. The SFR and Guest House share water supply and OWTS.</p>
<p>13-107: Installation Of Solid-Fuel-Burning Devices</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>SECTION 13-107:C.1. SINGLE FAMILY RESIDENCES. Any single-family residence, manufactured or mobile home for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this Resolution shall be allowed to install one approved solid-fuel-burning device per single family residence.</p> <p>Staff response: Applicant proposes to install one wood burning stove, the Hearthstone Green Mountain 80, which is an EPA certified device. Because the project is located within the three-mile area of the Town of Crested Butte, only one solid-fuel burning device is permitted per residence and</p>

		must meet more restrictive the standards of the Town of Crested Butte's regulations.
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is exempt per subsection B of this Section.
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no signs are proposed.
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. SECTION 13-110:C. BUILDING PERMIT SITE PLANS. The site plan for a Building Permit application shall indicate the number and location of parking loading spaces to be provided for the proposed structure (s). Location of the parking shall comply with Section 13-112: Snow Storage. As applicable, the number of spaces shall comply with requirements of the protective covenants for individual subdivisions, or shall otherwise meet the requirements of this Section, whichever number is larger. Staff response: Applicant shows two spaces on the site plan, which is the minimum amount required for the three bedroom secondary residence.
13-111: Landscaping And Buffering	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project does not require buffering from adjacent land uses.
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Staff response: Once driveway plans are finalized, applicant shall show adequate snow storage at the time of building permit. Staff has no concerns at this time due to the large size of the parcel.
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no fencing is proposed.
13-114: Exterior Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no exterior lighting is proposed at this time. At the time of building permit, the project will be required to meet the standards of this Section.
13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project

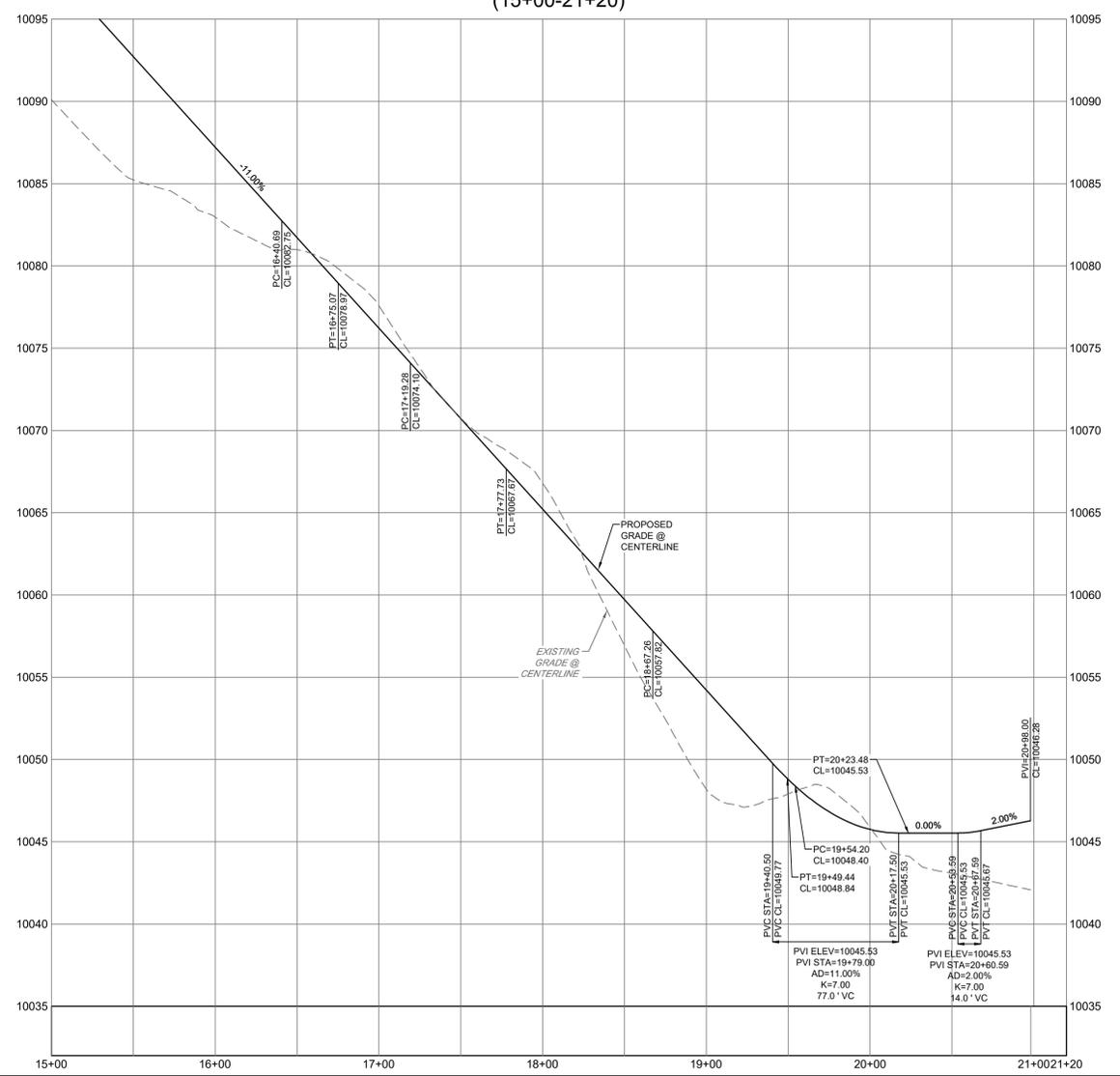
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not required for the scope of this project
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no water impoundments are proposed.
13-119: Standards To Ensure Compatible Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Section 13-119:A GENERAL. Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following (staff responses below):</p> <ol style="list-style-type: none"> 1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth. 2. ADVERSE IMPACTS TO ADJOINING LAND. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land. <p>Staff response: Application is for residential development in a residential neighborhood. This Minor Impact review is in regards to Ridgeline Vantage standards, which staff recognizes as the only adverse impacts to adjoining land. If Planning Commission approves this project in regards to Ridgeline Vantage standards, staff has no concerns about any additional net adverse impacts nor hazards or nuisances to adjoining properties.</p>



DRIVEWAY
(10+00-15+00)



DRIVEWAY
(15+00-21+20)



SITE EARTHWORK (UNADJUSTED)
CUT/EXPORT: 328 CY
FILL/IMPORT: 3114 CY
NET FILL/IMPORT: 2786 CY DIRT
355 CY CLASS 6 BASE COURSE

#	REVISION DESCRIPTION	DATE	BY
1	PERMIT SET	06/20/24	BJZ

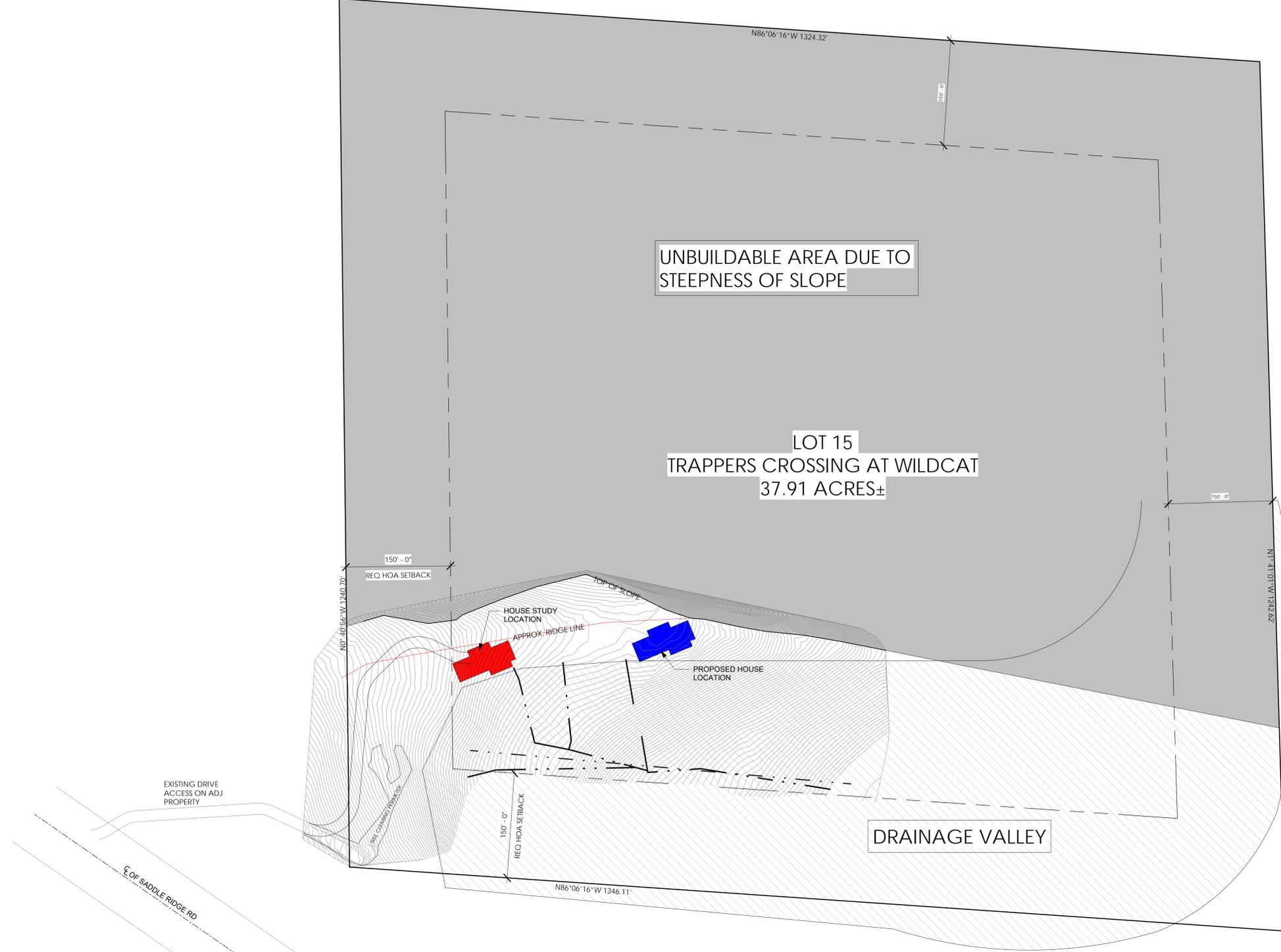
HOROWITZ RESIDENCE
GUNNISON, CO
PERMIT PLAN SET
DRIVEWAY GRADING PLAN

NOT FOR CONSTRUCTION

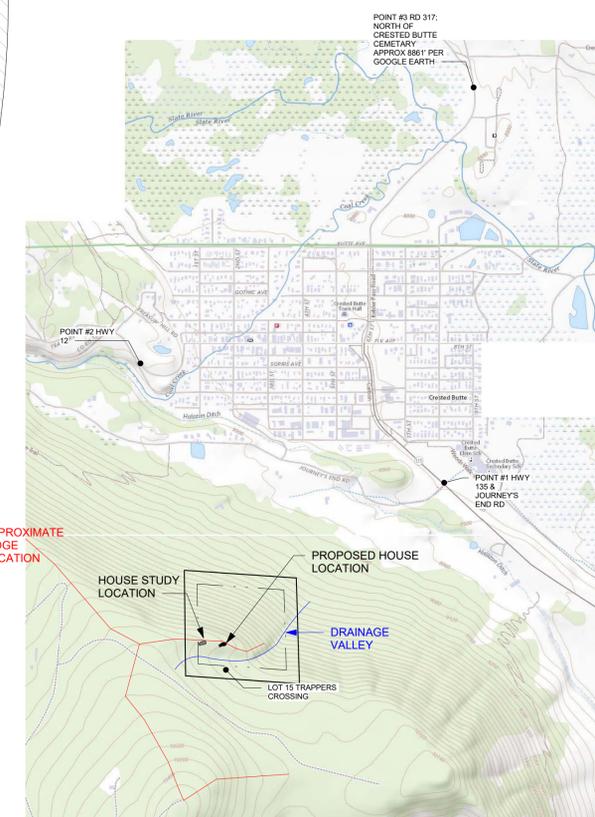
DESIGNED BY: BJZ
DRAWN BY: BJZ
CHECKED BY: JS

JOB NO.
22-082
SHEET
1 OF 1

CORE
CORE CONSULTANTS, INC.
LAND DEVELOPMENT
ENERGY
PUBLIC INFRASTRUCTURE
3473 S. BROADWAY
DENVER, CO 80113
303.703.4444
LIVEYOURCORE.COM



2 SITE PLAN CONTEXT
 A1.07A SCALE: 1" = 80'-0" BACK REF:



1 VISIBILITY MAP - CONTEXT
 A1.07A SCALE: 1" = 12000' BACK REF:



315 EAST AGATE AVENUE
 GRANBY, CO 80446
 970-887-9366
 MAARCHITECTURAL.COM

WITZ END
MATANYA & KELSEY HOROWITZ
 265 SADDLE RIDGE ROAD,
 Author
 PROJECT #: 2206

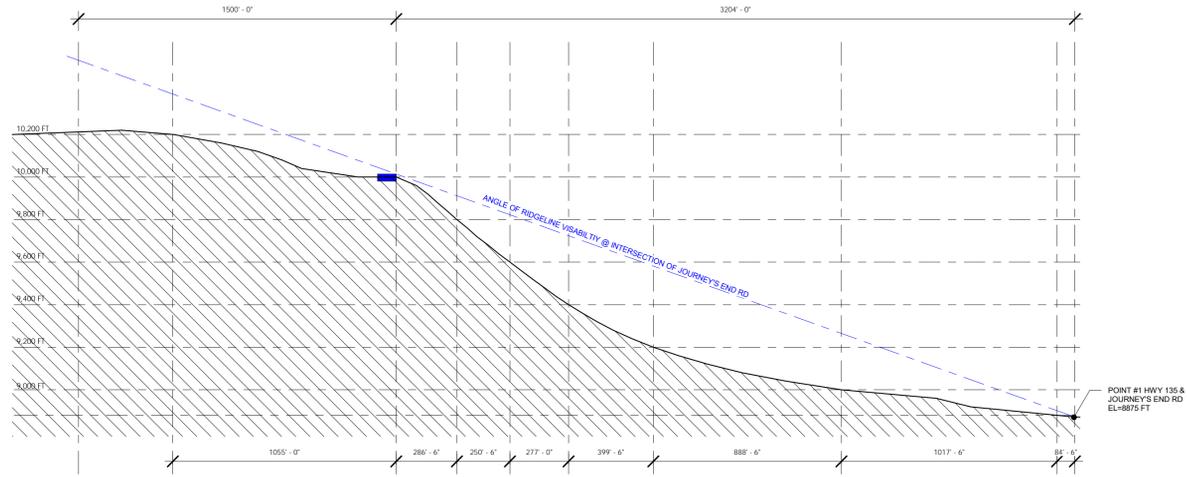
ISSUANCE: DATE:



