

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: January 9, 2025

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 December 19, 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.
- Miscellaneous/Staff Reminders/Announcements

9:00 a.m.

Continued Joint Public Hearing: LUC-24-00021 Major Impact | Sketch Plan | Harmels on the Taylor Expansion of Commercial Use Harmels on the Taylor requests an expansion of commercial use to allow for lodging units, RV sites, employee housing, and storage units at 6748 County Road 742, Almont; Parcel No. 3433-000-00-026.

10:00 a.m.

Work Session: LUC-24-00057 | Minor Impact | Ohio City Mother Lode

The Applicant is proposing a remodel to The Mother Load store and bar in Ohio City. The proposed remodel would create three long term rental units and one short term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use.

10:30 a.m.

Work Session: LUC-24-00053 | Minor Impact | Dunbar Family Partnership

A subdivision of 111.505 acres south of Gunnison, into a 102.6 acre and a 7.31 acre parcel.

Adjourn

Packet Materials are available online: [Planning Commission Meeting Packets](#)

Or by visiting <https://gunnisoncounty.org/197/Planning-Commission> and selecting "View Most Recent Meeting Packet"

Use this link to join the Webinar on Zoom: <https://gunnisoncounty-org.zoom.us/j/86337231015>

Phone one-tap:

+17193594580,,86337231015# US

+14086380968,,86337231015# US (San Jose)

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, December 19, 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:**

Chairperson-Roland Mason Vice-Chairperson- Fred Niederer Commissioner- Julie Baca Commissioner- Eric Phillips Commissioner Matt Schwartz Alt. Commissioner- Bill Barvitski Alt. Commissioner Catherine McBreen BOCC- Jonathan Houck BOCC- Liz Smith BOCC- Laura Puckett Daniels	Assistant County Manager for Community and Economic Development-Cathie Pagano County Attorney – Matt Hoyt Planner I – Jena Greene Planning Technician – Caroline Danielson Others present as listed in text
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Absent: None

Recused: None

Zoom: Commissioner- Julie Baca

With a quorum present Chairperson Mason opened the December 19, 2024, a regular meeting of the Planning Commission at 8:45 am.

Moved by Schwartz, seconded by Phillips to approve Planning Commission meeting minutes, dated November 21, 2024. The motion passed unanimously in support with the insubstantial amendments as noted by Niederer.

Staff announcements/ miscellaneous: Staff reminded the commission that the January meeting dates were moved.

Niederer stated that he would be stepping down as vice chair when

Joint Public Hearing: LUC-24-00035 | Graham 2 Lot Subdivision Minor Impact

The Applicant, Kevin Graham, proposed a two-lot subdivision of the 2.19-acre lot commonly known as 225 Columbine Rd., Gunnison, CO. The resultant two lots would be: 1.12 acres (Tract A) and 1.09 acres (Tract B) acres in size. The parcel contained a 1,296 sq. ft. residence with a 720 sq. ft. detached garage and a 1,056 sq. ft. unfinished basement. The existing residence, OWTS, and existing well would remain on the resultant parcel (Tract A).

Chair Mason opened the public hearing at 9 am. He confirmed that there was no ex-parte communication.

Confirmation of Adequate Public Notice

Pagano confirmed that there was adequate public notice

Applicant Presentation

Kevin Graham attended the meeting on Zoom. He explained that this was a 2.2-acre lot that he was proposing to split into two, 1.1 acre lots. He noted that this change would be more consistent with the neighborhood, which was mostly one acre lots.

Staff Comments

Pagano reviewed the site plan and clarified that the current lot was not a part of the Panoview Park HOA, but was adjacent to it; and that was not subject to the Panoview park covenants. Both lots were to remain outside of the HOA.

The septic for the home was previously located across the street on a different lot, also owned by the applicant. As part of this application, the tank was relocated onsite, and Graham confirmed that the work was now complete.

Review Body Questions

Mason agreed that by splitting the lots, that it made the lots more consistent with the surrounding areas.

Public Comments

Mary Mast, neighbor in Panoview Park subdivision. Mast spoke to problems in Panoview Park subdivision concerning the keeping of pigs, cattle, and horses on her neighbors' properties that "shouldn't be there" and thought that the subdivision should be denied until these issues were resolved. She noted that the covenants for the Panoview Park Subdivision were recorded at Rec no 464813, and that the keeping of livestock wasn't permitted by the Panoview Park Subdivision Covenants. Further, per the LUR. 2-3 feet of manure was being piled against their fence, and that the horses didn't always have enough food or water. She noted that the manure wasn't being disposed of. Her neighbor to the northwest kept pigs and she noted that the smell of the pigs was also an issue.

Applicant Response

Mr. Graham spoke to comments concerning the livestock. He first noted that his properties were on the other side of the "loop" from Mrs. Mast's property. He expressed similar concerns about the keeping of the animals but noted that this complaint was unrelated to his subdivision. Clarified that none of his properties were keeping livestock at, and that the properties where Mrs. Mast was noting concern were not his, nor a part of this application. He stated that he would be willing to add language to his covenants that no livestock could be kept on these parcels.

Houck and Pagano clarified that Mast's concerns were separate a matter from this subdivision application. The complaint was forwarded to the Planning staff to follow-up with. Pagano also added that the covenants for Panoview Park Subdivision were expired.

There was discussion about the future keeping of livestock on the two properties in question. The applicant was agreeable to adding a condition that wouldn't allow livestock to be kept on the properties, although he noted that his intention with subdividing the property was to help prevent this type of use on this property.

There was a discussion about how the LUR addressed the keeping of livestock, noting that there was no minimum lot size and how that presented challenges throughout the county on smaller parcels, and in sage type areas while balancing the county's ranching history.

Staff Response

Pagano noted that the #8 condition of the draft decision document was originally an error, and proposed a revision to say, "No livestock, other than chickens and 4-H project animals, shall be permitted on the property."

Pagano also noted the Sage-grouse and Colorado Parks and Wildlife comments that were specific to this application.

Next Steps

After further deliberation on the issue concerning the keeping of livestock on the property and reviewed the draft decision document, the planning commission expressed support for the draft decision document as amended.

Schwartz made a motion to approve the draft recommendation document as edited. Seconded by Phillips. The motion passed unanimously in support.

Mason closed the public hearing at 9:40 am

Joint Public Hearing: LUC-24-00036 | Knerr 2 Lot Subdivision Minor Impact

The Applicant, Gary Knerr, represented by Michael O'Loughlin Esq., proposed to subdivide the existing 7.5-acre parcel, commonly known as 967 Ute Ln., Gunnison, CO, into 2 parcels. The resulting parcels were: Parcel 1 (4.87 acres) and Parcel 2 (2.51 acres). Parcel 1 contained the Applicant's existing single-family residence, and Parcel 2 contained an existing dwelling unit (log home). The existing parcel was residential in use and the resulting 2 parcels would remain residential. Traffic impacts would be negligible as there was an easement in place to access resultant Parcel 2, and no significant increase in traffic was expected from this minor subdivision. No new structures or construction were planned for either resultant parcel.

Chair Mason opened the public hearing at 9:45 am.

Confirmation of Adequate Public Notice

Pagano confirmed that there was adequate public notice.

Applicant Presentation

Gary Knerr was present. He purchased the property in 2001 and built a house on the property. He later began to build a second house on the property. He proposed to subdivide the property

in order to sell the second, partially completed home with 2.5 acres of land. The applicant mentioned that there was adequate water per the Upper Gunnison Water Conservancy District.

Staff Comments

Pagano noted that a more formalized water agreement was still needed but that it could be a condition of approval before the application was reviewed by the board of county commissioners.

Public Comments

Steve and Carmen Steinke, 1013 Ute Ln – Expressed concern about the water, noting that their property shared Mr. Knerr's well, and. Future water issues with the Gunnison Rising Subdivision out Noted that with the water being shut off with the Gunnison Rising development for the water

Applicant Response

The applicant stated that his well had sufficient water, and he had confirmed that with the state water board. There had been issues with the water rights in the past the Mr. Knerr in the past which resulted in the 1998 agreement between Mr. Knerr (Tract A) and the Steinke's (Tract B).

Staff Response

Pagano expanded on the details of the water sharing agreement between Mr. Knerr and the Steinke's from 1998. The comments from the Division of Water resources form July 2024, stated that there wasn't concern for adequate water supply.

Pagano noted that before the second, incomplete home was permitted, Mr. Kneer would have had to demonstrate that there was adequate water, and that there was a letter the stated that there was enough water supply for 4 residences and irrigation, and therefore was sufficient for the second home. Future residences would still be reviewed by the community development office, and well adequacy would be a part of that review.

Mr. Steinke expressed that he would be more comfortable speaking with an attorney concerning the water and the well. Mason and Puckett Daniels noted that if the Planning Commission made a recommendation to the Board of County Commissioners at this meeting, that it would still need to be reviewed by the BOCC, and there was the possibly of another public hearing with the BOCC before the subdivision was approved.

Next Steps

Pagano reviewed the draft decision document. There was a condition concerning a need for a water sharing agreement within Tract A before the application would be submitted to the Board of County Commissioners for review.

Schwartz made a motion to approve the recommendation document. Seconded by Phillips. The motion passed unanimously in support.

Mason closed the public hearing at 10:14.

BREAK

Joint Public Hearing: LUC-22-00028 | Major Impact | Star View

The applicant proposed subdivision of a 96-acre parcel into 129 residential lots to include 84 single family lots, 40 multi-family units, 12 commercial units, 4 residential units above commercial, 1 lot for CB South Metro District which were proposed to maybe include employee housing. The parcel included a “high density” area that was proposed to include 44 units, 22 of which would have some type of deed restriction for local workforce. The remaining 22 units will not be restricted but were proposed to be smaller in size and according to the applicant would be more affordable than the rest of the neighborhood. The applicant was working with the Crested Butte South Metropolitan District for water service and wastewater treatment.

Chair Mason opened the public hearing at 10:22 am.

Confirmation of Adequate Public Notice

Pagano confirmed that there was adequate public notice.

Preliminary matters: Puckett Daniels noted that the following members of the public had reached out to her individually: Gail Mancuso, Jennifer Rose, Bill Smith, Brian Lavine, Shamay Buckle, Carrie Young, Gareth and Linda Roberts; and Thomas Hamilton. She responded to all that she could not comment on an application while in land use review, and that the best place to comment was in the public hearing process. She included the planning department in those replies so that their comments could be included in the record.

Pagano began by giving an overview of the Major impact process, including giving an overview of what the applicant was and was not allowed to have the planning commission review as part of the sketch plan phase, noting that traffic studies and engineered designs were not required or accepted at the sketch plan phase.

Applicant Presentation

Gary Huresky, Mike Dawson, and Norman Whithead were present on behalf of the applicant, and owners Russ and Celina Harrison, who were also present in the room.

Huresky gave an overview of the project. The application was originally submitted on May 10, 2022. The first work session with the Planning Commission was in February of 2024 for an original proposal of 76 lots on the 96-acre parcel, where the Planning Commission requested adding density and more affordable housing. The application then evolved to be 84 single family lots with homes at 1600 and 2500 sf each; 40 higher density units including 20 multi-family units and 20 freestanding townhomes ranging from 800 sf to 1400 sf were proposed closer to the 135 and cement creek road intersection; 20 of which would carry a deed restriction and prohibit short term rentals. 12 light commercial units were proposed totaling in 13,500 sf, and a proposed gas station, with a store and 4 residential units above was proposed totaling at 5800 sf. The proposal included 55% open space remaining. No river access would be granted within the subdivision. The applicant had proposed a berm system with interconnecting trails through the berms and throughout the subdivision. The applicant met with Gunnison Valley Regional Housing Authority on July 16, 2024, concerning the deed restrictions for the 20 units in the high-

density area, which favored a live/work scenario, an AMI of 120 to 220 percent; and a 4% resale cap.

The applicant was working with Crested Butte South Metro District to tie into their Wastewater Treatment Plant, noting that this would include a mutually beneficial expansion of the existing infrastructure. The water and wastewater were proposed to be carried over the East River using a new pedestrian foot bridge.

Noted that they were planning to work with CDOT in the future concerning improvements to the HWY 135 and Cement Creek road intersection, which would most likely mean a roundabout, but did intend to make improvements to make the intersection safer until CDOT was ready to make those improvements. The RTA said they would like to see flag stops on Cement Creek road, which would also serve as pick up and drop off areas for school buses.

The Star View HOA would be responsible for maintaining all of the roads and common areas in the development. The multi-family units would have party wall agreements and would be a part of the planned community. The developer did not intend to build any ADUs, but the applicant was willing to allow 25 of the SFRs to be able to construct them. The applicant didn't anticipate that the ADU's would be deed restricted.

Colorado Parks and Wildlife asked for vegetative screening, down lighting, trees and brush at the south end of the development, along with educational materials leash laws, and bear proof trash containers; all of which would be a part of the covenants and HOA documents. CPW was more in favor of development closer to the highway instead of the backcountry.

Space dedicated was dedicated for pocket parks as well as structured playground type parks. This would be included in a detailed open space master plan at the preliminary plan stage.

Staff Comments

Pagano gave an overview of the staff memo. She noted that some of the areas of concern including the increased density, affordable housing, and commercial areas were added after suggestions for the Planning Commission to the applicant on how they might better meet the standards of the LUR neighborhood serving commercial uses, since during the sketch plan phase, the Planning Commission had the opportunity to negotiate and make recommendations, and that it was at the discretion of the applicant if they chose to make any changes. Ultimately the Planning Commission and BOCC had the responsibility to make the determination on whether or not the proposal met the standards of the LUR. Pagano recommended that the review bodies review the community character standards, especially concerning the proposed commercial space.

Noted public concern about technical details concerning water supply and the intersection at Cement Creek and Highway 135. Pagano explained that a lot of that information would be determined at the preliminary plan if the sketch plan was approved, as it was not allowed to be submitted at this time.

Pagano added that the county did receive safe streets for all grant which gave funds of \$15 million for improvements for this intersection in addition to improvements at the Brush Creek

intersection and other areas along highway 135. Anticipated that there would ultimately be a roundabout there but that process had not begun.

Planning Commission Questions

The proposed 12 commercial units with four residential above at 13,500 sf. were discussed. This was added to the application at the suggestion of the planning commission after a work session and site visits. The applicant proposed the commercial units to be able to serve the subdivision, and noted that none of it would be built out right away, including the gas station. All lighting would be required to be down shielded and the times for commercial business could be restricted. Discussed the commercial viability and how this would impact the existing commercial in CB South. The applicant said that they were open to adjusting this plan, but noted the negative feedback received from the public comments.

Barvitski mentioned that the water could potentially be used to benefit CB South and asked the applicant to explain that further. Whitehead explained that CB South was about 2 CFS short and needed to drill 3 or 4 more wells to meet the needs for CB South. The wells on this property would meet the needs of the subdivision as well as helping to fill the water need for CB South.

BREAK – due to technical difficulties and attendance for this public hearing, the meeting was recessed at 1:55 pm and moved to 200 E Virginia to the BOCC meeting room.

Mason called the meeting back to order at 11:30 am, and asked the planning commission to continue with questions for the applicant.

Schwartz requested that the applicant further give further explanation of the proposed berms along highway 135. The applicant explained that the intention with the berms was to create separation from the highway and the development by using mounds of various sizes. The plan would also include a trail system winding throughout. The applicant reviewed the renderings which showed how the berms would look from highway 135. They also added that the intent was to have single story homes behind the berms to help with the view corridor.

Some neighborhoods that were surrounded by the development on three sides would be surrounded by park space to help preserve their view, and to comply with a view corridor easement that they had in place.

McBreen asked the applicant to compare the size of the proposed lots to those in CB South. Whitehead stated most of the lots would be smaller in comparison, except for the larger lots by the river which would be closer in size to the CB South lots.

The roads would be paved. The developer would pay for all of the infrastructure including the paving of the roads. A road maintenance fee would be included as a part of the HOA fees for the subdivision. Plowing was discussed, and the applicant was still working with the CB South Metro to determine if they could manage that. Funds available to plow the roads. The developer would pay for plowing of the vacant lots until they were sold.

The developer was intending to develop each residential lot and sell as a finished product. Looking to build the vertical, so they would control the design and the square footage. The developer didn't necessarily want to build the gas station. No phasing was proposed at this time.

Puckett Daniels asked about the changes from the July staff report to present. The applicant noted that the resale cap would be 80%. The minimum square footage was proposed to be 1200 sf with a two-car garage for the larger lots, the smaller lots would be a minimum of 1000 sf with a 1 car garage and a minimum of 800 sf with a 1 car garage for the multifamily, high-density units. Every unit in the multi family would have 2 off street parking spaces. Clarified that the county had no minimum sf for the homes. Anticipating that the maximum allowed would be around 2500 sf total per lot, with the exception of the lots that were allowed an ADU which may be 3500 sf.

The applicant clarified that the proposed ponds would be constructed, they didn't exist. The topography would need to be built out. The applicant would line the ponds and pump water to keep them full. One would be to meet Fire Protection District standards for water supply, the rest would be amenities.

Puckett Daniels asked for more information on how wildlife would cross the property, since the CPW comments spoke to the need and concern for wildlife to be able to cross the subdivision. Whitehead noted that the berms would allow for wildlife crossing across the subdivision.

The roundabout/highway straightening was discussed. Potential roundabouts were brought up so the room could see. Puckett Daniels noted that with the multiple possibilities, the applicants were open to a variety of designs for the area that would most likely become a roundabout.

Puckett Daniels asked the applicant if there was any data used, or market studies conducted to drive their proposal. Huresky spoke to the real estate data for the CB South area for the single-family homes, noting that there were no single-family homes on the market in CB South at the time and that there was an overall lack of inventory.

Smith asked how the applicant would ensure that the gas station would comply with the community character if the developer didn't intend to build the gas station. Whitehead stated that it would be in the design guidelines.

Phillips asked if any commercial studies were conducted to inform the commercial component of the application. Huresky stated that they conceptually didn't have a real plan for the commercial space, that it was included after the Planning Commission suggested it. The purpose of the commercial was to serve this neighborhood, and to alleviate some of the traffic going into CB South. The idea was that these units would be live work, the applicant would not designate what type of commercial would go into the space. It would be a flexible space that could serve the needs of the neighborhood.

Phillips asked if the intended on placing any restrictions related to the ADUs and short term rentals. Huresky stated that short-term rentals would not be allowed in the high-density area. The possibility in the single-family areas was still a possibility as were ADUs, still needed to speak with water and sewer before putting a number of lots with the possibility for ADUs, but were working with the number of 25 at the time, but the developer wouldn't be building the

ADU's, but would allow for the possibility for the homeowner to build one after the fact. The applicant wasn't planning to require that the ADU's be deed restricted.

Phillips asked if there was a possibility of putting more of the open space along the highway to help maintain the view corridor. The applicant planned to keep a lot of the open space within the subdivision to maintain it as an amenity. Some of the comments asked if there could be room for programable space like a soccer field. The applicant needed to check if it would fit with parking, but they thought that there could possibly.

The lighting was discussed. The applicant would require down shielding as part of the covenants, which would meet county requirements and perhaps go stricter. The streetlights would be minimal and downlit.

McBreen asked if the single-family homes would be custom homes or picked from a selection of models. The applicant stated that at this conceptual state that they hadn't determined yet.

Smith asked about the pedestrian bridge that would also support the sewer line and how the applicants envisioned pedestrian access from the neighborhood. Looking to have a bridge and sewer on the upstream side. They were willing to double or triple the sewer line, and it would have safeguards and shutoffs along the line, along with holding tanks, to help prevent drainage in the river. Concerns about the pedestrian crossing of cement creek road and working towards safe crossings were discussed.

Addressed river and wetland access and trespassing. The applicant stated that they were not planning to give river access to any of the lots in the subdivision. Also stated that there would be fencing along the south side to prevent trespassing.

Pagano acknowledged that there were some public comments about a perceived policy concerning the setbacks from 135 and the view corridor and the 2005 Corridor Plan. She explained that the corridor plan wasn't codified into the LUR, noting that it was discussed as an objective when the plan was created, but the BOCC at the time did not want to add that to the LUR.

Public Comment

Margret Lorber – Adjacent property owner. Surrounded on 3 sides by the development. Expressed concern about keeping their views. Acknowledged the need for housing but asked to see the project to be downsized, or that preservation of their view be considered throughout the process and asked the developer to be considerate of their view.

Ned Stitt – Adjacent property owner. Expressed opposition to the commercial zone and suggested that it should be repurposed to accommodate more high density and affordable housing. Compared to other mountain communities in Colorado, which were focusing on the lack of affordable housing.

Sean Hartigan – CB South Business Owner. Expressed concern for his business, that people would not come into CB South for a beer if they could get one closer to the highway. Thought that the scope of the project was too big and there was no need for the commercial.

Patric Wallace – CB South resident. Expressed concern for the sequencing of the project before a new corridor plan was conducted. He also expressed concern for the safety of Highway 135 and Cement Creek intersection with added density, stating that the intersection should be updated before any development began.

Kevin Chedd – Gunnison resident. Expressed opposition to the proposal out of concern for the wildlife in the area, and concern for additional fencing that would impact the wildlife. Also expressed concerns about the increase in traffic and demands on the school systems.

