

# **GUNNISON COUNTY PLANNING COMMISSION**

**PRELIMINARY AGENDA: February 19, 2026**

**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 February 5, 2025, 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.**

**Work Session: LUC-25-00038 | Dos Rios Village | Minor Impact**

Simco Ventures LLC has submitted an application to build six buildings containing four townhomes each for a total of 24 townhomes at 37764 W. Highway 50, Gunnison CO. Twelve of the townhomes will be 2-bedroom, 1.5 bath at 1,009 square feet each. Twelve of the units will be 3-bedroom, 1.5-bath at 1,246 square feet each.

**10:00 a.m.**

**Work Session: LUC-25-00043 | Barkman Subdivision | Minor Impact**

The proposed Barkman Subdivision, Filing No. 2 would divide 18.81 acres adjacent to the City of Gunnison into five lots, including the applicant's existing developed lot where they currently reside.

[Parcel # 3701-000-07-001](#)

**11:00 a.m.**

**Work Session: LUC-26-00004 | Solid Fuel Buring Device LUR Amendment | Administrative**

The Applicant, Petrus Holdings, Inc., represented by Smith Law Firm PC, has submitted a request to amend the Gunnison County Land Use Resolution (LUR) Section LUR 13-107: *Installation of Solid Fuel Burning Devices* pursuant to LUR Section 11-113: *Amending this Land Use Resolution, et. seq.*

**Adjourn**

**Packet Materials are available online 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 accommodation may contact the Planning Department before the meeting.

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Thursday, February 5, 2026**

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The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom **Present:**

Vice-Chairperson – Eric Phillips Commissioner – Julie Baca Commissioner – Karen Stock Commissioner – Brett Adkins Commissioner – Sean Patrick	Director of Planning – Hillary Seminick Building and Environmental Health Official – Crystal Lambert Planning Technician – Aidan McComas County Attorney – Matthew Hoyt Others present as listed in text
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**Absent:**

**Recused:**

**Zoom:**

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With a quorum present Vice Chairperson Phillips opened the February 5, 2026 regular meeting of the Planning Commission at 8:46 am.

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**Moved by** Patrick, seconded by Adkins to approve Planning Commission meeting minutes, dated January 8, 2026. The motion passed unanimously in support.

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Staff announcements/ miscellaneous:

Seminick: noted applications for new alternate members for the Planning Commission.

Seminick: noted the meet and greet for the position of Assistant County Manager for Community and Economic Development on February 19<sup>th</sup> from 4:30 p.m. at the County Courthouse.

Phillips: stated interest in assuming the Chair position.

**Moved by** Baca, seconded by Adkins to seat Phillips as Chairperson and Patrick as Vice Chairperson. The motion passed unanimously in support.

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**Planning Commission Training**

Hoyt: introduced a presentation concerning issues the Planning Commission will likely address and rule and procedures for Planning Commission meetings.

Hoyt: introduced the Colorado Sunshine Law or the Open Meetings Law. Noted the purpose of the law is to maintain transparency. All meetings with a quorum or three or more members must be an open meeting. Noted all meetings can only be held after full and timely notice to the public, typically a minimum of 24 hours in advance of a meeting. Stated two or less members

can meet with Staff without having an open meeting. Explained protocol for emailing staff including only replying to staff, not replying to the entire commission.

Hoyt: noted it is permitted to email another commissioner; however, the content matters.

Hoyt: noted minutes must be recorded and distributed for inspection by the public.

Hoyt: explained an Executive Session for the Planning Commission. If the County Attorney provides confidential information to the Planning Commission, the meeting does not need to be open. Executive Sessions must be noticed at least 24 hours in advance, and the agenda must enumerate the topic of the session. Decisions made in Executive Session must be announced, attorney-client privileged communication does not need to be announced. Noted a vote by the majority can waive attorney-client privilege.

Hoyt: introduced ex-parte communication. Noted it as being any written or verbal communication outside of a regularly noticed public hearing between an official with decision making authority and one or more parties. All applicants are entitled to due process, ex-parte communication bypasses due process. The 5th Amendment and 14<sup>th</sup> Amendment, as well as Colorado Constitution, Article II, Section 25 protect due process.

Hoyt: discussed substantive vs procedural due process.

Hoyt: explained what ex-parte communication looks like. Communication adjacent to any active land use change application can be considered ex-parte communication. Explained how to avoid ex-parte communication by understanding how ex-parte can happen. Noted ex-parte situations can happen all the time, therefore it is important for Planning Commissioners to recognize it.

Hoyt: noted the strategies for avoiding ex-parte communication. Stated Planning Commissioners can ask for advice from the County Attorney and Staff concerning whether ex-parte communication took place. Noted Planning Commissioners must disclose ex-parte communication on record. Stated that ex-parte communication may force a commissioner to abstain from voting or recuse from a meeting.

Phillips: asked about post decision conversations and whether the limit on communication expires.

Hoyt: stated post decision conversations are safer but best avoided and expressed there is not a clear expiration on communication limits.

Hoyt: noted if the District Court remands a decision back to the Planning Commission, conversations on the previously decided application, ex-parte communication would be impermissible. Noted purely legislative decisions can be the subject of communication with constituents.

Phillips: asked if there is material available to the public on ex-parte communication.

Hoyt: noted is it best to send the public to Planning Staff with questions.

Hoyt: introduced conflicts of interest. Noted a conflict of interest arises when you act on that opinion and personally benefit from it rather than putting the general public interest first. Noted the Colorado Code of Ethics, the Planning Commission is not to serve their personal interests rather they are to serve the general public interest.

Hoyt: explain examples, such as a Planning Commissioner or relative applying for a land use change, they may not decide on that application. Direct financial interest is a conflict of interest in any instance. Commissioners must disclose the conflict, abstain from voting, and not participate by lobbying fellow commissioners or speak for or against as a public citizen.

Hoyt: explained the nuances of conflict of interest from impartiality, financial or property interest, business associations, appearance of fairness, and personal interest or animosity.

Phillips: asked if Planning Commissioners can read the newspaper.

Hoyt: stated if commissioners can avoid reading an article on a specific application, they should.

Hoyt: noted conflict of interest must be very specific and clearly of financial benefit for it to cross the line in terms of permissibility.

### **Work Session: LUC-YY-000## | Short Term Rental License LUR Amendments | Legislative**

Review of draft amendments to the Land Use Resolution for new Short-Term Rental (STR) License regulations.

#### **Applicant Presentation**

Seminick: noted the amendments will further a Strategic Plan Goal of the Board of County Commissioners, introducing a licensing program for short term rentals. Clarified the program is only a licensing program.

Seminick: noted a draft recommendation decision is not necessary at this time. Clarified the timeline of approval and implementation, with July 1 as the compliance date. State a public hearing for the Board of County Commissioners will take place. Noted the Planning Commission may allow public comment during this work session. Explained the work session, and procedures during the work session.

Seminick: noted standards for review of a Land Use Resolution Amendment. Stated purposes: protect health, safety, and welfare; ensure strrs meet basic building, safety, and occupancy standards; create accountability; and collect data on where and how many Short-Term Rentals are in the County.

Seminick: clarified what a Short-Term Rental is. Noted there is no proposed limit on the number of licenses issued. Stated STRs will be allowed throughout the County but follow private HOA covenants. Noted owners or owner's agents can apply. Clarified an owner's agent is the primary point of contact for the STR.

Seminick: noted the requirements for obtaining a license including contact information, property location, maximum advertised occupancy, tax identification number, and written verification of compliance with applicable County regulations: building codes, LUR, and OWTS.

Patrick: asked if an approved license can be revoked.

Seminick: noted there will not be a separate enforcement mechanism, rather this program will use the existing enforcement mechanism in the LUR.

Seminick: touched on approval of a license, stated the process will be a light touch. The application will need to meet the standards.

Stock: asked about the tax identification number.

Seminick: noted the Colorado Department of Revenue assigned tax number will be required. This is to prove the STR is paying into the LMD Tax Fund. Clarified an STR applies to residential properties, not commercial properties. Commercial properties are exempt from this licensing program.

Phillips: clarified that residential properties, not commercial properties, will be subject to the licensing program.

Patrick: noted the tax structure is the most important aspect.

Seminick: clarified the County does not assess taxes on residential or commercial properties.

Adkins: asked if this program is similar to other jurisdictions regulations.

Seminick: stated some jurisdictions have limitation on the number of STRs, others don't. Restated this program is to license, not to restrict. Stated the County will not verify compliance with HOAs.

Patrick: asked what noncompliance looks like under this licensing program.

Seminick: currently enforcement would follow noncompliance identification. Stated the information distribution scheme prior to the compliance date.

Patrick: stated some property owners live out-of-state, asked how they will receive communication.

Seminick: noted information distribution is meant to be broad. Noted the County will not be monitoring advertising, a third-party consultant will monitor.

Phillips: asked why the tax identifier is required on advertisements.

Seminick: responded by saying it is to track the number of units in the county.

Phillips: asked what is considered an advertisement. What the licensing program will consider an advertisement.

Patrick: asked how the \$150 fee was calculated.

Lambert: noted it is to cover phone time, processing of the application, review, etc.

Phillips: asked if the fee will cover enforcement.

Seminick: responded enforcement is not covered.

Stock: stated the low fee will entice residential property owners to comply.

Seminick: spoke to the potential administrative burdens this program may cause. Explained information that will be distributed to help applicants verify their compliance with OWTS regulations.

Patrick: asked how many STRs are operated within the County.

Seminick: responded there is no data that estimates the total number.

Seminick: noted the \$150 will cover three years. Noted the licensing will be rolling. The license holder will be asked to renew 60 days prior to expiration to allow for processing and review.

Seminick: spoke to the compliance timeline including an effective date of July 1<sup>st</sup>, stated this timeline will provide adequate time for outreach, application processing, and owner compliance.

Seminick: explained what the LMD Funds can be used for, noted they can be used towards affordable housing among other uses.

Seminick: explained regulations. Noted proposed definitions including owner's agent, short term rental (STR), and short-term rental license (STR License). Noted this would be a new section added to the Special Uses section of the Land Use Resolution. Addressed that this regulation would not conflict with other local, state, or federal regulations.

Seminick: spoke to advertising, noted this program likely will apply to advertisements on rental platforms.

Seminick: asked commission if they needed more information to provide a recommendation.

Seminick: spoke to the owner's agent and their responsibilities per this licensing program.

Patrick: asked about requirements associated with the location of an owner's agent within the County.

Phillips: asked if amendments can be made in the future if issues arise concerning the location of an owner's agent within the County.

Phillips: asked for discussion on response time.

Seminick: clarified the response time is to respond to or address a request for maintenance or complaint.

Lambert: clarified professionals will address maintenance issues.

Phillips: asked for clarity whether a hotline for complaints will be provided.

Seminick: noted the response time is meant to ensure issues will be addressed in a timely manner. Response is to be made to the County since the regulation is included in the Land Use Resolution.

Lambert: reiterated the program is to license not to control.

Stock: asked why a separate enforcement mechanism wasn't considered.

Seminick: noted the enforcement mechanism exists within the Land Use Resolution.

Baca: clarified the renewal is once every three years.

Phillips: asked about how Staff will verify taxes are paid.

Seminick: stated Staff will rely on confirmation from the applicant that they are paying taxes into the LMD Fund through an affidavit.

Seminick: noted the applicant or owner could make an appeal to the Board of Adjustment after a decision concerning an application.

Seminick: asked the Commission to consider making a recommendation to the Board if they are ready and feel they have received enough information.

Baca and Patrick: agreed they are ready to make a recommendation.

Adkins: agreed.

Moved by Patrick, seconded by Baca to recommend approval of the draft STR Licensing Program LUR amendments to the Board of County Commissioners. The motion passed unanimously in support.

#### Next Steps

Seminick: asked Commission if the March 19<sup>th</sup> meeting will need to be rescheduled. The Commission directed Staff to reschedule the March 19<sup>th</sup> meeting to March 12<sup>th</sup>. The April 16<sup>th</sup> meeting will be rescheduled for April 23<sup>rd</sup>.

Meeting Adjourned at 11:17 am

**To: Gunnison County Planning Commission**  
**Date: February 12, 2026**  
**Meeting Date: February 19, 2026**  
**Re: Work Session: LUC-25-00038 | Dos Rios Townhomes | Minor Impact**

I. Project Summary

Simco Ventures LLC, represented by Law of the Rockies, has applied for a Land Use Change Permit to build six buildings containing four townhomes each for a total of 24 townhomes at [37764 W. Highway 50, Gunnison CO](#) (“Application”). Twelve of the townhomes will be 2-bedroom, 1.5 bath at 1,009 square feet each. Twelve of the units will be 3-bedroom, 1.5-bath at 1,246 square feet each. The total aggregate floor area of all the buildings is 27,060 square feet.

II. Summary of Applicable Regulations and Gunnison County Land Use Resolution Standards

The project is located in the South Urban Transition Area (“SUTA”) of the Gunnison Area Plan (“GAP”) and Special Area Regulations (“SAR”). The Application was submitted to Gunnison County on October 23, 20205. The GAP and SAR were adopted by the Gunnison County Board of County Commissioners (“BOCC”) on November 18, 2025; therefore the Application is not subject to the GAP or SAR and compliance will be determined by how the proposal meets the applicable standards of the Gunnison County Land Use Resolution (“LUR”). In summary, the proposal:

- Connects to existing public water and wastewater systems.
- Meets open space requirements (35.5% provided; 30% required).
- Complies with setback, height, landscaping, and parking standards.
- Exceeds minimum parking requirements (70 spaces provided; 48 required).
- It is not located in floodplain, geologic hazard, wildfire hazard, or Sage-Grouse Tier 1 habitat areas.

Staff has compiled a summary of the substantive issues in the land use change application below. All applicable criteria have been addressed in the staff report (“Exhibit A”).

A. Impact Classification Reduction Request Pursuant to LUR Section 3-111:B.1 *Classification of Impact*

Projects with five or more residential or subdivision units are classified as a Major Impact Project pursuant to LUR Section 7-101:A *Projects Classified as Major Impact, More than Four Units*. An Applicant may request an impact classification reduction pursuant to LUR Section 3-111: *Classification of Impact* by demonstrating compliance with the provisions of this section.

Applicant Response: “This parcel has twice previously been subject to land use change applications that were initially classified as major impact, and downgraded to minor impact pursuant to LUR Section 3-111.B.1. In 2005, Rommjo LLC sought approval of an 18 unit townhome and condominium project (Blue

Jay Condominiums and Cottonwood Grove Townhomes). See LUC 2005-84. On June 16, 2006, the Planning Commission agreed to review the application as a minor impact project. See August 13, 2008, memorandum from Joanne Williams to Planning Commission, page 4. The project was approved (See BOCC Resolution 2009-29).

In 2020, Simco Ventures filed a land use change application for a 24-unit townhome project. That project was also reviewed and approved as a minor impact project. (See LUC-20-00015). In this application, Simco Ventures is again requesting approval for a 24-unit townhome project substantially the same as the one approved in LUC-20-00015. To address the criteria in LUR Section 3-111.B.1”:

- a. *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.*

Applicant Response: “The proposed land use change is not expected to generate a major demand for public services, including roads, transit, schools, water supply, sewage disposal, police protection, and emergency services. The project is an infill development project adjacent to existing multi-family condominium and townhome projects of equivalent and great density to the subject application. No new roads or substantial road changes will be required outside of the subdivision, and existing public roads should not be materially impacted by this proposed land use change. (CDOT previously commented that the 2020 proposal would not require an access permit.) No changes or services are requested with respect to public transit. In the context of the existing level of development west of Gunnison and around the golf course, the marginal demand for water, sewer, police protection, and other emergency services is minimal”.