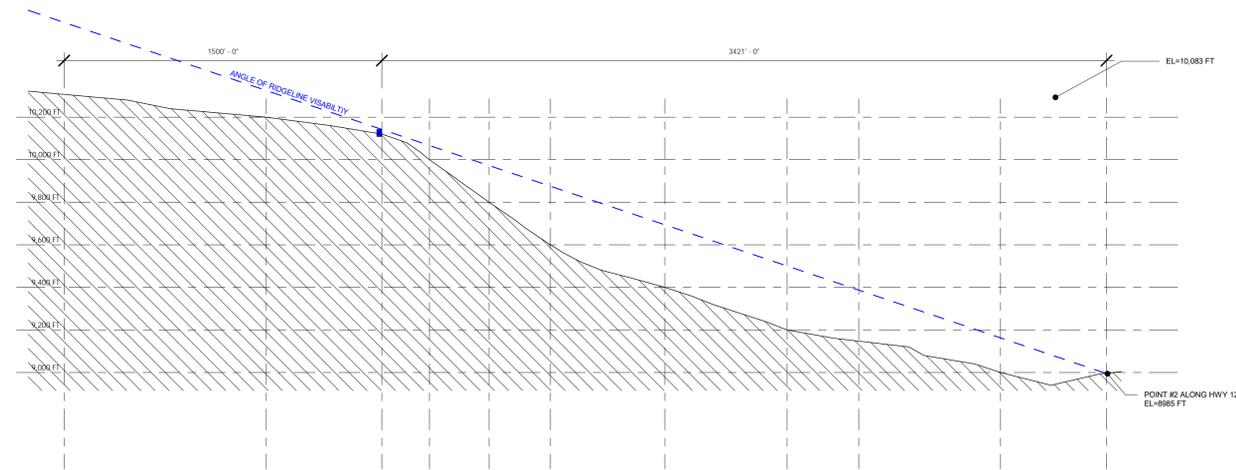
SHEET TITLE:
 ENLARGE SITE ANALYSIS

SHEET NUMBER:
A1.07A

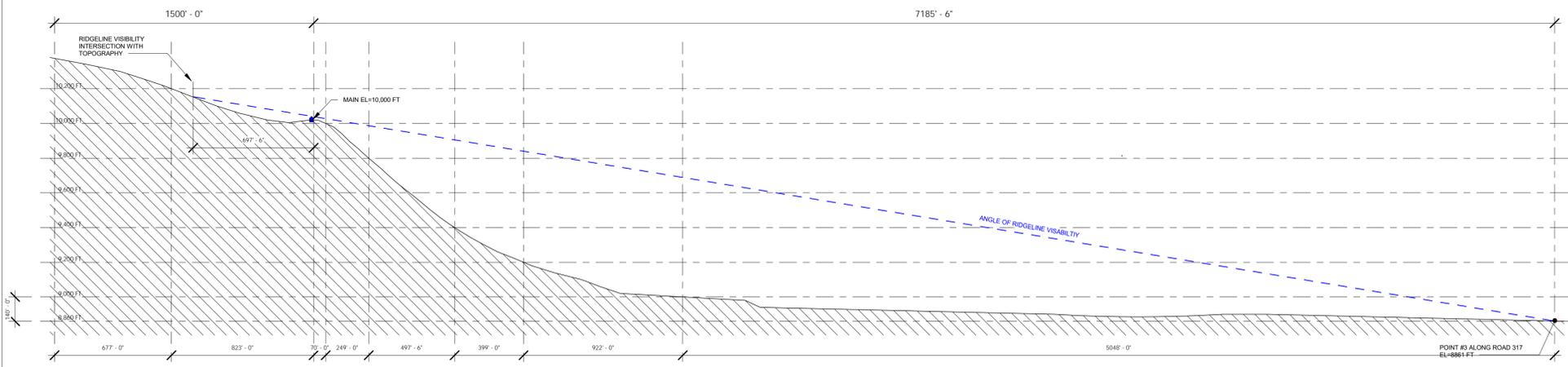
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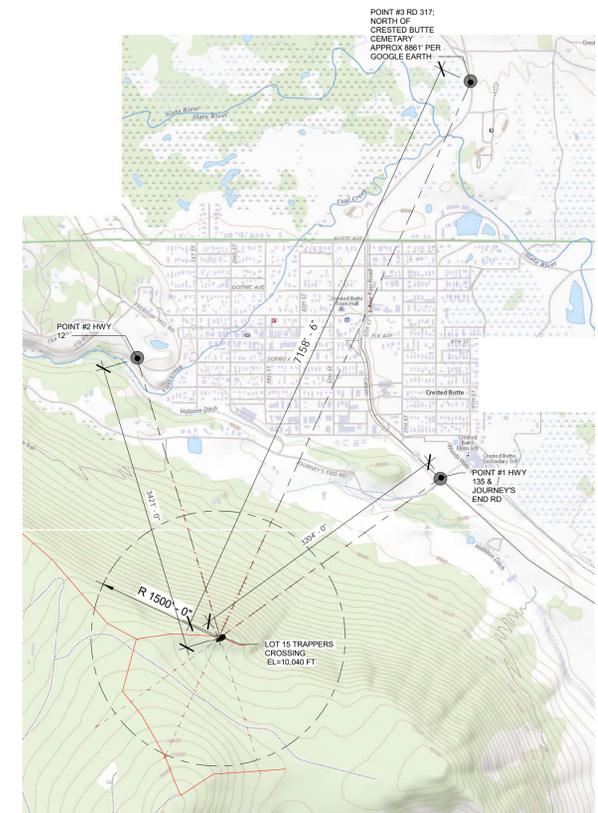
2 HWY 135 VANTAGE
A1.07B SCALE: 1" = 400'-0" BACK REF:



3 HWY 12 VANTAGE
A1.07B SCALE: 1" = 400'-0" BACK REF:



4 RD 317 VANTAGE
A1.07B SCALE: 1" = 400'-0" BACK REF:



1 VISIBILITY MAP
A1.07B SCALE: 1" : 12000 BACK REF:



315 EAST AGATE AVENUE
GRANBY, CO 80446
970-887-9366
MAARCHITECTURAL.COM

WITZ END
MATANYA & KELSEY HOROWITZ
265 SADDLE RIDGE ROAD,
Author
PROJECT #: 2206

ISSUANCE : DATE :
PERMIT 2023-0222

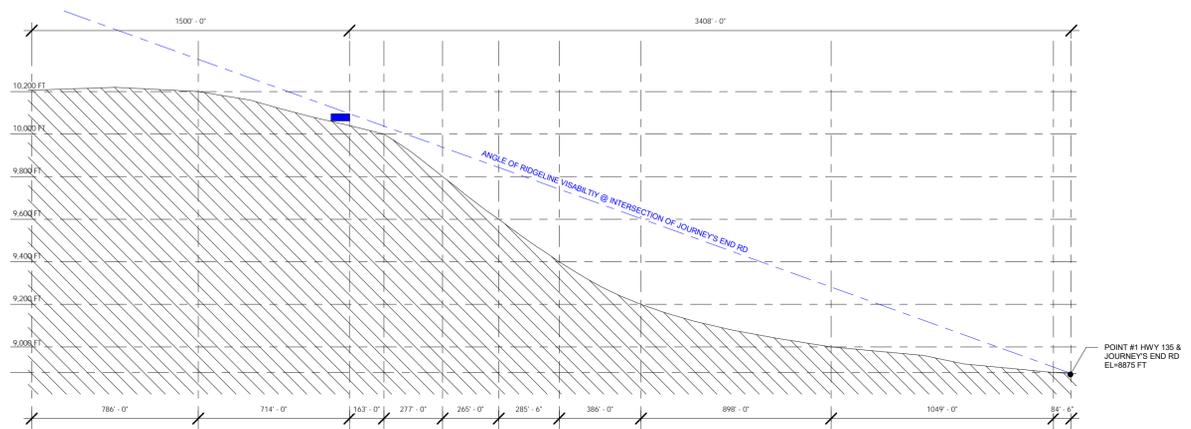


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CURRENT
RIDGELINE
VISIBILITY ANALYSIS

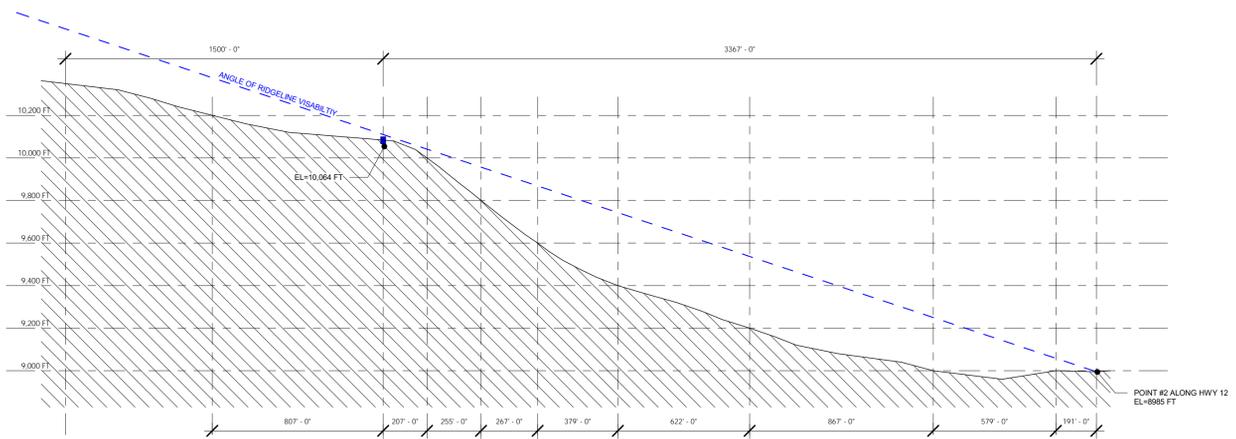
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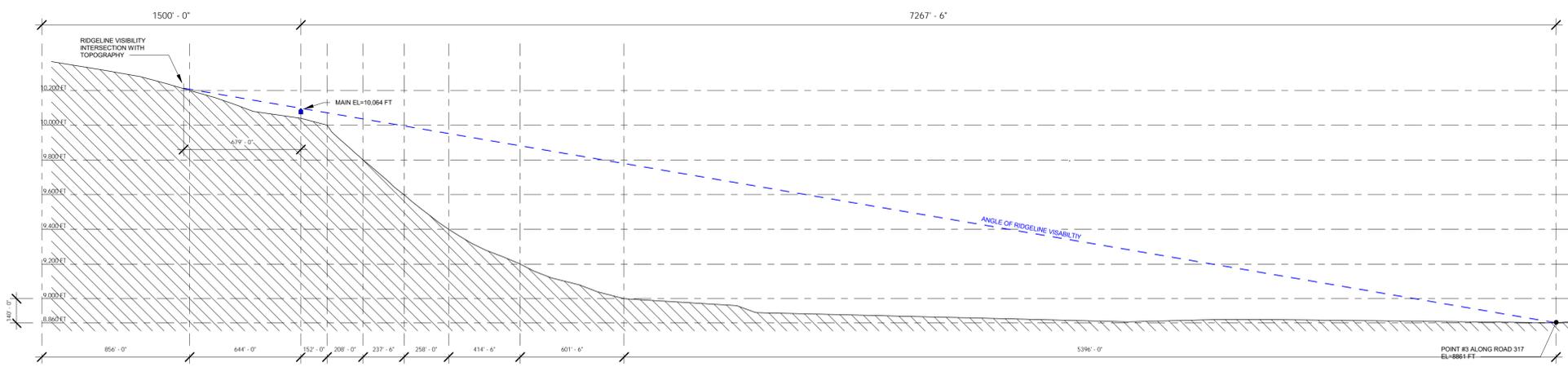
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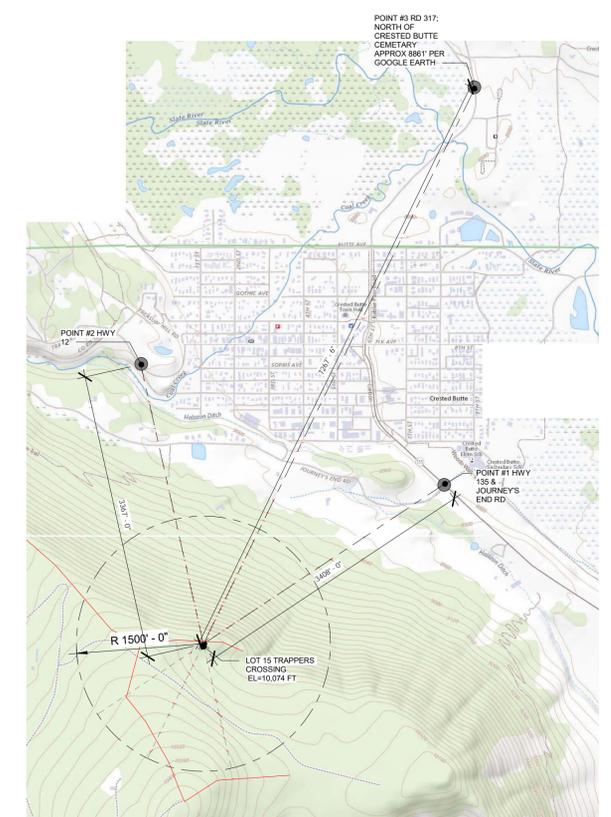
2 HWY 135 VANTAGE - STUDY
 A1.07C SCALE: 1" = 400'-0"
 BACK REF:



3 HWY 12 VANTAGE - STUDY
 A1.07C SCALE: 1" = 400'-0"
 BACK REF:



4 RD 317 VANTAGE - STUDY
 A1.07C SCALE: 1" = 400'-0"
 BACK REF:



1 VISIBILITY MAP - ALTERNATIVE STUDY
 A1.07C SCALE: 1" = 12000'
 BACK REF:

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315 EAST AGATE AVENUE
 GRANBY, CO 80446
 970-887-9366
 MAARCHITECTURAL.COM

WITZ END
MATANYA & KELSEY HOROWITZ
 265 SADDLE RIDGE ROAD,
 Author
 PROJECT #: 2206

ISSUANCE : DATE :