Ann Johnston – Town of Crested Butte resident. Noted that this project was surrounded on 3 sides by protected lands and open space. Expressed concern for how this development would impact all of the money and effort that had gone into conserving the surrounding land. Expressed opposition to the proposed commercial. Expressed concern for the impacts on wildlife and their quality of life since the property was in an important elk migration corridor. Expressed concern about how the additional water use would impact the East River.

Fae Davidson – Gunnison Valley Resident, Owner of Davidson Wildlife Services. Spoke to a variety of wildlife encounters in this area over the years, with a significant amount being along either side of the highway. Expressed opposition to the proposal for these impacts.

Brian Downs – Expressed concerns for how the increased population as a result of the development would impact the existing healthcare system. Also expressed concerns for the increase in density and the impacts on traffic.

Jason Hogan – Gunnison valley resident. Expressed opposition to the gas station. Expressed concern that the proposed housing wouldn't address the needs of the "missing middle". Advocated for the commission to use the guidelines outlined in the 2005 Corridor Plan.

Sue Wallace – CB South Resident. Expressed opposition to the proposal for the impacts on water, sewer and overall capacity of the valley.

Damien Holdcroft – CB South resident. Expressed concerns for the impacts on a resources and livability in the CB South area including water, sewer, mail, and internet.

Jim Starr – Crested Butte resident and former Gunnison county commissioner. Expressed concerns to the impacts on the surrounding conserved lands. Expressed concerns that the commercial area would take away from tax revenue in CB South, further delaying its ability to become its own municipality. Preferred that a corridor plan be in place before the commissioners decided. Expressed support for development of the eastern half of the proposal.

John Hess – CB Resident. Former planner for Routt County. Encouraged the commission to use the guidelines in the 2005 Corridor Plan even though it wasn't incorporated into the regulations. Encouraged the incorporation of programmable field space.

Mark Schumacher – Gunnison County Resident. Expressed opposition to the commercial. Expressed support for the concept of building housing with private money to meet the needs of the missing middle.

Derek Harwell – CB South POA Manager. Expressed appreciation to the applicant that level of openness and transparency so far in the process. Inquired if the 2005 Corridor Plan may apply in matter similar to case law if it had been applied to projects in the past. Noted that the roads would have to be privately maintained as the Metro and the County would not be able to.

Rebecca Harrington – Expressed concerns for access and traffic, noting that there was only one way in and out of CB South. Expressed concern for having another HOA.

Craig Gipel – Alpenglow rentals owner. Expressed opposition to the roundabout, soccer field, gas station, and commercial. Stated that what the valley needed was affordable housing and visitor parking.

Gary Fenneman – adjacent property owner. Expressed opposition to the commercial, noting that there was still room to develop more commercial in CB South and allowing for commercial in this location would take away from that commercial area. Encouraged the Planning Commission and applicant to look affordable housing caps for CHAFA projects which used a 90% AMI.

Doug Duryea- CB South Resident. Expressed opposition to the proposed density due to impacts on the environment. Expressed opposition to this type of development in this location.

Merdith O'Connor – adjacent property resident. Expressed concern for the process that led to the increase from 70 to 184 units. Noted the existing pressure on local hospital, grocery stores and youth activities.

Elise Meier – CB South Resident. Expressed concern that this development would be sprawl too suburban. Expressed concern that there was no “escape route” out of CB South and for how dangerous the Cement Creek/135 intersection already was. Expressed concern for the precedent that approving this project may set for the rest of the corridor.

Ian Havlick – CB South resident. Stated that he was strongly against the development. Expressed concern that it was a “cookie cutter development” that didn’t belong.

Gail Mancuso – Gunnison County Resident. Expressed opposition to the project as proposed, including the commercial. Expressed concern for the density, and for the future of the highway 135 corridor. Expressed the need for more affordable housing and concern for the existing condition of the entrance to CB South.

Donny Davol – Expressed support for the density, stating that it would reduce sprawl and supported that the proposal was close to existing public transportation. Expressed opposition to “dark homes”.

Tully Burton – Restaurant owner in CB South. Expressed opposition to the proposed commercial. Expressed support for the applicant’s original proposal for 70 homes.

Marsha Thorson – CB South resident. Expressed concerns about the exiting failures of mail and delivery of packages in the CB South area. Asked if this subdivision would be joining the CB South POA.

Aaron Huckstep – attorney present on behalf of the Hunter Family who were adjacent property owners; and was also a CB South Property Owner. Commented that the CPW letter was nearly two years old and “light” on comments. Added that the Hunter’s echoed concerns about the proposed commercial. Also expressed concerns about the staff memo.

Gary Fenteman – Asked for an explanation of the commissioner’s view point on the substantial changes of the application from the original submission.

Mason closed public comment.

Applicant Response

Dawson addressed some of the comments. Noted that the proposed development had adequate water and that it was planning to deliver water to the POA. The applicant was open to looking at different types of park amenities in the next phase. Addressed that this subdivision would be a separate owners association and that it would not be joining CB South POA. The applicant would figure out the plowing either with the CB South Metro, or work with a private group.

Whitehead clarified that the Planning Commission recommended that the applicant consider proposing higher density for the application, and that the applicant was not forced to propose the increase in density.

Staff Response

Pagano addressed other concerns from the public, citing LUR section 7-102: Compatibility with community character, adding that staff had expressed the need for affordable housing. The applicant amended application after July work session and the planning commission expressed comfort with increase in density due to the added affordable housing component. The commercial was added after it was discussed in a work session as well and suggested by the planning commission.

Pagano noted that the 2005 Corridor Plan had not been used as a guiding document.

Pagano clarified that the county did not accept maintenance or ownership of roads in new developments.

Pagano added that a recent housing needs assessment identified a need of 1500 units and 75% would need to be subsidized.

Board Discussion

Puckett Daniels asked for clarification about the direction/recommendation for increased density and commercial for the proposal, noting that there was no perfect solution when it came to affordable housing, there were only trade-offs.

Niederer took ownership for the suggestion of increased density, noting that the idea came from the proposal's proximity to services: transportation, sewer and water. The applicant originally proposed 1 acre lots for the whole project, and they suggested that the applicant explore increasing density because of their proximity to those services.

Mason added that the increase in density didn't necessarily have to result in the increase in units and noted that he agreed with Neiderer's recommendation.

Houck asked if more details about the commercial aspect could be provided.

Baca asked about the trail access, people would get to the commercial district of CB South, and how to not over burden CB South with the new subdivision. She added that density was the answer to cleaner water and cleaner environment.

Phillips spoke about the suggestion for commercial, adding that the commission was thinking of trades people and trying to fill gaps in commercial spaces that were needed in the community.

Mason asked about how this project would work around the future corridor plan. Pagano noted that there was not plan in process or moratorium on current applications and so the planning commission and planning department were required by law to continue with the review of the application.

The commission discussed the proposed commercial and gas station. Schwartz noted that commercial would typically be important for a neighborhood like this, but given the proximity of this neighborhood to CBS, didn't think it was necessary for this application. Mason suggested that the commercial could shift to be more make spaces, Puckett Daniels and Smith suggested some of that space could be some for in home child care, speaking to the need of infant and toddler care in the valley.

Next Steps

There was a general lack of support for the gas station from the commission. Whitehead thought that there may be a future need for a gas station/convenience store. Intended for the commercial spaces to be smaller for startup businesses, maker spaces, like a small bike shop. Dawson wanted to get more data before removing the opportunity all together, noting that the space for the opportunity could still just be preserved. Phillips suggested EV chargers as an alternative. Puckett Daniels asked that the commercial proposal be more data driven. Smith added that the addition of a gas station would increase the traffic, which was brought up as a concern multiple times in the public comment.

Houck noted that CBS South had grown tremendously because of the increase in prices in the Town of Crested Butte. There was a need for commercial in the area overall, but supported that the bulk of the commercial be pushed to CB south, stating that he didn't think that commercial was a key component of this area.

Mason recommended continuing the public hearing, stating the need for more information and time to consider the commercial, defining the neighborhood, density, minimum sf, updated CPW

comments, open space designed in a way that it could serve the broader community. Smith wanted to be realistic in expectations of the applicant to build affordable housing. The density was important, the development would help fill in the infrastructure that was lacking. It may not bring in 300 new people, but it might trigger movement within the valley. The commission also wanted more information on the connection to CB South, pedestrian and other. Pagano noted that the applicants could propose a mail center to address the post office concerns.

Continue the Joint Public Hearing

Phillips made a motion to continue the public hearing to...February 6th at 9am in the BOCC meeting room. Second, by Schwartz. The motion passed unanimously in support

Meeting Adjourned at 3:23 pm.

DRAFT



Rachael Blondy, *Planner*
(970) 641-7932
rblondy@gunnisoncounty.org
www.GunnisonCounty.org

To: Gunnison County Planning Commission

RE: LUC-24-00053 | Minor Impact | Work Session | Dunbar Family Partnership Subdivision

Memo Date: January 2, 2025

Date of Work Session: January 9, 2024

1. Project Summary

The Applicant, Dunbar Family Partnership (DLP), proposes a subdivision of 111.505 acres south of Gunnison, into a 102.6 acre and a 7.31 acre parcel. The owner wishes to subdivide off the 7.31 acres to sell to the current lessee to maintain the agricultural uses.

The tenant would like to own the acreage that contains the ranching storage and operations structures. By owning that acreage, he can improve upon the structures at his discretion and cost.

No additional buildings or roads are expected as a part of this application.

2. Impact Classification

The Project has been classified as a Minor Impact Project, based upon Gunnison County Land Use Resolution SECTION 6-102:A 2-4 UNITS. 2-4 units that are subdivision lots or multi-family residences.

3. 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 10-102: Locational Standards for Residential Development

The application meets the locational standards listed in Section 10-102:B. It is not directly adjacent to the City boundary, but it is within a municipal three mile plan area. Both lots of the proposed subdivision can be served by existing water and sewer lines. While this application does not propose residential development, the County must consider any future development.

The application was referred to The City of Gunnison, Gunnison County Public Works, Gunnison Fire Protection District, Gunnison Conservation District and Colorado Geological Survey. None of the agencies foresee any substantial effects or adverse impacts from a subdivision in this location to wildlife or the environment. Public Works has confirmed their ability and willingness to serve the lots with water and sewer lines. The City of Gunnison Planning and Zoning Commission supports the subdivision request.

Section 10-103: Residential Density

The Applicant wishes to divide off the 7.31 acres to sell to the current lessee of the parcel, to maintain current agricultural use. While there is no proposal for development at this time, a future owner would have the ability to apply for and construct a single-family residence, and therefore increasing residential density with this application.

The resulting lots can tie onto both sewer and water, if development is proposed in the future.

Section 12-105: Water Supply

The proposed parcels can connect to the Dos Rios water line. Applicant is responsible for coordinating with Gunnison County Public Works to arrange this connection.

Application was sent to Gunnison County Public Works on October 17, 2024. Robyn Zimmerman confirmed that,

“The above parcel being subdivided into two parcels located between Fairway Lane and County Road 50 in the Dos Rios Water and Sewer Division of the Gunnison County Water and Sanitation District is adjacent to the Dos Rios Water Public Water System which could provide drinking water to the two subdivided parcels.”

Section 12-106: Sewage Disposal/Wastewater Treatment

The proposed parcels can connect to the sewer line. Applicant is responsible for coordinating with Gunnison County Public Works to arrange this connection.

Application was sent to Gunnison County Public Works on October 17, 2024. Robyn Zimmerman confirmed that,

“The above parcel being subdivided into two parcels located between Fairway Lane and County Road 50 in the Dos Rios Water and Sewer Division of the Gunnison County Water and Sanitation District is located within 400 feet of the Dos Rios Sewer Collection System.”

4. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click “Projects”, search by application number LUC-24-00053. Click on “Attachments”.

- A. Staff Report
- B. Plat



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

Land Use Change Permit Application: Dunbar Family Partnership
 Application No: LUC-24-00053
 Date application scheduled with Planning Commission: Dec 5, 2024
 Prepared by: Rachael Blondy

Applicant Name:	Dunbar Family Partnership
Property Owner Name:	Dunbar Family Partnership
Project Description:	<p>A subdivision of 111.505 acres south of Gunnison, into a 102.6 acre and a 7.31 acre parcel.</p> <p>The owner wishes to subdivide off the 7.31 acres to sell to the current lessee to maintain the agricultural uses. The tenant would like to own the acreage that contains the ranching storage and operations structures. By owning that acreage, he can improve upon the structures at his discretion and cost.</p> <p>No additional buildings or roads are expected as a part of this application.</p>
Property Location:	Parcel # 3787-000-00-109
Surrounding Land Uses:	<p>Parcel 3787-110-00-018: Gunnison Kampground Parcel # 3787-110-00-015: Residential Parcel # 3787-110-00-006: Residential Parcel # 3787-110-00-004: Residential Parcel # 3787-000-00-113: Agricultural And, all residences east of Fairway Lane and Tomichi Creek Loop.</p>
Agency and Department Review:	<p>A copy of the application was sent to the following referral agencies by email on October 17, 2024:</p> <ul style="list-style-type: none"> • The City of Gunnison • Gunnison County Public Works • Gunnison Fire Protection District • Gunnison Conservation District • Colorado Geological Survey <p>Comments can be found below in their appropriate sections.</p>
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-24-00053 , 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 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 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. SECTION 10-102: LOCATIONAL STANDARDS. In addition to all applicable standards of this Resolution, an application for a new

		<p>subdivision shall initially be reviewed for its location relative to existing development and shall be located:</p> <ol style="list-style-type: none"> 1. ADJACENT TO EXISTING POPULATION CENTER. Adjacent to Almont, Crested Butte South or the incorporated municipalities of Gunnison, Crested Butte, or Mt. Crested Butte; 2. WITHIN A MUNICIPAL THREE MILE PLAN AREA. Within a municipal Three Mile Plan area. <p><i>Staff Response: The proposed subdivision is near an existing population center and is within the City of Gunnison three-mile plan area. Both parcels can attach to water and sewer lines. No additional development is expected as a part of this application.</i></p> <p><i>The application was sent for referral to the City of Gunnison on October 17, 2024. Full comments can be seen in Citizen Access, however The City of Gunnison Planning and Zoning Commission supports the subdivision request.</i></p>
10-103: Residential density	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>This section is to prevent sprawl and leapfrog development and to allow for flexibility in residential subdivision design.</p> <p>SECTION 10-103:C.1 COMPLIANCE WITH MUNICIPAL THREE MILE PLAN AREA. 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; and</p> <p>SECTION 10-103:C.2. DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS. Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of an On-Site Wastewater Treatment System</p>

		<p>pursuant to the Gunnison County On-Site Wastewater Treatment System Regulations. In no case shall any lots smaller than an acre be allowed in a new subdivision unless served by a central or regional wastewater treatment system.</p> <p>SECTION 10-103:C.3 LOT SIZE AND LOT DENSITY CONSIDERATIONS. Unless exempted pursuant to Section 10-103: B.1.: Exemption for Parcels on Agricultural Operation, lot size and lot density shall be substantially similar to neighborhood parcels unless the standards of either (a) or (b) are met:</p> <p><i>Staff Response: The Applicant wishes to divide off the 7.31 acres to sell to the current lessee of the parcel, to maintain current agricultural use. As an additional lot will be created, this is increasing overall density.</i></p> <p><i>The resulting lots can tie onto both sewer and water, if development is proposed in the future.</i></p>
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	<p>Applicable.</p> <p><i>Staff Response: All standards listed in Section 11-102 are voluntary.</i></p>
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 located in a geologic hazard area.

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><i>Staff Response: The parcel is mapped as high wildfire. All development will need to be referred to and reviewed by Gunnison County Fire Protection District.</i></p> <p><i>Any future development will be required to meet the Gunnison County Wildland Urban Interface (WUI) code.</i></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>The proposed subdivision is in Tier I and Tier II Gunnison Sage Grouse Territory.</p> <p><i>Staff Response: The proposed subdivision exists within already disturbed area, and it is unlikely that subdividing the lots would negatively impact the Gunnison Sage Grouse.</i></p> <p><i>Application was sent to Gunnison Conservation District on October 17, 2024. Comments:</i></p> <p><i>"I find that the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred." Full comments available in Citizen Access.</i></p>
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not within 125 feet of water bodies and/or mudflow hazard areas.
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.
11-109: Development that affects agricultural lands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: The land is currently in use for grazing cattle. The 7.31 acre parcel will remain agricultural.</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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no new roads proposed as a part of this application. <i>Staff Response: Both resulting parcels will be accessed through Parcel # 3787-110-00-006 using platted 60' access easement.</i>
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	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. SECTION 12-105:B. CONNECTION TO EXISTING SYSTEMS. It is the policy of Gunnison County to encourage land use changes to use existing water supply systems <i>Staff Response: The proposed parcels can connect to the Dos Rios water line. Applicant is responsible for coordinating with Gunnison County Public Works to arrange this connection.</i> <i>Application was sent to Gunnison County Public Works on October 17, 2024. Comments:</i> <i>“The above parcel being subdivided into two parcels located between Fairway Lane and County Road 50 in the Dos Rios Water and Sewer Division of the Gunnison County Water and Sanitation District is adjacent to the Dos Rios Water Public Water System which could provide drinking water to the two subdivided parcels.”</i>
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.

		<p>SECTION 12-106:B CONNECTION TO EXISTING SYSTEMS. An applicant for a Land Use Change Permit shall be required to connect to an existing wastewater treatment system approved by the Colorado Department of Public Health and Environment and to install those connection lines and other appurtenances necessary to make the system available at the property line of each lot in the development</p> <p><i>Staff Response: The proposed parcels are able to connect to the sewer line. Applicant is responsible for coordinating with Gunnison County Public Works to arrange this connection.</i></p> <p><i>Application was sent to Gunnison County Public Works on October 17, 2024. Comments:</i></p> <p><i>“The above parcel being subdivided into two parcels located between Fairway Lane and County Road 50 in the Dos Rios Water and Sewer Division of the Gunnison County Water and Sanitation District is located within 400 feet of the Dos Rios Sewer Collection System.”</i></p>
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.
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><i>Staff Response: The proposed subdivision is within the City of Gunnison three-mile plan area.</i></p>
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>SECTION 13-103:D.3 LOT SIZE IN NEW SUBDIVISIONS. In residential subdivisions created after the effective date of this Resolution, the minimum lot size shall be no smaller than one acre unless served by a public waste-water treatment system.</p> <p><i>Staff Response: The two resulting lots are larger than 1 acre.</i></p>
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable.

		<i>Staff Response: Any future development will abide by 25' front and 15' side and rear setbacks.</i>
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable. <i>Staff Response: Any future development will abide by the standards laid out in Section 13-105 at time of Building Permit. No development is proposed at this time.</i>
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
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.
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 requested as part of this application.
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:

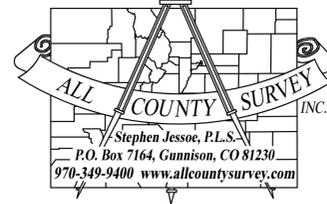
		<ol style="list-style-type: none">1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected 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><i>Staff Response: The proposed subdivision is unlikely to create any hazards or nuisances. It is unlikely to have adverse impacts to adjoining land, as it continues to be used as agricultural purposes.</i></p>
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SCALE: Not to Scale

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DATE: 23 October 2024
DRAWN BY: ADJ
REVIEWED BY: SLJ
PAGE 1 of 4

PLAT of DFP TRACTS
A PORTION of E1/2 SEC. 10 & W1/2 SEC. 11, T49N, R1W, N.M.P.M.
COUNTY of GUNNISON
STATE of COLORADO



ATTORNEY'S OPINION

I, David Leinsdorf, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in Dunbar Family Partnership, L.P., an Oklahoma limited partnership, and is free and clear of all liens, defects, encumbrances, restrictions and reservations, except as follows:

1. Taxes and assessments for the year ____ and subsequent years, a lien, but not yet due and payable.
2. United States Patents recorded in Book 45 at page 39; in Book 101 at page 126; in Book 115 at page 147 and in Book 115 at page 149.
3. Reservations contained in Warranty Deed recorded in Book 354 at page 496.
4. Easement Agreement in instrument recorded in Book 469 at page 236.
5. Easement and right of way as conveyed in instrument recorded in Book 578 at page 277.
6. Grant of Easement recorded in Book 715 at page 751.
7. Easement and right of way for County Road 34A, commonly known as Fairway Lane.
8. Gunnison County, Colorado Certificate of Administrative Review, Certification No. 101, Series 2004 recorded as Reception No. 546360.
9. Easements and Rights of Way in instruments recorded as Reception Nos. 592349, 592350, 592351 and 592352.
10. Any rights, interest or claims which may exist or arise by reason of the facts and notes shown on ALTA/ACSM Survey dated December 28, 2007, prepared by Rocky G. Reeves, Colorado L.S. No. 22101 recorded as Reception No. DEP-00514.
11. Terms and provisions in General Warranty Deed and Bargain and Sale Deed recorded, respectively, as Reception Nos. 641870 and 641871.