- b. *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.*

Applicant Response: “The proposed land use change is expected to generate a minor impact on the impact area and environmental resources and hazard areas. The development is located adjacent to existing multi-family developments, a hotel, a church and the highway. As part of prior land use application review and approval, the environmental resources and hazard criteria have been reviewed and found to not be of concern”.

- c. *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.*

Applicant response: “The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are minor. As stated above, the project will provide in-fill development on a relatively small parcel of land surrounded by other uses of a comparable, if not greater, impact”.

- B. LUR Section 10-102: Locational Standards for Residential Development, LUR Section 10-103: Residential Density, and LUR Section 13-102.B. Location within Three Mile Area Plan

Staff has consolidated responses to these sections because they are interrelated and, in some circumstances, overlap.

i. LUR Section 10-103:C.1. Compliance with Three Mile Plan

Applicant Response: “The City and County recently adopted the Gunnison Area Plan, and in conjunction therewith, the County adopted the Gunnison Special Area regulations that provide a new review process. However, the pending application was submitted prior to the adoption of those regulations.

Prior to the recent adoption of the Gunnison Area Plan, review of land use change applications within the City of Gunnison’s 3-mile plan area was subject to a Three Mile Plan/Urban Growth Boundary Intergovernmental Agreement dated July 3, 2001, and a Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado, dated December, 1997. Other than providing the City with the opportunity to review and comment on pending land use change applications, we are unaware of any different or additional review standards that have historically been applied within the Three Mile Plan area.

With respect to the most recent land use change application on the subject parcel (LUC-20-00015), which was for a virtually identical development, the staff report concluded that the “proposal is located within the three-mile area plan and complies with the adopted plan. The subdivision will be served by a central wastewater treatment and water system. The proposal will not have an adverse impact to the surrounding neighborhood because the use and density is consistent with the surrounding area”.

ii. LUR Section 10-103:C.2. Development Served By Public Wastewater System, Other Services And Facilities

Applicant Response: “LUR 10-103.C.3 provides that lot size and lot density shall be substantially similar to neighborhood parcels unless certain conditions are met. One of those conditions is when the development will be served by a public wastewater system. The subject application proposes a project that is 24 units on 2.18 acres, which is 11 units per acre. This density is comparable to the existing neighborhood density. The overall existing neighborhood density for the multifamily units on the north side of the golf course is approximately 15.79 units per acre (139 units on 13.84 acres). Therefore, the analysis in LUR 10-103.C.3.a is inapplicable to this project. In any event, the project will be served by a public wastewater system.”

C. LUR Section 11-106: Protection of Wildlife Habitat Areas

Colorado Parks and Wildlife (CPW) provided comment in a letter on January 25, 2026. Primary concerns are regarding potential black bear-human conflicts and have requested the following conditions of approval in order of effectiveness: Staff recommend the most stringent of the feeder restrictions.

- No bird feeders between April and October.
- If bird feeders are used between April and October they should be brought in every night before dark and fallen seeds, hulls, and sugar water should be cleaned up.
- If bird feeders are left outside continuously between April and October they should be hung out of reach-10 feet off the ground and 10 feet from anything bears can climb. Fallen seeds, hulls, and sugar water should be cleaned up.

These are in addition to the following conditions:

- Bear-proof trash receptables.

- Require residents secure trash prior to morning of scheduled pick-up

### III. Request of Planning Commission

Determine if the applicant meets the standards of LUR Section 3-111: *Classification of Impact*.

Determine whether to schedule an additional work session, site visit, or public hearing.

### IV. Exhibits

1. Staff Report
2. Site Plan



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

Land Use Change Permit Application: Dos Rios Village  
 Application No: LUC-25-00038  
 Date application scheduled with Planning Commission: February 19, 2026  
 Prepared by: Hillary Seminick, AICP; Planning Director

<b>Applicant Name:</b>	Simco Ventures, LLC, Represented by Law of the Rockies
<b>Property Owner Name:</b>	Simco Ventures, LLC
<b>Project Description:</b>	Simco Ventures LLC, has submitted an application to build six buildings containing four townhomes each for a total of 24 townhomes at 37764 W. Highway 50, Gunnison CO. Twelve of the townhomes will be 2-bedroom, 1.5 bath at 1,009 square feet each. Twelve of the units will be 3-bedroom, 1.5-bath at 1,246 square feet each. The total aggregate floor area of all the buildings is 27,060 square feet. The Applicant is considering constructing garages that have not been included in the total floor area; however, are on the site plan.
<b>Property Location:</b>	37764 W. Highway 50, Gunnison, CO 81230, Parcel Number 3787-100-180-05
<b>Previous Land Use Approvals:</b>	<ul style="list-style-type: none"> <li>• Dos Rios Motor Hotel Subdivision was approved by the Board of County Commissioners on December 20, 1994. The subdivision plat was recorded on December 29, 1994 at Reception No. 457235. A copy of the plat has been included in the project file as <i>1994 Dos Rios Motor Hotel Subdivision Plat</i>. The plat established four parcels:           <ul style="list-style-type: none"> <li>• Lot 1 “restaurant parcel”</li> <li>• Lot 2, “motel parcel”</li> <li>• Parcel 2, 1.5 acres, undeveloped</li> <li>• Parcel 3, 1.03 acres, undeveloped</li> </ul> </li> <li>• The BOCC granted approval of LUC-05-00084, Blue Jay Condominiums and Cottonwood Grove Townhomes on August 4<sup>th</sup>, 2009. Neither a Development Improvement Agreement or building permit for this approval was submitted. A copy of <i>Resolution No. 29, Series of 2009</i> is included in the project file.</li> <li>• A third development application, LUC-18-00004, requested approval for an office/warehouse and associated parking and storage. The development was intended to house Bureau of Land Management facilities and the project was placed on hold until the applicant had received approval from the federal government. This application is considered to be abandoned.</li> </ul>

	<ul style="list-style-type: none"> <li>• A fourth development application LUC-20-00015,</li> </ul>
<b>Surrounding Land Uses:</b>	<p>The parcel is located on US Highway 50. The area south of Highway 50 is mixed-use; developed with a variety of multi-family residential, commercial, and religious uses.</p> <p>To the west are the Fairway Condominiums, to the southwest are additional Fairway Condos that are adjacent to the Dos Rios Golf Course. To the south-southeast are the Heatherwood Villas Condos.</p> <p>To the east are the Dos Rios Motor Hotel and the Iglesias Rios de Agua Viva de Gunnison, a religious institution. Iglesias Rios de Agua Viva de Gunnison is located on the “restaurant” parcel noted in the previous land use approvals section above. The change in use for this parcel was granted in 2020.</p> <p>To the north, across Highway 50 and accessed by the frontage road, are less dense, residential and agricultural uses. Other nearby uses/businesses include Brooks Storage, Alpha Mechanical Solutions, and Dove Graphics.</p> <p>Please see Exhibit A. Affected Land Owners for all land owners within 500’ of the boundary of the subject parcel.</p>
<b>Agency and Department Review:</b>	<p>A copy of the application was sent to the following referral agencies by email on Comments received can be found in the project file and have been incorporated into the applicable sections of this memo.</p> <ul style="list-style-type: none"> <li>• Gunnison County Public Works</li> <li>• Gunnison County Environmental Health Official</li> <li>• Colorado Department of Public Health and Environment</li> <li>• Colorado Parks and Wildlife</li> <li>• Gunnison County Wildlife Coordinator</li> <li>• Gunnison Fire Protection District</li> <li>• Gunnison County Consumer Protection Specialist</li> <li>• Colorado Department of Transportation</li> <li>• City of Gunnison</li> <li>• Gunnison Valley Regional Transit Authority (RTA)</li> <li>• Colorado State Forest Service</li> <li>• US Forest Service</li> <li>• Bureau of Land Management</li> <li>• Gunnison Watershed School District (RE1J)</li> </ul>
<b>Pre-Application Conference:</b>	NA
<b>Status of Application:</b>	Complete
<b>Attached Exhibits:</b>	Please see project file on Citizen Access for full list of application materials and correspondence.

	<p>You may review the file online at: <a href="http://204.132.78.100/citizenaccess/">http://204.132.78.100/citizenaccess/</a></p> <p>Instructions</p> <ol style="list-style-type: none"> <li>1. Open - Permit Database- (AKA- Public Access)</li> <li>2. Click - Public access</li> <li>3. Choose Projects - for Land Use Change projects and Oil and Gas projects</li> <li>4. Use-LUC when searching for Planning Projects and Use OG when searching for Oil and Gas Projects</li> <li>5. Search by: "LUC-25-00038"</li> </ol>
<p><b>Planning Commission Tasks at Initial Work Session:</b></p>	<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Hear applicant presentation</li> <li>— Identify and consider issues</li> <li>— Determine impact classification, considering both by definition and criteria of Section 3-111:B.1.</li> <li>— 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</li> <li>— Set site visit date</li> <li>— Determine if application is ready to be set for public hearing, or if other work session is required</li> </ul>
<p><b>Initial Impact Classification:</b></p>	<p>Major Impact Project, based upon classification found in <i>Section 7-101: Projects Classified as Major Impact Projects</i>.</p> <p>The applicant has requested a reduction in the impact classification from Major to Minor impact; staff has allowed the applicant to submit a minor impact application rather than a Sketch Plan application.</p> <p>The applicant has submitted a narrative response as part of the application in response to Section 3-111:B. <i>Criteria for Classifying Impact</i>. This narrative is located in "Response to Completeness Letter 2020 Dec 29" in the Project File.</p>
<p><b>Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)</b></p>	<p>This parcel has twice previously been subject to land use change applications that were initially classified as major impact, and downgraded to minor impact pursuant to LUR Section 3-111.B.1. In 2005, Rommjo LLC sought approval of an 18 unit townhome and condominium project (Blue Jay Condominiums and Cottonwood Grove Townhomes). See LUC 2005-84. On June 16, 2006, the Planning Commission agreed to review the application as a minor impact project. See August 13, 2008, memorandum from Joanne Williams to Planning Commission, page 4. The project was approved (See BOCC Resolution 2009-29).</p> <p>In 2020, Simco Ventures filed a land use change application for a 24-unit townhome project. That project was also reviewed and approved as a minor impact project. (See LUC-20-00015). In this application,</p>

Simco Ventures is again requesting approval for a 24-unit townhome project substantially the same as the one approved in LUC-20-00015. To address the criteria in LUR Section 3-111.B.1:

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.

*Applicant Response: The proposed land use change is not expected to generate a major demand for public services, including roads, transit, schools, water supply, sewage disposal, police protection, and emergency services. The project is an infill development project adjacent to existing multi-family condominium and townhome projects of equivalent and great density to the subject application. No new roads or substantial road changes will be required outside of the subdivision, and existing public roads should not be materially impacted by this proposed land use change. (CDOT previously commented that the 2020 proposal would not require an access permit.) No changes or services are requested with respect to public transit. In the context of the existing level of development west of Gunnison and around the golf course, the marginal demand for water, sewer, police protection, and other emergency services is minimal.*

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.

*Applicant Response: The proposed land use change is expected to generate a minor impact on the impact area and environmental resources and hazard areas. The development is located adjacent to existing multi-family developments, a hotel, a church and the highway. As part of prior land use application review and approval, the environmental resources and hazard criteria have been reviewed and found to not be of concern.*

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.

*Applicant response: The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are minor. As stated above, the project will provide in-fill development on a relatively small parcel of land surrounded by other uses of a comparable, if not greater, impact.*

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

land use change (Section 1-106)		
<b>APPLICABILITY OF LAND USE RESOLUTION STANDARDS:</b>		
<b>STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE</b>	<b>Plan complies, or compliance will be determined during review</b>	<b>Staff Comments/ References to specific documentation</b>
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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> ; 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Not applicable</i> , 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	<i>Applicable</i> , the project meets the primary location standard because it is located within a municipal Three Mile Plan area.
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> TBD	<p><i>Applicable.</i> the Applicant shall demonstrate how the project complies with LUR Section 10-103.C Primary Residential Lot Size and Density Standards.</p> <p>a. Compliance with Municipal Three Mile Plan Area;</p> <p><i>Applicant Response: How the project comports with the objectives and policies of the applicable municipal three-mile plan is addressed in response to Comment 8, (Staff Note: Section 13-102 of this Report) below.</i></p> <p>b. Development served by public wastewater system, other services and facilities</p> <p><i>Applicant Response: LUR 10-103.C.3 provides that lot size and lot density shall be substantially similar to neighborhood parcels unless certain conditions are met. One of those conditions is when the development will be served by a public wastewater system. The subject application proposes a project that is 24 units on 2.18 acres, which is 11 units per acre. This density is comparable to the existing neighborhood density. The overall existing neighborhood density for the multifamily units on the north side of the golf course is approximately 15.79 units per acre (139 units on 13.84 acres). Therefore, the analysis in LUR 10-103.C.3.a is inapplicable to</i></p>

		<i>this project. In any event, the project will be served by a public wastewater system.</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	<i>Not applicable</i> , 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	<i>Applicable</i> , the practices are voluntary.
11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , the parcel is not located within a Special Flood Hazard Area.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , the parcel is not located within a Geologic Hazard Area.
11-105: Development in wildfire hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> , the parcel is not located within a Wildfire Hazard Area.
11-106: Protection of wildlife habitat areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p><i>Applicable</i>; The project is not located within Gunnison Sage-Grouse Tier 1 Habitat. The Applicant has provided a Sage-Grouse Pre-Application Letter, which notes that the project will not adversely impact Gunnison Sage-Grouse or their habitats. A Certificate of Administrative (No.5, Series 2026) is provided in the project file. The Applicant has agreed to the conditions for developing within Sage-Grouse Habitat.</p> <p>CPW provided comment in a letter on January 25, 2026. Primary concerns are regarding potential black bear-human conflicts, and have requested the following conditions of approval in order of effectiveness: Staff recommend the most stringent of the feeder restrictions.</p> <ul style="list-style-type: none"> <li>• No bird feeders between April and October.</li> <li>• If bird feeders are used between April and October they should be brought in every night before dark and fallen seeds, hulls, and sugar water should be cleaned up.</li> <li>• If bird feeders are left outside continuously between April and October they should be hung out of reach-10 feet off the ground and 10 feet from anything bears can climb. Fallen seeds, hulls, and sugar water should be cleaned up.</li> </ul> <p>In addition to:</p>

		<ul style="list-style-type: none"> <li>• Bear-proof trash receptables.</li> <li>• Require residents secure trash prior to morning of scheduled pick-up</li> </ul>
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development not located within 125 feet of a water body as defined by the Land Use Resolution.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development not located on a Ridgeline.
11-109: Development that affects agricultural lands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , development has a ditch that traverses across the northern portion of the lot, paralleling US-50. The Applicant will maintain a 25' setback from the ditch, which meets the standard of 25'.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not Applicable</i> ; the property currently has snowplowed access to US-50.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development not located on an Inholding in a federally designated wilderness area.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , development is not located above timberline.
12-103: Road system	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p><i>Applicable</i>, development proposes direct access from CO-50 to the development. The Applicant has provided a road plan and profile.</p> <p>CDOT issued CDOT Permit No 306090 on May 26, 2006. In an email dated January 13, 2026; CDOT noted the traffic generated by the proposal would result in lower traffic volume on the existing access permit and no additional action was needed.</p>
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> , 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	<i>Applicable</i> , the Applicant proposes to connect to the existing Dos Rios Water Division. The Applicant has provided a receipt for water availability. The proposal complies with Section 12-105.B, <i>Connection to Existing Systems</i> .
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the project will connect to the existing Dos Rios Sewer Division and Dos Rios Water Division. The Applicant provided a receipt for sewer availability.
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the application was referred to the Gunnison County Fire Protection District. The District has not provided comment as of February 12, 2026.