SHEET TITLE :
 ALT STUDIED
 RIDGELINE
 VISIBILITY ANALYSIS

SHEET NUMBER :
A1.07C

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PROJECT ZONING SUMMARY

LEGAL DESCRIPTION: LOT 15, TRAPPER'S CROSSING AT WILDCAT SUBDIVISION
TOWN OF CRESTED BUTTE
COUNTY OF GUNNISON,
STATE OF COLORADO

CONSTRUCTION TYPE: V8 - WOOD FRAMED (NON-FIRE RATED)
W/ AUTOMATIC SPRINKLER SYSTEM

FRONT YARD SETBACK: 150' - 0"
SIDE YARD SETBACK: 150' - 0"
REAR YARD SETBACK: 150' - 0"

MAX BUILDING HEIGHT: 30' - 00"
THE MAXIMUM BUILDING HEIGHT OF ANY BUILDING SHALL BE 30 FEET. THE HEIGHT OF A BUILDING FOR THE PURPOSE OF THIS SECTION SHALL BE MEASURED AND DETERMINED IN THE MANNER PROVIDED BY THE UNIFORM BUILDING CODE. (COVENANT OF TRAPPER'S CROSSING AT CRESTED BUTTE ARTICLE 5 SECTION 7)

BUILDING HEIGHT: 24' - 08"

HEIGHT (STORIES): 3

GROSS SITE AREA: 37.91 ACRES @ PROPERTY LINE

MINIMUM DENSITY: THE ALLOWABLE GROSS RESIDENTIAL FLOOR AREA, SHALL BE NOT LESS THAN 1,500 SQUARE FEET FOR NAY FAMILY RESIDENCE, UNLESS OTHERWISE APPROVED BY THE BOARD OF DIRECTORS (COVENANT OF TRAPPER'S CROSSING AT CRESTED BUTTE ARTICLE 5 SECTION 5)

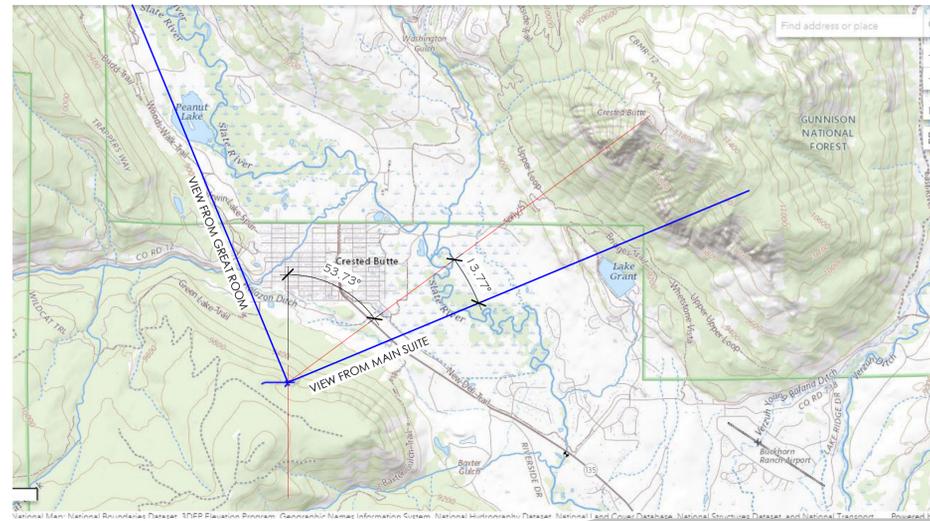
MAXIMUM DENSITY: THE MAXIMUM GROSS FLOOR AREA OF ALL BUILDINGS, DETERMINED IN THE MANNER PROVIDED BY THE UNIFORM BUILDING CODE CONSTRUCTED UPON ANY LOT SHALL NOT EXCEED 11,000 SQUARE FEET IN AGGREGATE. (COVENANT OF TRAPPER'S CROSSING AT CRESTED BUTTE ARTICLE 5 SECTION 6)

LIGHTING (EXTERIOR): ALL EXTERIOR LIGHTING SHALL BE DESIGNED AND DIRECTED IN A MANNER APPROVED BY THE BOARD. ALL EXTERIOR LIGHTING OR ILLUMINATION ON ANY LOT SHALL BE SO LOCATED, SHIELDED AND DESIGNED TO ARCHITECTURALLY INTEGRATE WITH THE BUILDINGS AND SURROUNDING AND TO HAVE MINIMUM VISUAL POLLUTION OR IMPACT ON ANOTHER LOT OR THE TOWN OF CRESTED BUTTE, COLORADO (COVENANT OF TRAPPER'S CROSSING AT CRESTED BUTTE ARTICLE 5 SECTION 11)

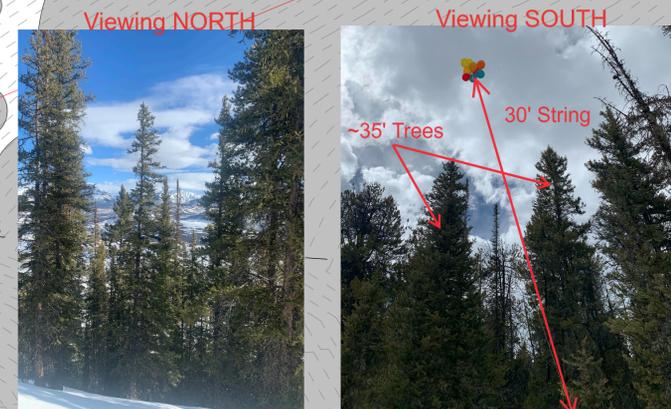
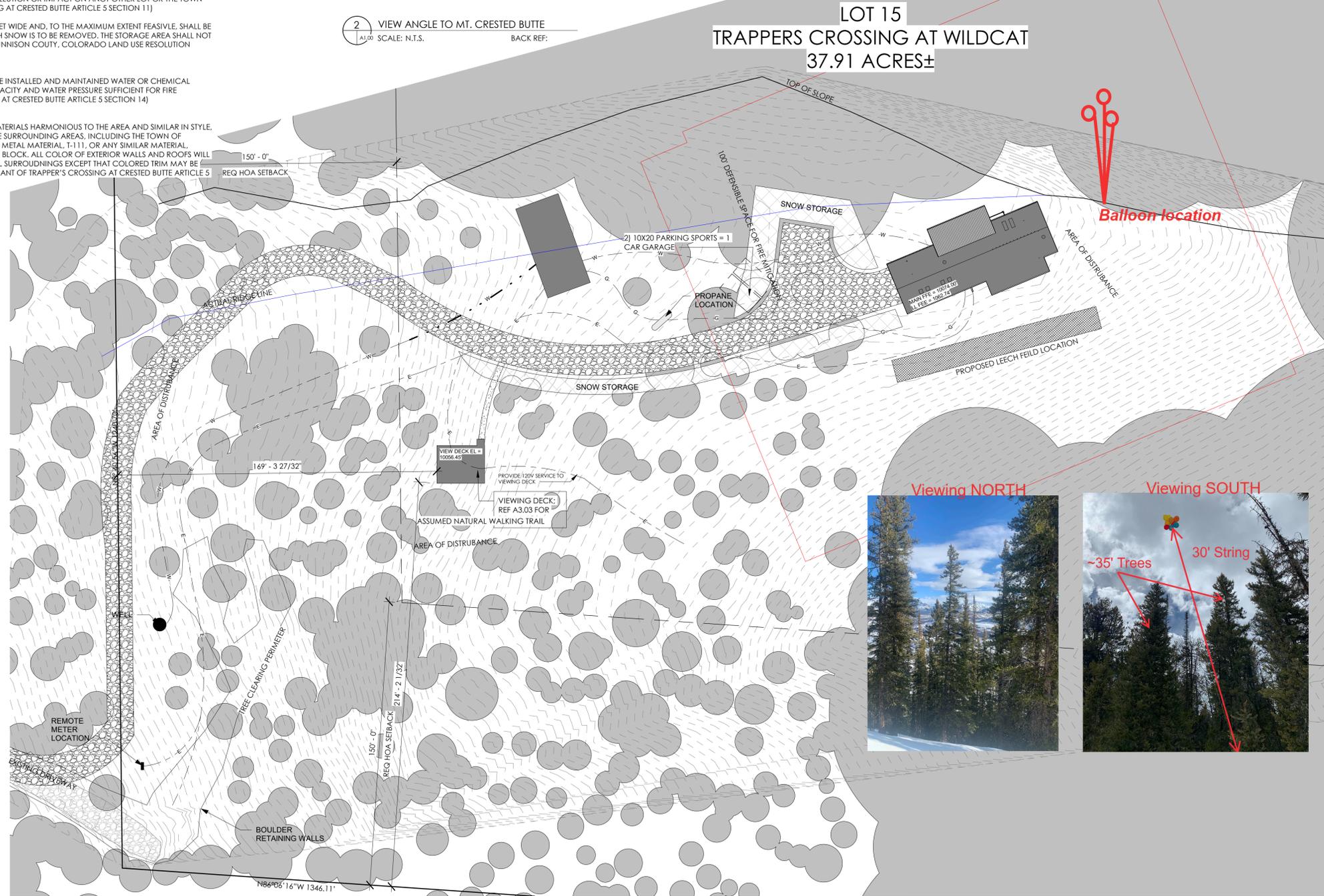
SNOW STORAGE: DESIGNATED SNOW STORAGE AREAS SHALL NOT BE LESS THAN SIX FEET WIDE AND, TO THE MAXIMUM EXTENT FEASIBLE, SHALL BE LOCATED ADJACENT TO THE AREA OF THE PROJECT SITE FROM WHICH SNOW IS TO BE REMOVED. THE STORAGE AREA SHALL NOT BE INCLUDED IN ANY PARKING AREA PURSUANT TO SECTION-110 (GUNNISON COUNTY, COLORADO LAND USE RESOLUTION SECTION 13--112.E.2)

WATER SPRINKLER SYSTEMS: ALL RESIDENTIAL BUILDING SITUATED UPON THE PROPERTY SHALL HAVE INSTALLED AND MAINTAINED WATER OR CHEMICAL SPRINKLER SYSTEMS OF A TYPE AND DESIGN, INCLUDING WATER CAPACITY AND WATER PRESSURE SUFFICIENT FOR FIRE PROTECTION OF THE BUILDING (COVENANT OF TRAPPER'S CROSSING AT CRESTED BUTTE ARTICLE 5 SECTION 14)

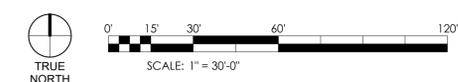
EXTERIOR MATERIAL REQUIREMENTS: ALL BUILDINGS SHALL BE BUILT IN A STYLE AND WITH COLORS AND MATERIALS HARMONIOUS TO THE AREA AND SIMILAR IN STYLE, COLOR, AND MATERIALS TO LIKE KIND BUILDINGS IN EXISTENCE IN THE SURROUNDING AREAS, INCLUDING THE TOWN OF CRESTED BUTTE. NO EXTERIOR WALLS SHALL CONSIST OF SHEET METAL, METAL MATERIAL, T-111, OR ANY SIMILAR MATERIAL, COMPOSITION SHINGLES OR UNPLASTERED CEMENT OR SIMILAR TYPE BLOCK. ALL COLOR OF EXTERIOR WALLS AND ROOFS WILL BE NATURAL OR EARTH TONES IN COLOR TO BLEND WITH THE NATURAL SURROUNDINGS EXCEPT THAT COLORED TRIM MAY BE ALLOWED UPON APPROVAL OF THE BOARDS OF DIRECTORS. (COVENANT OF TRAPPER'S CROSSING AT CRESTED BUTTE ARTICLE 5 SECTION 9)



SITE PLAN LEGEND:			
	NEW PROPOSED CONCRETE		EXISTING GRAVEL
	EXISTING TREES TO REMAIN		NEW PROPOSED GRAVEL
	EXISTING TREES TO BE REMOVED		NEW PROPOSED SOFTSCAPE
	NATURAL SOIL/DIRT TRAIL		SNOW STORAGE



1 PROJECT SITE PLAN
SCALE: 1" = 30'-0" BACK REF:



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315 EAST AGATE AVENUE
GRANBY, CO 80446
970-887-9366
MAARCHITECTURAL.COM

WITZ END
MATANYA & KELSEY HOROWITZ
265 SADDLE RIDGE ROAD,
Author
PROJECT #: 2206

ISSUANCE :	DATE :
SCHEMATIC DESIGN	2022-0411
DESIGN DEV	2022-0914
ARC SUBMITTAL	2023-0221
PERMIT	2023-0222

NOT FOR CONSTRUCTION
FOR REFERENCE ONLY

SHEET TITLE :
PROJECT SITE PLAN

SHEET NUMBER :
A1.00

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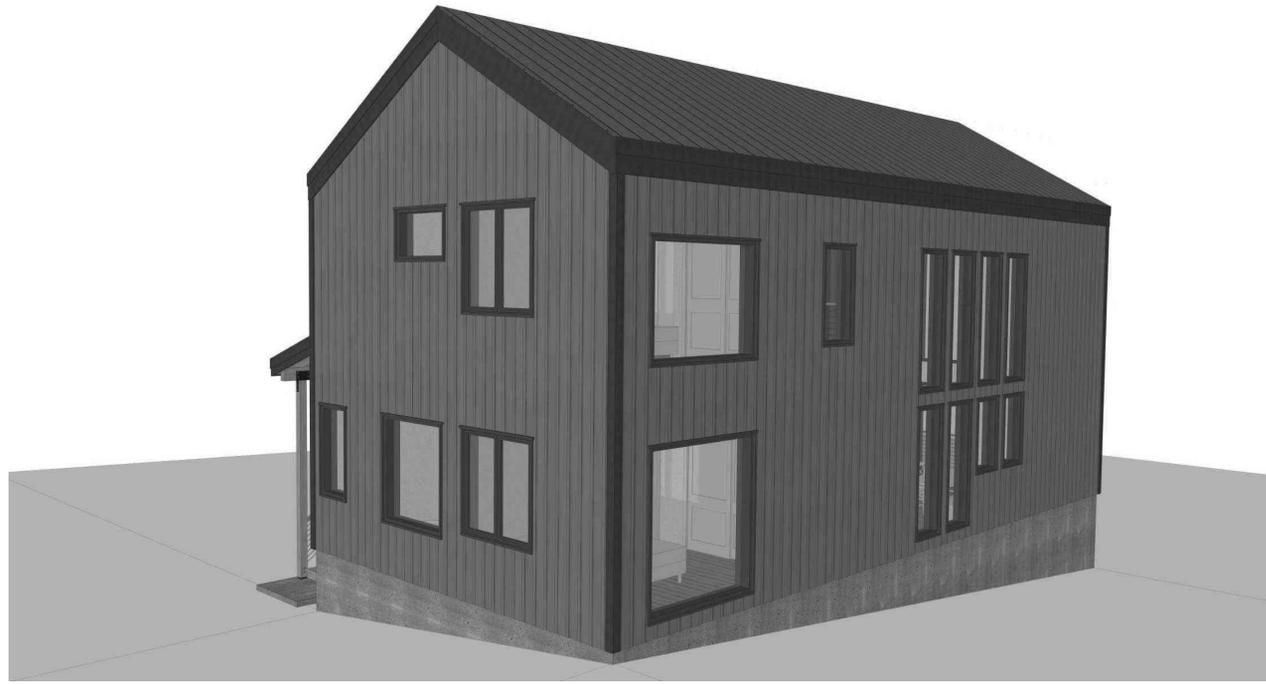
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 DAMASCUS, OR 97081