Dated this ____ day of _____, A.D. 2024.

David Leinsdorf, Attorney at Law
215 Elk Avenue, P.O. Box 187
Crested Butte, CO 81224-0187
davidl1224@gmail.com
970-349-6111

SURVEY NOTES

1. Basis of Bearing is based on a record bearing of S 73°52'02" E 1046.11' between a steel post and washer monument stamped "LS 11250" found at the southwesterly boundary corner of the subject parcel and an aluminum cap monument stamped "LS 11250" found at the southeasterly boundary corner of the subject parcel, as shown hereon.
2. Boundaries and boundary measurement calls are based on either the deed or the subdivision plat of record for each adjoining to the subject parcel, as shown hereon. The subject parcel is substantially the same parcel as granted in General Warranty Deed recorded September 9, 2016 at Reception No. 641870.
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4. Dimensions are in U.S. Survey Feet. Measurements were taken using GNSS observations on October 4, October 22, November 1, and November 14, 2019. These observations were taken in NAD 83, NAVD 88, State Plane Coordinates, Colorado Central Zone 0502, Geoid 12 applied. The measurements are in ground distance.
5. The subject parcel is not located in a Flood Hazard Area, according to National Flood Insurance Program Flood Insurance Rate Map 08051C1264D dated May 16, 2013.
6. The subject parcel is located within Gunnison County and is subject to Gunnison County's amended Land Use Resolution (LUR), dated March 5, 2019. The irrigation ditch easements shown hereon reflect the LUR requirements.
7. Utility locations are based solely on above-ground observed evidence and were located by others. Please contact the respective Utility Provider(s) for additional information.

PLAT NOTES

1. According to Colorado law you must commence legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based on any defect in this survey be commenced more than ten years from the date of the surveyor's certificate shown hereon.
2. Confinement of Domestic Animals. Animals must be controlled by kenneling, leashing or other physical restraint. Any expense of enforcing domestic animal control restrictions by Gunnison County shall be at the expense of the individual property owner.
3. Awareness of Colorado "fence-out" requirements. Per C.R.S. 35-46-101 et. seq., the property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
4. Irrigation Ditch Maintenance. An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch and leave natural debris on the bank of the ditch.

LAND SURVEYOR'S CERTIFICATE

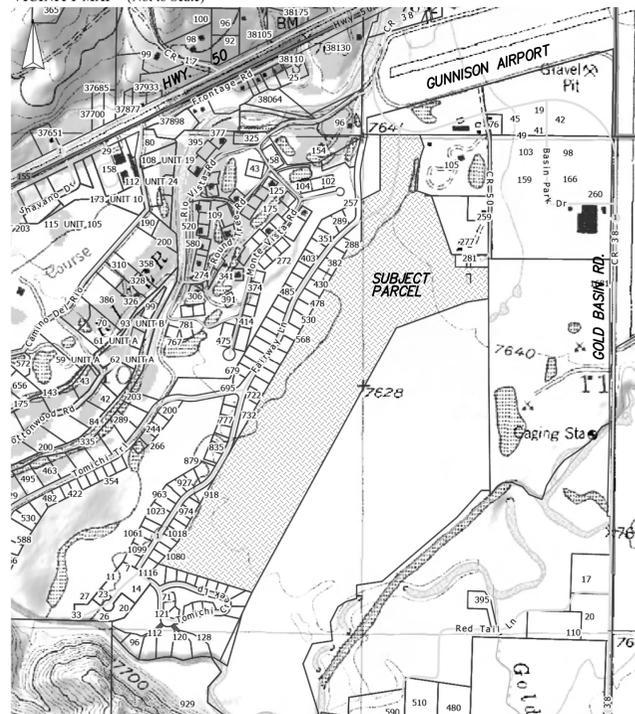
I, Stephen L. Jesso, for and on behalf of All County Survey, Inc., do hereby certify that I am a Licensed Professional Land Surveyor in the State of Colorado, that this Plat of DFP TRACTS as laid out, platted and dedicated and shown hereon, was made by me and under my direct supervision. Furthermore, the Plat a) is accurate to the best of my knowledge, information and belief, b) is in accordance with applicable standards of practice, and c) is not a guarantee or warranty either expressed or implied.

Basis of Bearing is based on a record bearing of S 73°52'02" E 1046.11' between a steel post and washer monument stamped "LS 11250" found at the southwesterly boundary corner of the subject parcel and an aluminum cap monument stamped "LS 11250" found at the southeasterly boundary corner of the subject parcel, as shown hereon.

Dated this ____ day of _____, A.D. 2024.

Stephen L. Jesso
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.

VICINITY MAP (Not to Scale)



DEDICATION

Dunbar Family Partnership, L.P., an Oklahoma limited partnership, being the owner of the land described as follows:

Township 49 North, Range 1 West, New Mexico Principal Meridian

A tract of land located in the E1/2 of Section 10 and in the W1/2 of Section 11, Township 49 North, Range 1 West of the New Mexico Principal Meridian, with said tract being more particularly described as follows:

Commencing at the northwesterly corner of said Section 11, thence along the section line N 89°34' 00" E 200.00 feet, more or less to the northwesterly boundary corner of Parcel 1 of the Dos Rios Ranches, Inc. property as described in Book 385 at page 294 of the records of the Clerk and Recorder of Gunnison County, a point marked by a No. 5 rebar monument being the POINT OF BEGINNING of the herein described tract; thence the following twenty-three (23) courses around said tract:

1. S 00°50'00" E a distance of 598.60', along the easterly boundary of Dos Rios Unit 1 described in Rec. No. 249844, to a steel post and 1" washer monument stamped "LS 11250"; thence
2. S 62°10'00" W a distance of 224.46', along the easterly boundary of said Dos Rios Unit 1, to a No. 5 rebar monument; thence
3. S 00°50'00" E a distance of 443.37', along the easterly boundary of Dos Rios Unit 3 described in Rec. No. 311760, to a wood fence post with nail and 1" washer stamped "LS 11250"; thence
4. S 62°10'00" W a distance of 156.74', along the easterly boundary of said Dos Rios Unit 3, to a bent No. 4 rebar monument; thence
5. S 29°02'00" W a distance of 3663.87' along the easterly boundary of said Dos Rios Unit 3, to an angle point; thence
6. S 41°17'00" W a distance of 300.00', along the easterly boundary of said Dos Rios Unit 3, to the northeasterly boundary corner of Lot 59, Dos Rios Unit 3, marked by a steel post and 1" washer monument stamped "LS 11250"; thence
7. S 73°52'02" E a distance of 1046.11', along the northerly boundary of Tomichi Creek Subdivision described in Rec. No. 584860, to a 2" aluminum cap monument stamped "LS 11250"; thence
8. N 27°27'26" E a distance of 3248.86' along the westerly boundary of property described in Rec. No. 581695, to a 1" yellow plastic cap monument stamped "LS 22101", with said line being formerly recorded as S 28°22'23" W a distance of 3248.89'; thence
9. N 68°58'09" E a distance of 807.44' along the northerly boundary of said property described in Rec. No. 581695, to a 1" yellow plastic cap monument stamped "LS 22101", with said line being formerly recorded as S 69°53'49" W a distance of 807.35'; thence
10. N 80°16'56" E a distance of 230.45' along the northerly boundary of property described in Rec. No. 581695, to a 1" yellow plastic cap monument stamped "LS 22101", with said line being formerly recorded as S 81°13'46" W a distance of 229.78'; thence
11. N 01°07'00" W a distance of 412.61' along the westerly boundary of property described in Rec. No. 581695, to a 1" yellow plastic cap monument stamped "LS 22101"; thence
12. S 89°24'00" W a distance of 7.90' along a boundary line described in Rec. No. 581695, to a point on the easterly boundary of the Glenn property as described in Book 425 at page 59, marked by a 1" yellow plastic cap monument stamped "LS 22101"; thence
13. S 00°29'00" E a distance of 85.39' along the easterly boundary line of said property described in Book 425 at page 59, to a 1" aluminum cap monument stamped "LS 1776"; thence
14. S 89°31'00" W a distance of 336.40' along the southerly boundary line of said property described in Book 425 at page 59, to a 2" aluminum cap monument stamped "LS 2816"; thence
15. N 00°29'00" W a distance of 129.85' along the westerly boundary line of said property described in Book 425 at page 59, to the southeasterly boundary corner of Tract II of the French property as described in Book 423 at page 480; thence
16. S 89°07'30" W a distance of 51.70' along the southerly boundary line of said property described in Book 423 at page 480, to a 1" aluminum cap monument stamped "LS 1776"; thence
17. N 18°12'08" W a distance of 651.74' along the westerly boundary line of said property described in Book 423 at page 480, to a 1" aluminum cap monument stamped "LS 1776", with said line being formerly recorded as N 18°11.5' W a distance of 656.15'; thence
18. N 71°27'02" W a distance of 190.90' along a boundary line described in Book 625 at page 597 to the southwesterly boundary corner of the Tuttle Investment Co. property as described in Book 511 at page 991; thence
19. N 08°50'20" E a distance of 170.37' along the westerly boundary line of said property described in Book 511 at page 991, and along the east bank of an existing irrigation ditch, to a 1" pink plastic cap monument stamped "LS 38048"; thence
20. N 12°31'44" E a distance of 239.71' along the westerly boundary line of said property described in Book 511 at page 991, and along the east bank of an existing irrigation ditch, to a 1" pink plastic cap monument stamped "LS 38048"; thence
21. N 21°05'01" E a distance of 88.95' along the westerly boundary line of said property described in Book 511 at page 991, and along the east bank of an existing irrigation ditch, to a 1" pink plastic cap monument stamped "LS 38048"; thence
22. N 18°33'59" W a distance of 117.77' along the westerly boundary line of said property described in Book 511 at page 991, to a point along the northerly boundary of Section 11, being marked by a pink plastic cap monument stamped "LS 38048"; thence
23. S 89°33'47" W a distance of 459.59' along the boundary line described in Book 625 at page 597 to the POINT OF BEGINNING;

Said parcel contains 111.42 acres, more or less. Basis of Bearing is based on a record bearing of S 73°52'02" E 1046.11' between a steel post and washer monument stamped "LS 11250" found at the southwesterly boundary corner of the subject parcel and an aluminum cap monument stamped "LS 11250" found at the southeasterly boundary corner of the subject parcel;

EXCEPTING THEREFROM that parcel of land as set forth in the Deed between Valco, Inc., a Colorado corporation and the Board of County Commissioners of Gunnison County, Colorado as recorded September 16, 1997 as Reception No. 478330; said parcel contains 1.51 acres, more or less;

County of Gunnison, State of Colorado;

under the name of DFP TRACTS, has laid out, platted and subdivided the same as shown on this plat and does hereby permanently dedicate and convey to the owners of tracts within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicates those portions of land labeled as easement for the installation and maintenance of public utilities as shown hereon.

IN WITNESS WHEREOF, W.K. Dunbar has subscribed his name this ____ day of _____, 2024, as Manager of MAM Management, LLC, an Oklahoma limited liability company, General Partner of Dunbar Family Partnership, L.P., an Oklahoma limited partnership.

Dunbar Family Partnership, L.P., an Oklahoma limited partnership

By: _____
W.K. Dunbar, Manager of MAM Management, LLC, an Oklahoma limited liability company, General Partner

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Dedication was acknowledged before me this ____ day of _____, A.D. 2024 by W.K. Dunbar, Manager of MAM Management, LLC, an Oklahoma limited liability company, General Partner.

Witness my hand and official seal.
My commission expires: _____

Notary Public

WARNING AND DISCLAIMER OF WILDFIRE HAZARDS

We, Dunbar Family Partnership, L.P., an Oklahoma limited partnership, on behalf of ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of wildfire hazard areas that may affect the use and occupancy of the property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agrees to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

By: _____
W.K. Dunbar, Manager of MAM Management, LLC, an Oklahoma limited liability company, General Partner

GUNNISON COUNTY PLANNING COMMISSION RECOMMENDATION

The Planning Commission of Gunnison County, Colorado hereby recommends approval of this Plat of the above subdivision, such recommendation being made at a meeting of said Commission held on the ____ day of _____, A.D. 2024

Chairperson, Gunnison County Planning Commission

BOARD OF COUNTY COMMISSIONERS' ACCEPTANCE

The within Plat of DFP TRACTS is approved this ____ day of _____, A.D. 2024 and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed by and at the expense of the tract owners and not by Gunnison County or any other public agency.

Chairperson, Gunnison County Board of Commissioners

COMPLIANCE WITH CERTIFICATE OF APPROVAL

The property described on this Plat is subject to all requirements, terms and conditions of Certificate of Administrative Review, Certification No. 101, Series 2004, recorded at Reception No. 546360 of the records of the Clerk and Recorder of Gunnison County.

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of _____, A.D. 2024.

Reception Number _____ Time _____ Date _____

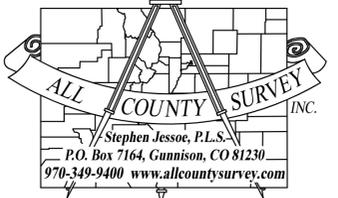
Gunnison County Clerk and Recorder

SCALE: 1" = 200'

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DATE: 23 October 2024
 DRAWN BY: ADJ
 REVIEWED BY: SLJ
 PAGE 2 of 4

PLAT of DFP TRACTS
 A PORTION of E1/2 SEC. 10 & W1/2 SEC. 11, T49N, R1W, N.M.P.M.
 COUNTY of GUNNISON
 STATE of COLORADO



SE1/4 SECTION 3

SW1/4 SECTION 2

SURVEY NOTES

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Dated this _____ day of _____, A.D. 2024.

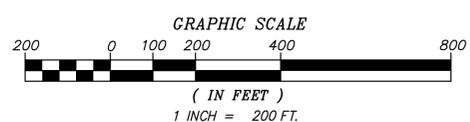
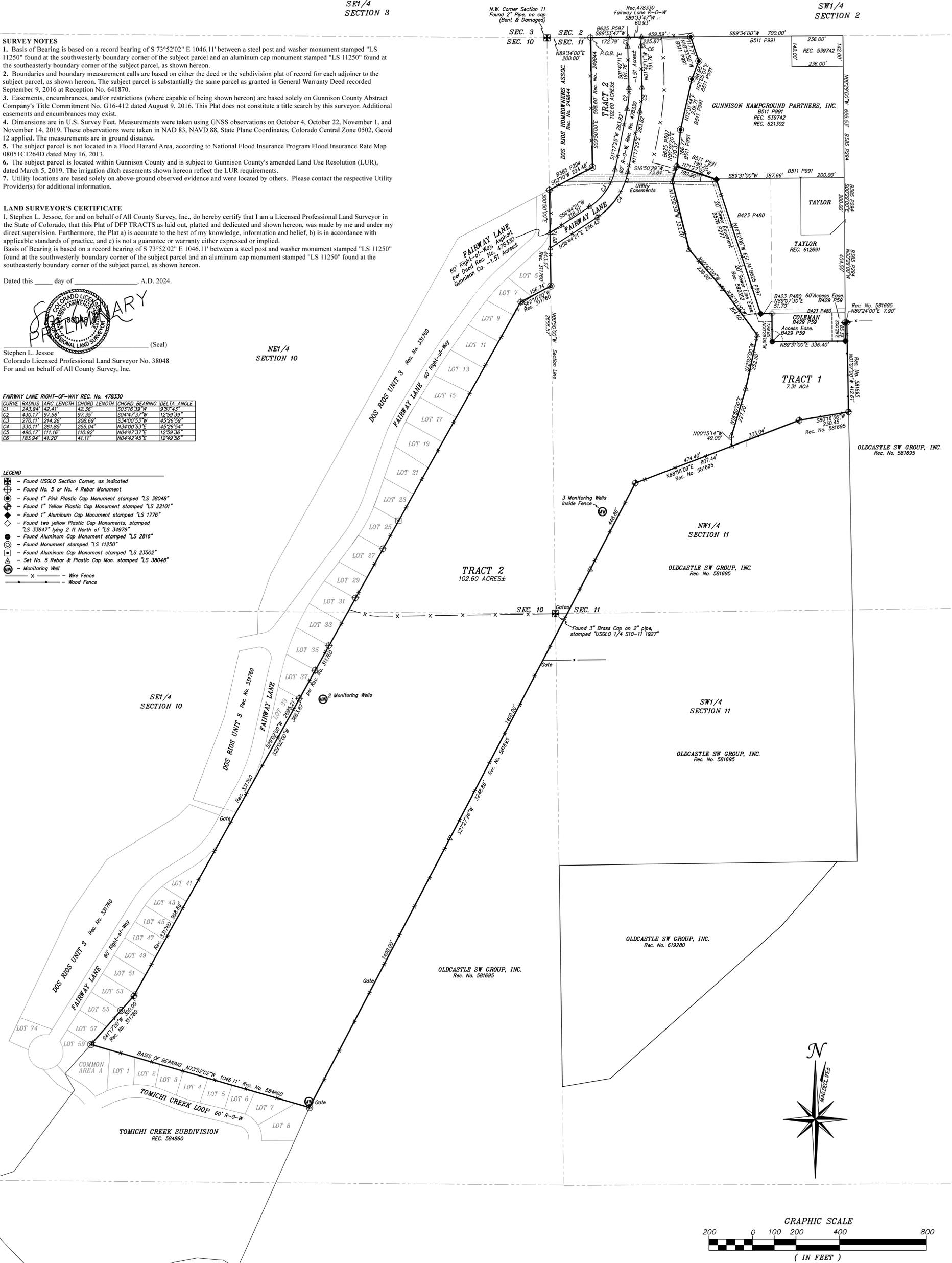


Stephen L. Jessoe
 Colorado Licensed Professional Land Surveyor No. 38048
 For and on behalf of All County Survey, Inc.

FAIRWAY LANE RIGHT-OF-WAY REC. No. 478330

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	243.94	42.41	42.36	S03°16'39"W	95°7'43"
C2	430.17	97.56	97.35	S04°47'57"W	125°0'59"
C3	270.11	214.26	208.69	S34°00'53"W	45°26'59"
C4	330.11	261.85	255.04	N34°00'53"E	45°26'54"
C5	490.17	111.16	110.92	N04°42'37"E	12°29'36"
C6	183.94	41.20	41.11	N04°42'43"E	12°49'56"

- LEGEND
- Found USGLO Section Corner, as indicated
 - Found No. 5 or No. 4 Rebar Monument
 - Found 1" Pink Plastic Cap Monument stamped "LS 38048"
 - Found 1" Yellow Plastic Cap Monument stamped "LS 22101"
 - Found 1" Aluminum Cap Monument stamped "LS 1778"
 - Found two yellow Plastic Cap Monuments, stamped "LS 33647" lying 2 ft North of "LS 34978"
 - Found Aluminum Cap Monument stamped "LS 2816"
 - Found Monument stamped "LS 11250"
 - Found Aluminum Cap Monument stamped "LS 23502"
 - Set No. 5 Rebar & Plastic Cap Mon. stamped "LS 38048"
 - Monitoring Well
 - Wire Fence
 - Wood Fence

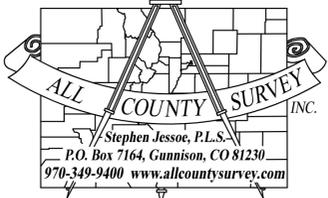


SCALE: 1" = 50'

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 REVIEWED BY: SLJ
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A PORTION of E1/2 SEC. 10 & W1/2 SEC. 11, T49N, R1W, N.M.P.M.
COUNTY of GUNNISON
STATE of COLORADO



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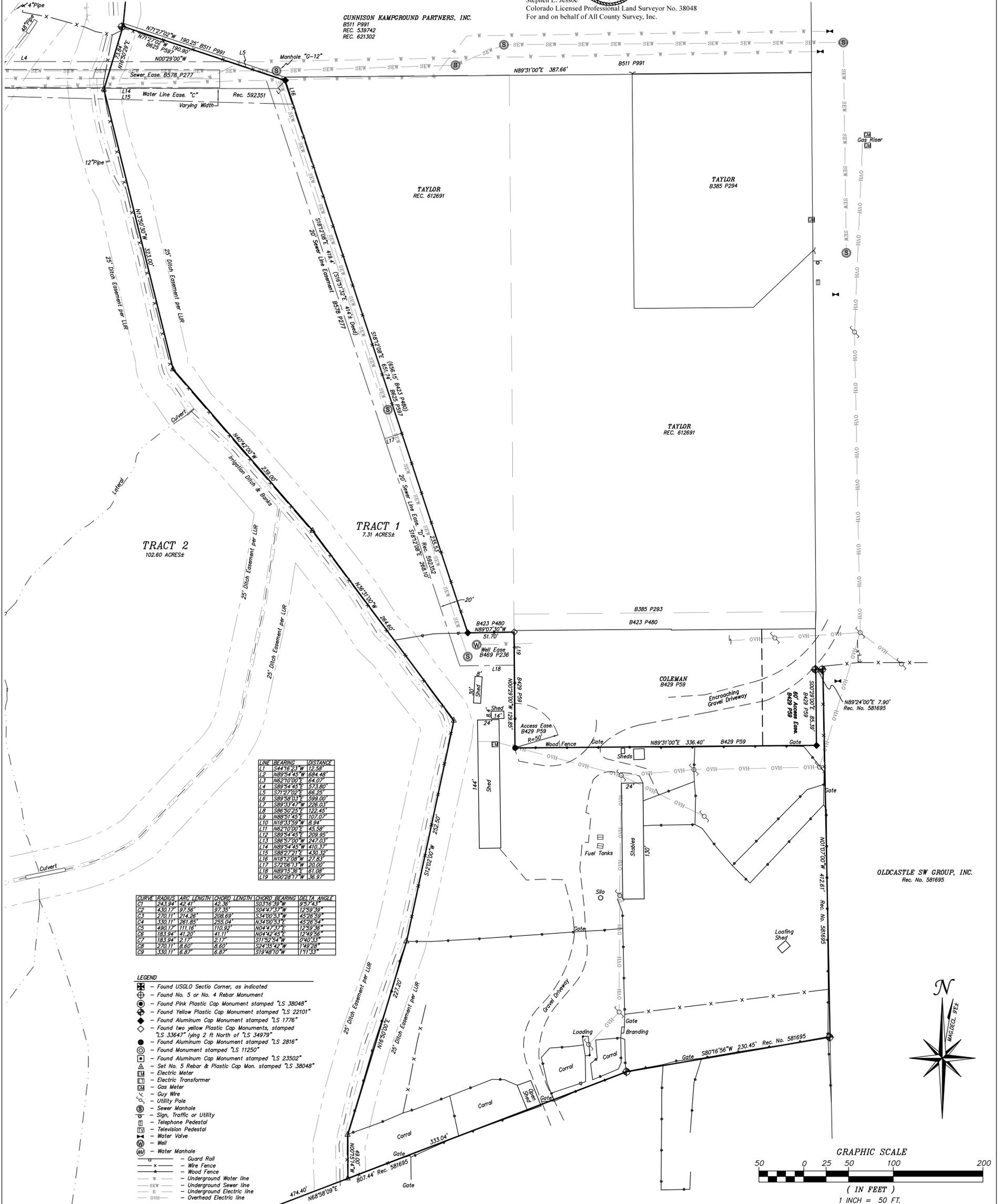
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Dated this ____ day of _____, A.D. 2024.