<p>13-102: B.: Location within municipal three-mile plan area</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> TBD</p>	<p><i>Applicable</i>, the proposal is located within three miles of the City of Gunnison and the Application shall consider municipal three mile plans.</p> <p><i>Applicant Response: The City and County recently adopted the Gunnison Area Plan, and in conjunction therewith, the County adopted the Gunnison Special Area regulations that provide a new review process. However, the pending application was submitted prior to the adoption of those regulations.</i></p> <p><i>Prior to the recent adoption of the Gunnison Area Plan, review of land use change applications within the City of Gunnison’s 3-mile plan area was subject to a Three Mile Plan/Urban Growth Boundary Intergovernmental Agreement dated July 3, 2001, and a Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado, dated December, 1997. Other than providing the City with the opportunity to review and comment on pending land use change applications, we are unaware of any different or additional review standards that have historically been applied within the Three Mile Plan area.</i></p> <p><i>With respect to the most recent land use change application on the subject parcel (LUC-20-00015), which was for a virtually identical development, the staff report concluded that the “proposal is located within the three-mile area plan and complies with the adopted plan. The subdivision will be served by a central wastewater treatment and water system. The proposal will not have an adverse impact to the surrounding neighborhood because the use and density is consistent with the surrounding area.</i></p>
<p>13-103: General Site Plan Standards And Lot Measurements</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p><i>Applicable</i>, the site plan includes six buildings with internal roads, driveways, building sites, ditch and utility locations, dedicated and guest parking areas. The landscaping and buffering plan will maintain as much existing vegetation, particularly trees, as practicable. The existing topography is flat and a grading plan has been provided that will slightly change the topography to facilitate drainage of the</p>

		<p>site. The structures will be 24' in height as measured to the peak of the roofline, which is below the 30' height limit.</p>
<p>13-104: Setbacks From Property Lines And Road Rights-Of-Way</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p><i>Applicable.</i> Setbacks from Property Lines and Road Rights-of-Way are in Table 7 of the Land Use Resolution. Townhome projects require they are a minimum of 25' from the front property line and 15' from the side and rear yards. A minimum of 10' is required between all buildings. The site plan meets these standards.</p> <p>There are additional requirements for setbacks from state highways. The setbacks from a state highway are either 40' from the edge of known ROW or 80 feet from the centerline of SH-50. The site plan meets the standards for setbacks from the ROW.</p>
<p>13-105: Residential Building Sizes And Lot Coverages</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p><i>Applicable.</i> The developed area coverage may not exceed 45% pursuant to LUR Section 13-105:D1. <i>Percent of Coverage.</i> The parcel area is +/- 97,871.50 sq. ft. and the structure coverage is 13,524 sf. Or 13.8% of the total parcel area (<math>13,524/97,871.50=13.81\%</math>). The project meets this standard.</p> <p>The project includes 24 townhomes. Twelve of the townhomes will be 2-bedroom, 1.5 bath at 1,009 square feet each. Twelve of the units will be 3-bedroom, 1.5-bath at 1,246 square feet each. The total aggregate floor area of all the buildings is 27,060 square feet. The Applicant has claimed that the aggregate floor area is 13,524 sq. ft.; however, this appears to be based on the footprints rather than floor area of the structures. Regardless, the project exceeds the maximum aggregate floor area for multiple-family residential development (LUR Section 13-105:D.3. <i>Maximum Building Size and Maximum Aggregate of all Structures</i>).</p> <p><i>Applicant Response: The structures will not be obtrusively visible. Based on the layout of the six structures, essentially in a row running away from Highway 50, the structure closest to the highway will</i></p>

		<p>screen the visibility of the remaining five structures. Existing multi-family development to the south and west, and existing commercial development to the east will also screen the project. Existing large cottonwood trees around the perimeter of the property and in the neighborhood will also provide screening.</p>
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not applicable, not requested as part of this application.</p>
13-108: Open Space And Recreation Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable, Section 13-108.D.G Residential Uses, requires a minimum of 30% of the area within a multi-family development of five or more units. The application proposes a little over 35% Open Space, indicated by light green in the site plan. The proposed open space exceeds the standards of this section.</p> <p><i>Applicant Response: The parcel size equals +/- 97,871.50 sf. The amount of Open Space provided equals 34,794.06 sf. The percentage of Open Space provided is 35.5%.</i></p>
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not Applicable, not proposed as part of this application.</p>
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable, the proposal is for a total of 24 townhome units. Twelve of the townhomes will be 2-bedroom, 1.5 bath units, the other twelve units will be 3-bedroom, 2 bath units.</p> <p>Appendix Table 3. <i>Off-Road Parking Requirements</i> require two spaces per residence for up to three bedrooms. The Applicant has proposed two spaces per unit and a total of 70 on-site parking spaces. Accessible spaces have been included on the site plan.</p>
13-111: Landscaping And Buffering	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable, the Land Use Resolution requires at least one tree and three shrubs be provided for every 500 sq. ft. of the area shown as being landscaped on the plan.</p> <p><i>Applicant Response: Sheet C-04, Landscape Plan, Note 6: Landscape plan includes 1 tree and 3 shrubs</i></p>

		<i>per 500 sf of landscaped area. This plan includes 9,778 sf of landscaped area with 20 trees and 60 shrubs provided.</i>
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> ; snow storage is required for proposed development and is shown on the site plan.
13-113: Fencing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> ; a new fence is proposed and will comply with the standards of this section at building permit.
13-114: Exterior Lighting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> ; The Applicant has noted all lighting will be required to comply with the Land Use Resolution at time of installation.
13-115: Reclamation And Noxious Weed Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> ; this Section shall apply for areas of disturbance of 10,000 sq. ft. or greater. The Applicant will be required to obtain a reclamation permit from the Gunnison County Public Works Department as part of the building permit application. This will require a surety pursuant to Section 13-115.F <i>Surety</i> .
13-116: Grading And Erosion Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> ; the applicant has submitted a grading and erosion control plan.
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Applicable</i> , the project will disturb more than 10,000 sq. ft. of area. The applicant has provided a grading, drainage, and erosion control plan for the proposal (Sheet C-01 of Site Plan). The total disturbance area will be over one acre; therefore, it is anticipated the Applicant will need to obtain a Storm Water Discharge Permit from the Colorado Department of Public Health and Environment.  The Applicant will need to provide a description of the method(s) used to regularly inspect and maintain any proposed retention and detention facilities, if applicable, in the Development Improvement Agreement.
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>Not applicable</i> ; 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	<i>Applicable</i> ; the proposal is consistent with the surrounding development and will not adversely impact the character of the neighborhood. Trash receptacles will be bear-proofed.

**GENERAL NOTES**

1. ALL CONTRACTORS UTILIZING THIS PLAN AND THE INFORMATION CONTAINED THEREON ARE CAUTIONED TO COMPLY WITH THE REQUIREMENTS OF COLORADO CODE TITLE 9, ARTICLE 1.5, AS AMENDED, CONCERNING PREVENTION OF DAMAGE TO UNDERGROUND FACILITIES RESULTING FROM EXCAVATIONS (Utility Notification Act). LOCATION OF EXISTING AND PROPOSED UNDERGROUND UTILITIES AND FACILITIES SHOWN ON THESE PLANS HAVE BEEN DEVELOPED FROM INFORMATION MADE AVAILABLE. COMPLETENESS AND ACCURACY OF LOCATION AND DEPTH OF UTILITIES AND FACILITIES SHOWN ON THESE PLANS CANNOT BE GUARANTEED. OTHER UTILITIES MAY BE PRESENT AT THIS LOCATION NOT SHOWN ON THESE PLANS. THE CONTRACTOR IS TO VERIFY THE DEPTH AND LOCATION OF ALL UTILITIES AND FACILITIES BEFORE THE START OF WORK. UTILITY HAND EXCAVATION AS REQUIRED. WORK SHALL BE DONE IN ACCORDANCE WITH THE DEPTH AND LOCATION OF ALL UTILITIES AND FACILITIES ARE IN THE VICINITY OF THE WORK. PURSUANT TO THE REQUIREMENTS OF COLORADO CODE, THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO AT 1-800-942-1942, AT LEAST 3 DAYS PRIOR TO EXCAVATION.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE APPLICABLE FEDERAL, STATE AND LOCAL CODES, AND ALL REGULATIONS APPURTENANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.
3. CONTRACTOR SHALL PROVIDE PROTECTION AND SUPPORT FOR EXISTING UTILITIES UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL IMMEDIATELY REPAIR ANY UTILITY LINE INTERRUPTION AT NO ADDITIONAL CONTRACT COST.
4. CONTRACTORS SHALL VERIFY ALL DIMENSIONS, INVERTS, ELEVATIONS, AND EXISTING CONDITIONS PRIOR TO PROCEEDING WITH THE WORK. VARIATIONS BETWEEN DRAWINGS AND ACTUAL FIELD CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND RESOLVED PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR TO ANY SIDEWALKS, LAWN, TREES, PAVING, AND OTHER IMPROVEMENTS DISTURBED OR DAMAGED BY CONSTRUCTION OR DEMOLITION ACTIVITIES PROPOSED HEREON.
6. CONTRACTOR SHALL PROVIDE PROPER TEMPORARY BRACING AND SHORING OF ALL CONSTRUCTION OR DEMOLITION WORK IN PROGRESS.
7. CONTRACTOR SHALL PROVIDE THE LAYOUT, LINE AND GRADE UNLESS OTHERWISE NOTED.
8. CONTRACTOR SHALL WORK ALL THE PROJECT DRAWINGS AND SPECIFICATIONS TOGETHER.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE AND PROTECTION OF VEHICULAR AND PEDESTRIAN TRAFFIC. ALL TRAFFIC CONTROL MEASURES SHALL BE IN ACCORDANCE WITH LOCAL, STATE, AND OSHA REGULATIONS.
10. CONTRACTOR SHALL PROVIDE TEMPORARY DEWATERING OF EXCAVATIONS THROUGHOUT THE DURATION OF CONTRACT AT NO ADDITIONAL COST.
11. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES WITHIN THE DRAWINGS, SPECIFICATIONS, CODES OR STANDARDS FOR DIRECTION PRIOR TO START OF WORK.
12. CONTRACTOR SHALL NOTIFY THE ENGINEER OF PREEXISTING CONDITIONS OF DETEIORATION OR UNDERDESIGN IN AREAS OF WORK THAT ARE UNCOVERED OR EXPOSED DURING THE WORK.
13. ALL CONSTRUCTION SHALL CONFORM TO GUNNSON COUNTY UTILITY STANDARDS AND SPECIFICATIONS, LATEST EDITION THEREOF.
14. ALL STATIONS REFER TO CENTERLINE OF STREET STATIONS OR OTHER STATIONING LINE SHOWN ON PLAN, UNLESS OTHERWISE NOTED.

**PARKING NOTES**

1. FROM LUR SECTION 13-110(07)-ROAD PARKING AND LOADING AND APPENDIX TABLE 3, OFF-ROAD PARKING REQUIREMENTS, FOR MULTI FAMILY RESIDENTIAL USE, 2 SPACES ARE REQUIRED FOR 10 TO 3-BEDROOM UML. TWO PARKING SPACES FOR EACH UNIT HAVE BEEN PROVIDED.
2. FROM LUR SECTION 13-110(07)-ROAD PARKING AND LOADING, TABLE 9, MINIMUM PARKING SPACES FOR DISABLED PERSONS: TOTAL PARKING SPACES FOR THIS PROJECT IS 70. PER THE LUR, IF PARKING SPACES ARE BETWEEN 51-75, 1 VAN ACCESSIBLE PARKING SPACE IS REQUIRED AND 2 CAR ACCESSIBLE SPACES ARE REQUIRED. REFERENCE PARKING SPACES 49, 56 AND 57 ON THIS PLAN.
3. PARKING SUMMARY:  
70 TOTAL PARKING SPACES PROVIDED.  
48 PARKING SPACES PROVIDED FOR THE 24 UNITS.  
3 PARKING SPACES PROVIDED FOR DISABLED PERSONS.  
19 PARKING SPACES PROVIDED FOR GUEST PARKING.

**LIGHTING NOTES**

- EXTERIOR LIGHTING FIXTURES SHALL BE FULL CUTOFF/FULLY-SHIELDED, SHIELDED BY FOOT ELEMENT OR EFFECTIVELY RECESSED.
1. STREET LIGHTING SHALL BE LANCY, 1500 WATT, FT SERIES SOLAR LIGHTS WITH 20' POLE. 3 STREET LIGHTS SELECTED TO BE PLACED ALONG MAIN ACCESS ROAD.
  2. CYLINDER OUTDOOR WALL SCONCE LIGHT SELECTED FOR EXTERIOR LIGHTING MOUNTED BY DOORS AT THE FRONT AND THE BACK OF EACH UNIT. 48 TOTAL SCONCE-TYPE LIGHTS SELECTED.

**LEGEND**

- PARKING SPACE LABEL ..... (S)
- STREET LIGHT ..... (L)
- BUILDING UNIT LIGHT ..... (U)



Color	Description
[Brown]	BUILDINGS
[Grey]	PAVED ROAD - ASPHALT
[Light Grey]	GUEST PARKING - ASPHALT
[Green]	4' SIDEWALKS
[Light Green]	LANDSCAPE AREAS
[White]	OPEN SPACE
[Light Blue]	GRAVEL AREAS
[Dark Blue]	CONCRETE AREAS
[Red]	PORCH
[Light Blue]	SNOW STORAGE
[Dark Blue]	CARPOT AREAS W CONCRETE PKNG/ 2 SP. PER UNIT

**SITE PLAN**  
SCALE: 1"=20' (HOR)  
SCALE: 1"=20'

PREPARED BY: J. B. BARNETT	DATE: 02/23/2023
DESIGNED BY: J. B. BARNETT	DATE: 02/23/2023
CHECKED BY: J. B. BARNETT	DATE: 02/23/2023
APPROVED BY: J. B. BARNETT	DATE: 02/23/2023
PROJECT: 24-0001-001	DATE: 02/23/2023
PROJECT ADDRESS: 3776 W US HIGHWAY 50	DATE: 02/23/2023
CITY: DENVER	DATE: 02/23/2023
COUNTY: GUNNSON	DATE: 02/23/2023



**SITE PLAN**  
**DOS RIOS VILLAGE**

SIMCO VENTURES, LLC  
3776 W US HIGHWAY 50  
PARCELS 2 & 3, DOS RIOS HOTEL SUB.  
2.18 ACRES  
PARCEL #978710018005, ACCT #R031388  
GUNNSON COUNTY, COLORADO 81230

DRAWN BY: J.B. BARNETT
CHECKED BY: J.B. BARNETT
SCALE: AS NOTED
DATE: 02/23/2023
JOB NO: 24-0001-001
SHEET: C-01

**C-01**





Rachael Blondy, Planner II  
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www.GunnisonCounty.org

**To: Gunnison County Planning Commission**

**RE: LUC-25-00043 | Minor Impact | Work Session | Barkman Subdivision, Filing No. 2**

**Date: February 19, 2026**

## **1. Project Summary**

The Applicant, Jesus Lopez, is proposing a second filing of the Barkman Subdivision. The subdivision would divide 18.81 acres into five lots, including the Applicant's existing developed lot where they currently reside:

- Lot 1 (14.68 acres, existing development)
- Lot 3 (1.05 acres)
- Lot 4 (1.02 acres)
- Lot 5 (1.02 acres)
- Lot 6 (1.04 acres)

Existing Lot 2, Barkman Subdivision, Filing No. 1, 890 County Road 13 is not included in this application.