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1 3D EXTERIOR VIEW A

2 3D EXTERIOR VIEW B



3 3D EXTERIOR VIEW C

4 3D EXTERIOR VIEW D

Drawing Index

No.	Date	Description

OWNER INFORMATION
 MATANYA & KELSEY HOROWITZ
 265 SADDLE RIDGE RD.
 CRESTED BUTTE, CO 81224

HOROWITZ
 MANZANITA

265 SADDLE RIDGE RD.
 CRESTED BUTTE, CO 81224

3D VIEWS -
 EXTERIOR

A-002

DRAWN BY
 JHM
 08/08/2024



Sean Pope, Planner

(970) 641-7981

spope@gunnisoncounty.org

www.GunnisonCounty.org

To: Gunnison County Planning Commission

RE: LUC-24-00016 | Minor Impact | Work Session | Petrus Holdings

Memo Date: August 9, 2024

Work Session Date: August 15, 2024

1. Summary

The Applicant Petrus Holdings Inc., represented by Nathaniel Smith, Esq., proposes the construction of a 13,000 sq. ft. “Hermitage House” with a 3,500 sq. ft. unfinished basement, a 3,200 sq. ft. Secondary Residence, and 9,000 sq. ft. Barn at [PID 3437-000-00-004, 4500 Forest Service Road 563](#). Development is proposed to take place on a single 923-acre parcel ([PID 3437-000-00-004](#)) out of three parcels of land owned by Petrus Holdings, Inc (PID [3437-000-00-102](#), [3437-000-00-103](#)) which total approximately 1,200 acres.

The proposed development is for a group of Roman Catholic Carmelite hermits (Hermits), who live a simple, quiet lifestyle in isolation from the public. They typically spend their days in prayer, quiet study, and meditation. The Hermitage House would be able to accommodate up to 24 Hermits. The residence would consist of one, two-story structure, including a main common living area and bedrooms for each of the Hermits. The Secondary Residence would be designed as a more traditional single-family home for use by the hermits when in need of more modern amenities for health and safety needs or for visiting Hermits, which would occur only on very rare occasions. The Barn would be used solely to support subsistence agriculture consistent with the Hermits’ simple lifestyle. This Application does not seek any property line adjustments or subdivisions on the Property.

Currently, there is a single-family home and two dilapidated shed/barn structures on the property. The sheds would be demolished after the approval of this Application. However, the applicant proposes to use the existing single-family home to support/house construction crews during construction. Once the county issues the certificate of occupancy for the project, all older, existing structures would be demolished.

2. Compliance with Applicable Standards of the Land Use Resolution

The proposal has been reviewed for compliance with applicable standards of the Land Use Resolution in Exhibit A, *Staff Report*. Staff analyzed documents submitted with the application, referral agency comments, and evaluated these against the applicable standards of the LUR.

The building envelope is located in a subalpine meadow, surrounded by a mixture of conifers, Engelmann spruce, and aspens. The site slopes gently towards the east at approximately a 5% grade.

[Section 12-103:G.3.C Access Onto A Public Road](#)

Any Land Use Change utilizing a public road for access shall acknowledge in writing that access is onto a public road. The Applicant has provided an email from former USFS Realty Specialist, Jon Hare, that states that motorized access to the property is available on National Forest Service Road (NFSR) 737 and NFSR 563.

Staff response: The Applicant's access to the property is through public roads. More specifically, access is granted through Forest Service Road 737 and Forest Service Road 563. The Applicant has obtained a Road Maintenance Permit from the USFS for road maintenance improvements along NFSR 563. These road maintenance improvements include drainage improvements, culvert replacement, and road template reconditioning. These improvements will help facilitate construction vehicles.

Section 11-106: Protection of Wildlife Habitat Areas

The Project is located within a mapped elk migration corridor and adjacent to a mule deer migration corridor, according to the [Colorado Parks & Wildlife - Wildlife Species Map Application](#). The application was sent to CPW for referral on May 14, 2024, and comments were received from Clayton BonDurant, District Wildlife Manager on June 5, 2024. In this letter, BonDurant expressed concerns about the impacts of the large structure in the area and outlined specific concerns about human activity and construction timing, year round access, and potential improvements to USFS Road 563. For the full letter, view Exhibit C: *Wildlife Letters: CPW & Applicant*.

A response to CPW's comment was received from Alex Nees, Senior Ecologist with SGM, titled "Re: Petrus Holdings Proposed Development (LUC-24-00016) – Colorado Parks and Wildlife Referral Comments Response," dated July 8, 2024. In this letter Mr. Nees provides mitigation measures to address CPW's concerns. Staff has provided the summary section of the letter below. For the full letter, see the Exhibit C: *Wildlife Letters: CPW & Applicant*.

1. Limit earthwork and exterior noise/dust generating construction activity to the period between July 1 and October 15, to avoid disrupting elk production, elk and deer spring migration, and elk and deer fall migration. Prohibit contractors from bringing dogs onto the property.
2. Avoid upgrades to the USFS 563 access road, maintaining the existing Maintenance Level 2 to preserve the current level of isolation and low human activity. Any upgrades for construction to the road would need to be thoroughly reviewed by USFS.
3. Limit winter access solely to cross-country over-snow travel by snow machine, as currently allowed by USFS management regulations. No regular travel on designated routes (USFS 563 or otherwise), no snow removal, and no development of compacted travel corridors that could encourage the public to visit the project vicinity in the winter.
4. Incorporate standard bear conflict mitigation measures, including bear-proof trash storage, bear-resistant exterior doors, a prohibition on pets (specifically including dogs) either onsite or with contractors/visitors, and use of electric fencing if any small-scale agricultural activities are developed onsite.
5. Progressively replacing perimeter fencing as maintenance requires with wildlife-friendly design: 4-wire top and bottom smooth.
6. As part of the Land Use Application, the proposed site will be extensively analyzed for visual impacts and overall compliance with Gunnison County Land Use Regulations.

In a response to Mr. Nees's letter, Clayton BonDurant, District Wildlife Manager for CPW provided a letter titled "RE: Petrus Holdings Proposed Development (LUC-24-00016)," dated August 6, 2024. Staff has pulled out pertinent information, questions and clarification requests from within this letter below. For the full letter, see Exhibit C: *Wildlife Letters: CPW & Applicant*.

Based on CPW staff's past correspondence with the various owners of this property, historical human disturbance has been minimal and seasonal, resulting in minimal impacts to wildlife. The cattle grazing that occurred on the property appeared to be low intensity, short duration, with a low level of management disturbance primarily in the form of fence maintenance (due to the landscape of the property and the abundant trees falling on the fence)... To summarize, the historical use of the property appeared to be very sparse, short in duration, and at a seasonal level which helped maintain the local wildlife habitat values and permeability across the landscape. According to my understanding of the land use application, once the construction of the large residential structure is complete 20-30 Hermits will then live on the property year round.

In trying to better assess the impacts of construction, it would be important for everyone to understand the overall construction needs of the proposed buildings: (bulleted for clarity)

- 1. How many loads of materials will be needed to complete construction?*
- 2. What size of vehicles are needed to bring materials in?*
- 3. How many trips for the construction workers to and from the project area?*
- 4. How many years is the project estimated to take to finish construction?*

CPW appreciates the Hermits trying to limit activities during the production and migration time periods, but would like clarification on what this limitation entails. (bulleted for clarity)

- 1. Will interior construction activities be allowed before July 1? After October 15?*
- 2. What type of exterior construction activities will be allowed that do not qualify as noise/dust generating?*
- 3. How much construction traffic will be allowed before July 1? After October 15?*

Earlier in the Response letter, it indicates that "...Hermits also propose to stop earth moving and heavy construction activity by October 15th of each construction season...The exception being that once the work is confined to the interior of the new structure, seasonal limitation would be dictated by weather conditions. (bulleted for clarity)

- 1. What constitutes a seasonal limitation?*
- 2. Will construction crews be accessing the property via snowmobiles in January?*

The response letter indicates that the Hermits do not plan on any specific small-scale agricultural activities at this time. The Updated Narrative document identifies the "Barn" as a 9,000 square foot barn to support subsistence agricultural uses by the Hermits. CPW would like clarification on the potential agricultural practices planned on the property as it would relate to potential impacts to wildlife.

Staff response: Staff recommends the Applicant provide responses to CPW's August 6th, 2024 letter "RE: Petrus Holdings Proposed Development (LUC-24-00016)."

3. Request of Planning Commission

Staff requests the Planning Commission determine if this project meets the standards of LUR Section 13-105:G – *Impact Classification and Required Findings for Coverage Exceeding Standard* and if the project will require buffering, pursuant to LUR Section 13-111. See these standards below, along with staff comments:

13-105:G – Impact Classification and Required Findings for Coverage Exceeding the Standard

- a. *FINDING OF NO OBTRUSIVE VISIBILITY REQUIRED FOR APPROVAL. The structure(s) is found not to be obtrusively visible. Elements to minimize such visibility shall include:*
 - i. *MINIMIZE VISIBILITY OF STRUCTURE BY SITING. The proposed Project and structures have been sited and shall be constructed using existing topography and natural vegetation for screening to the maximum extent feasible, to minimize the visibility of each structure from outside of the parcel on which it is to be built. During construction and use, disturbance and removal of existing vegetation outside of the permanent footprint of the structures shall be constrained to the maximum extent feasible, and restored substantially to its preconstruction state, to the maximum extent feasible; and*

Applicant response: The Property is in a very remote area of Gunnison County and much of the Property is not visible from any reasonably accessible location. Additionally, in the designing and siting of the Structures, the Hermits' design team has considered the criteria set forth in Section 13-105.G.1. The Structures would not be seen from nearby properties. The site was chosen to be surrounded by large groves of conifer trees and it would not be located on a visible ridge. The Applicant is willing to place story poles at the building site to ensure the Structures have no obtrusive visibility.

Staff response: The location of the structure is located near the existing development on the property, and this appears to be a minimally obtrusive location. The structure is not invisible. Planning Commission may decide that a site visit is needed to evaluate the siting of the structure.

Staff response: Planning Commission may decide that a site visit is necessary to best understand the location and the visibility impacts to neighboring properties.

- b. *MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING. After such siting, any structure that would be obtrusively visible from outside of the parcel on which it is to be built shall be screened to the maximum extent feasible from such visibility to preserve the natural characteristics of the site by natural vegetation, landscaping and architectural techniques (including colors that blend with the natural background, forms, and textures of the site, non-reflectability and clustering). Natural land forms are acceptable as screening; earth berming is acceptable only if it replicates the natural forms, scale and characteristics of the site. Deciduous vegetation of adequate density in its non-foliage*

season to provide effective screening is acceptable in combination with other screening techniques.

Applicant response: The Applicant has retained a design team to ensure the Structures blend into the natural landscape. The Structures will be constructed with natural colors and non-reflective materials. While it is unlikely that additionally landscaping or excavation would be necessary to minimize visibility of the Structures, the Applicant is prepared to construct berming and plant conifer trees to further limit visibility.

Staff response: Architectural renderings have not been provided to evaluate the visual impacts of colors and materials to be used. Staff does not believe that berming would be a viable solution for this project, however, planting additional conifer trees may be desired by Planning Commission.

- c. LOCATION OF UTILITIES UNDERGROUND. Utilities shall be located and installed, to the maximum extent feasible, to not be visible. If installed underground, the natural environment disturbed by installation shall be restored to the maximum extent feasible to its condition before the utilities were installed.*

Applicant response: The Structures will be off-grid. Thus, utilities will not run for long distances to serve the residence. With the exception of ground mounted solar panels that must be above ground, all such utilities would be contained within the structures or constructed underground. No solar panels would be mounted on the roofs of the Structures, as to eliminate visible reflections from the site. The Hermits seek to keep as much of the surface of the Property as natural and unimpacted as possible.

Staff response: With the exception of the solar panels, all utilities are to be located underground.

- d. OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL. If, after such siting and screening, any portion of a structure is obtrusively visible from outside of the parcel on which it is to be built, that portion of the Project shall be denied. In order to meet this standard, the entire structure need not be invisible from outside of the parcel on which it is to be built.*

Staff Response: The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.” Based on the information provided, it appears that the project will not be visually obtrusive based on the location and sheer size of the parcel. However, without architectural renderings or a site visit, it is difficult to understand the obtrusiveness of the project.

4. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click “Projects”, search by application number LUC-24-00016. Click on “Attachments”.