(Seal)
 Stephen L. Jesso
 Colorado Licensed Professional Land Surveyor No. 38048
 For and on behalf of All County Survey, Inc.

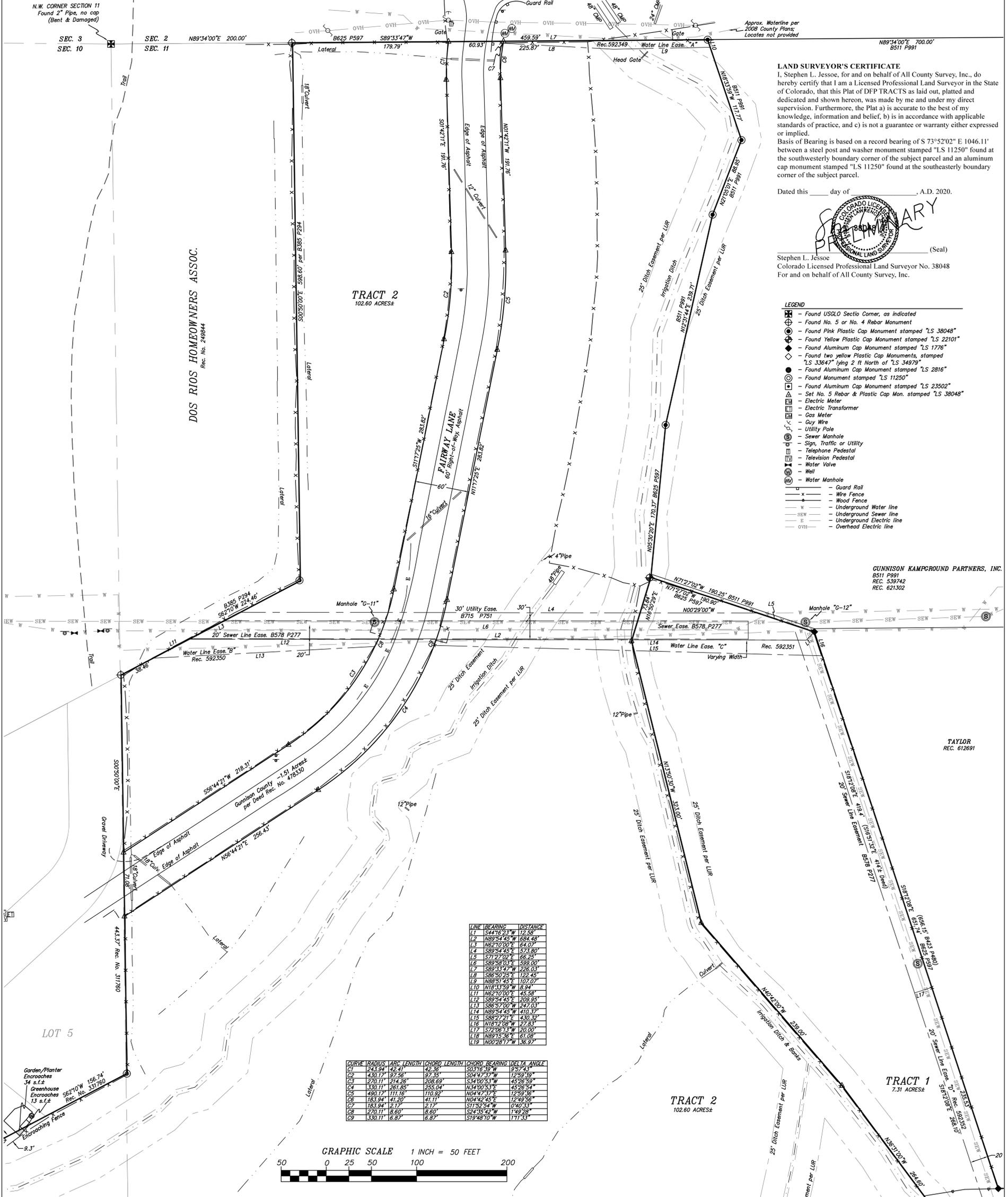
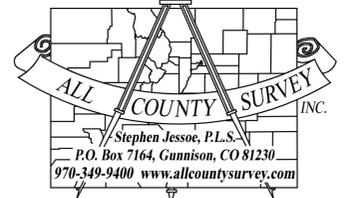


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PLAT of DFP TRACTS
A PORTION of E1/2 SEC. 10 & W1/2 SEC. 11, T49N, R1W, N.M.P.M.
COUNTY of GUNNISON
STATE of COLORADO



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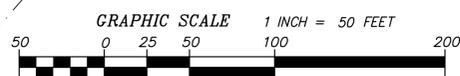
Dated this _____ day of _____, A.D. 2020.

(Seal)
 Stephen L. Jesso
 Colorado Licensed Professional Land Surveyor No. 38048
 For and on behalf of All County Survey, Inc.

- LEGEND**
- ⊕ - Found USGLO Section Corner, as indicated
 - ⊕ - Found No. 5 or No. 4 Rebar Monument
 - ⊕ - Found Pink Plastic Cap Monument stamped "LS 38048"
 - ⊕ - Found Yellow Plastic Cap Monument stamped "LS 22101"
 - ⊕ - Found Aluminum Cap Monument stamped "LS 1776"
 - ⊕ - Found two yellow Plastic Cap Monuments, stamped "LS 33647" lying 2 ft North of "LS 34979"
 - ⊕ - Found Aluminum Cap Monument stamped "LS 2816"
 - ⊕ - Found Monument stamped "LS 11250"
 - ⊕ - Found Aluminum Cap Monument stamped "LS 23502"
 - ⊕ - Set No. 5 Rebar & Plastic Cap Mon. stamped "LS 38048"
 - ⊕ - Electric Meter
 - ⊕ - Electric Transformer
 - ⊕ - Gas Meter
 - ⊕ - Guy Wire
 - ⊕ - Utility Pole
 - ⊕ - Sewer Manhole
 - ⊕ - Sign, Traffic or Utility
 - ⊕ - Telephone Pedestal
 - ⊕ - Television Pedestal
 - ⊕ - Water Valve
 - ⊕ - Well
 - ⊕ - Water Manhole
 - ⊕ - Guard Rail
 - ⊕ - Wire Fence
 - ⊕ - Wood Fence
 - ⊕ - Underground Water line
 - ⊕ - Underground Sewer line
 - ⊕ - Underhead Electric line
 - ⊕ - Overhead Electric line

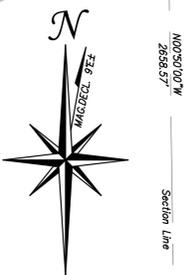
LINE	BEARING	DISTANCE
L1	S44°16'23"W	122.29
L2	N89°54'45"W	1284.48
L3	N62°10'00"E	64.07
L4	S89°54'45"E	573.90
L5	S71°27'02"E	68.25
L6	S89°58'03"E	599.00
L7	S89°33'47"W	226.03
L8	S86°50'25"E	122.45
L9	N88°51'42"E	102.07
L10	N18°33'59"W	8.94
L11	N62°10'00"E	45.58
L12	S89°54'45"E	209.95
L13	S86°57'00"W	242.03
L14	N89°54'45"W	410.37
L15	S89°27'21"E	430.32
L16	N16°12'00"W	27.33
L17	S72°06'13"W	20.00
L18	N89°15'36"E	61.08
L19	N00°28'17"W	136.97

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	243.94	42.41	42.36	S03°16'38"W	95°43'
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C5	490.17	111.60	110.32	N04°23'17"E	125°58'
C6	183.94	41.20	41.11	N04°23'17"E	125°58'
C7	183.94	2.17	2.17	S11°25'54"W	0°40'33"
C8	270.11	8.60	8.60	S24°35'42"W	174°28'
C9	330.11	6.87	6.87	S19°48'10"W	171°33'



SURVEY NOTES

1. Basis of Bearing is based on a record bearing of S 73°52'02" E 1046.11' between a steel post and washer monument stamped "LS 11250" found at the southwesterly boundary corner of the subject parcel and an aluminum cap monument stamped "LS 11250" found at the southeasterly boundary corner of the subject parcel, as shown hereon.
2. Boundaries and boundary measurement calls are based on either the deed or the subdivision plat of record for each adjoining to the subject parcel, as shown hereon. The subject parcel is substantially the same parcel as granted in General Warranty Deed recorded September 9, 2016 at Reception No. 641870.
3. Easements, encumbrances, and/or restrictions (where capable of being shown hereon) are based solely on Gunnison County Abstract Company's Title Commitment No. G16-412 dated August 9, 2016. This Plat does not constitute a title search by this surveyor. Additional easements and encumbrances may exist.
4. Dimensions are in U.S. Survey Feet. Measurements were taken using GNSS observations on October 4, October 22, November 1, and November 14, 2019. These observations were taken in NAD 83, NAVD 88, State Plane Coordinates, Colorado Central Zone 0502, Geoid 12 applied. The measurements are in ground distance.
5. The subject parcel is not located in a Flood Hazard Area, according to National Flood Insurance Program Flood Insurance Rate Map 08051C1264D dated May 16, 2013.
6. The subject parcel is located within Gunnison County and is subject to Gunnison County's amended Land Use Resolution (LUR), dated March 5, 2019. The irrigation ditch easements shown hereon reflect the LUR requirements.
7. Utility locations are based solely on above-ground observed evidence and were located by others. Please contact the respective Utility Provider(s) for additional information.



To: Gunnison County Planning Commission

RE: LUC-24-00057 | Minor Impact | Work Session | The Motherload Multi-Family

Memo Date: January 2, 2025

Date of Work Session: January 9, 2025

1. Project Summary

The Applicant, Scott Reno, is proposing a remodel to The Mother Load store and bar in Ohio City. The proposed remodel would create three long term rental units and one short term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use. A total of 1,812.1 square feet will be added to the existing building.

2. Impact Classification

The Project has been classified as a Minor Impact Project, based upon Gunnison County *Land Use Resolution* SECTION 6-102:A 2-4 UNITS. 2-4 units that are subdivision lots or multi-family residences.

3. 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 12-105: *Water Supply*

The Applicant has adequate water supply from existing Well Permit 151409, which is a permitted commercial well. However, after inspecting the existing well, the Applicant decided to drill a new replacement well and cap the existing well. They are working with the Division of Water Resources to cap the old well and they have acquired Well Permit 151409-A.

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

The current OWTS is under the County Permit Database as ISDS-05-00075. Per email conversations with Lisa Pietrangelo, Compliance Specialist, Colorado Water Quality Control Division, Applicant has confirmed that the water system will no longer meet the definition of a public water system and does not need to obtain design approval for the CDPHE engineering section.

Applicant will have a local engineer recertify the OWTS documents, to provide proof of adequate wastewater treatment for the proposed use. This will be captured as part of the building permit, pending the outcome of the Land Use Change.

Section 13-104: *Setbacks from Property Lines and Road Right-of-Ways*

The proposal does not meet the side setbacks of 15 feet on the east side of the building. The expansion along the east side is 13.5 feet from the road, and the side setback is 15 feet.

Applicant will follow Section 13-104:E *Variance From This Section*. The Board of Adjustment will meet to determine if the project meets Section 13-104:F *Standards For Approval of Variance From Property Line Setbacks*. As such, Planning Commission should not make a determination based on this section.

Section 13-105: Residential Building Sizes and Lot Coverages

The proposed building will total 6,700.1 sq. ft. The remodel will add 1,812.1 sq. ft. of living space to the building and the building's footprint will expand by 502 sq. ft. The exterior decks will expand by 702.5 sq. ft. The building will be below the 10,000 sq. ft. maximum size for multifamily.

4. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-24-00057. Click on "Attachments".

- A. Staff Report
- B. Site Plan and Building Renderings



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

Land Use Change Permit Application: The Mother Load Building Remodel
 Application No: LUC-24-00057
 Date application scheduled with Planning Commission: TBD
 Prepared by: Rachael Blondy

Applicant Name:	Christopher Scott Reno (Scott)
Property Owner Name:	Reno Living Trust
Project Description:	The Applicant, Scott Reno, is proposing a remodel to The Mother Load store and bar in Ohio City. The proposed remodel would create three long term rental units and one short term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use. A total of 1,812.1 square feet will be added to the existing building.
Property Location:	8458 COUNTY ROAD 76 , OHIO CITY Parcel # 3695-262-06-003
Surrounding Land Uses:	Parcel # 3695-262-08-004 – residential (same owner) Parcel # 3695-262-06-002 – residential (same owner) Parcel # 3695-262-03-007 – residential Parcel # 3695-262-05-002 – residential Parcel # 3695-262-05-004 – residential Parcel # 3695-262-09-003 – residential
Agency and Department Review:	<p>A copy of the application was sent to the following referral agencies by email on November 4, 2024:</p> <ul style="list-style-type: none"> • Gunnison County Public Works • Gunnison County Fire Protection District
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-24-00057 , 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

		<ul style="list-style-type: none"> — 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 Section 6-102: Projects Classified as Minor Impact Projects
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.

		<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. 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 four proposed residences are part of a multi-family structure and are connected.</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 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	<p><i>Staff Response: The property currently has 5 RV hook-ups, but the applicant will be capping off and burying the utilities underground to prevent RV use in the future.</i></p>
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	Applicable. <i>Staff Response: The Applicant is proposing additional residential units. While the proposed project is not adjacent to an existing population center nor is it within a municipal three mile plan area, the proposed building is already existing within the grid of Ohio City and will be contained within already disturbed area.</i>
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. <i>Staff Response: The proposed multi-family building will be served by a new well and the existing OWTS. The new units will be served by the public services that are already available in Ohio City. The proposed additions will only add 502 square feet to the footprint. No additional lots will be created.</i>
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 located in a geologic hazard area
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 high wildfire. <i>Staff Response: All development will be required to comply with applicable Fire and WUI codes at time of permit. All development will need to be referred to and reviewed Gunnison County Fire Protection District (GFPD).</i> <i>Application was sent to GFPD on November 4, 2024. No comments were received.</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	Not applicable, not within 125' of water or wetland
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
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not adjacent to agricultural lands
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. 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> <p>SECTION 12-103:G.3.C ACCESS ONTO A PUBLIC ROAD. 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.</p> <p><i>Staff Response: Per conversations with Public Works, there will be an access off Roller Street. There will be an internal parking area. Applicant will continue to work with Public Works to determine access requirements.</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>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.</p> <p>SECTION 12-105:D CALCULATION OF ADEQUACY OF SUPPLY. The legal and physical adequacy of the water supply for a proposed water supply for a land use change proposed as a Major Impact shall be calculated based on the total planned development at full buildout, and for year-round use, using standard engineering practices.</p>

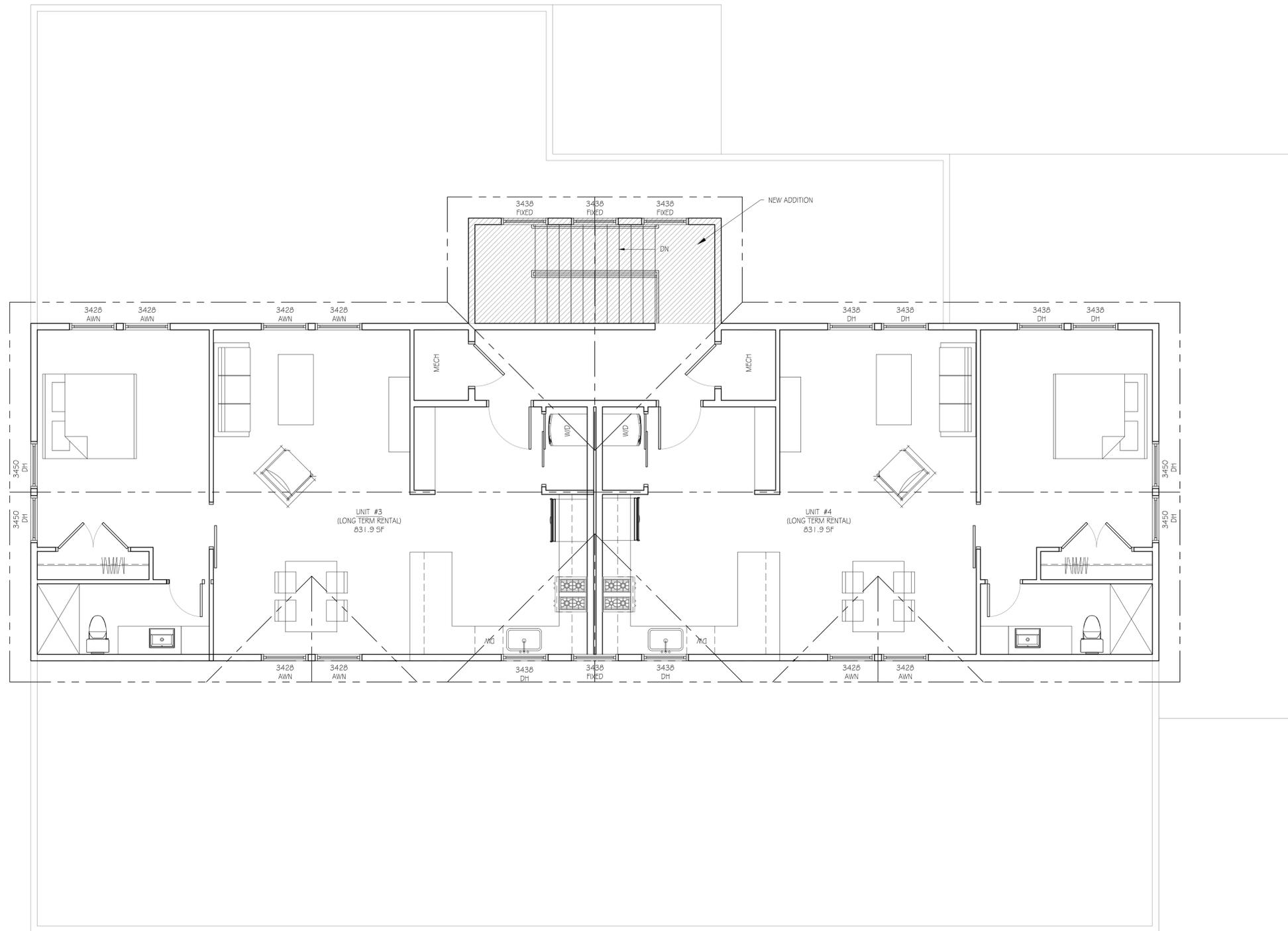
		<p><i>Staff Response: The existing Well Permit # 151409 is a commercial well, with a maximum annual withdrawal limit of 1.00 acre feet. The Applicant had correspondence with Greg Powers with the Division of Water Resources, which confirmed:</i></p> <p><i>“The proposed new use of the well would fall under the definition of Commercial, for which the well is currently permitted and no changes to the permit would be required so long as it is operated within the volumetric limits specified in the permit. If more water was needed, the well would need to be permitted as a non-exempt well with a Water Court approved plan for augmentation. As Ohio City is outside the area where the Upper Gunnison River Water Conservancy District can deliver augmentation water, some other source of augmentation water would have to be secured.”</i></p> <p><i>After inspecting the existing well, the Applicant decided to drill a new replacement well. They have acquired Well Permit 151409-A.</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: 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><i>Staff Response: The current OWTS is under the County Permit Database as ISDS-05-00075. Per email conversations with Lisa Pietrangelo, Compliance Specialist, Colorado Water Quality Control Division, Applicant has confirmed that the water system will no longer meet the definition of a public water system and does not need to obtain design approval for the CDPHE engineering section.</i></p> <p><i>Applicant will have a local engineer recertify the OWTS documents, to provide proof of adequate wastewater treatment for the proposed use. This will be captured as part of the building permit, pending the outcome of the Land Use Change.</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>12-107:A.3.b.2 SUBMIT WAIVER OF LIABILITY. The applicant shall submit a signed Warning and Waiver of Liability releasing the County and the applicable fire protection district as part of the application.</p> <p><i>Staff Response: Applicant is responsible for working with Gunnison County Fire Protection District.</i></p> <p><i>Application was referred to GFPD on November 4, 2024. No comments were received.</i></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, not 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	<p>Applicable.</p> <p><i>Staff Response: The proposed multi family meets the site plan standards, including having an average highest gable at 25'4".</i></p>			
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	<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 indicated in Table 7: Setbacks from Property Lines and Road Rights-of-Way.</p> <p><i>Staff Response: The proposal does not meet the side setbacks of 15 feet on the east side of the building. The expansion along the east side is 13.5 feet from the road, and the side setback is 15 feet.</i></p> <p><i>Applicant will follow Section 13-104:E Variance From This Section. The Board of Adjustment will meet to determine if the project meets Section 13-104:F Standards For Approval of Variance From Property Line Setbacks.</i></p>			
13-105: Residential Building Sizes And Lot Coverages	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <table border="1" data-bbox="1157 1471 2018 1507"> <tr> <td data-bbox="1157 1471 1400 1507"></td> <td data-bbox="1400 1471 1698 1507">Existing</td> <td data-bbox="1698 1471 2018 1507">Remodeled</td> </tr> </table>		Existing	Remodeled
	Existing	Remodeled			