The subdivision will be served by GCEA electric utilities with access along County Roads 13 and 14, and by an existing sewer utility located within an easement on each proposed lot, running parallel to County Road 13. Each lot will have its own domestic well and single-access driveway, both to be installed by individual lot owners after subdivision approval.

Proposed covenants require that development maintain the area's open, agricultural, and natural character to reduce contrast with the neighboring Van Tuyl Ranch. Each lot may include one primary residence (up to 2,000 sq. ft.), one accessory dwelling unit (up to 900 sq. ft.), and a combined total of up to 6,000 sq. ft. of building area including barns, outbuildings, and garages.

## **2. Impact Classification**

The Project would be classified as a Major Impact Project, based upon Gunnison County Land Use Resolution SECTION 7-101:A *More Than Four Units*, because the application is for a five-lot subdivision. The Applicant requested an Impact Classification Reduction from a Major Impact to a Minor Impact. The Applicant has provided a project description which discusses the proposed subdivision's impacts on the following three criteria. Applicant's response is copied below.

- a. *DEMAND FOR PUBLIC SERVICES. Whether 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; and*
- b. *IMPACTS ON IMPACT AREA AND ENVIRONMENT. Whether the proposed land use change is expected to generate a minor or a major impact on the impact area or on the environmental resource and hazard areas defined within and regulated by Article 11: Resource Protection Standards; and*

- c. *IMPACTS RELATED TO ALL EXISTING 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.*

“The applicant is proposing and requesting that this application be considered a Minor Impact Land Use Change per LUR Section 3-111 for the following reasons:

1. Only four lots are being proposed for potential development, because one of the five proposed lots is already developed.
2. Septic fields/systems will not be installed on these lots, due to the existing sewer line access and the requirement that these lots connect to it. Therefore the impact on this land is dramatically reduced compared to many minor and major impact projects in the county.
3. Electric utility capacity along County Roads 13 and 14 exists and has been deemed sufficient.
4. Each proposed lot has access and frontage to an existing, maintained county road.
5. These proposed parcels are designed and laid out to match the existing character and density of nearby subdivisions, such as the Barkman Minor Subdivision at 890 County Road 13 (1 acre residential), the residential lots connected to Snowflake Trail (.53 acres to 1.53 acres), and all other residential lots along County Road 13 and 13A (1 acre to 5 acres). Therefore the visual and cultural impact on the character of this area is mitigated as much as possible by the applicant.

Overall this application is more appropriately expected to generate a minor demand for public services for the reasons explained above. Similarly this application is compatible with existing development in the area and aligns more within a minor impact on environmental resources and hazard areas.”

### **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 and Section 10-103: Residential Density**

The Applicant states that the Barkman Subdivision complies with Sections 10-102 and 10-103 by locating residential development adjacent to the City of Gunnison, within the municipal three-mile plan area and by utilizing existing infrastructure. The parcel sizes are intended to be compatible with current surrounding residential and agricultural development patterns. The Applicant notes that all lots will connect to an existing sewer utility, avoiding on-site wastewater treatment systems, while individual wells are proposed for water service. The subdivision design, including proposed covenants and open space, is intended to minimize visual and environmental impacts, maintain existing neighborhood character while avoiding significant net adverse impacts to surrounding lands and land uses.

The Board of County Commissioners’ Strategic Plan emphasizes the importance of discouraging sprawl and directing future growth to areas that can efficiently support transportation and utility investments. The Gunnison Area Plan (GAP) and its corresponding Special Area Regulations (SAR), adopted 13 days after this application was received and therefore is not applicable to this review, reflects this policy direction by encouraging more compact development patterns in areas served by centralized infrastructure. While the

Land Use Resolution standards govern the review of this application, the subject property is located in an area identified for future growth, and the proposed one-acre lots may raise a broader policy question regarding whether the development pattern constitutes sprawl or supports compact growth objectives. This application provides an opportunity for the Planning Commission to discuss how sprawl is evaluated under the Land Use Resolution considering adopted County policy goals and emerging long-range planning efforts.

#### Section 12-103: Road System

Each lot will be required to obtain an individual access permit at the time of development to ensure compliance with County Road and Bridge Standards. Public Works expressed concern about the potential addition of multiple new access points along County Road 13 within a short distance and indicated a preference for minimizing access points on higher-classification roads where feasible. Public Works suggested that shared access points, or a single access from County Road 14 serving multiple lots, be considered to reduce impacts, address emergency access requirements, and improve overall safety and functionality. Planning Commission may wish to discuss access configuration options and whether to recommend consolidation of access points consistent with Public Works' comments.

#### Section 12-105: Water Supply

The applicant proposes individual wells on the lots and has indicated that they will work with the Upper Gunnison River Water Conservancy District to contract for augmentation water. Staff directed Applicant to pause work on well testing and purchasing water augmentation until after Planning Commission work session. Division of Water Resources comments will be addressed as a part of this process.

If this subdivision were proposed today, the Gunnison Area Special Area Regulations state that the application would be subject to review by the City of Gunnison and the developer would be required to extend municipal water service to all lots. Conversely, if the subdivision were already established, extension of a water line would not be required for development of single-family residences. The City and County have agreed that the SAR do not apply to this application; however, given the property's proximity to existing municipal infrastructure, the Planning Commission may wish to engage in a broader policy discussion regarding infrastructure extension and service expectations in this area.

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

All parcels will connect to the existing City of Gunnison sewer line, which runs adjacent to the parcel. Future parcel owners will be responsible for connecting to the sewer line at time of development

#### **4. Exhibits**

*You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-25-00043. 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: Barkman Subdivision, Filing No. 2  
 Application No: LUC-25-00043  
 Date application scheduled with Planning Commission: TBD  
 Prepared by: Rachael Blondy

<b>Applicant Name:</b>	Jesus Lopez Rodriguez
<b>Property Owner Name:</b>	Jesus Lopez Rodriguez
<b>Project Description:</b>	<p>The proposed Barkman Subdivision, Filing No. 2 would divide 18.81 acres into five lots, including the applicant’s existing developed lot where they currently reside:</p> <ul style="list-style-type: none"> <li>- Lot 1 (14.68 acres, existing development)</li> <li>- Lot 3 (1.05 acres)</li> <li>- Lot 4 (1.02 acres)</li> <li>- Lot 5 (1.02 acres)</li> <li>- Lot 6 (1.04 acres)</li> </ul> <p>Lot 2, Barkman Subdivision, 890 County Road 13 is not included in this application.</p> <p>The subdivision will be served by GCEA electric utilities with access along County Roads 13 and 14, and by an existing sewer utility located within an easement on each proposed lot, running parallel to County Road 13. Each lot will have its own domestic well and single-access driveway, both to be installed by individual lot owners after subdivision approval.</p> <p>Proposed covenants require that development maintain the area’s open, agricultural, and natural character to reduce contrast with the neighboring Van Tuyl Ranch. Each lot may include one primary residence (up to 2,000 sq. ft.), one accessory dwelling unit (up to 900 sq. ft.), and a combined total of up to 6,000 sq. ft. of building area including barns, outbuildings, and garages.</p> <p><i>Staff Note: This application was received 13 days prior to the adoption of the Gunnison Area Plan and Special Area Regulations. The GAP and SAR were adopted on November 18, 2025.</i></p>
<b>Property Location:</b>	<a href="#">Parcel 3701-000-07-001</a>
<b>Surrounding Land Uses:</b>	<a href="#">Parcel 3701-000-00-156</a> – Van Tuyl Ranch, open space, agricultural <a href="#">Parcel 3701-000-00-207</a> – residential, agricultural <a href="#">Parcel 3701-000-00-117</a> – residential, agricultural

	<a href="#">Parcel 3701-000-07-002</a> – residential
<b>Agency and Department Review:</b>	A copy of the application was sent to the following referral agencies by email on _____. All comments can be found in appropriate sections below.
<b>Pre-Application Conference:</b>	n/a
<b>Status of Application:</b>	TBD
<b>Attached Exhibits:</b>	The entire application and all attachments may be viewed at <a href="https://permitdb.gunnisoncounty.org/citizenaccess">https://permitdb.gunnisoncounty.org/citizenaccess</a> , click “Projects”, search by application number LUC-25-00043 , Click on “Attachments”.
<b>Planning Commission Tasks at Initial Work Session:</b>	<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Hear applicant presentation</li> <li>— Identify and consider issues</li> <li>— Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1.</li> <li>— 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</li> <li>— Set site visit date</li> <li>— Determine if application is ready to be set for public hearing, or if other work session is required</li> </ul>
<b>Initial Impact Classification:</b>	<p>A 5-lot subdivision is classified as a Major Impact. Staff accepted the application as a Minor Impact Project. Applicant responded to Section 3-111 Classification of Impact criteria below:</p> <ol style="list-style-type: none"> <li>1. Only four lots are being proposed for potential development, because one of the five proposed lots is already developed.</li> <li>2. Septic fields/systems will not be installed on these lots, due to the existing sewer line access and the requirement that these lots connect to it. Therefore the impact on this land is dramatically reduced compared to many minor and major impact projects in the county.</li> <li>3. Electric utility capacity along County Roads 13 and 14 exists and has been deemed sufficient.</li> <li>4. Each proposed lot has access and frontage to an existing, maintained county road.</li> <li>5. These proposed parcels are designed and laid out to match the existing character and density of nearby subdivisions, such as the Barkman Minor Subdivision at 890 County Road 13 (1 acre residential), the residential lots connected to Snowflake Trail (.53 acres to 1.53 acres), and all other residential lots along County Road 13 and 13A (1 acre to 5 acres). Therefore the visual and cultural impact on the character of this area is mitigated as much as possible by the applicant.</li> </ol> <p>Overall this application is more appropriately expected to generate a minor demand for public services for the reasons explained above. Similarly this application is compatible with existing development in the area and aligns more within a minor impact on environmental resources and hazard areas.</p>

<b>Other Criteria of Impact Classification:</b> (Sec. 3-111. B. 1.)		<p><b>Demand for public services.</b> 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><b>Impacts on impact area and the environment.</b> The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p><b>Impacts related to all existing and proposed development and proposed development in impact area.</b> 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	
<b>APPLICABILITY OF LAND USE RESOLUTION STANDARDS:</b>		
<b>STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE</b>	<b>Plan complies, or compliance will be determined during review</b>	<b>Staff Comments/ References to specific documentation</b>
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	<p>Not applicable, not requested as part of this application.</p> <p><i>Staff Response: Per the Land Use Resolution, each parcel may be eligible for two residences provided that either: (1) a detached secondary residence is smaller than the primary residence, located in close proximity to it, and shares a water supply and wastewater treatment system; or (2) an integrated secondary residence is subordinate to the primary residence and does not exceed 1,200 square feet.</i></p>

		<i>The covenants allow (1) single family residence containing living area of no more than 2,000 square feet and (1) ADU containing living area no more than 900 square feet.</i>
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-508: Keeping of livestock not on an agricultural operation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>A. LIVESTOCK AND SMALL ANIMALS ALLOWED WITH NO LAND USE CHANGE PERMIT. The keeping of livestock and domestic animals on property other than an agricultural operation is permitted without a Land Use Change Permit subject to the following:</p> <ol style="list-style-type: none"> <li>1. CONFINEMENT TO THE SITE.</li> <li>2. DISPOSAL OF MANURE.</li> <li>3. DISTANCE FROM LOT LINES AND WATER.</li> <li>4. ODOR CONTROL.</li> <li>5. DRAINAGE FACILITIES.</li> <li>6. VEGETATION STANDARDS. <ol style="list-style-type: none"> <li>a. NATURAL RESOURCES CONSERVATION SERVICE GUIDELINES.</li> </ol> </li> </ol>

		<p>b. MAINTENANCE OF VEGETATION. 7. NONDOMESTIC/EXOTIC ANIMALS.</p> <p><i>Staff Response: The covenants limit animal keeping to two livestock animals and ten chickens per lot, consistent with small-scale residential use. Requirements that stalls and corrals be maintained in a clean, safe, and sanitary condition address manure disposal, odor control, and drainage management, ensuring proper maintenance and minimizing potential impacts to neighboring lots and water quality.</i></p> <p><i>The requirement to maintain pasture grass at a minimum stubble height of 3.5 inches during the growing season aligns with NRCS vegetation management guidelines and promotes soil stability, healthy forage, and water quality protection. This aligns with Section 11-105.F.5.</i></p> <p><i>Per Division of Water Resources comments from January 27, 2026, additional water rights will be required for the boarding of horses.</i></p>
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	<p>Applicable.</p> <p>SECTION 10-102: LOCATIONAL STANDARDS. In addition to all applicable standards of this Resolution, an application for a new subdivision shall initially be reviewed for its location relative to existing development and shall be located:</p> <ol style="list-style-type: none"> <li>1. ADJACENT TO EXISTING POPULATION CENTER. Adjacent to Almont, Crested Butte South or the incorporated municipalities of Gunnison, Crested Butte, or Mt. Crested Butte;</li> </ol> <p><i>Staff Response: The parcel is adjacent to the City of Gunnison.</i></p> <ol style="list-style-type: none"> <li>2. WITHIN A MUNICIPAL THREE MILE PLAN AREA. Within a municipal Three Mile Plan area.</li> </ol> <p><i>Staff Response: As the parcel is adjacent to the City of Gunnison, it falls within the three mile plan area.</i></p>