- A. Staff Report for Minor Impact
- B. Site Plan & Vicinity Map
- C. Wildlife Letters: CPW & Applicant



**GUNNISON COUNTY, COLORADO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT for MINOR IMPACT**

Land Use Change Permit Application: Hermitage House Exceeding
Maximum Aggregate Square Footage
Application No: LUC-24-00016
Date application scheduled with Planning Commission: August
15, 2024
Prepared by: Sean Pope

Applicant Name:	Petrus Holdings Inc., Represented by Nathaniel Smith, Esq.
Property Owner Name:	Petrus Holding Inc.
Project Description:	<p>The Applicant Petrus Holdings Inc., represented by Nathaniel Smith, Esq., proposes the construction of a 13,000 sq. ft. “Hermitage House” with a 3,500 sq. ft. unfinished basement, a 3,200 sq. ft. Secondary Residence, and 9,000 sq. ft. Barn at PID 3437-000-00-004, 4500 Forest Service Road 563. Development is proposed to take place on a single 923-acre parcel (PID 3437-000-00-004) out of three parcels of land owned by Petrus Holdings, Inc (PID 3437-000-00-102, 3437-000-00-103) which total approximately 1,200 acres.</p> <p>The proposed development is for a group of Roman Catholic Carmelite hermits (Hermits), who live a simple, quiet lifestyle in isolation from the public. They typically spend their days in prayer, quiet study, and meditation. The Hermitage House would be able to accommodate up to 24 Hermits. The residence would consist of one, two-story structure, including a main common living area and bedrooms for each of the Hermits. The Secondary Residence would be designed as a more traditional single-family home for use by the hermits when in need of more modern amenities for health and safety needs or for visiting Hermits, which would occur only on very rare occasions. The Barn would be used solely to support subsistence agriculture consistent with the Hermits’ simple lifestyle. This Application does not seek any property line adjustments or subdivisions on the Property.</p> <p>Currently, there is a single-family home and two dilapidated shed/barn structures on the property. The sheds would be demolished after the approval of this Application. However, the applicant proposes to use the existing single-family home to support/house construction crews during construction. Once the county issues the certificate of occupancy for the project, all older, existing structures would be demolished.</p>
Property Location:	4500 FS Rd. 563, Gunnison County, CO

	<p>https://maps.app.goo.gl/RfbNVCBY4VeW9f129 (38°46'49.2"N 106°57'51.5"W)</p> <p><u>Legal Description:</u></p> <p>A. Parcel A: Township 15 South, Range 86 West of the 6th Principal Meridian:</p> <p>a. Section 1: Lot 4 (NW¹/₄ NW¹/₄), SW¹/₄ NW¹/₄, W 1/2 SW¹/₄</p> <p>b. Section 2: Lot 1 (NE¹/₄ NE¹/₄), Lot 2 (NW¹/₄ ,NE¹/₄), Lot 3 (NE¹/₄ NW¹/₄), Lot 4 (NW¹/₄ NW¹/₄), S¹/₂ N¹/₂, N¹/₂ S¹/₂, S¹/₂ SE¹/₄</p> <p>c. Section 3: S¹/₂ NE¹/₄, N¹/₂ SE¹/₄, NE¹/₄ SW¹/₄</p> <p>B. Parcel B: NW¹/₄ SE¹/₄ of Section 1, Township 15 South, Range 86 West, 6th Principal Meridian</p> <p>C. Parcel C: Township 15 South, Range 86 West, 6th Principal Meridian:</p> <p>a. Section 1: SW¹/₄ SE¹/₄, E¹/₂ SW¹/₄</p> <p>b. Section 12: W¹/₂ NE¹/₄, E¹/₂ NW¹/₄</p>
Surrounding Land Uses:	The parcels of land owned by the Applicant is surrounded by USFS land on all sides. Adjacently to the South is a parcel of land owned by Staples Ranch Associates LLC, which is approximately 82 acres in size.
Agency and Department Review:	<p>A copy of the application was sent to the following referral agencies by email on May 14, 2024 date:</p> <ul style="list-style-type: none"> - Colorado Parks and Wildlife (CPW) - Colorado Geologic Survey (CGS) - Building and Environmental Health Official (No comments received) - Public Works (No comments received) - US Forest Service (USFS) - Gunnison Fire Protection District (GFPD)
Pre-Application Conference:	N/A
Status of Application:	Complete
Attached Exhibits:	You may review the entire application at https://permitdb.gunnisoncounty.org/citizenaccess , click "Projects", search by application number LUC-24-00016. Click on "Attachments".
Planning Commission Tasks at Initial Work Session:	<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Hear applicant presentation — Identify and consider issues — Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1. — Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted — Set site visit date — Determine if application is ready to be set for public hearing, or if other work session is required

Initial Impact Classification:		Minor Impact Project, based upon classification found in <i>Section 6-102: Projects Classified as Minor Impact Projects</i>
Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)		<p>Demand for public services. The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p>Impacts on impact area and the environment. The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p>Impacts related to all existing and proposed development and proposed development in impact area. The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICABILITY OF LAND USE RESOLUTION STANDARDS:

STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE	Plan complies, or compliance will be determined during review	Staff Comments/ References to specific documentation
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable. Staff has evaluated the proposal against the standards within Section 9-101:E. See below for the applicable standards with staff comments:</p> <ol style="list-style-type: none"> 1. <u>Secondary Smaller than Primary Residence</u> <ul style="list-style-type: none"> - The secondary residence is proposed to be 3,282 sq. ft., and the primary residence proposed is to be 12,079 sq. ft.. The secondary residence is smaller than the primary residence. 2. <u>Location</u> <ul style="list-style-type: none"> - The location of the secondary residence is located approximately 33' to the south of the main residence. This

		<p>location is in close proximity to the main residence and does not significantly increase visual or land use impacts of the proposed development.</p> <p>3. <u>Designation of Building Envelope</u> - An approximately 5.3 acre building envelope is shown on the <i>Site Plan</i>, which includes the single family residence, secondary residence and barn.</p> <p>4. <u>Adequate Parking</u> - See Section 13-110 for parking information.</p> <p>5. <u>Shared Water Supply and Wastewater Treatment System</u> - Applicant proposes 2 OWTS's, one for the main residence and one for the secondary residence. This will require a variance from the Environmental Health (EH) board. If approved by the EH board, the project will comply with the standards of this Section.</p> <p>6. <u>Complies with Deed Restrictions or Protective covenants</u> 7. N/A</p>
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application

9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not for a subdivision.
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not for a subdivision.
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is a residential use.
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant shall meet the standards of this Section to the maximum extent feasible.
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located in a flood hazard area.
11-104: Development in geologic hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Project is located within a geologic hazard zone of “unstable slopes.” A <i>Geotech Report</i> from Darin Duran P.E. and concluded that “...there is low risk of slope instability in the area of the proposed building envelope on this site.” The building plans are required to be designed to the recommendations within this report, which will be a requirement at the time of building permit.</p> <p>In an email from Jill Carlson,</p> <p><i>“I agree with the conclusions and recommendations in CMT’s Geotechnical Study, Hermitage Gunnison, 4500 Forest Service Road 563 (November 22, 2023). Although the proposed building site and access road are within a mapped “Debris slopes and landslide, slump, debris-earthflow complexes” area1, the proposed building site (approx. 38.7801, -106.9639) is in a relatively flat area and appears to be sufficiently set back from slopes to the north and south. LiDAR-derived hillshade imagery shows no evidence of recent or active instability within the area of the proposed buildings, and the site is not known or suspected to be undermined. CGS therefore has no objection to approval of LUC-24-00016.”</i></p>

		<p>Staff comments: The Applicant has provided a geotechnical report for the design of the structures and CGS has no objections to the proposal. The applicant has provided sufficient documentation to meet the standards of this Section. Foundation design is required to be based on the recommendations within the Geotechnical report.</p>
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Project is located within a moderate/high wildfire hazard area. Applicant is required to submit a defensible space plan at the time of building permit. Staff has no concerns that an acceptable defensible space plan can be achieved for this project.</p>
11-106: Protection of wildlife habitat areas	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 11-106:B APPLICABILITY. All applications for Land Use Change Permits, including Building Permits, On-Site Wastewater Treatment System Permits, Gunnison County Access Permits, Gunnison County Reclamation Permits, and Land Use Change Permits shall be processed subject to the individual requirements of this Section, and assessed to determine if the location of the proposed activity is within the sensitive wildlife habitat areas designated on the maps referenced in Section 11-106: C.: Maps Used to Identify Sensitive Wildlife Habitats.</p> <p>The project is located within Elk Migration Corridor and adjacent to a Mule Deer Migration Corridor.</p> <p>In a letter from Clayton BonDurant, District Wildlife Manager, dated June 5, 2024, CPW expressed concerns about the impacts of such a large structure in the area. For the full letter, view the <i>CPW Comments</i> attachment in the project file. Staff selected pertinent quotes from the letter are below:</p> <p><i>“The entire parcel falls within a CPW mapped elk production area. Within elk production areas CPW recommends no permitted or authorized human activities from May 15 to June 30.”</i></p> <p>Staff response:</p>

		<p><i>“If this application is approved, CPW would respectfully request that access and construction timing stipulations and restrictions are incorporated into approvals and permits. CPW can help provide those stipulations and restrictions at the conclusion of all preliminary application reviews.”</i></p> <p>Staff response:</p> <p>In discussing USFS Rd. 563, <i>“...CPW would not support improvements to this road to accommodate higher vehicle volumes and construction traffic, and more importantly, it is unknown whether the USFS would consider any such requests... Any potential improvements to USFS 563 that would accommodate increased construction traffic and/or larger vehicles will also promote additional public traffic into this area to the detriment of wildlife.”</i></p> <p>Staff response:</p> <p><i>“...it is our understanding that some level of year-round occupation is planned by the new owners. This is also of concern by CPW because intuitively, it would significantly increase the volume of over-the-snow travel (snowmobiles, snowcats) for a significant portion of the year, and/or suggests that requests for plowing permits would be imminent.”</i></p> <p>Staff response: The Applicant has not indicated that any plowing permit will be requested. The Applicant is required to sign a disclaimer that states the property is located beyond snowplowed access and does not imply plowed access in the future.</p> <p>A response to CPW’s comment was received from Alex Nees, Senior Ecologist with SGM, titled “Re: Petrus Holdings Proposed Development (LUC-24-00016) – Colorado Parks and Wildlife Referral Comments Response, dated July 8, 2024. In this letter Mr. Nees provides mitigation measures to address CPW’s concerns. Staff has provided the summary at the end of the letter below. For the full letter, see the <i>Applicant’s Response to CPW 7.8.24</i> document.</p> <ol style="list-style-type: none"> 1. Limit earthwork and exterior <u>noise/dust generating</u> construction activity to the period between July 1 and October 15, to avoid disrupting elk production, elk and deer spring migration, and elk and deer fall migration. Prohibit contractors from bringing dogs onto the
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		<p>property.</p> <ol style="list-style-type: none"> 2. Avoid upgrades to the USFS 563 access road, maintaining the existing Maintenance Level 2 to preserve the current level of isolation and low human activity. Any upgrades for construction to the road would need to be thoroughly reviewed by USFS. 3. Limit winter access solely to cross-country over-snow travel by snow machine, as currently allowed by USFS management regulations. No regular travel on designated routes (USFS 563 or otherwise), no snow removal, and no development of compacted travel corridors that could encourage the public to visit the project vicinity in the winter. 4. Incorporate standard bear conflict mitigation measures, including bear-proof trash storage, bear-resistant exterior doors, a prohibition on pets (specifically including dogs) either onsite or with contractors/visitors, and use of electric fencing if any small-scale agricultural activities are developed onsite. 5. Progressively replacing perimeter fencing as maintenance requires with wildlife-friendly design: 4-wire top and bottom smooth. 6. As part of the Land Use Application, the proposed site will be extensively analyzed for visual impacts and overall compliance with Gunnison County Land Use Regulations. <p>In a response to Mr. Nees’s letter, Clayton BonDurant, District Wildlife Manager for CPW provided a letter titled “RE: Petrus Holdings Proposed Development (LUC-24-00016), dated August 6, 2024. Staff has pulled out pertinent information, questions and clarification requests from within this letter below. For the full letter, view the <i>CPW Comments 8.6.24</i> attachment in the project file.</p> <p><i>“Based on CPW staff’s past correspondence with the various owners of this property, historical human disturbance has been minimal and seasonal, resulting in minimal impacts to wildlife. The cattle grazing that occurred on the property appeared to be low intensity, short duration, with a low level of management disturbance primarily in the form of fence maintenance (due to the</i></p>
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		<p>square foot barn to support subsistence agricultural uses by the Hermits. CPW would like clarification on the potential agricultural practices planned on the property as it would relate to potential impacts to wildlife.</p> <p>Staff recommends the Applicant provide responses to CPW's August 6th, 2024 letter "RE: Petrus Holdings Proposed Development (LUC-24-00016)."</p>
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not Applicable. See <i>Whetstone Wetlands Negative Finding</i> for findings of no wetlands near the project location.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located on a Ridgeline Vantage.
11-109: Development that affects agricultural lands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The project is located on a parcel of land adjacent to a parcel which is listed as agricultural and may be used as such. Applicant will be provided a copy of the Code of the West and Right-to-Ranch at the time of approval.
11-110: Development beyond snowplowed access	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Project location is beyond snowplowed access. No plowing has been proposed. Applicant will be required to notarize the Written Acknowledgement per the standards of this Section at the time of approval.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located on an inholding in the national wilderness.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable, project is not located above timberline.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 12-103:A COMPLIANCE WITH ROAD AND BRIDGE CONSTRUCTION STANDARDS. All applicants for Land Use Change Permits that have a component of driveways, roads and/or bridges shall comply with the requirements of the Gunnison County Standards and Specifications for Road and Bridge Construction, and this Section. Staff response: The private driveway on the property will need to comply with Gunnison County Road and Bridge Standards. The Applicant is required to submit obtain an Access permit (or waiver) from Public Works prior to issuance of the building permit.</p> <p>SECTION 12-103:G.3.C ACCESS ONTO A PUBLIC ROAD. ACCESS ONTO A PUBLIC ROAD. Any Land Use Change</p>

		<p>utilizing a public road for access shall acknowledge in writing that access is onto a public road.</p> <p>In comments received from Denise Kunir, Forest Lands Program Manager, dated June 6, 2024, it states “No maintenance to the NFSR road 737 & 563 should be issued by the county, maintenance of the roads must be permitted by the Forest Service.”</p> <p>Staff response: The Applicant’s access to the property is through public roads. More specifically, access is granted through Forest Service Road 737 and Forest Service Road 563. The Applicant has obtained a <i>Road Maintenance Permit</i> from the USFS for road maintenance improvements along NFSR 563. These road maintenance improvements include drainage improvements, culvert replacement, and road template reconditioning. These improvements will help facilitate construction vehicles.</p>
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project has no impacts to trails.
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Applicant has provided a list of <i>Water Rights</i>, showing that there are several water rights from springs in the area, where the water can be used for “...stock watering, wildlife protection, fire control, and recreational purposes.” This includes one water right (Case No. W-1799), which includes a water right for “...up to 0.083 cfs of water for stock watering, wildlife procreation, fire control, domestic and recreational purposes.”</p> <p>Applicant has also submitted for a well permit, which has not been issued to date. However, the water supply appears to be adequate for the proposed use based on the water rights submitted.</p> <p>Staff has emailed DWR for referral on August 9, 2024.</p>
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 12-106: A. SANITARY SEWAGE DISPOSAL SYSTEM REQUIRED. No land use change shall be permitted unless a method of sewage disposal is available to that lot or development that complies with all applicable standards of this Resolution, the Gunnison County On-Site Wastewater Treatment</p>