		<table border="1" data-bbox="1157 107 2011 214"> <tr> <td>Building</td> <td>4,888.0 sf</td> <td>6,700.1 sf</td> </tr> <tr> <td>Footprint</td> <td>4,142.5 sf</td> <td>4,644.5 sf</td> </tr> <tr> <td>Exterior Decks</td> <td>1,047.7 sf</td> <td>1,750.2 sf</td> </tr> </table> <p data-bbox="1157 285 2011 483"><i>Staff Response: The resulting building will be less than 10,000 sf, which is the limit for a multifamily building without going through a land use process. The remodel will add 1,812.1 sf of living space to the building (Much of the new square footage is a result of better headroom on the second floor). The building's footprint will expand by 502 sf. The exterior decks will expand by 702.5 sf.</i></p> <p data-bbox="1157 521 2011 581"><i>All units will share the same services – sewage, water and share a driveway. Utilities will all be located underground.</i></p> <p data-bbox="1157 618 2011 847"> Square Footage per Unit: Owner Only Library First Floor = 1,017.0 SF Owner Only TV/Game Rm First Floor = 798.5 SF UNIT #1, STR / Owner Space First Floor = 1,514.0 SF UNIT #2, LTR First Floor = 713.5 SF UNIT #3, LTR Second Floor = 832.0 SF UNIT #4, LTR Second Floor = 832.0 SF </p>	Building	4,888.0 sf	6,700.1 sf	Footprint	4,142.5 sf	4,644.5 sf	Exterior Decks	1,047.7 sf	1,750.2 sf
Building	4,888.0 sf	6,700.1 sf									
Footprint	4,142.5 sf	4,644.5 sf									
Exterior Decks	1,047.7 sf	1,750.2 sf									
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application									
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, dedication of open space for minor impact residential development is not required.									
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable. <i>Staff Response: The historical look and feel of the street front will be maintained in order to keep the Ohio City landmark.</i>									
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. <i>Staff Response: The 4 residential units require 8 parking spaces. There are 8 parking spaces provided on the site plan.</i>									
13-111: Landscaping And Buffering	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable. Section 13-111:E. LANDSCAPING PLAN. Applicants for a land use change shall prepare a landscaping plan if the land use change is a residential development that is classified as a Major Impact Project, or any multiple-family residential development, mobile home									

		community or recreational vehicle park, or commercial, industrial or other non-residential use that is classified as either a Minor or Major Impact Project. <i>Staff Response: Applicant will not be landscaping. Per Section 13-111:E.1, the LUR states requirements for “the area that is shown as being landscaped on the landscaping plan” and does not require this project to provide a landscaping plan.</i>
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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable. <i>Staff Response: Applicant has not yet submitted building plans. The exterior lighting shall comply with the standards of this Section.</i>
13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, a reclamation permit is not required because there is not more than 10,000 sqft of disturbance.
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, grading and erosion control is not required because there will not be more than 10,000 sqft of disturbance. <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	Not applicable, not within 100 feet of a water body or a mudflow
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 (staff responses below each section):

		<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.<ol style="list-style-type: none">a.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><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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09/25/2024	REVISION FOR MINOR IMPACT PROJECT AND LAND USE CHANGE

BUILD WEST
 GROUP LLC
 DESIGN & DRAFTING SERVICES
 BUILDWESTARCH@GMAIL.COM
 970.975.0662

SECOND FLOOR PLAN

HENDRICK'S & CO. BUILDING REMODEL
 8458 COUNTY ROAD 76
 OHIO CITY
 GUNNISON COUNTY, COLORADO

SCALE:
 AS NOTED
 MOST CURRENT DATE:
 9/25/2024
 JOB NO.
 2403
 SHEET:

A1.2

ENGINEER'S STAMP

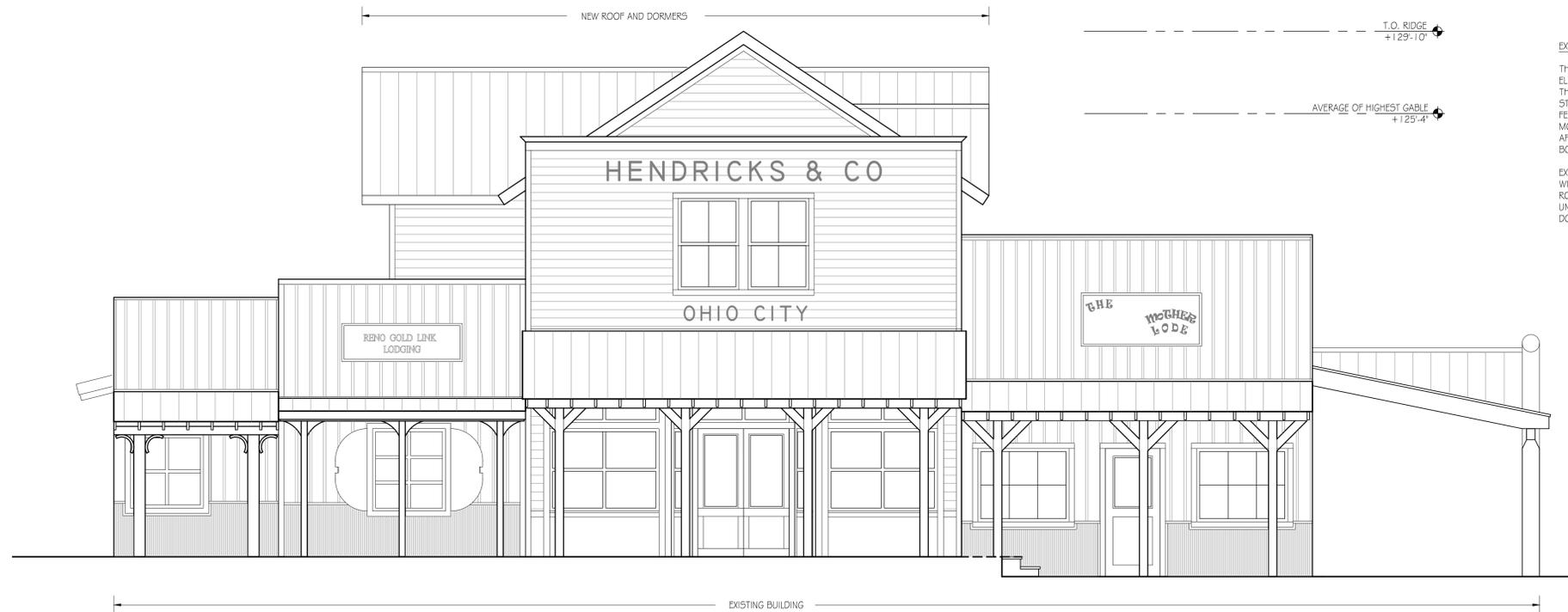


SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"



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



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

EXTERIOR ELEVATIONS

THE EXISTING BUILDING IS TO BE RENOVATED. SINCE THE NORTH ELEVATION IS A VISUAL LANDMARK FOR OHIO CITY, THE INTENT OF THE NORTH ELEVATION REMODEL WILL BE TO BRING THE STRUCTURE UP TO CURRENT CODES WHILE KEEPING THE HISTORICAL FEEL OF THE ORIGINAL HENDRICKS MERCANTILE BUILDING AND THE MOTHER LODGE BUILD-OUT. THE HISTORICAL SIGNAGE, WHERE APPROPRIATE, WILL BE REPLICATED OR RESTORED AND THE COVERED BOARDWALK UPDATED.

EXTERIOR MATERIALS ON BOTH THE NEW AND RENOVATED SECTIONS WILL BE HARDBOARD SIDING, RUSTED METAL WAINSCOT, AND METAL ROOFS. ALL WINDOWS & DOORS WILL BE NEW ENERGY EFFICIENT UNITS. NEW EXTERIOR PORCHES WILL BE FRAMED WITH HEAVY TIMBER DOUG FIR FRAMING.

09/25/2024	REVISION FOR MINOR IMPACT PROJECT AND LAND USE CHANGE
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BUILD WEST
GROUP LLC
DESIGN & DRAFTING SERVICES
BUILDWESTARCH@GMAIL.COM
970.975.0662

EXTERIOR ELEVATIONS

HENDRICKS & CO. BUILDING REMODEL
8458 COUNTY ROAD 76
OHIO CITY
GUNNISON COUNTY, COLORADO

SCALE:
AS NOTED
MOST CURRENT DATE:
9/25/2024
JOB NO.
2403
SHEET:

A2.1

ENGINEER'S STAMP



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



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

09/25/2024
SUBMISSION FOR MINOR IMPACT PROJECT
AND LAND USE CHANGE

BUILD WEST
GROUP LLC
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EXTERIOR ELEVATIONS

HENDRICKS & CO. BUILDING REMODEL
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GUNNISON COUNTY, COLORADO

SCALE:
AS NOTED
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9/25/2024
JOB NO.
2403
SHEET:

A2.2

ENGINEER'S STAMP

TO: GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

**SUBJECT: Planning Commission Sketch Plan DRAFT Recommendation
Harmels on the Taylor River LLC
LUC-24-00021 | Harmels on the Taylor Expansion of
Commercial Use**

DATE: January 9, 2025

PREPARED BY: Hillary I. Seminick, Planning Director

Commissioner _____ made a motion to _____ the Sketch Plan recommendation seconded by Commissioner _____, the motion passed in a ___ to ___ vote.

LUC-24-00021 is governed by the following standards set forth in the Gunnison County *Land Use Resolution* (LUR) Section 7-103(B), as follows:

SKETCH PLAN IS EXPLORATORY. *Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.*

SKETCH PLAN EXPECTED TO EVOLVE. *Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.*

ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN. *To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.*

PROJECT DESCRIPTION:

Harmels on the Taylor River, LLC, represented by Jacob With, Esq. of Law of the Rockies (Applicant) request a Sketch Plan Review of a Major Impact Expansion of Commercial Use (Application) to expand existing commercial lodging and employee housing facilities at the 146.13 acre property at [6748 County Road 742, Almont; Parcel No. 3433-000-00-026](#).

The existing Harmels infrastructure includes:

1. The restaurant building.
2. Approximately 39 cabin units.
3. Approximately 3 corrals and a stable.
4. Multiple septic systems and multiple drain fields.
5. 2 additional bunkhouses.
6. 2 wood sided buildings south of the restaurant building.

7. 1 shed.
 8. Laundry facility.
- Proposed Changes:
1. Southwest Quadrant
 - a. Abandoning the septic systems and drain fields and replacing them with a new, state approved wastewater treatment plant.
 - b. Removing the 2 additional bunkhouses that currently exist.
 - c. Removing the 2 wood sided buildings.
 - d. Constructing 4 cabins.
 - e. Removing the existing laundry facility and bathhouse.
 2. Northwest Quadrant
 - a. Converting bunkhouse M to an employee/workforce housing.
 - b. Constructing four employee/workforce housing lodges that can accommodate five to six employees each for a total of 22 more employee/workforce housing unit
 - c. Installing 35 RV sites.
 - d. Constructing a new bath/laundry facility.
 - e. Installing 19 storage units to accommodate the needs of homeowners in this area to improve aesthetics and reduce road traffic to storage facilities located in Gunnison.
 - f. Constructing 7 new cabins.
 3. Southeast Quadrant
 - a. Constructing 1 cabin between other existing cabins.
 4. Northeast Quadrant
 - a. Converting the lodge, which is units 20-27, into workforce housing.
 - b. Constructing a new laundry facility.
 - c. Installing a new steel shop and laundry facility.
 - d. Installing a new horse corral.
 - e. Installing a new recreational space/picnic area.

The net impact of the proposal is as follows:

1. 30 residential¹ housing units.
2. A new wastewater treatment plant instead of the existing septic system.
3. Two new laundry facilities instead of the old laundry facility.
4. Renovated utilities for the cabins that improve the health and safety protections for residents.
5. Instead of 25 guest cabins, there will be 33 guest cabins.
6. A new shop.
7. A new basketball court and a new soccer, baseball and volleyball court.
8. 35 new residential RV sites.
9. 19 storage units.

The estimated total new square footage of cabins and workforce housing is estimated to be 48,900 square feet. The total new square footage for the laundry facilities is estimated to be 3,300 square feet. The total new square footage of storage units is estimated to be 11,970 square feet. The total new square footage of recreational fields/picnic area is estimated to be 60,000 square feet. The recreational field/picnic area is currently an open lawn/field. The total proposed residential housing is 30 units. Harmels on the Taylor is willing to provide employee housing “not only for its only employees but also for the workforce housing needs of the community.” The Applicant has stated the “overall

¹ The Applicant has referred to this as “Employee/Workforce Housing”; however, because it will not be deed-restricted, it does not meet the definition of Workforce Housing.

operations would be year route for all new cabins and new employee housing units and May through October for the existing units.”

Table 1. Existing and Proposed Uses Matrix

Project Reference Number	Assessor Structure Number	Assessor Description	Assessor Floor Area (SF)	Description on 3/29/24 “Overall Site Plan”	Quadrant	Proposed Change in Use/New Use in Project Description	New Floor Area
1	1	Residential	593	Not Shown	SW	Demo	-593
2	2	Residential	864	Not Shown	SW	Demo	-864
3	3	ADU residential and commercial	708	Bunkhouse M	NW	Workforce Housing (dorm style for up to 4 employees)	0
4	4	ADU Residential and Commercial	1260	Not Shown	SW	Demo	-1260
5	5	ADU Residential and Commercial	1568	Dining/Kitchen	SW	No Change	0
6	6	Restaurant 68% Retail/Store 17% Lodge 25%	8270	Store/Office Kitchen/Dining	SW	No change	0
7	7	Commercial Cottage	596	Unit 10	NE	No Change	0
8	8	Commercial Cottage	399	Unit 3	NE	No Change	0
9	9	Commercial Cottage	301	Unit 4	NE	No Change	0
10	10	Commercial Cottage	406	Unit 5	NE	No Change	0
11	11	Commercial Cottage	285	Unit 6	NE	No Change	0
12	12	Commercial Cottage	575	Unit 7	NE	No Change	0
13	13	Commercial Cottage	405	Unit 8	NE	No Change	0
14	14	Commercial Cottage	668	Unit 15	SE	No Change	0
15	15	Commercial Cottage	648	Unit 19	SE	No Change	0
16	16	Commercial Cottage	669	Unit 14	SE	No Change	0
17	17	Commercial Cottage	897	Unit 12	SE	No Change	0
18	18	Commercial Cottage	471	Unit 2	SW	No Change	0
19	19	Commercial Cottage	640	Unit 9	NE	No Change	0
20	20	Commercial Cottage	668	Unit 13	SE	No Change	0
21	21	Commercial Cottage	305	Unit 11	SE	No Change	0
22	22	Commercial Cottage	1568	Units 36-39	SE	No Change	0
23	23	Commercial Cottage	674	Unit 18	SE	No Change	0
24	24	Commercial Cottage	555	Unit 16	SE	No Change	0

Project Reference Number	Assessor Structure Number	Assessor Description	Assessor Floor Area (SF)	Description on 3/29/24 "Overall Site Plan"	Quadrant	Proposed Change in Use/New Use in Project Description	New Floor Area
25	25	Commercial Cottage	1188	Unit 28 & 29	NE	No Change	0
26	26	Commercial Cottage	1022	Units 34 & 35	SE	No Change	0
27	27	Commercial Cottage	1274	Units 30 & 31	NE	No Change	0
28	28	Commercial Cottage	1073	Unit 17	SE	No Change	0
29	29	Commercial Cottage	576	Unit 32	SE	No Change	0
30	30	Commercial Cottage	576	Unit 33	SE	No Change	0
31	31	Commercial Cottage	2568	Lodge 20-27	NE	Workforce Housing (apartment style 8 employees)	0
32	32	Commercial Cottage 69% Light Commercial Utility 31%	1530	Laundry & Storage (Not Shown)	SW	Demo	-1530
33	33	Fam Utility Shed	128	Stables Tack Room (not labeled)	NW	No Change	0
34	34	Stable	708	Stables /Barn	NW	No Change	0
35	n/a	n/a	n/a	4-BD Cabin (Northernmost)	SW	Cabin 1	2,000
36	n/a	n/a	n/a	4-BD Cabin (2 nd Northernmost)	SW	Cabin 2	2,000
37	n/a	n/a	n/a	4-BD Cabin (3 rd Northernmost)	SW	Cabin 3	2,000
38	n/a	n/a	n/a	4-BD Cabin (Southernmost)	SW	Cabin 4	2,000
39	n/a	n/a	n/a	Employee Housing (Northernmost Building)	NW	Employee Lodge 1 (5 apartments)	5477
40	n/a	n/a	n/a	Employee Housing (2 nd Northernmost Building)	NW	Employee Lodge 2 (6 apartments)	6573
41	n/a	n/a	n/a	Employee Housing (3 rd Northernmost Building)	NW	Employee Lodge 3 (6 apartments)	6573
42	n/a	n/a	n/a	Employee Housing (Southernmost Building)	NW	Employee Lodge 4 (5 apartments)	5477
43	n/a	n/a	n/a	New RV Site	NW	35 RV Sites (each site 60x30, total 63,000 sq ft)	63,000
44	n/a	n/a	n/a	Bath/Laundry Facility	NW	Bath + Laundry Facility	800
45	n/a	n/a	n/a	5-BDRM Cabin	NW	Cabin 5	3,000
46	n/a	n/a	n/a	5-BDRM Cabin	NW	Cabin 6	3,000
47	n/a	n/a	n/a	3-BD Cabin	NW	Cabin 7	1,800
48	n/a	n/a	n/a	3-BD Cabin	NW	Cabin 8	1,800

Project Reference Number	Assessor Structure Number	Assessor Description	Assessor Floor Area (SF)	Description on 3/29/24 "Overall Site Plan"	Quadrant	Proposed Change in Use/New Use in Project Description	New Floor Area
49	n/a	n/a	n/a	3-BD Cabin	NW	Cabin 9	1,800
50	n/a	n/a	n/a	3-BD Cabin	NW	Cabin 10	1,800
51	n/a	n/a	n/a	3-BD Cabin	NW	Cabin 11	1,800
52	n/a	n/a	n/a	3-BD Cabin	SE	Cabin 12	1,800
52	n/a	n/a	n/a	Storage Units	NW	19 Storage Units (available to public)	11970
54	n/a	n/a	n/a	Laundry	NE	Laundry Facility	2,500
55	n/a	n/a	n/a	Shop	NE	Steel Shop (existing 2,400 square feet and no new shop will be constructed)	--
56	n/a	n/a	n/a	Improved Horse Corral	NE	Horse Corral (existing and will be updated without expanding size)	---
58	n/a	n/a	n/a	Wastewater Treatment Plant	SW	Wastewater Treatment Plant	400 (this is subject to change based on state requirements)

Project Location and Legal Description: The subject parcel is located at 6748 County Road 740. The parcel is legally described as a tract of land in Sections 27, 28, and 34, Township 14 South, Range 85 West, 6th pm.