		<p>SECTION 10-102:C. LOCATION RESULTS IN NO SIGNIFICANT NET ADVERSE IMPACT TO THE NEIGHBORHOOD. When the applicant has demonstrated that a proposed residential Development cannot satisfy the locational standard, the location may be approved if the BOCC finds that in addition to meeting all of the 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 lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.</p> <p><i>Staff response: The applicant proposes to connect to existing sewer services; however, does not propose connecting to City water services, and instead proposes one well per lot.</i></p> <p><i>Applicant response:</i></p> <p>The Barkman Subdivision application effectively meets the locational standards outlined in Section 10-102, demonstrating a thoughtful approach to land use that prioritizes environmental protection, community needs, and existing infrastructure.</p> <p><b>1. Proximity to Population Centers:</b> The proposed subdivision of 18.81 acres into five lots is located less than 0.5 miles from the Gunnison City Limits and is within the Urban Growth Boundary. This strategic location fosters residential development in close proximity to established population centers, promoting efficient land use aligned with the county's growth objectives.</p> <p><b>2. Utilization of Existing Infrastructure:</b> The subdivision will connect to GCEA electric utilities and an existing sewer utility running parallel to County Road 13, significantly reducing the environmental footprint typically associated with new developments. By eliminating the need for septic systems and ensuring easy access to essential services, the proposed lots will integrate seamlessly into the community infrastructure.</p>
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		<p><b>3. Compatibility with Surrounding Land Uses:</b> The proposed lots are designed to align with the existing character and density of nearby subdivisions, such as the Barkman Minor Subdivision and residential developments along County Roads 13 and 13A. The intention to maintain the open, agricultural, and natural character of the area through specific covenants further underscores the development's compatibility with the surrounding landscape and existing land uses.</p> <p><b>4. Minimal Adverse Impact:</b> The plan aims to generate a minor demand for public services, reinforcing the development's designation as a Minor Impact Land Use Change. With considerations for shared driveways and individual access points, the proposal mitigates traffic impacts while promoting orderly growth. The subdivision design also minimizes potential adverse effects on wildlife and overall environmental quality.</p> <p><b>5. Cumulative Impact Assessment:</b> The proposed development will not result in significant net adverse impacts on the neighborhood or surrounding environments, as evidenced by the careful planning and sustainable practices outlined in the application. The established covenants further assure the preservation of the area's aesthetic and environmental integrity.</p> <p>In conclusion, the Barkman Subdivision fulfills the requirements of Section 10-102 by strategically promoting growth within an appropriate area, utilizing existing infrastructure, maintaining compatibility with surrounding developments, and ensuring minimal adverse impacts. We request the Board of County Commissioners approve the subdivision application, recognizing its alignment with county planning objectives and community values.</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 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> <ul style="list-style-type: none"><li>a. 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:</li><li>b. CONDITIONS ARE APPROPRIATE FOR LARGER LOT SIZE OR LESSER DENSITY. The decision-making body may deny a subdivision proposal that involves lot sizes that are substantially similar to the parcels in the neighborhood if one or more of the following conditions are met:<ul style="list-style-type: none"><li>a. 2. PUBLIC WATER SUPPLY AND WASTEWATER TREATMENT ARE NOT AVAILABLE. Public water supply and wastewater treatment systems are not</li></ul></li></ul>
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		<p>available or the service providers are unwilling or unable to serve the proposed development;</p> <p><i>Staff Response: The subdivision is located within the City of Gunnison’s municipal three-mile plan area.</i></p> <p><i>The proposed parcel sizes – ranging from approximately 1.02 to 14.68 acres – could be compatible with surrounding residential and agricultural development patterns.</i></p> <p><i>This application was submitted 13 days before the adoption of the Gunnison Area Plan (GAP) and the associated Special Area Regulations (SAR). Within the GAP, this parcel is identified inside the City of Gunnison’s Urban Growth Boundary due to its potential eligibility for annexation into the City of Gunnison.</i></p> <p><i>Per Section 10-103:C.3.a, the decision-making body may deny a subdivision proposal that involves lot sizes that are substantially similar to the parcels in the neighborhood if public water supply and wastewater treatment are not available. Public wastewater treatment is available, public water supply would have to be extended to these parcels.</i></p> <p><i>Applicant response:</i></p> <p>The Barkman Subdivision application exemplifies a responsible and well-planned development that adheres to the standards set forth in Section 10-103. This section aims to prevent sprawl and encourage residential design flexibility, while ensuring density aligns with existing neighborhood characteristics.</p> <p><b>1. Compliance with Municipal Three-Mile Plan Area:</b> The subdivision is located within the Gunnison "City Urban Growth Boundary," placing it within the municipal three-mile plan area. This proximity encourages development aligned with city growth strategies and is consistent with the overall planning objectives of the municipal government. The application respects the policies of the three-mile plan by promoting orderly growth, maintaining community character, and thoughtfully addressing development density.</p>
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		<p><b>2. Density Standards and Sewage Disposal:</b> The proposed lots (in total, four new lots for development as Lot 1 is already developed) offer a density that is compatible with existing residential properties nearby. Each lot will adhere to the requirement of connecting to the existing sewer utility located within an easement on the property, eliminating the necessity for on-site wastewater treatment systems. This connection not only complies with Gunnison County's sewage disposal requirements but also mitigates environmental impacts typically associated with individual wastewater systems.</p> <p><b>3. Compatibility with Neighborhood Density:</b> The proposed subdivision incorporates design elements and lot sizes that are consistent with existing developments in the area, such as the Barkman Minor Subdivision and other residential lots along County Roads 13 and 13A. By maintaining a minimum lot size generally consistent with nearby subdivisions—ranging between 1 to 1.5 acres—the development promotes neighborhood compatibility and preserves the overall character of the area.</p> <p><b>4. Mitigation of Density Impact:</b> The development includes covenants that stipulate design standards, landscaping requirements, and a maximum building size to minimize visual impacts, ensuring that the development is aesthetically consistent with the local environment. Moreover, the subdivision will include additional open space, exceeding requirements, which further mitigates the potential impact of increased density.</p> <p><b>5. Preservation of Community Character:</b> The nature of the proposed covenants emphasizes the commitment to preserving the agricultural and natural character of the area. This aligns the development with the community's values and addresses concerns regarding potential sprawl and incompatible developments.</p> <p><b>6. Access to Services and Facilities:</b> The subdivision's design provides for individual access points from County Road 13 while allowing for the possibility of shared</p>
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		<p>driveways, thereby minimizing potential traffic impacts. The proximity to existing infrastructure increases accessibility and convenience for future residents, fostering a balanced integration into the community.</p> <p>In conclusion, the Barkman Subdivision meets and exceeds the criteria outlined in Section 10-103. The careful consideration of existing development patterns, robust infrastructure connections, and proactive environmental management demonstrates a commitment to sustainable growth and neighborhood cohesion. We respectfully request the Board of County Commissioners to approve this application, recognizing its alignment with the strategic planning goals of Gunnison County and its commitment to responsible residential development.</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 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 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><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>All future development will be required to meet LUR Section 11-105, as amended.</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 II Gunnison Sage Grouse Habitat.</p> <p><i>The proposed subdivision was referred to the Gunnison Conservation District on January 13, 2026 Comments:</i></p>

		Based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred.
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not applicable, not adjacent to a water body or wetlands.</p> <p><i>Staff Response: Staff requested a wetland delineation due to the mapped wetlands onsite. Applicant hired Creekside Angling &amp; Environmental to conduct multiple site visits, one on March 23, 2025 and one in early June 2025. Creekside Angling &amp; Environmental stated,</i></p> <p>“the wetland characteristics on this property are a direct result of the irrigation practices”.</p> <p><i>Full wetland delineation is on Citizen Access.</i></p> <p><i>Per Section 11-107.C.1.b wetlands and riparian areas created solely by normal and customary agricultural activities are exempt from the requirements of this section.</i></p>
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not on a ridgeline.
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: Parcel is adjacent to the Van Tuyl Ranch property, which is utilized for agricultural purposes. It is unlikely that residential development on the proposed subdivided parcels will impact that agricultural use. Irrigation ditches on the property will continue to be utilized for irrigation purposes. All ditches will comply with the irrigation ditch easement of at least 25’, per Section 15-103.6.a, as shown on the plat.</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 snowplow 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	No new roads are proposed as a part of this application. All future access points will be developed by future land owners. The proposed lots will be accessed from County Road 13, adding 4 additional access points off CR 13.

		<p><i>Staff Response: Each individual parcel will be required to apply for an access permit through Gunnison County Public Works to ensure they abide by road and bridge construction standards. ComDev Staff recognizes the Applicant has not had the opportunity to address Public Works comments prior to the work session.</i></p> <p><i>The proposed subdivision was referred to Gunnison County Public Works on January 13, 2026. Comments:</i></p> <p>The proposed subdivision is located on County Road 13, which is plowed and maintained by Gunnison County. The residence at 890 County Road 13 (lot 2) has a completed access review (AP-23-00068) from 8/10/23.</p> <ol style="list-style-type: none"> <li>1) Public Works has the following comments on LUC-25-00043:</li> <li>2) The proposed plat does not include the proposed access for each lot, therefore specific comments cannot be provided in regards to the access for the proposed subdivision.</li> <li>3) Each proposed lot would be required to obtain an access permit when the owner of the lot applies for an Access to Vacant Land-Land Use Change, an OWTS permit, or a Building Permit.</li> <li>4) If additional subdivision is proposed at this location in the future, Public Works would require that the applicant develop internal access to the lots rather than allowing additional access on County Road 13 or 14.</li> </ol> <p>The following are general comments related to the proposed subdivision:</p> <ol style="list-style-type: none"> <li>1) Public Works prefer to have any new access utilize the lowest classification road when possible. For Lot 6, Public Works would like to see the access use County Road 14 to reduce the number of potential access points on County Road 13.</li> <li>2) Lot 6 is located at the intersection of County Road 13 and County Road 14, so any access would need to be at least 100 feet from this intersection.</li> <li>3) The lots on the proposed plat appear to have building envelopes that would allow for residences that are located over 150 feet from County Road 13. Any access with an access longer than 150 feet will need to have an emergency services turnaround, which may require significant space on the lot.</li> <li>4) The area along County Road 13 where the proposed lots are located have extensive tree growth, so any future access permit</li> </ol>
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		<p>may require the removal of trees to establish adequate sight lines for the access and County Road 13.</p> <p>5) The site plan shows a 25-foot ditch easement across the potential access location for the newly proposed lots. Prior to approving the subdivision, it would be beneficial to all parties to verify with the ditch easement holder what type of access would be allowed across the ditch (i.e., culvert, bridge, no access, etc.).</p> <p>6) Gunnison County has a utility line (sewer) in the proposed subdivision, so any access construction will need to take this into account. (Easement attached)</p> <p>7) The road Right of Way for County Road 13 has not been identified on the plat. Public Works would like to see the formal designation of the Right of Way for this section of County Road 13 included on the plat.</p> <p>8) Lot 2 currently has 2 approved access points (AP-23-00068), so the addition of 3-4 more access points along County Road 13 in a relatively short distance is a concern.</p> <p>a) Public Works would suggest that the applicant consider establishing shared access for some or all of the lots to reduce the total number of access points on County Road 13. This approach may also help alleviate the need for each lot to have an emergency services turnaround, if the shared driveway is utilized for part of the emergency services turnaround and the future residences are not located too far from the shared access point.</p> <p>b) Alternately, a single access could be established on County Road 14 that serves all 4 lots and has a turnaround at the end. This could allow for better walking/biking access to Van Tuyl trails.</p> <p>9) The access for Lot 1 is longer than 150 feet, but does not appear to have adequate space for an emergency services turnaround. This may be a good opportunity for Lot 1 to make access improvements that would bring its existing access up to current Road and Bridge Standards to be consistent with the newly proposed lots.</p>
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, no trails proposed as part of this subdivision.
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</p>

		<p>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:B. CONNECTION TO EXISTING SYSTEMS. It is the policy of Gunnison County to encourage land use changes to use existing water supply systems</p> <p>SECTION 12-105:C. EXISTING SYSTEM NOT ACCESSIBLE. Where an existing water supply system approved by the Colorado Department of Public Health and Environment is not reasonably accessible or connection to it is not feasible, the applicant shall implement one of the following options:</p> <ol style="list-style-type: none"> <li>1. INSTALL WATER SUPPLY SYSTEM. Install a water supply system, with water lines to each lot, the design, construction, maintenance and operation of which complies with the County's regulations and with the standards of the Colorado Department of Public Health and Environmental Resources; or</li> <li>2.SUBMIT EVIDENCE OF ADEQUACY OF INDIVIDUAL SUPPLIES. Submit evidence satisfactory to the County that adequate individual water supplies that comply with the standards of the Colorado Department of Public Health and Environment and Gunnison County will be available to each lot in the proposed development. The County may refer the application to the Colorado Division of Water Resources for comments on the adequacy of the proposed supply.</li> </ol> <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>
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		<p>SECTION 12-106:G. WELL TESTING. When a central well or wells are proposed for the water supply, a well shall be constructed on the proposed development site and tested for its capability to provide a consistent and dependable water source in quantity and quality sufficient to serve the proposed use(s). The well shall be installed, tested and monitored as follows:</p> <p><i>Staff Response: The applicant proposes individual wells on the lots and has indicated that they will work with the Upper Gunnison River Water Conservancy District to contract for augmentation water purchase. Staff has directed applicant to pause work on well testing until after referral.</i></p> <p><i>The proposed subdivision was referred to the Colorado Division of Water Resources on January 13, 2026. Comments:</i></p> <p>The proposed water supply appears to be individual on lot wells, including the well constructed under permit no. 159197. Permit no. 159197 was issued on January 15, 1991 pursuant to section 37-92-602(3)(b)(I), Colorado Revised Statutes (C.R.S.) for fire protection, ordinary household purposes inside one (1) single-family dwelling, the irrigation of 10,000 square-feet of home lawns and gardens, and the watering of domestic animals. The well is currently used for a residence and boarding 2-4 horses. <b>As permitted, the well cannot be used for horse boarding.</b></p> <p>Additionally, section 37-92-602(3)(b)(III), C.R.S. requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. <b>Therefore, well no. 159197 and any new wells on the lots must be included in an augmentation plan, re-permitted as a monitoring well, or must be plugged and abandoned, since the provisions of section 37-92-602 which allowed for issuance of the well permits will no longer apply.</b></p> <p>No information was provided concerning the physical adequacy of the water supply. As stated in section 30-28-133(3)(d), C.R.S., the Applicant is required to submit “Adequate evidence that a water supply that is sufficient in</p>
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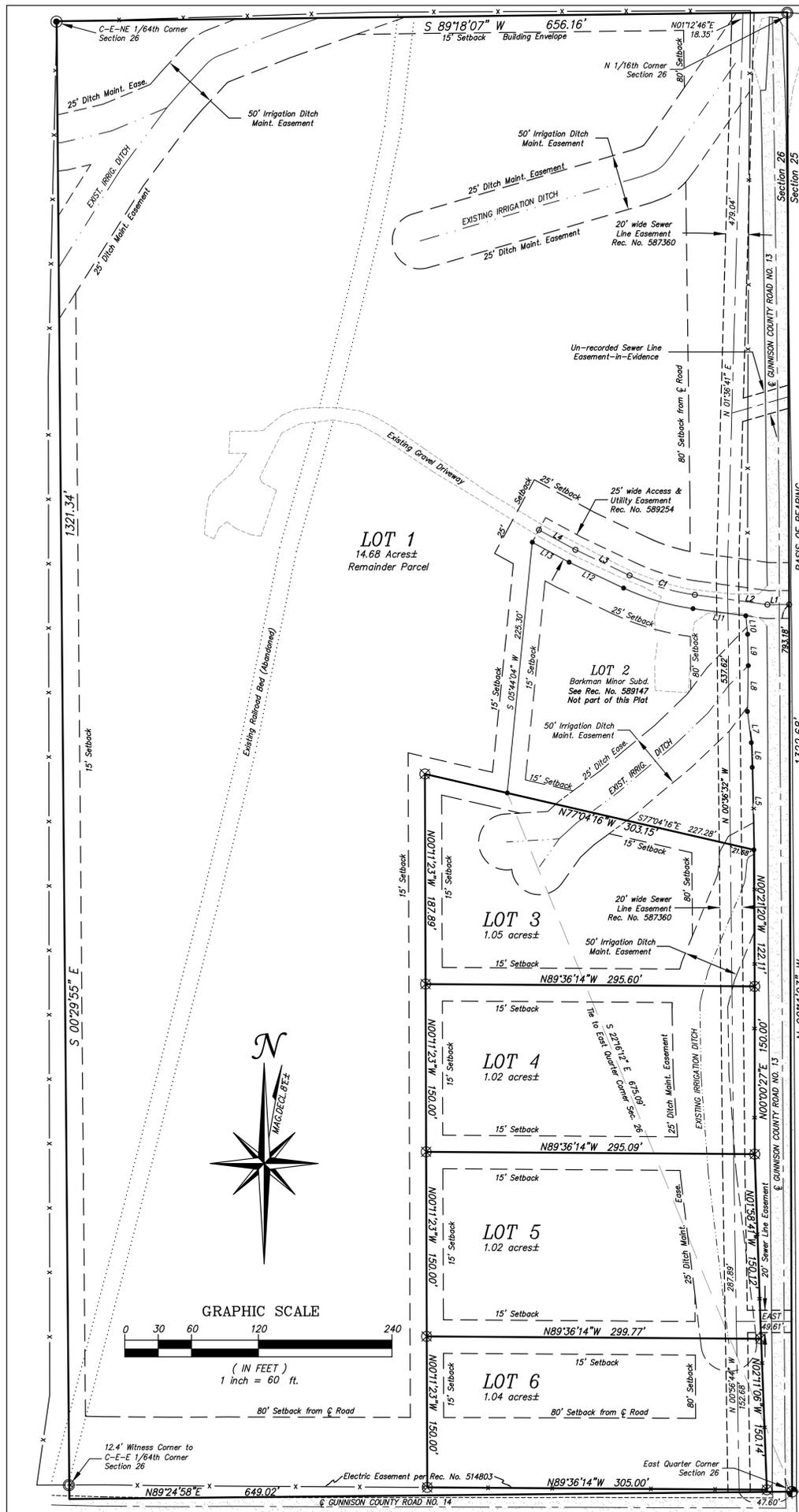
		<p>terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed.” Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses quality, quantity, and dependability issues. A report of this nature was not provided. Evidence can be provided in the form of a well pump test report for an existing well prepared by a well contractor. We recommend a minimum 4-hour test where water levels are recorded over timed intervals during pumping and then after to determine the recovery rate.</p> <p>Based on the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., the State Engineer provides the opinion that <b>the proposed water supply will cause material injury to decreed water rights unless the Applicant provides the following:</b></p> <ol style="list-style-type: none"> <li>1) Completed form no. GWS-76 or a summary of the proposed water uses and estimated water demands for the subdivision.</li> <li>2) A legal water supply that is adequate to provide for the proposed uses and demands of the subdivision and will not cause material injury to existing water rights. Specifically, the Applicant must provide: <ol style="list-style-type: none"> <li>a) Evidence that the proposed water supply is sufficient in terms of quality, quantity, and dependability, as described above.</li> <li>b) Identification of the court-approved augmentation plan under which the wells, including well no. 159197, will operate. If well no. 159197 will not be included in an augmentation plan, the Applicant must clarify whether it will be re-permitted as a monitoring well or plugged and abandoned upon subdivision approval.</li> </ol> </li> </ol>
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</p>