		<p>System Regulations, and of the Colorado Department of Public Health and Environment.</p> <p>Staff response: Applicant shall submit an OWTS permit at the time of, or prior to building permit submittal. OWTS is required to comply with Gunnison County regulations. In the most recent submittal, the Applicant is proposing 2 OWTS systems and will require a variance through the Environmental Health board for approval. This will be a requirement at the time of building permit.</p>
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Applicant shall contact Gunnison Fire Protection District to meet the districts design standards. In an email from Hugo Ferchau, Fire Chief for GFPD, dated May 30, 2024, he had no concerns with this project.</p>
13-102: B.: Location within municipal three-mile plan area	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is not located within a three-mile plan area.
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>Project is located on a parcel of land that is approximately 916 acres, and development takes place well beyond the setback requirements.</p> <p>SECTION 13-103:C SITE-SPECIFIC BUILDING ENVELOPES. To assure compliance with the standards of Article 11: Resource Protection Standards and this Article, designation of site-specific building envelopes on site plans shall be required for all Land Use Change Permit applications, including those for Building Permits.</p> <p>Staff response: The Applicant has shown on the <i>Site Plan</i>, a 5.3 acre building envelope for the single family residence, secondary residence, barn, and parking area. The building envelope is located away from any identified wetlands and in a location near the existing development.</p> <p>SECTION 13-103:H.1.b PITCHED ROOFS. All structures with pitched roofs shall not exceed 30 feet in height. The minimum roof pitch shall be as required by the applicable building code, adopted and amended by Gunnison County.</p>

		Staff response: The proposed single family residence is approximately 30' in height, which is the maximum allowable height for a structure.
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. SECTION 13-104:A Unless otherwise exempted by this Resolution, the following shall apply, all land use changes and approved Building Permit site plans shall meet property line setback requirements indicated in Table 7: Setbacks from Property Lines and Road Rights-of-Way. Staff response: The Project is located over 1000' from the nearest property line and exceeds the minimum requirements of this section of 25' from the front and 15' along the sides and rear.
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The project exceeds the 5,000 sq. ft. maximum primary residence size, as well as the 7,000 sq. ft. aggregate of structures for a parcel. Pursuant to Section 13-105:G – Impact Classification and Required Findings for Coverage Exceeding Standard, the application must meet the standards of this section (below) in order to exceed the maximum building size. a. MINIMIZE VISIBILITY OF STRUCTURE BY SITING Applicant response: The Property is in a very remote area of Gunnison County and much of the Property is not visible from any reasonably accessible location. Additionally, in the designing and siting of the Structures, the Hermits' design team has considered the criteria set forth in Section 13-105.G.1. The Structures would not be seen from nearby properties. The site was chosen to be surrounded by large groves of conifer trees and it would not be located on a visible ridge. The Applicant is willing to place story poles at the building site to ensure the Structures have no obtrusive visibility. Staff response: The location of the structure is located near the existing development on the property, and this appears to be a minimally obtrusive location. The structure is not invisible. Planning Commission may decide that a site visit is needed to evaluate the siting of the structure.

		<p>b. MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING. Applicant response: The Applicant has retained a design team to ensure the Structures blend into the natural landscape. The Structures will be constructed with natural colors and non-reflective materials. While it is unlikely that additionally landscaping or excavation would be necessary to minimize visibility of the Structures, the Applicant is prepared to construct berming and plant conifer trees to further limit visibility. Staff response: Architectural renderings have not been provided to evaluate the visual impacts of colors and materials. Staff does not believe that berming would be a viable solution for this project, however, planting additional conifer trees may be desired by Planning Commission.</p> <p>c. LOCATION OF UTILITIES UNDERGROUND. Applicant response: The Structures will be off-grid. Thus, utilities will not run for long distances to serve the residence. With the exception of ground mounted solar panels that must be above ground, all such utilities would be contained within the structures or constructed underground. No solar panels would be mounted on the roofs of the Structures, as to eliminate visible reflections from the site. The Hermits seek to keep as much of the surface of the Property as natural and unimpacted as possible. Staff response: With the exception of the solar panels, all utilities are to be located underground.</p> <p>d. OBTRUSIVE VISIBILITY SHALL CAUSE DENIAL. Applicant response: The entire structure would not be visible from outside of the Property. This Application should not be denied for reasons of visibility. Staff Response: The standard to evaluate against is an “obtrusively visible structure,” which is defined as “a structure or part of a structure that stands out in the context of its surroundings or that draws attention to itself.” Based on the information provided, it appears that the project will not be visually obtrusive based on the location and sheer size of the parcel. However, without architectural renderings or a site visit, it is difficult to understand the obtrusiveness of the project.</p>
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		Planning Commission will evaluate the project against the standards above.
13-107: Installation Of Solid-Fuel-Burning Devices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. As proposed, the Hermitage House is to be serviced by an EPA certified solid-fuel burning boiler. The Secondary Structure would be heated by propane. The Hermitage House is a large single family residence that is not located within any Three Mile Areas and is allowed to have up to two solid-fuel burning devices. The boiler will be reviewed at the time of building permit and shall meet the standards of this section.
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, project is exempt from the standards of this section.
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no signs are proposed.
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The <i>Site Plan</i> shows 24 parking spaces, which meets the minimum requirements of this section. Note that the applicant has shown the minimum required parking spaces on the site plan in order to meet the standards of this Section. However, the Applicant has stated that they do not intend to use the majority of the parking spaces, as they are only planning to utilize up to three spaces.
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The project will be required to obtain a reclamation permit and will be reseeding the disturbed areas with native seed mix. The existing vegetation will provide sufficient buffering.
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. There is sufficient snow storage on the property to meet the standards of this section.
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no fencing is proposed.
13-114: Exterior Lighting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Applicant shall comply with the standards of this section at the time of building permit.
13-115: Reclamation And Noxious Weed Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.

		Because the project exceeds 10, 000 sq. ft. of disturbance. A reclamation permit shall be required from Public Works at the time of building permit. Applicant is aware of this requirement and will be applying for a reclamation permit.
13-116: Grading And Erosion Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Because the project exceeds 10, 000 sq. ft. of disturbance, a grading and erosion control plan that meets the standards of this section is required. Applicant plans to use silt fencing to provide grading and erosion control for the project. See sheet C4 on the <i>Site Plan</i> for location.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. The purpose of this Section is to minimize the potential adverse impacts to water quality and on- and offsite drainage, construction and post-construction storm water runoff. Applicant has provided drainage details to minimize any adverse impacts of drainage.
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no water impoundments are proposed.
13-119: Standards To Ensure Compatible Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Section 13-119:A GENERAL. Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following (staff responses below each section): 1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth. a. Based on the applicants response in their LUR Criteria For Minor Impact, and staffs review of this project, there is no anticipated hazards or nuisances for the project as proposed. as this is a large single family residence living a quiet lifestyle. The number of trips generated is equal to or less than the neighboring uses, and the

		<p>project is located more than 1000' from any property lines.</p> <p>2. ADVERSE IMPACTS TO ADJOINING LAND. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.</p> <p>a. For the reasons listed in the previous subsection 1, staff has no concerns about adverse impact on the adjoining lands that result in any significant net adverse impact.</p>
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106°59'30"W 106°59'0"W 106°58'30"W 106°58'0"W 106°57'30"W 106°57'0"W

38°47'0"N

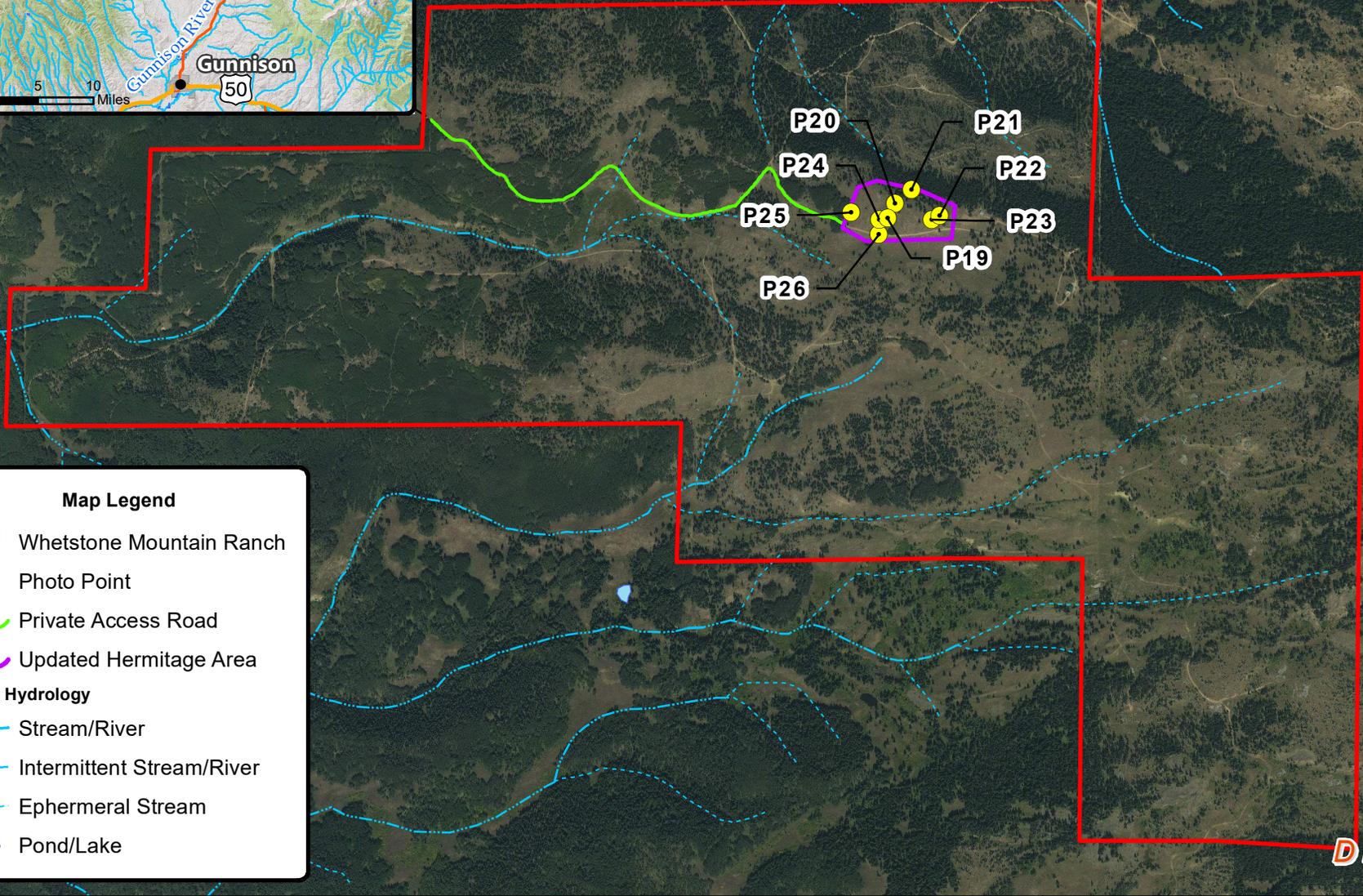
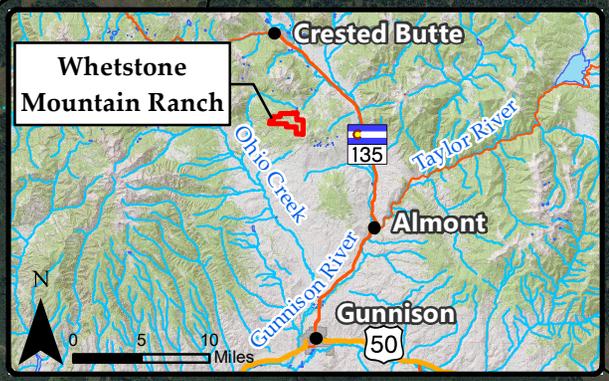
38°47'0"N

38°46'30"N

38°46'30"N

38°46'0"N

38°46'0"N



Map Legend

- Whetstone Mountain Ranch
- Photo Point
- Private Access Road
- Updated Hermitage Area

USGS Hydrology

- Stream/River
- Intermittent Stream/River
- Ephemeral Stream
- Pond/Lake

DRAFT

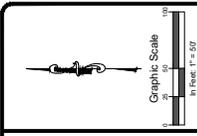
555 RiverGate Ln, Suite B4-82
Durango, CO 81301
970.385.2340
www.sgm-inc.com

Figure 1
Petrus Monastery Proposal
Petrus Holdings

Date: 9/8/2023	Job No. 2022-342.001 Ph 1 T3	Map by: ANW	Checked by: AN	Scale: 1:18,000
Data Sources: 9/7/2021 NAIP Aerial Imagery, SGM (Photo Points), Gunnison County GIS (Parcels, Roads), USGS (NHD Hydrology)				
File: J:\Projects_Replica\2022\2022-342.001_PetrusHoldings\MXDsl\Fig 1.PetrusMonasteryProposal.mxd				
The information displayed above is intended for general planning purposes. Refer to legal documentation/data sources for descriptions/locations.				