PLANS/REPORTS/SUBMITTALS:

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

- Major Impact Application Form
- Cover Letter
- preliminary sewer line layout and WWTP Location
- Estimated water and wastewater flows
- Water feasibility
- Letter from Jerry Green concerning State application for WWTP
- drainage plan
- Wildlife Map
- Augmentation Plan
- Water Decree
- June 21, 2024 Letter: Additional information relating to LUC-24-00021 Harmels on the Taylor
- June 21, 2024 Amended Project Description
- Site Plan
- Sage Grouse information

- August 1, 2024 Staff Report
- August 1, 2024 Staff Memo
- November 21, 2024 Staff Memo
- August 1, 2024 Work Session Minutes
- October 3, 2024 Work Session Minutes
- November 21, 2024 Joint Public Hearing Minutes
- December 14, 2024 Letter: Law of the Rockies, “Re: Additional submittals in response to sketch plan hearing”

IMPACT CLASSIFICATION:

The project is a Major Impact pursuant to Section 7-101:C. *Expansion or Change of Commercial or Industrial Use Larger than 10,000 sq. ft. or More.*

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Discount Storage Expansion of Commercial Use application on the following dates:

- August 1, 2024 Work Session
- October 3, 2024 Work Session and Site Visit
- November 21, 2024 Planning Commission + Board of County Commissioners Joint Public Hearing
- January 9, 2024 Continued Joint Public Hearing

SITE VISIT:

The Planning Commission conducted a site visit on October 3, 2024. The Commission noted the following:

- The site visit was thoughtfully curated; and
- Questions regarding screening and siting of proposed storage units; and
- Requested additional clarification if the staff housing would be available outside of the regular summer operating season; and
- Questions regarding if the Applicant was considering burying aerial utility lines; and
- Requested additional clarification on how the proposed trail network would promote pedestrian circulation throughout the site; and
- How would the proposed dump station impact traffic and requested clarification on site design and circulation to ensure vehicular queues would not impact county roads; and
- Requested game camera footage be provided at the next meeting.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on November 21, 2024 and January 9, 2025. Comments received at the hearings and via email are summarized below. The entirety of the public record is included within the Land Use Change permit file.

Water Usage and Well Impact:

- Concerns about the significant increase in water usage due to the proposed expansion.
- Shallow wells in the area could be at risk of drying out, and residents questioned who would bear the cost of drilling deeper wells.

- Concerns raised about water demands for amenities like laundry facilities, RV sites, and the wastewater treatment plant.
- Further study is needed to assess impacts on water resources.

Wastewater Treatment Plant and Dump Station

- Objections and concerns regarding the proposed location of the wastewater treatment plant near the river and residential properties.
- Concerns included potential impacts on water quality, fishing, and recreational activities.
- Suggestions to relocate the plant, improving the existing system, or add a retention pond to monitor water quality.
- Restrict public use of the dump station to minimize traffic.

Traffic and Safety:

- An increase in traffic on Spring Creek Road and other local intersections was a major concern.
- Residents noted issues with existing traffic enforcement and requested a comprehensive traffic study during peak usage times (e.g., when the Spring Creek Reservoir is fully open).
- Safety concerns were highlighted, including the danger to pedestrians and wildlife attempting to cross busy roads.

Wildlife:

- The expansion could harm the area's ecosystem and wildlife such as moose, deer, bear, and bighorn sheep.
- Concerns regarding impacts to wildlife movement and the need for buffering to mitigate disruption.
- Further study is needed to assess impacts on the environment and wildlife.

Wildfire Hazard

- Increased use of fire rings at campsites, combined with existing beetle-kill vegetation, raised fire safety concerns.
- Suggestions included implementing defensible space, installing fire hydrants, and creating potable water storage for fire emergencies.

Community Character and Compatibility:

- The expansion was inconsistent with the area's rural and natural character, describing the proposal as unsustainable and detrimental to the community.
- Concerns about noise, density, and changes to the landscape.
- Concerns regarding the potential transformation of the existing landscape.

RV and Glamping Sites:

- Concerns regarding the proposed RV and glamping sites, citing oversaturation of similar facilities and the steep slopes of proposed RV site location.
- Residents felt these changes would negatively alter the area's intended use and atmosphere.

ADJACENT AND NEARBY USES:

Residential and agricultural

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the application was sent via email on June 5, 2024 to the following referral agencies for review and comment:

- Gunnison County Electric Association, Inc. (GCEA)
- Colorado Parks and Wildlife (CPW)

- Gunnison County Public Works
- RE1-J School District
- Gunnison Fire Protection District (GFPD)
- Colorado State Forest Service
- Colorado Department of Transportation (CDOT)
- Colorado Division of Water Resources
- US Forest Service, Grand Mesa Uncompahgre and Gunnison National Forests
- Colorado Department of Health and Environment (CDPHE)
- Gunnison Health and Human Services
- Gunnison County Sage-Grouse Biologist
- Gunnison Valley Regional Housing Authority (GVRHA)
- Colorado Geological Survey (CGS)
- Gunnison County Building and Environmental Health Official

The following referral agencies submitted comments:

- June 6, 2024: Email “Re: Re: LUC-24-00021 Harmels on the Taylor Major Impact Referral,” Bob Hurford, PE, Division Engineer, Water Division 4, Montrose, Colorado Division of Water Resources
- June 17, 2024: Letter “Gunnison Sage-grouse Habitat Site Specific Analysis Permit Application Number LUC-24-00021”, Ben Prior, Wildlife Biologist, Gunnison Conservation District
- June 25, 2024: Email “Re: LUC-24-00021 Harmels on the Taylor Major Impact Referral,” Jen Chavez, Consumer Protection Specialist, Gunnison County Health and Human Services
- June 26, 2024: Email “Re: [EXTERNAL] Re: LUC-24-00021 Harmels on the Taylor Major Impact Referral,” Matt Feier, Strategy Execution Specialist, GCEA
- June 26, 2024: Email “Re: LUC-24-00021 Harmels on the Taylor Major Impact Referral,” Martin Schmidt, Assistant County Manager for Public Works, Gunnison County
- July 3, 2024: Letter “RE: LUC-24-00021/ Harmels on the Taylor (1000 County Road 742, Almont),” Codi Prior, District Wildlife Manager, CPW
- July 26, 2024: Letter “RE: LUC-24-00021/ Harmels on the Taylor (1000 County Road 742, Almont),” Codi Prior, District Wildlife Manager, CPW

Comments were not received from the following agencies:

- RE1-J School District
- Gunnison Fire Protection District (GFPD)
- Colorado State Forest Service
- Colorado Department of Transportation (CDOT)
- Gunnison Health and Human Services
- Gunnison County Sage-Grouse Biologist
- Gunnison County Building and Environmental Health Official
- Gunnison Valley Regional Housing Authority (GVRHA)
- Colorado Department of Health and Environment (CDPHE)

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

7-102: B.: Compatibility with community character; no adverse impact future development of the development area.

Applicable, compliance with the following standard shall be considered broadly and conceptually at Sketch Plan review.

B. COMPATIBILITY WITH COMMUNITY CHARACTER. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the development area, and shall not adversely impact the future development of the development area.

7-102: C.: Phases stand alone

Not applicable, no phasing proposed.

7-102: D.: Uses identified on all subdivision lots

Not applicable, subdivision is not proposed.

9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants

Not applicable, the application is not for subdivision.

9-102: Home occupations

May be applicable, it is unclear if Home Occupations are permitted in the residential component of the Application.

9-103: Bed and breakfast

Not applicable, this use is not proposed in the application.

9-203: Mobile home communities

Not applicable, this use is not proposed in the application.

9-302: Farm or ranch stand

Not applicable, this use is not proposed in the application.

9-303: Dude ranches and resorts

Applicable, In addition to complying with all other applicable standards and requirements of this Resolution, the Applicant will demonstrate compliance with the following standards of this Section at Preliminary Plan:

A. ACCESS TO PUBLIC LAND. Where activities require use of public lands, the dude ranch or resort shall have the applicable Special Use Permit or its equivalent from the appropriate public lands agency, and shall abut these lands or have access to them by either:

1. EASEMENT OR AGREEMENT. A written access agreement or easement across any intervening private land; or

2. PUBLIC ROAD. A public road.

B. COOKING AND DINING FACILITIES. Full service cooking or dining facilities may be provided but shall not be required. Individual cabins may be served by kitchens in the cabins, or by a central dining hall.

C. LIMITATIONS ON OCCUPANCY. Lodging rooms or individual cabins shall not be used for long term rentals. Fulltime residents shall be limited to the dude ranch or resort owner or manager and their family, employees, and family guests.

9-304: Adult-oriented uses

Not applicable, this use is not proposed in the application.

9-305: Seasonal recreational vehicle parks and campgrounds

Applicable, the proposal includes glamping sites and RV camp sites. The Applicant will be required to demonstrate compliance with the provisions of this Section at Preliminary Plan, including but not limited to compliance with the Colorado Department of Public Health and the Environment (CDPHE) campground standards, identify hours of operation which shall not accommodate year-round residences, and meet the setbacks shown in Table 3: *Recreational Vehicle Park Property Line Setbacks*, demonstrate refuse will be addressed pursuant to recommendations by the Colorado Parks and Wildlife (CPW).

The Application was referred to the CDPHE and CPW for comment. CDPHE did not provide comment. CPW comment is incorporated in Section 1-106 of the Report.

9-400: Minerals and construction materials

Not applicable, this use is not proposed in the application.

9-501: Special events

Not applicable, this use is not proposed in the application.

9-502: Temporary structures

Not applicable, this use is not proposed in the application.

9-503: Satellite dishes

Not applicable, this use is not proposed in the application.

9-504: Attached wireless communications devices

Not applicable, this use is not proposed in the application.

9-505: Freestanding wireless communications structures

Not applicable, this use is not proposed in the application.

9-506: Child care center

Not applicable, this use is not proposed in the application.

9-507: Group home

Not applicable, this use is not proposed in the application.

9-508: Keeping of livestock not on an agricultural operation

Applicable, the Property has a stable and corral. The keeping of livestock not a part of agricultural operations is permitted without a Land Use Change permit and is subject to the Standards of this section.

9-509: Camping on individual parcel

Not applicable, this use is not proposed in the application.

9-600: Essential housing

To be determined, the Applicant has indicated they will provide “30 employee/essential housing units” and make these units available to qualified residents when not occupied by

Harmels employees. The Application does not indicate these will be deed restricted units. Additional information regarding the programming and management of these units will be requested during the Preliminary Plan Review. The Gunnison Valley Regional Housing Authority did not provide comment on the Application.

10-102: Locational standards for residential development

Applicable, the 30 new employee housing units is a new residential use. The project is not located within a three-mile planning area, it is not adjacent to an existing population center (Almont), therefore, it shall comply with Section 10-103:C.3.a *Conditions are Appropriate for Smaller Lots or Greater Density*.

10-103: Residential density

Applicable, the 30 new employee housing units is a new residential use.

The project is not located within a three-mile planning area, it is not adjacent to an existing population center (Almont), therefore, it shall comply with Section 10-103:C.3.a *Conditions are Appropriate for Smaller Lots or Greater Density*.

CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY. The project shall be considered for smaller lots or greater density when all of the following four requirements are met:

1. DEVELOPMENT SERVED BY PUBLIC WASTEWATER TREATMENT SYSTEM. The development is or will be served by a public wastewater treatment system, by approval of the subject application pursuant to Section 12-106: Sewage Disposal/Wastewater Treatment.

Staff Response: the development will be served by a central wastewater treatment system.

2. DEVELOPMENT SERVED BY OTHER SERVICES AND FACILITIES. To the maximum extent feasible, the development is or will be served by a public water supply, public transportation and other public services and facilities by approval of the subject application.

Staff Response: The development will be served by well water. There are no services in this area such as public transportation nor grocery stores; however, it can be reasonably assumed that when the units are occupied by employees of the Resort, those employees would walk to work and not generate additional vehicular trips for employment purposes. If the housing is offered to non-employees, those residents would not have access to public transportation and would be car-dependent.

3. COMPATIBLE WITH NEIGHBORHOOD. The development is compatible with the neighborhood existing when the Land Use Change Permit application is submitted. Methods of ensuring compatibility may include, but are not limited to:

a. PERMANENT COVENANTS TO ENSURE CONTINUED COMPATIBILITY WITH NEIGHBORHOOD USES AND DENSITIES. The proposed development includes permanent protective covenants that, at a minimum, address the following, to ensure that, if approved, it remains compatible with the neighborhood uses and densities that exist as of the date of approval of the Land Use Change Permit:

1. DESIGN STANDARDS. Building exterior design standards.

2. LANDSCAPING. Landscaping requirements.

3. OUTSIDE PARKING AND STORAGE. Standards and limitations on outside parking and storage.

4. COMPATIBILITY OF USES. Conditions pursuant to Section 13-119: Standards to Ensure Compatible Uses.

5. BUILDING SIZE. Building size.

b. SITE LAYOUT AND DESIGN. The proposed development shall locate buildings and lots to minimize to minimize visual impact.

Staff Response: Covenants are not proposed that would address these standards due to the relationship of the residential to the commercial elements of the proposal.

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

Applicable, compliance to be considered "broadly and conceptually" at review.

B. Primary Locational Standard, 1. Adjacent To Incorporated Municipality.

Staff Response: The property is not adjacent to the City of Gunnison, therefore, the proposal shall meet the Standards of 10-104:C Alternative Locational Standards.

C. Alternative Locational Standards.

When the applicant has demonstrated that a proposed commercial, light industrial, industrial or other non-residential development cannot satisfy the primary locational standard, the location may be approved if the Board finds that in addition to meeting all of the other applicable requirements of this Resolution, the cumulative impacts of the proposed development and existing development will result in no significant net adverse impact to neighborhood uses, wildlife, visual quality, air or water quality, and the proposed use complies with the following:

1. Locational Considerations.

a. Necessary Location.

The location is necessary because of specific circumstances including location of minerals, unique transportation needs or geologic conditions; or

b. No Site Is Reasonably Attainable In Or Adjacent To The Nearest Municipality Or Existing Permitted Business Or Industrial Park. There is no site reasonably attainable within or adjacent to the municipality or existing permitted businesses or industrial park nearest the proposed development site, in an area that qualifies for annexation, or is consistent with a municipal Three Mile Plan area. Evaluation of suitability shall consider size of parcel needed, reasonable availability of necessary utilities and other infrastructure, and the applicant shall provide documentation of comparable sites. Economic feasibility or practicality of comparable sites may be considered, but shall not be the deciding factor in determining suitability; or

c. Location Well-Suited To Specific Use.

The proposed location is particularly well-suited for the specific use (recreational facilities, including dude ranches or resorts); provided, however, that location in a high traffic area or on a highway artery shall not, in and of itself, qualify a proposed commercial development for approval; or

d. Need Or Use Is Well-Suited In A Particular Area.

There is a documented need for the specific use in the proposed location; or

e. Use Is Designed To Serve A Specific Residential Area.

The development will be located and designed primarily to serve an integral part of a specific residential area or development, and shall provide services that are reasonably likely to reduce vehicle trips between the residential area and population centers.

Applicant Response: As you are aware, Section 10-104 C. provides alternative locational standards for commercial activities, including a subsection 1.c. relating to “Location Well-Suited to Specific Use” which provides that, “The proposed location is particularly well-suited for the specific use (recreational facilities, including dude ranches or resorts); provided, however, that location in a high traffic area or on a highway artery shall not, in and of itself, qualify a proposed commercial development for approval.” The LUR clearly treats dude ranches/resorts like Harmel’s resort as commercial under this provision and so the residential provisions of 10-102 and 10-103 would not be applicable. This reading seems consistent with the Assessor’s records, which show Harmel’s resort as having twenty-nine ‘commercial’ guest cottages.

The proposed application does meet the requirements of Section 10-104 C.1.c. because: The historic Harmel’s resort exists at this location. The existing location of the resort is well suited for the dude ranch/resort type of operation because: (a) it is a location where multiple roadways intersect, (b) it is a location where multiple natural features intersect such as Spring Creek and Taylor River, (c) it adjoins various resort amenities such as nearby Forest Service and other outdoor recreational opportunities, and (d) it is largely shielded from the rest of the surrounding area and neighborhood by natural topography as it is located where two valleys come together, which will make many of the proposed improvements less visible from the road and much less visible (if not entirely impossible to see) by neighboring properties. The proposal includes items like the water treatment plant and other provisions to improve the existing amenities so as to bring up to current standards much of the existing amenities in order to reduce impacts to the environment and neighborhood as a whole. Given the existing impacts at the Harmel’s resort and the improvements, Harmels believes that there will be no significant net adverse impact to the neighborhood uses, wildlife, visual quality, air or water quality and, in fact, that these impacts will be reduced or otherwise improved by the application.

2. COMPATIBLE WITH EXISTING USES ESTABLISHED IN IMPACT AREA. The proposed use is compatible with uses established in the impact area.

The Applicant addresses this standard in the response provided above (LUR Section 10-104:C.1 *Locational Considerations*).

3. NO SIGNIFICANT NET ADVERSE EFFECT. There will be no significant net adverse effect, including cumulative impacts when there is a reasonable probability that there are cumulative impacts, of the proposed and existing developments on adjacent land uses, County or other infrastructure, or public health, safety or welfare, or the environment.

The Applicant addresses this standard in the response provided above (LUR Section 10-104:C.1 *Locational Considerations*).

11-102: Voluntary best management practices

No submittal requirements; no standard of compliance

11-103: Development in flood hazard areas

Applicable, a portion of the parcel is within the 100-year floodplain. The applicant is not proposing any development within the 100-year floodplain.

11-104: Development in geologic hazard areas

Applicable, the subject parcel is within a mapped geologic hazard area. Specific areas of concern are the improvements at the base of a Rockfall Hazard area including the improved horse corral, recreational area, shop and laundry, and the within the Rockfall Hazard area west of Spring Creek. The RV sites are proposed on slopes of 15-30%, and development is not permitted on slopes greater than 30% unless the Applicant demonstrates compliance with the following standards at Preliminary Plan:

DEVELOPMENT ON SLOPES GREATER THAN 30 PERCENT. Development shall be permitted to occur on slopes greater than 30 percent only if the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist:

- a. CUTTING AND FILLING. Cutting, filling, and other grading activities shall be confined to the minimum area necessary for construction and shall comply with the requirements of Section 13-116: Grading and Erosion Control, and Section 13-117: Drainage, Construction and Post-Construction Storm Water Runoff.
- b. DESIGN SHALL FIT SITE. Development shall be located and designed to follow natural grade, rather than adjusting the site to fit the structure. For example, instead of creating a single flat bench or terrace for a building platform, the structure should instead be stepped up or down the hillside. Roads and driveways built to serve the development shall follow the contours of the natural terrain and, if feasible, shall be located behind existing landforms. When applicable possible, driveways that serve more than one lot are encouraged required, to minimize necessary grading, paving and site disturbance.
- c. RECLAMATION OF DISTURBED AREAS. Areas disturbed during development shall be restored as natural-appearing landforms that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. Areas disturbed by grading shall be contoured so they can be re-vegetated, and shall be planted and shall have vegetation established and growing within two growing seasons, using species with a diversity of native and/or desirable non-native vegetation capable of supporting the post disturbance land use. Species planted shall include those that will provide for quick soil stabilization, provide litter and nutrients for soil building and are self-renewing. Top soil shall be stockpiled and placed on disturbed areas. Retaining walls made of wood, stone, vegetation or other materials that blend with the natural landscape should be used to reduce the steepness of cut slopes and to provide planting pockets conducive to revegetation. Where such materials cannot be used, masonry that conveys a scale and texture similar to that of traditional surrounding rock walls shall be used.
- d. UTILITIES. Utilities serving the development shall be placed underground, in existing or proposed road rights of-way, to the maximum extent feasible, unless such placement would

cause significant disturbance to a sensitive natural area or feature. Underground utility easements shall have vegetation established and growing within two growing seasons.
e. DEVELOPMENT PROHIBITED. Development shall be prohibited on any slope in excess of 30 percent that is also located in an area that is determined to be a very high wildfire hazard area, pursuant to Section 11- 104: C: Applicability

A geologic hazard report and evaluation is not required at Sketch Plan; however, will be required at Preliminary Plan review.

11-105: Development in wildfire hazard areas

Applicable, the parcel is in a high and very high wildfire hazard area. A copy of the application has been referred to the Gunnison Fire Protection District and Colorado State Forest Service for review and comment. Nether agency provided comment at the time of this Report.

11-106: Protection of wildlife habitat areas

Applicable, the parcel is located in the following wildlife habitat areas according to preliminary review of the Colorado Parks & Wildlife - Wildlife Species Map Application and the Gunnison County Map Viewer.