		<p>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>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>SECTION 12-106: D. EXISTING SYSTEM NOT ACCESSIBLE. Where an existing wastewater treatment system approved by the Colorado Department of Public Health and Environment is not reasonably accessible or connection to it is not feasible, the applicant shall, at the discretion of the decision-making body, implement either of the following options:</p> <ol style="list-style-type: none"> <li>1. INSTALL WASTEWATER TREATMENT SYSTEM. Install a wastewater treatment system, with sewage collection lines to each lot, the design, construction, maintenance and operation of which complies with the County's regulations and with the standards of the Colorado Department of Public Health and Environment; or</li> </ol> <p><i>Staff Response: All parcels will connect to the existing sewer line, which runs adjacent to the parcel. Future parcel owners will be responsible for connecting to the sewer line at time of development.</i></p>
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 12-107:A APPLICANT SHALL CONTACT FIRE PROTECTION DISTRICT</p> <p><i>Staff Response: All development will need to be referred to and reviewed by Gunnison County Fire Protection District to ensure it meets current standards at time of building permit.</i></p> <p><i>The proposed subdivision was referred to the Gunnison County Fire Protection District on January 13, 2026. No comments received.</i></p>

<p>13-102: B.: Location within municipal three-mile plan area</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>SECTION 13-102:B DEVELOPMENT SHALL CONSIDER MUNICIPAL THREE MILE PLANS. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal Three-Mile Plan.</p> <p><i>Staff Response: Although the SAR do not directly apply to this application, the parcel lies within the City's municipal three-mile area, and therefore the review should consider Section 13-102:B. In accordance with this section, development within a three-mile plan area must demonstrate how it aligns with the objectives and policies of the applicable municipal Three-Mile Plan. The Planning Commission may evaluate the proposal in this context, and consider any relevant intergovernmental agreements. If submitted post-GAP/SAR adoption, smaller lots and water connection would be required.</i></p> <p><i>The proposed subdivision was referred to Gunnison County Public Works on January 13, 2026. Comments:</i></p> <p>The City and County are in agreement that the requirements and standards of The Gunnison Area Plan, and related IGA, and SAR documents do not apply to project applications submitted prior to their effective date, and this application will be processed with the regulations in place at the time the application was accepted by the County.</p> <p>We should ensure it is clearly communicated to the applicants that they may opt-in to the new regulations at their request. This would ensure compatibility of any future phases of their project with the new regulations. The City of Gunnison Community Development Department does not have additional comments to submit regarding this application.</p>
<p>13-103: General Site Plan Standards And Lot Measurements</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <p>SECTION 13-103:D.3 LOT SIZE IN NEW SUBDIVISIONS. In residential subdivisions created after the effective date of this</p>

		<p>Resolution, the minimum lot size shall be no smaller than one acre unless served by a public waste-water treatment system.</p> <p>SECTION 13-103:C SITE-SPECIFIC BUILDING ENVELOPES. To assure compliance with the standards of Article 11: Resource Protection Standards and this Article, designation of site-specific building envelopes on site plans shall be required for all Land Use Change Permit applications, including those for Building Permits.</p> <p><i>Staff Response: Each proposed lot is above 1-acre, however, as the lots will be served by the sewer line, they can be smaller. Building envelopes are shown on the plat.</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>Not 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 LUR states that front setbacks must be 25 feet, and side setbacks must be 15 feet. All future development will be required to meet County setbacks. The building envelopes on the proposed plat ensure that future development will abide by the 25' front and 15' side and rear setbacks.</i></p>
13-105: Residential Building Sizes And Lot Coverages	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not applicable.</p> <p><i>Staff Response: All future development will abide by the standards laid out in Section 13-105 at time of Building Permit.</i></p>
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, 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	<p>Applicable.</p> <p>SECTION 13-119:A GENERAL. Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <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, especially considering the neighboring parcels are similar residential use.</i></p>



**ATTORNEY'S OPINION**

I, Robert M. O'Hayre, 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 Jesus Lopez Rodriguez, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

- All reservations and exceptions as set forth in United States Patent recorded October 18, 1937 in Book 235 at page 475.
- Mineral reservation contained in Warranty Deed from Redden Ranches Inc., a Colorado corporation to Flying E Ranch Co., a Colorado corporation recorded August 19, 1975 in Book 488 at page 151, and any and all assignments thereof or interests therein.
- Access Agreement from Rebecca Jo Barkman to The Trust for Public Land as set forth in instrument recorded November 3, 1992 in Book 714 at page 796.
- Board of County Commissioners of Gunnison County Ordinance No. 7 establishing a mosquito control area and assessments recorded April 12, 1995 in Book 762 at page 359.
- Easement and Right of Way granted to Gunnison County Electric Association, Inc. as set forth in instrument recorded October 4, 2001 as Reception No. 514803; and any and all assignments thereof or interests therein.
- Grant of Perpetual Easement to the Board of County Commissioners as set forth in instrument recorded October 30, 2008 as Reception No. 587360.
- Terms, conditions, and restrictions as contained in Gunnison County Planning Commission Certificate of Administrative Review, Certification No. 1 Series 2009, recorded February 19, 2009 as Reception No. 589120.
- All easements, exceptions, dedications, reservations, ditches, building envelopes, and notes as set forth on the Plat of Barkman Minor Subdivision recorded February 23, 2009 as Reception No. 589147.
- Covenants, conditions, and restrictions as set forth in Declaration of Protective Covenants for Barkman Subdivision recorded February 23, 2009 as Reception No. 589148; together with any modifications or amendments thereto.
- Terms, conditions, obligations or restrictions as set forth in Board of County Commissioners Resolution No. 8 Series 2009 approving land use change, recorded February 23, 2009 as Reception No. 589169.
- Terms, conditions, obligations or restrictions as set forth in Easement Deed and Agreement recorded February 27, 2009 as Reception No. 589254.
- Any easements, encumbrances or liens not shown by the public records.
- Taxes and assessments for 2025 that are due and payable in 2026.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025.

Robert M. O'Hayre, Reg. No. 21998  
LAW OFFICE OF ROBERT M. O'HAYRE, LLC  
120 North Taylor St., P. O. Box 179  
Gunnison, CO 81230  
Telephone: (970) 641-3326

**LAND SURVEYOR'S STATEMENT**

I, STEPHEN L. JESSOE, 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 BARKMAN SUBDIVISION - FILING No. 2 as laid out, platted and dedicated and shown hereon, was made by me and under my supervision. Furthermore, this Plat 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.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025.



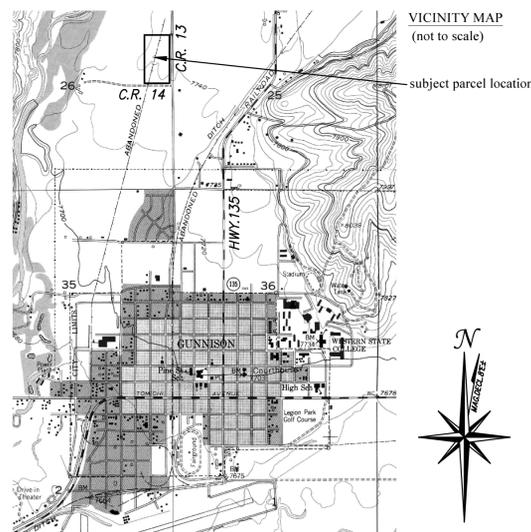
Stephen L. Jessoe  
Colorado Licensed Professional Land Surveyor No. 38048  
All County Survey, Inc.  
P.O. Box 7164, Gunnison, CO 81230

LINE	LENGTH	BEARING
L1	19.55'	N89°48'37"E
L2	65.73'	N82°20'04"W
L3	53.72'	N84°44'13"W
L4	37.29'	N61°34'18"W
L5	73.78'	N01°2'03"W
L6	22.06'	N01°54'20"W
L7	28.05'	N07°09'45"W
L8	41.03'	N00°59'44"E
L9	28.04'	N01°10'07"W
L10	16.62'	N05°48'32"W
L11	47.78'	N82°20'04"W
L12	54.07'	N84°44'13"W
L13	37.63'	N61°34'18"W

**LEGEND**

- Found 2" aluminum cap monument, illegible
- Found 1" aluminum cap monument, illegible
- Found steel t-post with 1" disc, "L.S. 11250"
- Found rebar & plastic cap monument, L.S. 38048
- Set No.5 rebar & plastic cap monument, L.S. 38048
- Existing sewer manhole
- Existing fence

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DIST.
CI	61.43'	200.00'	17°35'51"	N73°32'09"W	61.19'
C2	65.27'	212.50'	17°35'51"	S73°32'09"E	65.01'



**DEDICATION**

I, Jesus Lopez Rodriguez, being the owner of the land described as follows:

Lot 1, Barkman Minor Subdivision, County of Gunnison, State of Colorado,

under the name of BARKMAN SUBDIVISION - FILING No. 2, have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads, and other areas shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

The real property laid out as BARKMAN SUBDIVISION - FILING No. 2, Gunnison County, Colorado, is platted and dedicated pursuant to the terms and conditions of the First Amendment to Covenants of BARKMAN MINOR SUBDIVISION, dated \_\_\_\_\_, 2025 and recorded \_\_\_\_\_, 2025, at Reception No. \_\_\_\_\_ of the official records of Gunnison County, Colorado.

In witness whereof, Jesus Lopez Rodriguez has subscribed his name this \_\_\_\_ day of \_\_\_\_\_, 2025

By \_\_\_\_\_  
Jesus Lopez Rodriguez

State of Colorado )  
) s.s.  
County of Gunnison )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025, by Jesus Lopez Rodriguez.

My commission expires: \_\_\_\_\_  
My address is: \_\_\_\_\_

Witness my hand and official seal:

Notary Public \_\_\_\_\_ (seal)

**SURVEY NOTES**

- Boundary lines are based on the Plat of the E1/2 SE1/4 NE1/4, Section 26, T50N, R1W, NMPM, dated December 31, 1986 and recorded November 3, 1992 at Book 714 page 796; and the Plat of Barkman Minor Subdivision recorded February 23, 2009 at Reception No. 589147 of the records of Gunnison County, Colorado.
- Basis of Bearing is based on a bearing of N0°11'23"W between monuments found at the southeast and northeast corners of E1/2 SE1/4 NE1/4 Sec. 26, T50N, R1W, NMPM, according to said Plat recorded at Book 714 page 796.
- Land description, easements, encumbrances, and/or restrictions (where capable of being shown hereon) are based solely on Gunnison County Abstract Title Commitment No. GS25-9 dated March 11, 2025. This Plat does not constitute a title search by this surveyor. Additional easements and encumbrances may exist.
- Dimensions are in U.S. Survey Feet, ground distance.
- The subject parcel is located within Gunnison County and is subject to Gunnison County's amended Land Use Resolution (LUR) currently in effect.
- Building Setbacks are shown. Please refer to Gunnison County's amended Land Use Resolution (LUR) for more information.

**PLAT NOTES**

- Any person who acquires any interest in any of the real property platted on this Plat shall be deemed to have accepted the terms, conditions, exceptions, restrictions, limitations and definitions set forth hereon.
- Notice: 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 certification shown hereon.
- Upon completion of the installation or maintenance of any utilities, the property disturbed or damaged by such installation or maintenance shall be restored as near as reasonably possible to its original condition.
- Domestic 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 responsible association or individual.
- C.R.S. Section 35-46-101 et. seq. requires the land owner to construct & maintain fencing to keep livestock off the subject property.
- 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.

**GUNNISON COUNTY PLANNING COMMISSION APPROVAL**

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 this \_\_\_\_ day of \_\_\_\_\_, 2025.

By \_\_\_\_\_  
Chairperson, Gunnison County Planning Commission

**ATTEST:**

Gunnison County Clerk and Recorder

**BOARD OF COUNTY COMMISSIONERS' APPROVAL**

The within Plat of BARKMAN SUBDIVISION - FILING No. 2 is approved this \_\_\_\_ day of \_\_\_\_\_, 2025, 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 lot owners and not by Gunnison County or any other public agency, Gunnison County Roads Nos. 13 & 14 excepted.