1 inch = 1,500 feet

Existing Conditions
 A Portion of the Petrus Holdings Parcel
 Situated in Section 2, Township 15 South,
 Range 86, West of the Sixth Principal Meridian
 Gunnison County, Colorado

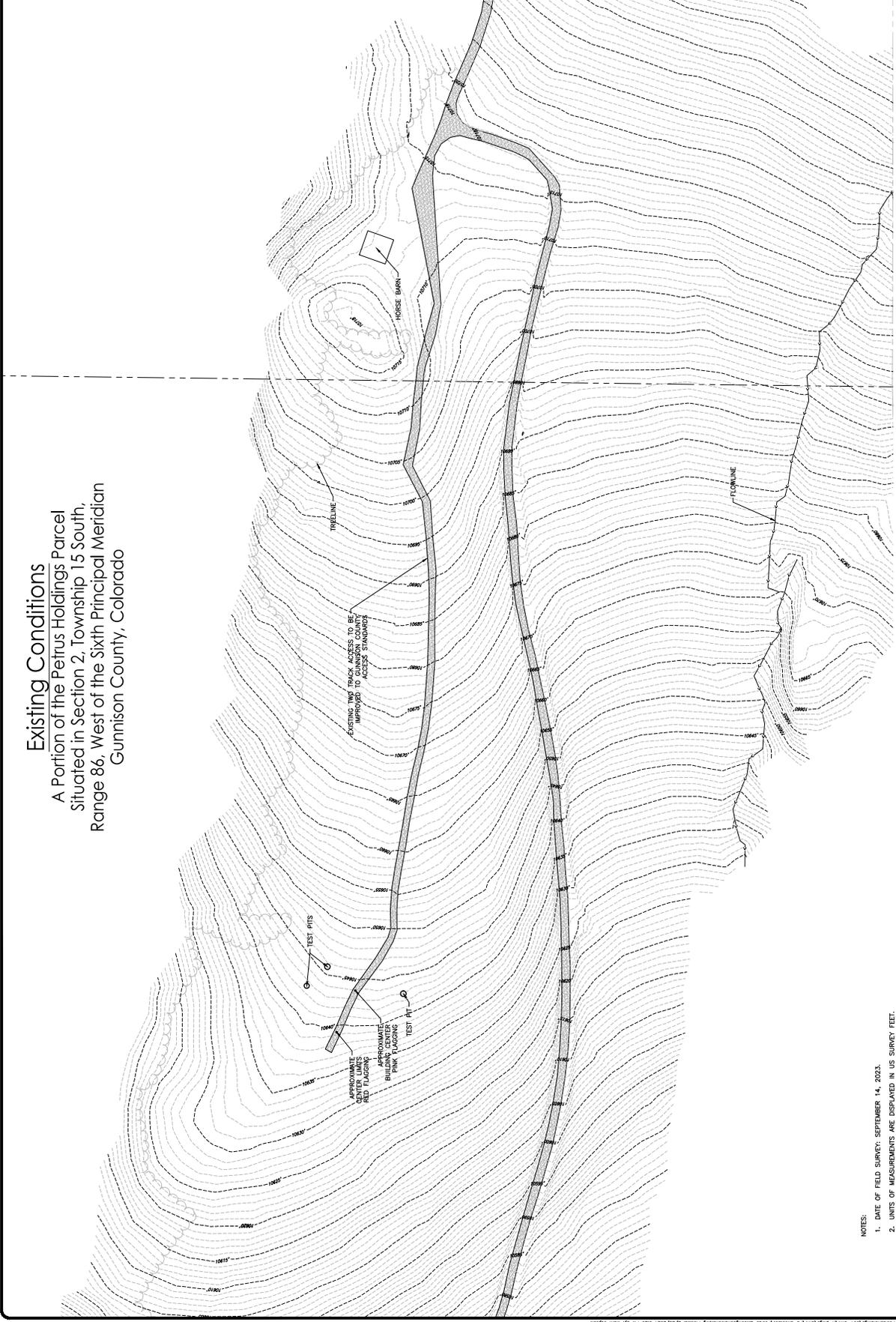


SGM
 103 W. Tenth Ave., Suite A
 Gunnison, CO 81230
 970.641.5355
 www.sgm-inc.com

Petrus Holdings
 Heritage House, Gunnison County
 CO

Project Message: PRELIMINARY NOT FOR CONSTRUCTION
DATE: 09/14/2023
TIME: 10:00 AM
BY: [Signature]
CHK: [Signature]
APP: [Signature]
DATE: 09/14/2023
TIME: 10:00 AM
BY: [Signature]
CHK: [Signature]
APP: [Signature]

Existing Conditions
 Exhibit (1)
 C3
 OF 4



- NOTES:
1. DATE OF FIELD SURVEY: SEPTEMBER 14, 2023.
 2. UNITS OF MEASUREMENTS ARE DISPLAYED IN US SURVEY FEET.



COLORADO

Parks and Wildlife

Department of Natural Resources

Gunnison Service Center
300 W New York Ave
Gunnison, CO 81230
P 970.641.7060 | F 970.641.7883

June 5, 2024

Sean Pope
Gunnison County Planning Department
221 N. Wisconsin St.
Gunnison, CO 81230

RE: LUC-24-00016 Petrus Holdings Inc.

Dear Sean,

Colorado Parks and Wildlife (CPW) appreciates the opportunity to comment on building application LUC-24-00016 for Petrus Holding Inc., which proposes a 12,079 sq. ft. single family residence, 3,282 sq. ft. secondary residence, and a 20,000 sq. ft. barn on a 923 acre parcel. There is an existing residence and several outbuildings already constructed on this property, which is situated on the northwest flank of Red Mountain.

CPW has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors. CPW would respectfully offer the following comments relative to this application:

This remote, high elevation parcel is surrounded on all sides by Federal public land (US Forest Service (USFS) property), and a section of Colorado State Trust Land leased by CPW. The area provides habitat for many wildlife species including big game (mule deer, elk, moose, mountain lion, black bear), small mammals, reptiles and amphibians, and a myriad of avian species. Habitats consist of aspen and mixed conifer/aspen forest, upland meadow, spruce/fir forest and interspersed riparian areas. The surrounding geographic area has always been a popular destination in Gunnison County for hunters, wildlife watchers, and for primitive, general public land recreation.

This parcel includes sensitive wildlife habitat as defined in Gunnison County's Land Use Resolution (Section 2-102). The entire parcel falls within a CPW mapped elk production area. Within elk production areas CPW recommends no permitted or authorized human activities from May 15 to June 30. The entire parcel is within a CPW mapped elk migration corridor. Based on my knowledge of this parcel and the surrounding area, the fall elk migration, depending on weather, occurs during the months of November-January, while the spring migration, depending on weather and snow pack, occurs April-June. The western side of the parcel is within a CPW mapped mule deer migration corridor. Based on my knowledge of the



Jeff Davis, Director, Colorado Parks and Wildlife

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parcel and the surrounding area, the fall migration, depending on weather, occurs between October-December, while the spring migration, depending on weather and snow pack, occurs between April-June. Maintenance and protection of migration corridors is fundamental to local big game management, therefore CPW typically recommends avoiding and minimizing development within these areas. Although some development currently exists on this parcel, the seasonal access and historically low-intensity of use has helped maintain the local wildlife habitat values and permeability across the landscape. If this application is approved, CPW would respectfully request that access and construction timing stipulations and restrictions are incorporated into approvals and permits. CPW can help provide those stipulations and restrictions at the conclusion of all preliminary application reviews.

The access road to this property, USFS 563, identified as a jeep trail on some maps, is a windy, minimally maintained, seasonal road that runs primarily through USFS lands. Annually, this road receives light traffic volume outside of fall hunting seasons, as the condition is restrictive for many vehicles. CPW would not support improvements to this road to accommodate higher vehicle volumes and construction traffic, and more importantly, it is unknown whether the USFS would consider any such requests. All of this road segment falls within mapped elk production area, elk migration corridor, and mule deer migration corridor. The magnitude of development this application proposes (over 30,000 sq. ft.) would require a tremendous amount of construction materials and manpower that does not seem realistic based on the current access conditions. Any potential improvements to USFS 563 that would accommodate increased construction traffic and/or larger vehicles will also promote additional public traffic into this area to the detriment of wildlife. Due to the large size of the structures proposed in the application, and a short construction window due to weather and snow pack in the area, (without considerations for wildlife timing restrictions) construction is likely to be ongoing for multiple years. Increased human activity will promote habitat fragmentation, which correlates negatively with future wildlife usage.

Furthermore, it is our understanding that some level of year-round occupation is planned by the new owners. This is also of concern by CPW because intuitively, it would significantly increase the volume of over-the-snow travel (snowmobiles, snowcats) for a significant portion of the year, and/or suggests that requests for plowing permits would be imminent. Accessing this private parcel during even an average Gunnison winter would be daunting, and create a net increase in year-round disturbance and impacts to wildlife.

The applicants are proposing to develop on a ridge overlooking the Carbon Creek drainage and Whetstone Mountain, which is likely to be highly visible based on the large footprint. If this application is approved, to reduce potential impacts to wildlife and adjacent public land users, CPW recommends minimizing the visibility of any new structures. Ways to reduce visibility include but are not limited to: locating structures in less visible areas that are screened by existing vegetation, minimizing reflective surfaces, planting vegetative screening, or using earth toned construction materials that blend into the surrounding landscape. Based on the application, it does appear that the project proponents would intend to build in relative proximity to the existing structures on the property (approximately 600 yards from existing residence). CPW supports the concept of clustering development to help maintain habitat integrity across the largest geographic area possible. As indicated, this



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particular parcel is well known for its long-standing wildlife values, particularly for elk and mule deer.

This application is proposing more than 30,000 sq. ft. of new construction; as previously stated, this parcel already has a fairly large residence constructed and several outbuildings. The purpose and intent behind such a large development is not fully understood by CPW at this time, and was not conveyed during initial discussions with project proponents. CPW is concerned that there is a commercial aspect to this development, which we would not support based on the potential for dramatic increases in traffic volume and human activity through sensitive wildlife habitats on both private and public lands.

This parcel is also in a CPW mapped black bear concentration area. Human conflicts are typically the result of unmanaged trash, or the availability of other attractants such as bird feeders, pet food and/or livestock feed. Because of this, CPW recommends that preventative efforts be taken to reduce bear-human conflict, including the mandatory use of bear proof trash containers. Bear-proof containers are a proven way to mitigate bear conflict. If the applicant intends to undertake any small-scale residential agricultural activities (gardening, chickens, composting, etc.) CPW recommends utilizing small electrified fenced enclosures to reduce conflicts with bears. Please refer to the "Living with Bears" brochure provided at the link below:

<https://cpw.state.co.us/Documents/Education/LivingWithWildlife/LivingWithBears.pdf>

Other than electric fencing associated with mitigating bear conflict, CPW typically recommends that no new fencing is included as part of any future development. If new fence must be constructed, CPW recommends that whether it be wire, wood, electric, or synthetic, that it be built using wildlife friendly specs so as not to restrict movement of elk, deer, and other wildlife. "Fencing with Wildlife in Mind" is a landowner resource available from CPW that is intended to help design and construct wildlife friendly fences that also meet property owners' needs. Please refer to CPW's "Fencing with Wildlife in Mind" which may be found at:

<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

Household pets, including cats and dogs, present a threat to native wildlife following new development. Dogs which are allowed to roam freely may harass and kill wildlife. Dogs outside their yard, kennel, or dog-run should be on a leash or otherwise under direct control. Domestic cats are adept hunters and may be extremely impactful to populations of local birds and small mammals if allowed to range freely. They may also attract and ultimately become prey for coyotes, foxes, lions, and bears. CPW recommends that domestic cats are kept indoors or under direct control while outdoors. Pet food left outside may attract bears and other predators as well as nuisance wildlife species, therefore CPW recommends securing all pet food sources to help mitigate conflicts.

CPW appreciates Gunnison County's consideration of wildlife issues across our communities and for the opportunity to participate in county planning. Please contact me at 970-275-3972, if you have any questions or need further clarification.



Jeff Davis, Director, Colorado Parks and Wildlife

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Sincerely,



Clayton BonDurant
District Wildlife Manager

cc: Brandon Diamond Area Wildlife Manager, SW Region File



Sean Pope
Gunnison County Planning Department
221 N. Wisconsin Street
Gunnison, CO 81230

July 8, 2024

Re: Petrus Holdings Proposed Development (LUC-24-00016) – Colorado Parks and Wildlife Referral Comments Response

Dear Sean,

Thank you for forwarding Colorado Parks and Wildlife's (CPW) referral comments to us. (The June 5, 2024, referral comment letter from Mr. Clayton BonDurant been attached for reference.) We appreciate Mr. BonDurant taking the time to review the submittal material and provide comments. As you requested, we have responded to those comments below and will be glad to speak to you or Mr. BonDurant about any of them.

As you are aware, Petrus Holdings is a nonprofit entity seeking to construct a large residential structure (Hermitage) in private rural settings for the use of Roman Catholic Carmelite Hermits (Hermits). This is a unique vision for the use and development of rural properties and does not present the same set of environmental concerns and potential impacts as a more typical residential or commercial development. We believe the simple, quiet lifestyle and isolated nature of the Hermits' is very much in line with CPW's comments and suggestions. The Hermits are actively seeking to minimize any potential impacts to the environment and wildlife with the project, since the quiet and natural setting is a key component of their desired Hermitage retreat. Petrus Holdings purchased this property because it was consistent with the Hermits' quiet, peaceful lifestyle that includes no visitors.

We appreciate CPW concerns over the potential impacts of the Hermitage. The property does constitute a large contiguous habitat area surrounding on all sides by Forest Service lands, and the interest expressed about the development plans is certainly warranted. We do note that the historic and existing land use includes significant hunting activity in the fall, as well as fairly intensive summer-seasonal cattle grazing. These uses would be significantly limited once the Hermitage is constructed. Several large permanent structures also already exist on the property. In our opinion, the primary issue of concern is the temporary impact associated with the construction of the proposed Hermitage. Once the Hermitage is constructed, we expect very low levels of ongoing disturbance. In general, our responses to CPW comments address the construction impacts separately from the permanent ongoing impacts.

This letter has been drafted to respond specifically to the individual comments provided by Mr. BonDurant, itemized below in the order in which they are presented in the referral letter.

Impacts to Sensitive Wildlife Habitat – Elk Production Habitat

With regard to supporting elk calving and the initial few weeks of growth, the most valuable and critical component of the property is the western end, which is lower in elevation and dominated by aspen stands rather than mixed conifer and meadow habitat. The proposed permanent development footprint

of the Hermitage is entirely outside of this highly effective calving habitat, being located nearly a mile to the east and entirely outside of aspen-dominated areas. The most likely mechanism by which the proposed project could affect elk calving is the construction traffic on the existing road, where it passes through the aspen stands in the western edge of the property and on adjacent National Forest. Therefore, the Hermits agree with CPW's suggestion to limit human activity in this area from May 15 to June 30. The proposed mitigation measure is to avoid construction activity or transport of materials until July 1st. The application does not contemplate tree clearing or other land-altering activities in the aspen zone. The Hermits would also prohibit any dogs on the property during construction, whether confined or free-roaming, to reduce the potential for wildlife harassment. The Hermits do not keep dogs or other domestic pets.

After construction is complete, traffic on the existing road would be limited to rare trips by the Hermits for supplies, using standard-size vehicles on the existing main road. This activity would not be expected to dramatically impact elk calving activity nor will it exceed previous owner use.

Impacts to Sensitive Wildlife Habitat – Elk & Mule Deer Migration Corridors

Mr. BonDurant has provided the approximate dates of the spring and fall ungulate migration periods, generally identified as April-June for the spring migration and November-January for fall migration. Mule deer may begin migration as early as October.

As with elk production, the major potential for disruptive impacts is during the construction season. The noise, traffic, and visual activity associated with constructing the proposed buildings does have the potential to negatively impact ungulate movement, as ungulates would likely avoid the area of anthropogenic activity and thereby be forced into other migration paths. Therefore, in combination with the proposed elk production minimization measure, the Hermits propose to limit construction to the period after July 1st of each construction season, avoiding the spring migration period entirely. The Hermits also propose to stop earth moving and heavy construction activity by October 15th of each construction season, to avoid impacting the elk fall migration and to minimize the potential overlap with the beginning of mule deer fall migration. The exception being that once the work is confined to the interior of the structure, seasonal limitations would be dictated by weather conditions. No linear features (fences, new roads) are proposed that would constitute new and permanent barriers to ungulate movement.