- Bighorn Sheep Migration Corridor
- Bighorn Sheep Winter Range
- Bighorn Sheep Summer Range
- Elk Summer Range
- Elk Winter Concentration Area
- Elk Winter Range
- Bald Eagle Roost Site
- Gunnison Sage-grouse USFWS Critical Habitat
- Occupied Gunnison Sage-grouse Habitat
- Adjacent to, but not within, Tier I Gunnison Sage-grouse Habitat

The Applicant has provided the following narrative response to this section:

Though identified as habitat for wildlife by the County Map Viewer, Harmels has been in existence for many decades and is not used by wildlife. The prior owners did not observe substantial wildlife and the proposed new uses will not create any materially new impacts on wildlife. A Gunnison Sage-Grouse has never been seen on any of the parcels in this application, including by the prior owners who owned the property for many decades. Logically, Harmels cannot be critical habitat for any existent wildlife as Harmels is already in existence. Regardless, in accordance with 11-106, no new exterior boundary fencing is proposed as part of this application. Historic fencing does exist and where barbed wire fencing for horse containment is not necessary, the existing fencing will be removed or replaced with wildlife friendly fencing as it fails over time. All outdoor trash receptacles will be bear-proof. Accordingly, the proposed application presents no net impact on wildlife and, given the mitigation measures, will ultimately be more protective of wildlife than the status quo.

A Gunnison Sage-grouse analysis was completed on June 17, 2024. The review approved the proposal relative to Gunnison sage-grouse impacts with conditions, further stating the proposal "...will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred." The conditions of this letter should be incorporated into any approval document(s).

Colorado Parks and Wildlife provided comments on July 3 and Jul 26, 2024. Staff is unable to insert these comments in entirety due to formatting issues. Full comment letters are available on the Project File (“Referral Comment: CO Parks and Wildlife” and “Referral Comment: CPW Amendment”). The comments expressed concern regarding impacts to the native Taylor River bighorn sheep herd that winters on the Almont Triangle and that “relies on landscape permeability” to reach the Almont Triangle during winter. Herd ewes use the area near the confluence of Spring Creek and Taylor River, and CPW is concerned the development would impact ewes movement to lambing areas and other migrating bighorn. CPW also expressed concern regarding the “wall of RV sites”, year-round housing, and the overall impacts of full-time activity in the area.

11-107: Protection of water quality

Applicable, the subject parcel includes water bodies within 125 feet and shall comply with the standards of this Section. No development may be proposed within the inner restrictive buffer of a water body. A water quality protection plan shall be required at Preliminary Plan.

11-108: Standards for development on ridgelines

Not applicable, there are no ridgelines, as defined in the LUR, within the development area of the subject parcel.

11-109: Development that affects agricultural lands

Applicable, the subject parcel is adjacent to agricultural lands. The standards of this Section shall apply.

The Applicant provided the following narrative response:

All of the adjoining parcels are vacant, residential or commercial with the exception of the parcels in the Wilder on the Taylor subdivision, which are agricultural. With the exception of a ditch (the “Spring Creek Irrigation Ditch”) located north of the Fishing Pond and shown on Exhibit 4, the only agricultural ditches located on the parcels serve Harmels on the Taylor and do not provide water to any other property owner. The Spring Creek Irrigation Ditch is separated from the proposed RV spots by a minimum of approximately 45 feet of space, including a 30 foot roadway that should prevent any impact from the RV spots from reaching the ditch. Wilder on the Taylor is the only immediate agricultural user of the ditch. If any agricultural user of the ditch requests, Harmels on the Taylor, at its expense, will place the ditch in an appropriate pipeline to ensure there is no impact to the ditch. There are no livestock drive or other agricultural easements on the parcels except for the easement to maintain the Spring Creek Irrigation Ditch and as otherwise identified on Exhibit 8.

11-110: Development beyond snowplowed access

Not applicable, the subject parcel is not beyond snowplowed access.

11-111: Development on Inholdings in national wilderness

Not applicable, the subject parcel is not an inholding in a national wilderness.

11-112: Development above timberline

Not applicable, the subject parcel is not above timberline.

12-103: Road system

Applicable, the development of the road system shall comply with this Section.

Public Works provide the following comment on June 26, 2024:

“Public Works is concerned that Section 9-600 says that they are providing housing, but 13-112 says that they don’t need snow storage because it’s not open year-round. If they offer housing to non-employees or employees year-round, they need a snow storage plan. Public Works would like to see either snow storage areas or specific language not allowing plowing.”

Engineered road plans and a traffic study are not required at the Sketch Plan stage of a Major Impact project; those elements are required at Preliminary Plan.

12-104: Trails

Not Applicable, while there are trails are proposed as part of this application, these trails are for internal circulation within Harmels and not intended for general public use.

12-105: Water Supply

Applicable, the proposed use will require additional water supply. The Applicant has provided estimated daily water demand in “Estimated Water and Wastewater Flows”, Jerry Greene, PE, February 10, 2024. The estimated potable water demands are:

- Estimated daily demand for potable water: 25,050 gal/day
- Estimated maximum daily demand for potable water: 32,565 gal/day
- Estimated peak hour demand: 45,090 gal/hour

Domestic and commercial water existing and proposed uses and sources are identified in “Water feasibility for Harmels on the Taylor River Major Impact Land Use Change Application” Jacob A. With, Esq., April 11, 2024.

The existing water uses are:

- Restaurant
- 39 cabin units
- Stock watering (three corrals and one stable)
- Two bunkhouses
- Laundry facility
- Irrigation

New beneficial water uses:

- 12 guest cabins
- 22 employee housing units
- 35 RV sites

The water sources are:

- Decreed Irrigation Right: Spring Creek (Elmer No. 2 Ditch)
- Decreed Irrigation Right: Taylor River (Elmer No. 1 Ditch, aka Elmer Ditch)
- Decreed Augmentation Plan Case No. 84CW147

Changes in water uses:

- Some uses will be outside the May-September season described in the 84CW147 decree
- The new 12 guest cabins and new 22 employee housing units will increase water consumption
- Wastewater will be treated by a new central facility, “reducing the consumptive use factor from 15% of water diverted for inside use to 5% of water diverted for inside use.”
- The letter claims “(t)he net effect of these changes is that the consumptive use of water at the resort is anticipated to decrease if the requested land use change is approved.”

The letter outlines two water augmentation paths the Applicant may consider:

- It could go through a water court process to amend its existing plan for augmentation to cover the new scope of uses on a year-round basis; or,
- It could purchase participation in Upper Gunnison River Water Conservancy District's umbrella plan for augmentation decreed in Case No. 03CW49. Based on cost-comparison of the two approaches, at this time the Applicant anticipated participating in the UGRWCD plan.

The Colorado Division of Water Resources provided the following comment on June 6, 2024: "I have reviewed the water supply section and the feasibility report and have no objections to the approach as laid out in this plan. Thank you for the opportunity to review and comment."

12-106: Wastewater treatment

Applicable, the applicant proposes a new central wastewater treatment system. The Applicant has provided estimated daily flows of 25,050 gallons per day in "Estimated Water and Wastewater Flows", Jerry Greene, PE, February 10, 2024.

The Application was referred to the Building and Environmental Health Official and Health and Human Services for review and comment. The Environmental Health Official did not provide comment.

Health and Human Services provided the following comment on June 25, 2024: "It does not appear that this project will significantly impact "the restaurant building". My only comment is that they will not be permitted to operate the coffee shop, restaurant, or bar while/if there is a lack of access to a functional wastewater system during the transition from the septic to the new wastewater treatment plant."

12-107: Fire protection

Applicable, the subject parcel is within the Gunnison Fire Protection District (GFPD) and a copy of the application has been referred to CBFPD and Colorado State Forest Service for review and comment. Comments were not received from either agency as of this Report.

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

Not applicable, the proposal is not located within a three-mile plan area.

13-103: General Site Plan Standards And Lot Measurements

Applicable, no new lots are proposed; however, all new buildings are required to comply with the standards of this Section.

A detailed plan which clearly states the proposed height for each structure shall be submitted at Preliminary Plan.

13-104: Setbacks From Property Lines And Road Rights-Of-Way

Applicable, road setbacks and property line setbacks, are required to comply with the standards of this Section.

A detailed site plan which clearly states the proposed setbacks shall be submitted at Preliminary Plan.

13-105: Residential Building Sizes And Lot Coverages

Applicable, detailed plans will be required at Preliminary Plan Review.

13-107: Installation Of Solid-Fuel-Burning Devices

Applicable, the standards of this Section shall be applied at the time of building permit application.

13-108: Open Space And Recreation Areas

Applicable, Major Impact projects shall comply with this Section by providing open space by including landscaping elements pursuant to Section 13-111: Landscaping and Buffering, and setbacks from property lines pursuant to Section 13-104: Setbacks from Property Lines and Road Rights-of-Way. Pursuant to Section 7-201:i.4.4, the Applicant is required to show “general locations” of open space, and the requirements of Section 13-108 shall guide the design of the Sketch Plan. Setbacks will be confirmed as noted in Section 13-104 of this Report at Preliminary Plan.

13-109: Signs

Applicable, any proposed sign(s) shall meet the requirements of this Section. The applicant may submit designs for any proposed signs at the Preliminary Plan stage.

13-110: Off-Road Parking And Loading

Applicable, parking in compliance with this Section shall be required. Specific detail and location shall be demonstrated at Preliminary Plan.

13-111: Landscaping And Buffering

Applicable, this Section requires that a Major Impact application “shall integrate the elements of the site plan and design, so that the land use change preserves and enhances the unique identity of the site. Landscaping may include plant materials including trees, shrubs, ground covers, perennials and annuals, and other materials including rocks, walls, fences, planters and paving materials.”

A landscaping plan is required at Sketch Plan for Major Impact Commercial Use proposals. The amount of landscaping provided in landscaped areas is “at least one tree and three shrubs” per 500 square feet of “landscaped area.” The expansion area does not include additional landscaping. The Applicant has provided the following response to the Standard:

The landscaping plan includes additional vegetation for screening purposes as shown on Exhibit 4 (Site Plan). Except as otherwise shown on Exhibit 4 (Site Plan), all areas are to be kept and maintained consistent with existing uses except as otherwise dictated by fire mitigation efforts, if any. In general, except in pasture areas and areas already landscaped as well as a reasonable amount of landscaping around residences to reduce fire concerns and improve attractiveness, the parcels are to be maintained using a native seed mixture with minimal water or other ongoing maintenance except to remove noxious weeds

Section 13-111:M.3.a. *Buffering, Different Abutting Uses* requires a 50’ (landscaped) “buffer strip” between Residential and Commercial uses. There is no landscaping or buffering proposed between the adjacent parcels or within the parcel between the residential and commercial uses.

Section 3-111:M.1. *Buffering, Applicability* requires a Major Impact project to provide landscaped buffering between adjacent uses when topographical or other natural barriers do not provide reasonable screening and when the County finds that:

a. NEIGHBORING PROPERTIES

There is a need to shield neighboring properties from any adverse external effects of a proposed land use change; or

b. ADVERSE IMPACTS

There is a need to shield the land use change from negative impacts or adjacent land uses in high-density land use changes, and/or when building design and siting do not provide privacy.

13-112: Snow Storage

Applicable, compliance will be determined at Preliminary Plan review.

13-113: Fencing

Applicable, any proposed fencing shall comply with this Section.

13-114: Exterior Lighting

Applicable, the standards of this Section shall be applied at the time of building permit application. All lighting proposed on the parcel shall comply with this Section.

13-115: Reclamation And Noxious Weed Control

To be Determined, a Reclamation and Noxious Weed Control Plan may be required for Preliminary plan.

13-116: Grading And Erosion Control

Applicable, the design of the sketch plan has been guided by the standards of this Section. The Preliminary Plan is the step of this overall review in which engineered details are required to be indicated and assure compliance with this Section. Details of grading and erosion control are appropriately required at Preliminary Plan level of review as elements of detailed engineered plans.

13-117: Drainage, Construction And Post-Construction Storm Water Runoff

Applicable, this is a Major Impact Project, which may create more than 10,000 square feet of impervious surface area created by road and driveway improvements. A plan pursuant to this Section is required to be submitted in the Preliminary Plan, certified by a qualified professional engineer licensed in the State of Colorado, indicating that this project meets the standards of this Section including methods to ensure that drainage will not injure adjacent lands. Documentation of whether a Stormwater Discharge Permit is required for this project by the Colorado Department of Public Health and Environment is also required to be submitted as part of Preliminary Plan.

Subject to State standards, storm water runoff is required to be managed onsite, to direct runoff to stable, vegetated areas capable of maintaining sheet flow for infiltration, or to discharge to a storm water conveyance structure, designed to accommodate the projected additional flows from the proposed project.

13-118: Water Impoundments

Not applicable, no water impoundments, as defined in this Section, are proposed as part of this application.

13-119: Standards To Ensure Compatible Uses

Applicable, this Section notes that, “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 feasible, avoid changes that will result in significant net adverse impact to adjoining land.*

Further, this Section notes that, “...the applicable review body may recommend and the decision-making body shall be authorized to impose conditions that are necessary to minimize any potentially adverse impacts” as conditions of approval of a Permit, but does not require that those conditions be devised in actions taken on plans submitted in the phases of review that precede recommendation and/or action on a Permit (in this case, Sketch or Preliminary Plans for a Major Impact project).

Applicant response:

The proposal does not include any hazards or nuisances. The proposal should not create any conflicts with adjoining lands. Indeed, the only potentially identified conflict relates to the increased use nearby a ditch. To ensure that there is no significant net adverse impact, Harmels has agreed to place that ditch in a pipeline where adjacent to the proposed use if requested by the neighbor (at any time).

Additional items:

Hours. This is not a typical commercial operation with large numbers of deliveries by large vehicles. As a resort, it functions 24 hours a day because guests are given accommodation 24 hours a day. The resort must be operated in a way that provides an enjoyable experience to the guests. If a neighbor would be disturbed by a particular activity, the guests would be too. Accordingly, activities like deliveries and any other extraordinary and loud events would be kept between the hours of 8:00 a.m. and 9:00 p.m.

Noise and Glare. There is not anticipated to be any new glare generated by this proposal except that of vehicle traffic, which will be along existing roadways. Any new interior roadways will not create glare on adjoining properties. Vehicle traffic, except for emergencies, will be discouraged between the hours of 9:00 p.m. and 8:00 a.m.

Trash. Appropriate trash receptacles will be located throughout the property.

Illumination. The only anticipated new illumination would be on new buildings and would be full cutoff shielded and will not be motion sensor activated. Exterior lighting is to be turned off between the hours of 9:00 p.m. and 6:00 a.m.

Outdoor Services. There are no outdoor vending machines, telephones, or similar outdoor services.

Landscaping. Additional landscaping and buffering will be provided as shown on the proposed landscaping documents. Harmels is particularly sensitive to the desire to maintain the natural aesthetic and intends to engage in any additional landscaping and buffering as may be appropriate to better preserve that aesthetic once the improvements are made.

Height and Size Restrictions. Harmels is not proposing any new structures that would be more than one story and has located the structures so as to minimize views from public roadways.

Natural Lighting. Nothing in the proposal would alter the natural lighting for adjoining properties.

Solar Access. Nothing in the proposal would impact solar access for adjoining properties.

Odors and Fumes. The only potential odors and fumes will be from the waste treatment plant. It will be a modern plant built to state requirements and located so as to not create odors or fumes perceptible to any person on an adjoining property.

Dust Control. There is not an expectation that the project would create substantial amounts of new dust. There are limited amounts of new access and that access will only have very slow traffic given the location.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The project is a Major Impact pursuant to Section 7-101:C. *Expansion or Change of Commercial or Industrial Use Larger than 10,000 sq. ft. or More.*
2. Pursuant to Section 7-102: *Standards of Approval for Major Impact Projects*, the Commission hereby finds and concludes:
 - a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution*, pursuant to Section 7-103, *i.e.*, compliance of the proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has addressed, and the Commission has evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development pursuant to the foregoing standard.
 - b. The applicant has submitted sufficient evidence at this stage of the process to demonstrate that the project concept is compatible with the community character, taking into account the appropriate modifications discussed above. The proposed development is compatible with the community character and is an enhancement of the development area because it will create a secure source of housing for community residents and does not adversely impact the area. A final determination of whether or not the proposed land use change would result in a significant adverse net effect to adjacent land uses can occur only after the applicant has submitted the Preliminary Plan application, again taking into account the provisions of LUR Section 9-604 and the liberal construction of LUR to meet its stated purposes, which include providing adequate housing for all people.
 - c. Phasing has not been proposed by the applicant within this Sketch Plan submittal.
 - d. All uses have been identified on lots within this proposed development.
 - e. Commercial uses are proposed at the site. The Commission finds that these proposed uses meet the sketch plan standards of the LUR.
3. The following have been identified as potential issues related to this application during the Sketch Plan review process:
 - a. Concerns regarding potential impacts to wildlife as described in Section 11-106: *Protection of Wildlife Habitat Areas.*
 - b. Concerns regarding development within a geological hazard area further described in Section 11-104: *Development in Geologic Hazard Areas.*
 - c. Concerns regarding whether there is sufficient demand for storage units.
 - d. Concerns regarding how the “employee housing” component would be managed.
 - e. Concerns regarding operation of the proposed dump station.
 - f. Concerns regarding potential ATV/UTV usage on the property.
 - g. Concerns regarding the proposed water supply impacting adjacent wells.

- h. Concerns regarding the proposed wastewater treatment plant that is proposed to treat existing wastewater and wastewater generated by the expansion of use.
 - i. Concerns regarding the accuracy of a traffic study that does not consider the currently “closed” Spring Creek Reservoir and the bridge closures on Spring Creek Road impacting access to the Doctor Park trailhead.
 - j. Neighboring property owner concerns regarding compatibility with the current neighborhood character.
 - k. Concern regarding operation of the RV sites and potential wildfire hazard.
 - l. Concerns regarding traffic impacts from a public dump station.
- 4. PLACE CARD FOR ADDITIONAL FINDINGS AS DETERMINED BY THE PLANNING COMMISSION.**

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-22-00021 be classified as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

1. Pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan.
2. The Preliminary Plan application shall address how the application and proposed development will address the following issues identified during the Sketch Plan review process:
 - a. The Applicant will include an ATV/UTV management plan with the following use limitations generally described:
 - a. The applicant will prohibit guests from using ATV/UTVs to and through Harmels property; however, exceptions shall be granted for emergencies and/or guests with disabilities; who may be shuttled within the property by Harmels staff in ATV/UTVs.
 - b. ATVs and UTVs stored in units by renters will not be permitted to be driven on the Harmels property except for purposes of loading and unloading the ATVs and UTVs from a trailer to the storage unit.
 - c. Employees will continue to use ATV/UTVs for maintenance and general operations.
 - b. The Applicant will include an RV management plan with the following use limitations generally described:
 - a. Outdoor trash receptacles will be provided, like in the rest of the resort, in areas where congregating is likely to occur. Harmels collects the trash twice a day and puts it into its trash compactor.
 - b. A trash disposal location will be provided for RV users. This is anticipated to be the existing waste disposal location for the restaurant.
 - c. RVs will not be permitted to enter or exit the neighborhood between the hours of 9:00 p.m. until the following 8:00 a.m.
 - d. Outdoor fires will not be permitted except in approved fire safe locations such as certain firepits that will be provided and established with sufficient construction to ensure their safety.
 - e. Campers are prohibited from using their own unapproved charcoal grills.

- f. Occupancy of RVs will not be permitted during winter for either staff or guests. The Applicant will provide an operation range to ensure clarity for the applicant and for any potential enforcement.
 - c. The Applicant will include a storage unit management plan with the following use limitations generally described:
 - a. All storage unit renters or users must be one of the following (1) the landowner or the operator; or (2) an employee of the landowner or operator, or (3) a person residing, full or part-time, northeast of the intersection of Highway 135 and County Road 742.
 - b. Hours of operation: 8:00 a.m. to 8:00 p.m.
 - c. The storage units will not be illuminated after 8:00 p.m.
 - d. ATVs and UTVs stored in units by renters will not be permitted to be driven on the Harmels property except for purposes of loading and unloading the ATVs and UTVs from a trailer to the storage unit.
 - d. The Applicant will provide a draft deed restriction for the employee housing component.
 - e. The Applicant will provide a needs assessment for the proposed storage units.
 - f. The Applicant shall submit a water supply plan that considers impacts to neighboring wells in compliance with county, state, and any other applicable agency or industry standard.
 - g. The Applicant will provide a management plan on how they plan to operate and/or close the coffee shop, restaurant, or bar while/if there is a lack of access to a functional wastewater system during the transition from the septic to a new wastewater treatment plant.
 - h. The traffic study will consider trip demand generated by a fully operational Spring Creek Reservoir and full access to the Doctor Park trailhead.
 - i. PLACE CARD FOR ADDITIONAL CONDITIONS TO BE IDENTIFIED BY THE PLANNING COMMISSION**
3. Per LUR Section 7-202(O), approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.
 4. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within twelve (12) months after the date of approval of the Sketch Plan. Per Section 7-202: Q. Extension of Submittal Deadline, the Board may extend the deadline to submit a Preliminary Plan application for no more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.
 5. This approval is founded on each individual requirement. Should the applicant successfully challenge, in a judicial proceeding, any such finding or requirement, this approval is null and void.