By \_\_\_\_\_  
Chairperson, Gunnison County Board of Commissioners

**ATTEST:**

Gunnison County Clerk and Recorder

**COMPLIANCE WITH BOCC RESOLUTION**

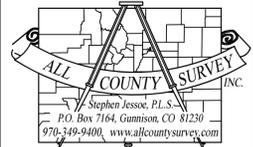
The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. \_\_\_\_\_, recorded at Reception No. \_\_\_\_\_ of the Official Records of the Clerk and Recorder of Gunnison County.

**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 \_\_\_\_\_, 2025.

Reception Number \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_

Gunnison County Clerk and Recorder



This draft is the exclusive property of All County Survey. All County Survey disclaims any liability regarding the accuracy of the matters shown hereon. Any use, distribution, or recording of this draft without the Surveyor's prior written consent is strictly prohibited.

PLAT of BARKMAN SUBDIVISION - FILING No. 2  
LOCATED in E1/2 SE1/4 NE1/4 SEC.26, T50N, R1W, NMPM  
COUNTY of GUNNISON, STATE of COLORADO

SCALE: 1" = 60'

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: 19 June 2025

DRAWN BY: SLJ

REVIEWED BY: SLJ

**REVISIONS:**

- 1.
- 2.
- 3.
- 4.
- 5.

PLAT of BARKMAN SUBDIVISION - FILING NO. 2  
in E1/2 SE1/4 NE1/4 SEC.26  
T50N, R1W, NMPM  
GUNNISON COUNTY, COLORADO

**To: Gunnison County Planning Commission**  
**From: Hillary Seminick, Planning Director**  
**Date: February 9, 2026**  
**Meeting Date: February 19, 2026**  
**Re: Work Session | Petrus Holdings Inc. | Request to Amend LUR Section 13-107:  
*Installation of Solid Fuel Burning Devices***

**I. Request**

The Applicant, Petrus Holdings, Inc., represented by Smith Law Firm PC, has submitted a request (Exhibit A. *Application*) to amend the Gunnison County Land Use Resolution (LUR) Section LUR 13-107: *Installation of Solid Fuel Burning Devices* pursuant to LUR Section 11-113: *Amending this Land Use Resolution, et. seq.*

Gunnison County currently limits the number of Solid Fuel Burning Devices (“device”), commonly referred to as “wood stoves”, to two EPA-approved devices per single family residence. Multiple Family Residential are limited to two devices per building. Solid Fuel Burning Devices are limited to one device per single family residence and one device per Multiple Family Residential building within three miles of the Town of Crested Butte and Mt. Crested Butte.

The Applicant has proposed an amendment to LUR Section 13-107:C *Limitation of Devices* to include a standard that creates an exception to this standard that allows for three or more Solid Fuel Burning Device per residential unit for “Religious or Communal Households.”

**Current Language:**

LUR Section 13-107:C. *LIMITATION ON NUMBER OF DEVICES.*

1. *SINGLE FAMILY RESIDENCES. Any single-family residential structure, manufactured home, or a mobile home located outside of a mobile home community, for which a Building, Manufactured Home or Mobile Home Permit is issued after the effective date of this Resolution shall be allowed to install two approved solid-fuel-burning devices per single family residence. A mobile home located within a mobile home community shall be limited to the installation of one approved solid fuel-burning device per mobile home.*

2. *MULTIPLE-FAMILY RESIDENCES, HOTELS, COMMERCIAL AND INDUSTRIAL BUILDINGS. No solid-fuel burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that two approved solid-fuel-burning devices may be installed per building.*

**Proposed Amendment**

The Applicant has proposed the following standards in addition to the existing language of LUR Section 13-107: C. *Limitation on Number of Devices.*

**13-107.C.3 RELIGIOUS OR COMMUNAL HOUSEHOLD EXCEPTION.**

*The Board of County Commissioners may approve the installation of more than two (2) approved solid fuel-burning devices within a single residential structure occupied by a religious community, monastic order, or communal household, when the following standards are met:*

- (a) the structure functions as one residential unit under the adopted Building Code;*
- (b) the residents live as a single household, with shared governance, shared meals, or a shared daily routine;*
- (c) each sleeping quarter is limited to one EPA-certified solid fuel-burning device;*
- (d) the structure is larger than 5,000 sq. ft. or the aggregate of all structures is larger than 7,000 sq. ft.; and*
- (e) the applicant demonstrates that compliance with the two-device limitation of this Section is not feasible given the structure's layout, location, number of individual sleeping quarters, or functional program, and that the additional devices are the minimum necessary to afford relief while maintaining compliance with all other applicable standards of this Resolution.*

**13-107.C.4 FEE.**

*Each solid fuel-burning device approved in excess of two (2) stoves, pursuant to 13-107.C.3, shall be subject to an administrative fee to be determined by the Community Development Director.*

**II. Authority**

Pursuant to Section 1-113:B.1(d), a property owner may initiate an amendment to the LUR by submitting an application with "precise wording of the amendment" and rationale for the proposed amendment including the "purpose and need" of the amendment, included as *Exhibit A. Application*.

The Planning Commission shall review the amendments and provide a recommendation to the BOCC, who may approve the proposed amendments by resolution. The proposed amendments shall be reviewed for compliance with LUR Section 1-113: C. *Review Standards*. Staff has included both the Applicant and Staff responses to applicable standards to allow for the Commission to consider both positions side by side. The need and purpose for the proposed amendment provided by the Applicant can be found in *Exhibit A. Application*.

**III. Applicable Standards of the Gunnison County Land Use Resolution**

An application for an amendment to the Land Use Resolution shall comply with Section 1-13:C. *REVIEW STANDARDS*, which states: "The decision to amend the text of this Resolution is at the legislative discretion of the BOCC and is not controlled by any one factor. The BOCC shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study or deny it":

**1. CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY. Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;**

Applicant response: A response was not provided.

Staff response: The BOCC Gunnison County Strategic Plan<sup>1</sup> is updated biannually and identifies specific goals and measures for Gunnison County. These goals align with those identified in the One Valley Prosperity Project and One Valley Resiliency Roadmap (OVRP) and informed by the Gunnison County

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<sup>1</sup> <https://gunnisoncounty.org/DocumentCenter/View/12920/Gunnison-County-Strategic-Plan-as-of-Jun-2024>, February 9, 2026

Community Health Coalition’s State of the Community report. The Strategic Plan includes Environmental Protection goals, including:

*3. By December 31, 2030, Gunnison County will work to reduce energy use impacts and lower greenhouse gas emissions by 50% from 2005 levels, thereby improving air quality and addressing climate change as evidenced by:*

*a) Average EUI (energy use intensity) of commercial and residential buildings will continue to decrease as measured biannually in the County’s Greenhouse Gas Inventory.*

Energy Use Intensity (EUI) measures a building’s energy efficiency by dividing its total annual energy consumption in BTUs<sup>2</sup> by gross floor area. The EPA Certified Wood Stove Database includes an index of the BTU for each device and the lowest range for a Certified wood burning device is 10,665-15,906 BTUs per hour<sup>3</sup>. The Applicant has indicated a need for at least 24 wood-burning devices within a single structure, which significantly exceeds the current two-device limitation on page 3 of the *Application*. This would significantly increase the BTUs and emissions for a single structure and is counter to this Strategic Plan goal.

The One Valley Resiliency Roadmap<sup>4</sup> identifies the following shared community goal for the Gunnison Valley “Advance Climate Action & Environmental Resiliency”. This goal identifies the prioritization of reducing air pollution through land use decisions (pg. 60). The cumulative impact of multiple wood burning devices, regardless of EPA Certification, will increase emissions and have a negative impact on the goal of reducing air pollution.

2. CHANGED CONDITIONS. Changed conditions, including the economy of Gunnison County;  
Applicant response: A response was not provided.

Staff response: Staff is not aware of any changed economic or demographic conditions in Gunnison County that would necessitate modification of the existing limitation on solid fuel-burning devices.

3. EFFECT ON THE NATURAL ENVIRONMENT. Effect of the proposed amendment on the natural environment;

Applicant response: The Proposed Amendment would have no negative impact on the natural environment. EPA-certified solid fuel-burning stoves burn clean, and use of the stoves would prevent the need for large-scale consumption of fossil fuels at the Whetstone Ranch. The amendment would also eliminate the need for regular deliveries of propane to the property via large trucks, which can cause damage and erosion to public roads.

Staff response: The applicant has asserted that EPA Certified devices “burn clean” without providing emissions modeling, cumulative PM2.5 (inhalable particulate matter) analysis, or a comparative analysis to propane or alternative technologies. Without this evidence it is difficult to demonstrate that there is not a negative effect on the natural environment. Further, the proposal does not provide the analysis noted in the Application that the project’s engineers and design team have found that “heat generated by propane and electric are not workable” (page 3). The proposal does not identify analysis of other

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<sup>2</sup> British Thermal Unit

<sup>3</sup> <https://cfpub.epa.gov/oarweb/woodstove/index.cfm?fuseaction=app.search>, February 9, 2026

<sup>4</sup> <https://co-gunnisoncounty.civicplus.com/DocumentCenter/View/13988/OVRR-Final-Plan-10-20-23?bidId=>

heating systems that have demonstrated success in Gunnison County. Geothermal systems, also known as ground source heat pumps, are highly efficient heating and cooling systems<sup>5</sup>.

EPA Certified devices are certified to ensure they do not exceed an established emissions limit of particulate contaminants (PM<sub>2.5</sub>) per hour into the atmosphere. These limits are currently 4.5 grams per hour (g/h) for devices verified after 2015. For those verified after 2020, the devices 2.0g/h if tested with crib wood, and 2.5 g/h if tested with cord wood.

The certification of a device does not mean that the device is not subject to failure. The EPA Office of the Inspector General conducted an evaluation of the EPA woodstove certification program<sup>6</sup>, noting that the program is an “ineffective residential wood heater program (that) puts human health and the environment at risk for exposure to dangerous fine-particulate matter pollution by allowing sales of wood heaters than may not emission standards.” The report does not ensure proper testing and certification. The EPA 2015 New Source Performance Standards used to evaluate devices are flawed, methods that lack clarity and the methods used are too flexible. This results in certification tests that may result in wood stoves that emit excessive particulate pollution (PM<sub>2.5</sub>). Some certified devices were found not to meet emission standards in independent testing.

The current limit on devices is to reduce the gross emissions of contaminants into the atmosphere within unincorporated Gunnison County. Allowing for increased devices will lead to increased grams per hour of particulate emissions released into the atmosphere, which is inconsistent with the following sections of the Gunnison County Land Use Resolution:

- Section 1-103:A.1: *Promote Health, Safety, General Welfare and the Environment*
- Section 1-103:D.1: *Maintain Environmental Quality*
- Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Wildlife Resources*

4. COMMUNITY NEEDS. Community needs;

Applicant response: A response was not provided.

Staff response: There is no apparent community need for this amendment.

5. DEVELOPMENT PATTERN. Development pattern;

Applicant response: A response was not provided.

Staff response: The proposed standard provides exceptions for religious or communal households, specifically:

*13-107.C.3 RELIGIOUS OR COMMUNAL HOUSEHOLD EXCEPTION.*

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<sup>5</sup> <https://www.gunnisoncounty.org/949/Sustainability> February 9, 2026

<sup>6</sup> EPA Office of Inspector General (OIG) Report No. 23-E-0012: “The EPA’s Residential Wood Heater Program Does Not Provide Reasonable Assurance that Heaters Are Properly Tested and Certified Before Reaching Consumers.” February 28, 2023.

*The Board of County Commissioners may approve the installation of more than two (2) approved solid fuel-burning devices within a single residential structure occupied by a religious community, monastic order, **or communal household**, when the following standards are met:...(b) **the residents live as a single household**, with shared governance, **shared meals, or a shared daily routine; (Emphasis added)***

“Communal household” is not defined, rather, relies on residents that live as a single household that have either “shared meals, or a shared daily routine”. Demonstrating compliance with this standard would rely solely on the representation of an applicant that it meets the standards of a “communal household”, which creates enforcement and interpretation challenges. The number of residents “living as a single household” is not established, and it could be argued that a family, couple, or unrelated persons meet the threshold of a “communal household” where they either “share meals” or routine. LUR Section 13-105:D.2 *Maximum Building Size and Maximum Aggregate of All Structures* currently limit a single residential structure to 5,000 sq. ft. and the aggregate floor area to 7,000 sq. ft.; however, there are currently exemptions to these floor area limitations pursuant to:

- LUR Section 1-106:B *Development on Individual Lots in Subdivisions Approved by Gunnison County Before the Effective Date of this Resolution*,
- LUR Section 1-106:C *Development On Individual Tracts In Exempt 35-Acre Tract Developments Existing With Identified Building Envelopes Before January 1, 2000, That Had Protective Covenants Recorded Before July 1, 2000*,
- LUR Section 1-106:D *Development On Individual Tracts In Exempt 35-Acre Tract Developments Existing Before January 1, 2000, That Had Protective Covenants Recorded Before July 1, 2000 That Specifically Approved A Maximum Individual Structure Size Or Maximum Aggregate Structure Size That Would Normally Require Minor Impact Project Review Pursuant To Section 13-105: E.*

In addition to these exemptions, there are pre-existing structures that would be potentially eligible to apply for this exception to the limitation on these devices. The proposal applies to structures over 5,000 sq. ft. and if adopted, it could incentivize larger single structures in order to qualify for additional devices.

**6. CHANGES IN APPLICABLE LAW. Changes in applicable law;**

Applicant response: A response was not provided.

Staff response: The proposed standards require staff to determine whether residents live as a “single household”, if governance, meals, or daily routines are sufficiently shared, and if additional devices are the “minimum necessary”. These are subjective determinations that could create inconsistent enforcement and potentially run afoul of applicable law.

One potential legal issue here arises under the Equal Protection Clause of the United States Constitution. The Equal Protection clause prohibits a government from intentionally treating an individual or group differently “in comparison to other persons who are similarly situated” where such “singling out . . . lacked a legitimate governmental purpose” and was done “without a rational basis.” See *Zerba v. Dillon Cos.*, 2012 COA 78, ¶ 11, 292 P.3d 1051, 1055. “The Equal Protection Clause does not guarantee nor suggest that the law may never draw distinctions between individuals, nor does it provide a safeguard against arbitrary or unlawful governmental action like the Due Process Clause; rather, it requires there be some rational reason for the distinction.” *Heartland Biogas, LLC v. Bd. of Cty. Comm'rs*

*of Weld Cty.*, Civil Action No. 16-cv-03183-RM-NYW, 2017 U.S. Dist. LEXIS 139264, at \*47-48 (D. Colo. Aug. 30, 2017). Here, staff is struggling to understand both the legitimate governmental purpose and the rational basis for the proposed amendment. Accordingly, creating a stove exemption tied to religious occupancy or communal households could implicate Equal Protection concerns in relation to similarly situated properties.