After construction is complete, anthropogenic activity would be extremely limited on the parcel during the migration periods due to the Hermits' preference for quiet and solitude. Ungulate movement across the parcel would not be impeded by any continuous linear barriers or intrusive anthropogenic activities, with the exception of the existing perimeter fence. As discussed below, the Hermits propose to upgrade the perimeter fence in sections as maintenance needs dictate, incorporating wildlife-friendly fence design. Therefore, over time the perimeter fence would become a less significant barrier to ungulate movement than currently exists.

Access Road Concerns

The access road, USFS 563, is managed by the Forest Service as a Maintenance Level 2 road accessible to high-clearance vehicles and is closed in the winter season (precise dates variable depending on conditions). Access to the property is via this road and is subject to the standard restrictions. The

property does not have a Special Use Permit (SUP) or similar easement arrangement that allows for out-of-season access or other privileges. The CPW comments specifically reference the role of the USFS in permitting road maintenance, upgrades, winter use, and changes in condition. The USFS comments are incorporated here by reference.

The Hermits have secured a maintenance permit for 2024 that allows them to perform typical blading and grading activities necessary at several drainage crossings, in order to keep the road at the existing level of access. Construction access would need to conform to the existing road conditions and seasonal restrictions: if subsequent road upgrades are required for construction access, a USFS access permit will be applied for consistent with USFS policy.

The intent is to avoid road upgrades and only perform USFS approved drainage improvements, both to maintain the current remote conditions at the site and also to avoid significant and lengthy permitting with the USFS.

In the winter months, when the road is closed, the Hermits propose to minimize travel to or from the Hermitage. Access would be by snowmobile and/or snowcat, on an occasional basis estimated at approximately a single trip per month. The property is encompassed within the USFS' Winter Recreation *Ohio Creek Open Area*¹ and the proposed occasional over-snow travel is allowable under current USFS regulations without additional permit. We do recognize that active maintenance of a permanent winter travel surface adequate for regular travel is not allowed without permit, particularly if the travel way is maintained via snow removal (D. Kusnir-USFS, pers. comm., 7/2/24). Even limited plowing and maintenance in the winter would require an in-depth and lengthy review with the USFS. This need is not envisioned, intended or desired by the Hermits. In addition, the Hermits also have no interest in creating or maintaining such a winter roadway, as it could encourage the public to visit the property boundary in the winter months potentially leading to trespass.

In summary, the Hermits recognize and agree with CPW's observations that the road is primitive and closed in the winter, and that this condition has historically limited public access to the property's abutting public lands, to the benefit of wildlife. The Hermits wish to maintain this isolation as a feature of their Hermitage, and are willing to work within the constraints of an abbreviated construction season, challenging summer construction access, and cross-country over-snow access in winter, all in order to achieve the end-goal of a facility that offers an extremely high level of privacy, quiet, and isolation.

As previously discussed, the construction activity on the road would be confined to the period of July 1 to October 15, likely for several consecutive construction seasons. This restriction is intended to minimize the affects on the wildlife habitat adjacent to the road and on the property during the critical spring breeding season and fall migration season.

¹ See Gunnison National Forest Winter Recreation Information and Map, available at: <https://www.fs.usda.gov/detail/gmug/maps-pubs/?cid=fseprd488168>

Visual Impacts

As part of the Land Use Application, the proposed site will be extensively analyzed for visual impacts and overall compliance with Gunnison County Land Use Regulations.

CPW is correct in the statement that the proposed development would be clustered with the existing structures on the property. In addition, we note that the existing structure would be demolished once the Hermitage is constructed, so that the overall extent of the human built environment on the property would remain roughly the same as current conditions, simply exchanging the existing lodge and outbuildings for the proposed new buildings.

Commercial Concerns

As described in the Hermits' application, "Second Amended Project Description", there are no commercial activities of any sort associated with this proposed development. The size of the proposed buildings is needed to accommodate the proposed maximum of 24 members of the Hermitage. No goods would be sold, no tours offered, no religious services would be held that are open to the public. No paid staff would commute to the site from neighboring communities.

The property has in the past and until recently hosted significant fall hunting trips, which involve vehicle travel, temporary shelter and hunting blind erections, and extensive human activity across the property. This hunting activity would cease. The hunting blinds left behind by previous owners will be removed.

Black Bear Conflict Concerns

The Hermits fully agree with the need to mitigate bear conflict at the Hermitage site and support the incorporation of CPW's typical bear mitigation measures. All trash would be stored in bear-proof containers and/or outbuildings. All exterior door handles would be knobs rather than levers. No fruit-bearing trees would be planted as landscaping or for fruit production. At this time, no specific small-scale agricultural activities are planned. If the Hermits do develop and engage in small-scale agriculture such as vegetable gardens or chickens, they would use a small electric fence enclosure to help exclude bears from the site.

Fencing Concerns

No new fencing is proposed as part of the application. The Hermits need to maintain the existing perimeter fence in good condition to allow them to prevent access to the property by the public on adjacent public lands, and also to confine cattle access to the appropriate and permitted grazing periods. The current condition of the perimeter fence is generally adequate to these requirements, and consists primarily of traditional wooden posts with 3- or 4-strand barb wire. However, the wire is relatively loose and does represent a tangling and entrapment hazard to wildlife. As sections of the perimeter fence require maintenance or replacement, the Hermits propose to incorporate wildlife friendly fencing techniques that are still adequate to control livestock. The proposed design is "4-wire top and bottom smooth", using high-tensile top wire, per CPW's "Fencing with Wildlife in Mind" brochure.² This

² Pg 8, available at:

<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

fence design will allow passage for both adult and juvenile deer and elk while drastically reducing entanglement risk.

In summary, the Hermits propose the following minimization and mitigation measures for construction and occupancy, meant to address CPW's concerns about the specific issues itemized above:

1. Limit earthwork and exterior noise/dust generating construction activity to the period between July 1 and October 15, to avoid disrupting elk production, elk and deer spring migration, and elk and deer fall migration. Prohibit contractors from bringing dogs onto the property.
2. Avoid upgrades to the USFS 563 access road, maintaining the existing Maintenance Level 2 to preserve the current level of isolation and low human activity. Any upgrades for construction to the road would need to be thoroughly reviewed by USFS.
3. Limit winter access solely to cross-country over-snow travel by snow machine, as currently allowed by USFS management regulations. No regular travel on designated routes (USFS 563 or otherwise), no snow removal, and no development of compacted travel corridors that could encourage the public to visit the project vicinity in the winter.
4. Incorporate standard bear conflict mitigation measures, including bear-proof trash storage, bear-resistant exterior doors, a prohibition on pets (specifically including dogs) either onsite or with contractors/visitors, and use of electric fencing if any small-scale agricultural activities are developed onsite.
5. Progressively replacing perimeter fencing as maintenance requires with wildlife-friendly design: 4-wire top and bottom smooth.
6. As part of the Land Use Application, the proposed site will be extensively analyzed for visual impacts and overall compliance with Gunnison County Land Use Regulations.

Thank you again to CPW for taking the time to review the application materials and provide comments. We believe that through the proposed mitigation measures, habitat fragmentation, and impact can be reduced as much as possible, and that in the long-term the project will be an important component of preserving private inholdings in the Ohio Creek watershed, for the benefit of all wildlife in the region. We will be glad to speak to you or CPW about any of these comments.

Regards,

Alex Nees
Senior Ecologist

Gerald E. Burgess P.E
Senior Engineer



COLORADO

Parks and Wildlife

Department of Natural Resources

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8/6/2024

Hillary I. Seminick
Gunnison County Planning Director
221 N. Wisconsin St. Suite D
Gunnison, CO 81230

RE: Petrus Holdings Proposed Development (LUC-24-00016)

Dear Hillary,

Thank you for your continued involvement and dedication to addressing wildlife issues relevant to Gunnison County Land use. I have received Petrus Holdings Proposed Development (LUC-24-00016) - Colorado Parks and Wildlife Referral Comments Response letter (Response Letter) written by Alex Nees, SGM Senior Ecologist, sent by Nate Smith, Attorney Smith Law Firm P.C. We appreciate Mr. Nees taking the time to write the Response Letter, and to reach out to me by phone. Unfortunately I was unable to respond due to work/Law enforcement demands of the busy 4th of July week.

As you are aware, Petrus Holdings is seeking to construct a large residential structure and additional outbuildings in this relatively remote portion of Gunnison County. CPW appreciates that Petrus Holdings and the Roman Catholic Carmelite Hermits (Hermits) intended vision seeks to minimize potential impacts to the environment and wildlife. CPW also understands that the property's current state is consistent with the Hermit's quiet and peaceful lifestyle. CPW understands that the Hermits are seeking an unpopulated, remote, quiet area that is free of human disturbance. These secluded areas are becoming increasingly rare in Colorado and development typically results in a functional loss of wildlife habitat.

As pointed out in the Response Letter, the property does constitute a large contiguous habitat area surrounded on all sides by U.S. Forest Service land, which warrants concern by CPW over potential impacts of the Hermitage to wildlife. Based on CPW staff's past correspondence with the various owners of this property, historical human disturbance has been minimal and seasonal, resulting in minimal impacts to wildlife. The cattle grazing that occurred on the property appeared to be low intensity, short duration, with a low level of management disturbance primarily in the form of fence maintenance (due to the landscape of the property and the abundant trees falling on the fence). As mentioned in the Response Letter, fences, with or without any future grazing, will still need to be maintained to prevent public access to the property. Furthermore, the property is surrounded by a USFS grazing permit; since Colorado is a fence-out state, fence maintenance will still be necessary for the Hermits.



Jeff Davis, Director, Colorado Parks and Wildlife

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Based on conversations with the past property owner, hunting activity on the property was also limited with recreational hunter numbers per season ranging from zero to four. CPW supports and encourages some level of hunting pressure in order to prevent “refuge” situations from occurring that may impact harvest management objectives, contribute to overutilization of habitat, and foster disputes with agricultural neighbors in the form of fence and forage damage. The Response Letter implies hunting activity will cease.

To summarize, the historical use of the property appeared to be very sparse, short in duration, and at a seasonal level which helped maintain the local wildlife habitat values and permeability across the landscape. According to my understanding of the land use application, once the construction of the large residential structure is complete 20-30 Hermits will then live on the property year round.

All human activity has the potential to impact wildlife behavior. A study conducted in 2018 on elk responses to trail associated recreation found that elk avoided hikers and mountain bike riders by staying about 1,795 and 2,172 feet away (Wisdom, et. al 2018)

Assessed potential impacts from the proposed development of the property are itemized below.

Construction Phase

In trying to better assess the impacts of construction, it would be important for everyone to understand the overall construction needs of the proposed buildings. How many loads of materials will be needed to complete construction? What size of vehicles are needed to bring materials in? How many trips for the construction workers to and from the project area? How many years is the project estimated to take to finish construction?

As mentioned in the previous CPW comment letter the entire parcel falls within CPW mapped elk production area and within CPW mapped elk migration corridor. The western side of the parcel is also within CPW mapped mule deer migration corridor. The surrounding USFS land along the road access to the property, falls within mapped elk production area, elk migration corridor, and mule deer migration corridor. Construction traffic and the associated disturbance will not only effect the Hermitage, but also the public USFS lands along USFS roads 737 and 563. Annually this road receives light traffic volume outside of fall hunting seasons, as the condition is restrictive for many vehicles. Any federally authorized use/alteration of this road to accommodate construction traffic to complete this large residential structure and accompanying structures, will also promote additional public traffic into this area to the detriment of wildlife.

The Response letter mentions various minimization and mitigation measures for construction and occupancy, meant to address CPW’s concerns about specific issues. The first being:

1. Limit earthwork and exterior noise/dust generating construction activity to the period between July 1 and October 15, to avoid disrupting elk production, elk and deer spring migration, and elk and deer fall migration. Prohibit contractors from bringing dogs onto the property.



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • Gary T. Skiba • James Jay Tutchtton • Eden Vardy

CPW appreciates the Hermits trying to limit activities during the production and migration time periods, but would like clarification on what this limitation entails. Will interior construction activities be allowed before July 1? After October 15? What type of exterior construction activities will be allowed that do not qualify as noise/dust generating? How much construction traffic will be allowed before July 1? After October 15?

Earlier in the Response letter, it indicates that “...Hermits also propose to stop earth moving and heavy construction activity by October 15th of each construction season...The exception being that once the work is confined to the interior of the new structure, seasonal limitation would be dictated by weather conditions.” What constitutes a seasonal limitation? Will construction crews be accessing the property via snowmobiles in January?

Post Construction Phase

This proposal not only indicates an increase in human presence from historic use on the property, but a potential increase in human activity on the surrounding USFS property. Increased human activity will promote habitat fragmentation, which correlates negatively with future wildlife usage. As mentioned for the construction phase, any improvement to USFS road 563 that would accommodate increased construction traffic and/or larger vehicles will also promote additional public traffic into this area to the detriment of wildlife.

The Response letter mentions various minimization and mitigation measures for construction and occupancy, meant to address CPW’s concerns about specific issues. The second being:

2. Avoid upgrades to the USFS 563 access road, maintaining the existing Maintenance Level 2 to preserve the current level of isolation and low human activity. Any upgrades for construction to the road would need to be thoroughly reviewed by USFS.

CPW appreciates the Hermits avoiding upgrades to the USFS 563 road and would not support any upgrades to the road during a review by the USFS. Additionally, we do not see how a construction project of this magnitude can be completed without significant alterations to USFS Roads, and would be interested in additional information and input from the USFS Gunnison Ranger District.

Additional Inquiry

The response letter indicates that the Hermits do not plan on any specific small-scale agricultural activities at this time. The Updated Narrative document identifies the “Barn” as a 9,000 square foot barn to support subsistence agricultural uses by the Hermits. CPW would like clarification on the potential agricultural practices planned on the property as it would relate to potential impacts to wildlife.

CPW would like to thank Alex Nees and the Hermits for taking time to provide a response to our original comment letter. CPW also appreciates Gunnison County's consideration of wildlife issues across our communities and for the opportunity to participate in county planning. Please contact me at 970-275-3972, if you have any questions or need further clarification.



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • Gary T. Skiba • James Jay Tutchtton • Eden Vardy

Sincerely,



Clayton BonDurant

District Wildlife Manager

Cc: Brandon Diamond Area Wildlife Manager, SW Region File

Wisdom, M. J., H. K. Preisler, L.M. Naylor, R.G. Anthony, B.K. Johnson, M.M. Rowland. 2018. Elk response to trail based recreation on public forests. *Forest Ecology and Management* 411 (2018) 223-233. <https://doi.org/10.1016/j.foreco.2018.01.032>



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