6. This Sketch Plan approval may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
7. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change application.
8. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.
9. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.
10. PLACE CARD FOR ADDITIONAL CONDITIONS AS DETERMINED BY THE PLANNING COMMISSION.

d r a f t



LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister
Daniel P. Spivey

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Email: jwith@lawoftherockies.com

December 12, 2024

VIA ELECTRONIC MAIL

Gunnison County Community Development
c/o hseminick@gunnisoncounty.org

Re: Additional submittals in response to sketch plan hearing

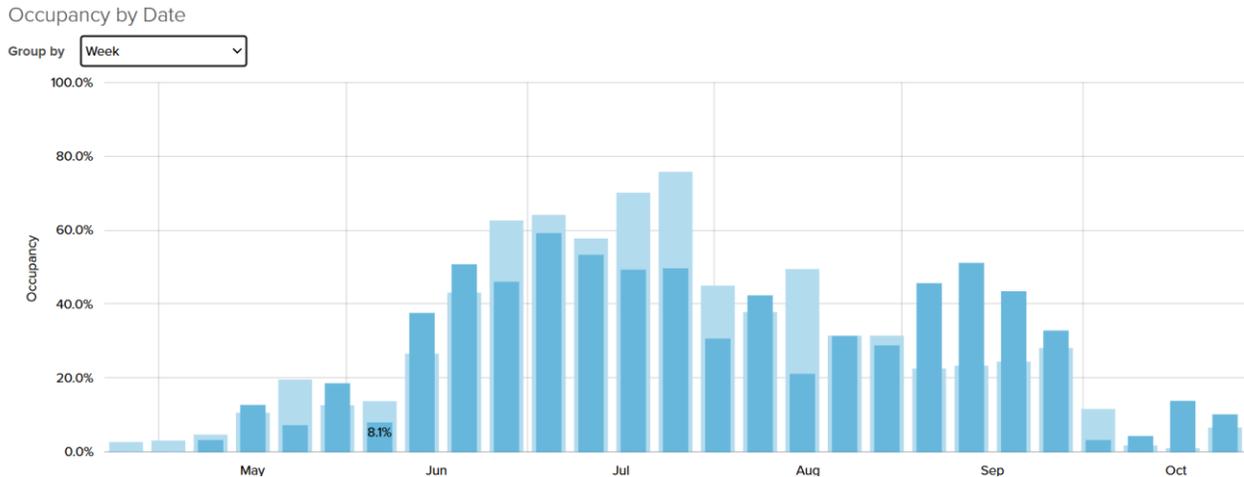
Dear Ms. Seminick,

In response to the public hearing held on November 21, 2024:

1. To be clear, that aspect of the application relating to the soccer/volleyball/baseball field next to the restaurant should be considered withdrawn. There are no changes to the status quo intended with respect to that field and so it should not have appeared in the initial application. Also, at this time, given the feedback received and preliminary thoughts on rockfall hazards, Harmels will not proceed with the glamping sites.
2. We have scheduled a discussion with the Kable family to discuss the potential locations of the wastewater treatment plant. We are optimistic that we will have those discussions prior to the next hearing and be able to provide an update at that time.
3. With respect to ATV/UTV usage, we are suggesting the following conditions of approval for the project:
 - a. All guests are prohibited from using ATVs and UTVs on the property except that guests with disabilities may be shuttled onsite in ATVs and UTVs operated by employees of the business on the property.
 - b. All guests are prohibited from using ATVs and UTVs for ingress and egress to and from the property.
4. With respect to the deed restrictions on the employee housing units, we are proposing a restriction recorded in the real property records that provides:
 - a. The employee housing units shall be used by either: (i) employees of business operated on the property (at this time Harmels), or (ii) persons who are employed to work in Gunnison County and whose earned income is primarily from that employment in Gunnison County.

- A draft deed restriction would be provided as part of the preliminary plan.
5. With respect to RV usage in the winter, RVs will not be permitted to be used in the winter and this is anticipated to be a condition of approval for the project.
 6. With respect to the hours of operation, rules, lighting, etc. for the storage units:
 - a. There was substantial discussion regarding the usage of the storage units and reduction in traffic. Harmels has substantial need for some of the storage units to address its own existing storage needs relating to the property. The storage units are also likely to be used to address the parking and storage needs of employees. Any additional storage would then be available to the owners and users in the area. Based on its own usage, Harmels proposes a condition of approval that all storage unit renters or users must be: (1) the landowner or the operator, (2) any employee of the landowner or operator, or (3) a person residing, full or part-time, northeast of the intersection of Highway 135 and County Road 742. The intent is that any renters would be from the vicinity of Spring Creek or Taylor Park areas and not from the City of Gunnison or Crested Butte such that traffic between Harmels and Highway 135 would be reduced.
 - b. Hours of operation would be 8:00 a.m. to 8:00 p.m.
 - c. Lighting for the storage units will be lights out by 8:00 p.m.
 - d. ATVs and UTVs stored in units by renters will not be permitted to be driven on the Harmels property except for purposes of loading and unloading the ATVs and UTVs from a trailer and the storage unit.
 7. With respect to the RV usage:
 - a. The RVs will be subject to the same requirements as the rest of the resort with respect to trash, noise, lighting, etc. This means that:
 - i. Outdoor trash receptacles will be provided, like in the rest of the resort, in areas where congregating is likely to occur. Harmels collects the trash twice a day and puts it into its trash compactor.
 - ii. A trash disposal location will be provided for RV users. This is anticipated to be the existing waste disposal location for the restaurant.
 - iii. RVs will not be permitted to enter or exit the neighborhood between the hours of 9:00 p.m. until the following 8:00 a.m.
 - iv. Outdoor fires will not be permitted except in approved fire safe locations such as certain firepits that will be provided and established with sufficient construction to ensure their safety.
 - v. Campers are prohibited from using their own unapproved charcoal grills.
 8. With respect to occupancy and seasonality, the graph following this paragraph shows 2023 occupancy in light blue and 2024 occupancy in dark blue. As was discussed at the public hearing, Harmels is not operating at 100% occupancy and the proposed expansion is not expected to have 100% occupancy. The current max guest occupancy is 171 assuming every queen and king bed has two guests. The proposed max guest occupancy would be an additional approximately 105 guests for a total of 276. If occupancy is approximately 40%, which is a reasonable estimate given the

graph below, this would be a total of 111 guests during most months of use, which is less than the existing max occupancy. At the higher end of 80% of maximum guest occupancy, this would be a total of 221 guests. The reality is that the actual occupancy would normally be less than the existing maximum occupancy. Harmels is currently operating with approximately 40 employees full-time during the summer months and this is expected to continue without material change. The new accommodations for employees would allow them to reside on the premises and reduce the number of commuters.



By way of final note as to the sketch plan materials, Harmels received a substantial amount of public comment. In order to appropriately evaluate that public comment and make any appropriate changes to its overall project design, Harmels will need to invest in substantial amounts of engineering as traffic patterns, for example, will be pivotal to the overall project and its elements, including items like occupancy and RV usage. As such, Harmels submits that it has exhausted what is possible at the sketch plan phase of this process and requests that it be approved to proceed with the preliminary plan such that it can further validate and address the specific concerns identified. The preliminary plan will account for traffic concerns and other area usage concerns expressed in a way that is reflective of what the engineering data substantiates is both feasible and advisable for the area.

Accordingly, by way of summary, Harmels is requesting that the sketch plan be approved with the following conditions and requirements:

- A. Conditions for final project approval:
 1. ATVs/UTVs:
 - a. All guests are prohibited from using ATVs and UTVs on the property except that guests with disabilities may be shuttled onsite in ATVs and UTVs operated by employees of the business on the property.
 - b. All guests are prohibited from using ATVs and UTVs for ingress and egress to and from the property.
 - c. ATVs and UTVs stored in units by renters will not be permitted to be driven on the Harmels property except for purposes of loading and unloading the ATVs and UTVs from a trailer and the storage unit.
 2. As to RVs, if they are approved as part of the final project:

- a. RVs shall not be used in the winter.
3. As to storage units, if they are approved as part of the final project:
 - a. All storage unit renters or users must be: (1) the landowner or the operator, (2) any employee of owner or operator, or (3) a person residing, full or part-time, northeast of the intersection of Highway 135 and County Road 742.
- B. Requirements for preliminary plan:
 1. A traffic study is required and the traffic study must address: (a) any closure of Spring Creek Reservoir and its impact on the traffic, (b) traffic flow, especially in the intersection, (c) pedestrian and cyclist safety and usage, and (d) any potential dump station, including the impacts on existing RV traffic.
 2. Employee housing deed restriction must be provided:
 - a. The employee housing units shall be used by employees of business operated on the property (at this time Harmels), or
 - b. Persons who are employed to work in Gunnison County and whose earned income is primarily from that employment in Gunnison County.
 3. Fire safety review, including without limitation: (a) compliance with the Wildland Urban Interface Code, and (b) conferral and collaboration with the Gunnison Fire District to identify additional fire safety mechanisms and appropriateness such as dry hydrants and other suggestions made at the meeting.
 4. Wildlife analysis report must be provided addressing the potential impacts of the proposal on wildlife.
 5. Water supply impact study is required and must specifically addressing concerns relating to water wells in the area and well testing.

Your continued time and attention to this project is appreciated.

Sincerely,



Jacob A. With
LAW OF THE ROCKIES

cc: Harmels

To: Gunnison County Board of County Commissioners + Planning Commission
Memo Date: December 31, 2024
Meeting Date: January 9, 2025
Re: Continued Joint Public Hearing | LUC-24-00021: Harmels on the Taylor Expansion of Commercial Use, Major Impact, Sketch Plan Review

A. Application Summary

Harmels on the Taylor River, LLC, represented by Jacob With, Esq. of Law of the Rockies (Applicant) request a Sketch Plan Review of a Major Impact Expansion of Commercial Use (Application) to expand existing commercial lodging and employee housing facilities (Harmels on the Taylor) on a 146.13 acre property at [6748 County Road 742, Almont; Parcel No. 3433-000-00-026](#).

The existing Harmels infrastructure includes:

1. The restaurant building.
2. Approximately 39 cabin units.
3. Approximately 3 corrals and a stable.
4. Multiple septic systems and multiple drain fields.
5. 2 additional bunkhouses.
6. 2 wood sided buildings south of the restaurant building.
7. 1 shed.
Laundry facility.

The net impact of the proposal is as follows:

1. 30 residential¹ housing units.
2. A new wastewater treatment plant instead of the existing septic system.
3. Two new laundry facilities instead of the old laundry facility.
4. Renovated utilities for the cabins that improve the health and safety protections for residents.
5. Increasing 25 guest cabins to 33 guest cabins.
6. A new shop.
7. A new basketball court.
8. 35 new residential RV sites.
9. 19 storage units.

The estimated total new square footage of cabins and workforce housing is estimated to be 48,900 square feet. The total new square footage for the laundry facilities is estimated to be 3,300 square feet. The total new square footage of storage units is estimated to be 11,970 square feet. The recreational field/picnic area is currently an open lawn/field. The total proposed residential housing is 30 units. Harmels on the Taylor is willing to provide employee housing “not only for its only employees but also for the workforce housing needs of the community.”

B. Review Process Summary

Major Impact Applications are subject to a three-step review process.

¹ The Applicant has referred to this as “Employee/Workforce Housing”; however, because deed restriction was not submitted at Sketch plan, it does not meet the definition of Workforce Housing at this time. The Applicant has represented a deed restriction will be submitted in subsequent review phases.

1. *Sketch Plan*: Sketch Plan review is an exploratory discussion of the proposal and intended to be a joint planning effort and negotiation between the County and Applicant. Site-specific engineering plans, such as traffic studies, are not required nor accepted at Sketch Plan review.
 - a. Meeting history
 1. August 1, 2024 Planning Commission Work Session
 2. October 3, 2024 Planning Commission Work Session and Site Visit
 3. November 19, 2024 Planning Commission and Board of County Commissioners (BOCC) Joint Public Hearing
 4. January 9, 2025 Continued Planning Commission and BOCC Joint Public Hearing (this meeting)
2. *Preliminary Plan*: Preliminary Plan review requires the applicant to formulate detailed, design/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address, in a site-specific manner, all other issues that are relevant to Preliminary Plan. Preliminary Plan requires a joint public hearing.
3. *Final Plan*: Final plan review provides a permanent and accurate public record of the development plan: exact size, shape and location of all approved activities and uses, and, as applicable, lots, blocks, streets, easements and other parcels of land within the development, together with all applicable protective covenants, conditions, use restrictions and design and development criteria. Final Plan applications are generally combined with the Preliminary Plan review; however, if submitted separately, there is no separate public hearing required for consideration of the Final Plan application.

At the joint hearing, the Planning Commission may make a recommendation of approval, approval with conditions, or denial of the application to the BOCC. Staff has provided a draft recommendation (Exhibit A) for the Planning Commission's consideration. The provision of this document does not bind the Planning Commission to make a decision at the January 9th public hearing; and the Planning Commission may elect to continue the hearing for additional deliberation. Once a recommendation is provided by the Planning Commission to the BOCC, the BOCC may take action on the Sketch Plan application, or determine to hold an optional additional public hearing pursuant to LUR Section 7-202:L, at a separate meeting.

C. Public Comment Summary

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on November 21, 2024 and January 9, 2025. Comments received at the hearings and via email are summarized below. The entirety of the public record is included within the Land Use Change permit file.

1. Water Usage and Well Impact:
 - a. Concerns about the significant increase in water usage due to the proposed expansion.
 - b. Shallow wells in the area could be at risk of drying out, and residents questioned who would bear the cost of drilling deeper wells.
 - c. Concerns raised about water demands for amenities like laundry facilities, RV sites, and the wastewater treatment plant.
 - d. Further study is needed to assess impacts on water resources.
2. Wastewater Treatment Plant and Dump Station
 - a. Objections and concerns regarding the proposed location of the wastewater treatment plant near the river and residential properties.
 - b. Concerns included potential impacts on water quality, fishing, and recreational activities.

- c. Suggestions to relocate the plant, improving the existing system, or add a retention pond to monitor water quality.
 - d. Restrict public use of the dump station to minimize traffic.
3. Traffic and Safety:
 - a. An increase in traffic on Spring Creek Road and other local intersections was a major concern.
 - b. Residents noted issues with existing traffic enforcement and requested a comprehensive traffic study during peak usage times (e.g., when the Spring Creek Reservoir is fully open).
 - c. Safety concerns were highlighted, including the danger to pedestrians and wildlife attempting to cross busy roads.
 4. Wildlife:
 - a. The expansion could harm the area's ecosystem and wildlife such as moose, deer, bear, and bighorn sheep.
 - b. Concerns regarding impacts to wildlife movement and the need for buffering to mitigate disruption.
 - c. Further study is needed to assess impacts on the environment and wildlife.
 5. Wildfire Hazard
 - a. Increased use of fire rings at campsites, combined with existing beetle-kill vegetation, raised fire safety concerns.
 - b. Suggestions included implementing defensible space, installing fire hydrants, and creating potable water storage for fire emergencies.
 6. Community Character and Compatibility:
 - a. The expansion was inconsistent with the area's rural and natural character, describing the proposal as unsustainable and detrimental to the community.
 - b. Concerns about noise, density, and changes to the landscape.
 - c. Concerns regarding the potential transformation of the existing landscape.
 - d. Residents felt these changes would negatively alter the area's intended use and atmosphere.
 7. RV and Glamping Sites:
 - a. Concerns regarding the proposed RV and glamping sites, citing oversaturation of similar facilities and the steep slopes of the proposed RV site location.

D. Application Updates

The Applicant provided responses to the comments received at the November 21, 2024 joint public hearing in a December 12, 2024 letter titled "Additional submittals in response to 11.21.24 sketch plan hearing," *Exhibit B*. The responses and staff comments are summarized below, and applicable conditions have been incorporated in *Exhibit A. Draft Recommendation*.

1. Soccer/Volleyball/Baseball Field

The Applicant noted that this element was identified on the site plan and inadvertently indicated a major change would occur in the field adjacent to the restaurant; however, there are no actual changes proposed.

2. Glamping sites

The Applicant has withdrawn glamping sites currently considering public feedback and rockfall hazard concerns.

3. ATV/UTV Usage

The Applicant provided the following recommendations of final approval to address concerns regarding ATV/UTV usage on the subject property.

- a. The applicant will prohibit guests from using ATV/UTVs to and through Harmels property; however, guests with disabilities may be shuttled within the property by Harmels staff in ATV/UTVs.

- b. ATVs and UTVs stored in units by renters will not be permitted to be driven on the Harmels property except for purposes of loading and unloading the ATVs and UTVs from a trailer to the storage unit.
- c. Employees will continue to use ATV/UTVs for maintenance and general operations.

Staff has included an additional exception for ATV/UTVs to be used to transport guests in an emergency in *Exhibit A. Draft Recommendation*.

4. Employee housing

The applicant proposes a recorded deed restriction, to be submitted at Preliminary Plan. The draft deed restriction will include the following: The employee housing units shall be used by either (1) employees of business operated on the subject property; or (2) persons who are employed to work in Gunnison County and whose earned income is primarily from that employment in Gunnison County.

5. Recreational vehicles (RVs)

With regard to the concerns identified, the Applicant has provided the following recommended conditions of approval:

- a. Occupancy of RVs will not be permitted during winter for either staff or guests. Staff recommends an operation range to ensure clarity for the applicant and for any potential enforcement.
- b. Outdoor trash receptacles will be provided, like in the rest of the resort, in areas where congregating is likely to occur. Harmels collects the trash twice a day and puts it into its trash compactor.
- c. A trash disposal location will be provided for RV users. This is anticipated to be the existing waste disposal location for the restaurant.
- d. RVs will not be permitted to enter or exit the neighborhood between the hours of 9:00 p.m. until the following 8:00 a.m.
- e. Outdoor fires will not be permitted except in approved fire safe locations such as certain firepits that will be provided and established with sufficient construction to ensure their safety.
- f. Campers are prohibited from using their own unapproved charcoal grills.

6. Storage Units

The BOCC requested additional evidence that storage is needed. They noted concerns that if there is the significant demand indicated by this and other recent applications, that the storage units will generate additional traffic.

- a. The applicant proposes the following conditions of approval:
 - 1. All storage unit renters or users must be:
 - a. The landowner or the operator;
 - b. Any employee of the landowner or operator, or
 - c. A person residing, full or part-time, northeast of the intersection of Highway 135 and County Road 742.
 - 2. Hours of operation would be 8:00 a.m. to 8:00 p.m.
 - 3. Lighting for the storage units will be lights out by 8:00 p.m.
 - 4. ATVs and UTVs stored in units by renters will not be permitted to be driven on the Harmels property except for purposes of loading and unloading the ATVs and UTVs from a trailer to the storage unit.

7. Water Supply

During the November 19, 2024 joint public hearing, it was reported that the Colorado Division of Water Resources (DWR) did not provide comment. DWR provided the following comment on June 6, 2024: "I have reviewed the water supply section and the feasibility report and have no objections to the approach as laid out in this plan. Thank you for the opportunity to review and comment." The Colorado Department of Health and Environment (CDPHE) did not comment on the application. As noted during

the hearing, it is likely DWR will provide more substantive comments during a Preliminary Plan review as more detailed engineer study is required at this phase.

8. Wildfire Hazard

Neighboring property owners cited concern regarding elevated wildfire risk. In response to these concerns, the Applicant has provided the following recommended the following be submitted at Preliminary Plan review:

- a. Fire safety review, including without limitation:
 1. Compliance with the Wildland Urban Interface Code, and
 2. Conferral and collaboration with the Gunnison Fire District to identify additional fire safety mechanisms and appropriateness such as dry hydrants and other suggestions made at the meeting.

Staff appreciates the Applicant's willingness to address landscape fire hazard and mitigation at the project location; however, recommend that in addition to coordination with the Gunnison Fire Protection District, that the Applicant confer with the Colorado State Forest Service and/or a professional wildfire mitigation specialist(s).

9. Traffic study

A traffic study is required at Preliminary Plan. Concerns regarding accuracy of this study have been raised, including the following identified issues:

- a. Spring Creek Reservoir is currently "closed" and visitor trips have not meaningfully contributed to traffic in recent years. A traffic study should consider trip demand generated by the reservoir.
- b. Staff would like to note that two bridges on Spring Creek Road were closed/under construction during the summer of 2024. The bridges are south/west of the Doctor Park trailhead, and would typically generate bike and bike shuttle traffic.

Staff recommends that a traffic study provide a holistic, comprehensive analysis of potential trip generating locations including the reservoir and trailhead.

10. Occupancy

The BOCC requested additional clarification on how occupancy of the resort would "fill in the valleys" of occupancy noted by the Applicant during the November 19th hearing. The Applicant provided the following analysis:

- a. Guests
 1. Current maximum occupancy is 171 guests. The proposed maximum occupancy is 276 guests, a net change of 105 guests or 61%. The applicant states that occupancy averages 40%, with peak occupancy at 80%. The proposal would result in an average occupancy (40%) of 111 guests from 69 guests; and a peak occupancy (80%) of 220 guests from 137 guests.
- b. Employees
 2. Hamels employs 40 full time staff members during the summer months. The new housing would allow employees to reside on the premises and reduce the number of commuters.

E. Exhibits

The entire land use application can be reviewed on [Citizen Access](#) → Projects → LUC-24-00021 → Attachments.

- A. Draft Decision Document
- B. Application Update