In addition to Equal Protection concerns, staff has concerns regarding the proposed “administrative fee”:

*13-107.C.4 FEE.*

*Each solid fuel-burning device approved in excess of two (2) stoves, pursuant to 13-107.C.3, shall be subject to an administrative fee to be determined by the Community Development Director*

The Applicant has not proposed a fee amount, rather, proposes to delegate this determination to the Community Development Director. Nor does applicant suggest the purpose of the fee, leading staff to conclude that the fee is not for the purpose of administering the proposed rule change but as an impact fee. If that is indeed the case, the proposed fee does not appear to meet the legal thresholds to establish a fee pursuant to Colorado Revised Statutes § 29-20-104.5<sup>7</sup>.

Under this law, impact fees can be imposed where they are legislatively adopted, generally applicable to a broad class of property, and intended to defray the projected impact on capital facilities caused by the proposed development. *See id.* For the purposes of this statute, term “capital facility” means any improvement or facility that: Is directly related to any service that a local government is authorized to provide; has an estimated useful life of five years or longer; and is required by the charter or general policy of a local government pursuant to a resolution or ordinance. *See id.*

Presuming that the fee proposed by applicant is an impact fee, staff identifies the following potential issues:

- The Applicant has not identified a fee amount relative to the impact;
- The proposed standard only applies to those properties that receive approval for three (3) or more solid fuel burning devices, bringing into question if the fee is “generally applicable to a broad class of property”;
- The Applicant has not identified a “capital facility” that will benefit from the proposed fee.

Accordingly, the proposed fee mechanism may not meet statutory requirements for impact fees under CRS §29-20-104.5.

*7. PUBLIC HEALTH, SAFETY AND WELFARE. Public health, safety and welfare:*

Applicant response: The Proposed Amendment would promote public health, safety, and welfare. Wildfires are a concern in this region of Gunnison County. This concern was confirmed with the Lowline Fire of 2023. Additional solid fuel-burning stoves would allow the hermits to effectively thin the forest of

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<https://advance.lexis.com/documentpage/?config=014FJAAyNGJkY2Y4Zi1mNjgyLTRkN2YtYmE4OS03NTYzNzYzOTg0OGEKAFBvZENhdGFsb2d592qv2Kywlf8caKqYROP5&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A61P5-WWT1-DYDC-J17Y-00008-00&pdcontentcomponentid=234176&pdteaserkey=sr1&pditab=allpods&ecom=6s65kkk&earg=sr1&crd=2dcb5f5f-2fb5-4b42-b002-c2c4de9c9002>, February 9, 2026

deadfall, unhealthy, and dense trees then store within the basement of the Hermitage House such firewood. Such dangerous fuels would be safely disposed of via heating, which would protect the Whetstone Ranch and surrounding properties because of the fire mitigation efforts. The highly fire-resistant nature of the Hermitage House's design would also not create or pose any additional fire risks if additional solid fuel-burning stoves are installed in the residence. The Hermitage House is designed to be made of concrete, stone, and other fire-resistant materials.

Staff response: The Applicant argues additional stoves promote fire mitigation (page 4). This assertion does not account for an increased number of combustion devices which in turn increases the number of ignition sources. The proposal would require storage of large quantities of firewood, which increases fuel load. The claim that burning wood equals mitigation does not substitute for a wildfire mitigation plan developed with the [West Region Wildfire Council](#). Wildfire mitigation and timber thinning can occur without installing a single wood burning device. The [2025 Colorado Wildfire Resiliency Code](#) requires ignition-resistance exterior building materials, and shall be adopted by Gunnison County by April 1, 2026.

The proposal appears inconsistent the purpose of LUR Section 13-107: *Installation of Solid Fuel Burning Devices*. The current two-device cap was adopted to address air quality and public health impacts associated with solid fuel burning. Even EPA-certified stoves produce particulate matter, especially in high-elevation valleys prone to inversions. Allowing potentially 24 or more devices, one per 171 sq. ft. sleeping cell for 24 hermits, described on pages 2-3 of the Application, materially increases cumulative emissions. The amendment would weaken LUR standards intended to protect and enhance public health in favor of a project-specific accommodation.

The proposed amendment appears to conflict with [CRS Title 25, Article 7](#). *Air Quality Control*, also known as the *Colorado Air Pollution Prevention and Control Act*. The Legislative Declaration [CRS 25-7-102](#) outlines the purpose of the statute to "to be the policy of this state to achieve the maximum practical degree of air purity in every portion of the state" in addition to several air quality goals. In [CRS 25-7-401](#), the general assembly declared it is of "...interest of the state to control, reduce, and prevent air pollution caused by wood smoke". Part 4 of Article 7 establishes rule-making for wood stoves and [CRS 25-7-411](#) outlines the general assembly's findings of the relationship between air pollution, wood smoke and the purpose and need to regulate wood smoke within the State of Colorado. The language specifically states:

- (1) **The general assembly hereby finds, determines, and declares that air pollution in the state of Colorado is a threat to the health and welfare of its citizens and that a major contributor to said pollution is wood smoke, which accounts for twenty-five to forty percent of the brown cloud, fifteen to thirty percent of small particulate matter, hereafter referred to as PM 10, up to ten percent of carbon monoxide, and a portion of toxic, cancer-causing chemicals.**
- (2) **The general assembly further finds, determines, and declares that PM 10 particulates created by wood burning threaten the public health in that said particulates are so small that they lodge in persons' lungs and inhibit the body's pulmonary function. Such pollutant is particularly damaging to persons with lung disease, cardiovascular disease, and chronic upper respiratory conditions, to the very young and elderly, and to pregnant women. The brown cloud is a threat to the economic health of the state because it discourages businesses and tourists from coming to Colorado. Wood burning is one of the most easily controllable sources of air pollution. New technologies can dramatically reduce pollution caused by wood burning. In addition, the reduction of wood burning can reduce the amount of fine particulate emissions into the air.**

(3) *Therefore, the general assembly finds that it is necessary to implement a plan to further reduce wood smoke emissions in the AIR program area and, therefore, enacts sections 25-7-411 to 25-7-413 to encourage and **promote the reduction of wood-burning devices** and the use of less polluting devices by taking advantage of new technology. (**Emphasis added**)*

8. COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY. Compliance with any applicable intergovernmental agreements adopted by Gunnison County.  
Applicant response: A response was not provided.

Staff response: There are not any applicable Intergovernmental Agreements for the proposed regulations; however, LUR Section 13-107:D limits the number of devices within three miles of the towns of Crested Butte and Mt. Crested Butte. While the subject property is five miles from the Town of Crested Butte's southern boundary, the proposed exemption would apply to the entire county, inclusive of this specified area.

#### **IV. Summary and Request of the Planning Commission**

Summary of Key Policy and Legal Considerations

- Potential for significant increase in cumulative PM2.5 emissions.
- Inconsistency with County Strategic Plan and air quality goals.
- Undefined and subjective eligibility criteria.
- Possible Equal Protection implications.
- Questionable legal authority for proposed fee.

Staff requests that the Planning Commission determine if the draft regulations meet the standards of LUR Section 1-113: C. *Review Standards* and provide a recommendation to the BOCC. A written recommendation document is not required at a work session, so one has not been provided.

#### **V. Exhibits**

- A. Application



NATE@TELLURIDEFIRM.COM 970-369-9070 P.O. BOX 1616, TELLURIDE, CO 81435 TELLURIDEFIRM.COM

January 9, 2026

*Via email at [HSeminick@gunnisoncounty.org](mailto:HSeminick@gunnisoncounty.org)*

Hillary Seminick  
Planning Director  
Community Economic Development Department  
Gunnison County

RE: Application to amend the Gunnison County Land Use Resolution (the “LUR”)

Dear Ms. Seminick:

This firm represents Petrus Holdings Inc. in all matters related to its ownership of the Whetstone Ranch (the “**Applicant**”). The Applicant submits this application to amend the LUR pursuant to Section 1-113.B.1.d. of the above-referenced LUR. It seeks to amend Section 13-107 of the LUR to allow certain property owners, in very limited circumstances, to exceed the current maximum of two solid fuel-burning devices installed in a residence (the “**Proposed Amendment**”). The Applicant requests this Proposed Amendment because the LUR’s strict cap on solid fuel-burning devices does not contemplate the unique circumstances that surround the Applicant’s proposed project or projects of a similar nature. The Applicant requests that Gunnison County approve this application for the reasons set forth below.

**I. Identification of Applicant – Section 1-113.B.2.a.**

Petrus Holdings Inc.  
300 West Colorado Ave., Unit 2-A  
Telluride, CO 81435  
(619) 865-1269

Applicant’s Agent:

Nathaniel R. Smith, Esq.  
Smith Law Firm, P.C.

Applicant’s letter of authority is attached here as Schedule 1.

**II. Precise Wording for Proposed Amendment – Section 1-113.B.2.b.**

The Applicant submits this Proposed Amendment because the LUR currently does not allow for a variance or case-by-case exception to LUR Section 13-107.C. The Proposed Amendment establishes clear, objective criteria that enable County staff to evaluate proposals and grant limited

relief in appropriate circumstances. While this Proposed Amendment is prompted by the Applicant's proposed project, it is intentionally drafted to apply narrowly and objectively to any similarly situated property within Gunnison County that meets the stated criteria, including but not limited to:

1. Remote or high-elevation locations with limited infrastructure access;
2. Large, single-household residential structures occupied by communal or religious groups; and
3. Developments that necessitate decentralized heating for public safety or operational feasibility.

The Applicant proposes the following Proposed Amendment language be codified into the LUR to account for property owners whose circumstances require more than two solid fuel burning devices within a residence:

13-107.C.3 Religious or Communal Household Exception. The Board of County Commissioners may approve the installation of more than two (2) approved solid fuel-burning devices within a single residential structure occupied by a religious community, monastic order, or communal household, when the following standards are met:

- a. The structure functions as one residential unit under the adopted Building Code;
- b. The residents live as a single household, with shared governance, shared meals, or shared daily routine;
- c. Each sleeping quarter is limited to one EPA-certified solid fuel-burning device;
- d. The structure is larger than 5,000 sq. ft. or the aggregate of all structures are larger than 7,000 sq. ft.; and
- e. The applicant demonstrates that compliance with the two-device limitation of this Section is not feasible given the structure's layout, location, number of individual sleeping quarters, or functional program, and that the additional devices are the minimum necessary to afford relief while maintaining compliance with all other applicable standards of this Resolution.

13-107.C.4 Fee. Each solid fuel-burning device approved in excess of two (2) stoves, pursuant to 13-107.C.3, shall be subject to an administrative fee to be determined by the Community Development Director.

The Applicant proposes this language, but also recognizes that planning staff, the Planning Commission, and Board of County Commissioners all are experts when it comes to drafting, amending, and administering the LUR. The Applicant is open to revisions to this Proposed Amendment, but seeks to ensure any finalized language, if approved, solves the difficult situation faced by the Applicant and similarly situated property owners in Gunnison County.

### **III. Rationale for Proposed Amendment – Section 1-113.B.2.c.**

#### **A. Background**

The Applicant is a nonprofit entity whose mission is to support an order of Roman Catholic Carmelite hermits through the acquisition and construction of private hermitage residences in rural areas. The family of hermits supported by the Applicant live a simple, quiet lifestyle in isolation from

the public. The hermits have little to no interaction with the general public. The vast majority of their day is spent in prayer, quiet study, and meditation. Their impact is exceptionally minimal since they forgo many modern technologies due to their religious practices. They prefer remote and isolated places in the wilderness where they can give themselves to prayer in quiet and beautiful, natural settings. The Applicant has designed the project to ensure that the hermits will be self-sufficient and self-reliant — similar to the many generations of hermits that came before them. Unlike most landowners or ranchers within Gunnison County that regularly hire contractors, equipment, and staff to support life on a remote property, the hermits would not invite to their property the outside public unless it is absolutely necessary. Similarly, the hermits would rarely leave the Property. This means that the hermits would need to always have onsite the means to live year-round and maintain properly the property.

The Applicant has plans to construct one large structure to serve jointly as a single-family residence for residential and religious use by the hermits and as a utility/storage structure for workshop space, equipment storage, and keeping supplies (the “**Hermitage House**”).<sup>1</sup> The Hermitage House would be located on the remote Whetstone Ranch property, which encompasses approximately 1,200 acres, located south of Whetstone Mountain and east of Carbon Creek. Its floorplan is inspired by historic hermitage houses in Western Europe, which design is imperative for the hermits to carry on their traditional and religious way of life. It would be the home for approximately 24 hermits. The hermits’ religious practices dictate that they each live individually in a small, simple bedroom where they will sleep, pray, and regularly study (each a “**Hermit’s Cell**”). Each Hermit’s Cell would be approximately 171 square feet.

Due to the remote and high elevation location of the Whetstone Ranch, sufficient heating of the Hermitage House is essential. However, heating the Hermitage House year round with electricity or propane is not feasible or safe. The Whetstone Ranch is over six miles from the electrical grid. Electric lines would need to be extended through National Forest land for approximately five miles. Even then, heating the Hermitage House with electric would require a substantial amount of energy usage, which usage would be inefficient. Additionally, heating the Hermitage House with propane would be dangerous, inaccessible, and disruptive to nearby residents. First, a propane tank sized appropriately to keep the hermits warm year around would need to be gigantic. The potential of a wildfire reaching a propane tank of that size is not a risk the Applicant is willing to take. Second, the Hermits cannot receive propane deliveries in the winter because the road to the ranch receives no winter maintenance. Even in the summer, the Forest Service access road is difficult to traverse for large tanker trucks. Third, if a smaller tank is installed, regular visits by propane trucks would be disruptive to nearby property owners and wildlife. These conclusions have been confirmed by the Applicant’s engineers and design team. Heat generated by propane and electric are not workable.

The Applicant believes decentralized heating by EPA certified solid fuel-burning stoves are the best option given the remote location of the Whetstone Ranch and the unique nature of the Hermitage House. The self-sufficient hermits would harvest firewood within the 1,200 acre Whetstone Ranch property and surrounding public lands (upon receiving proper permitting). Solid fuel-burning stoves would also allow the Applicant uphold the hermits’ traditional religious practices by installing a stove in each Hermit Cell, as has been done by Roman Catholic monks for centuries, all while assisting with fire mitigation by collecting deadfall and harvesting unhealthy trees.

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<sup>1</sup> The to-be-proposed Hermitage House would be subject to a Minor Impact review at a subsequent time.

B. Review Standards

The Applicant seeks to amend the LUR because it limits the total number of solid fuel-burning stoves in the Hermitage House to no more than two. The existing limitation on solid fuel-burning devices in LUR Section 13-107.C. was adopted to address air quality and public health concerns associated with conventional residential development patterns. However, the LUR does not currently account for unconventional residential structures in remote locations where centralized heating systems are impractical or unsafe. Thus, the Applicant seeks an amendment to the LUR because its strict cap on solid fuel-burning devices does not contemplate the unique circumstances that surround the proposed Hermitage House or projects of a similar nature.

After considering the applicable review standards set forth in Section 1-113.C of the LUR, the Applicant believes this Proposed Amendment is appropriate.

1. LUR Section 1-113.C.3. The Proposed Amendment would have no negative impact on the natural environment. EPA-certified solid fuel-burning stoves burn clean. Use of the stoves would prevent the need for large scale consumption of fossil fuels at the Whetstone Ranch. It would also eliminate the need for regular deliveries of propane to the property via large trucks that will cause damage and erosion to public roads.
2. LUR Section 1-113.C.5. The Proposed Amendment also is justified due to the development pattern in this area of Gunnison County. These remote, difficult to access areas of the county create quiet, pristine landscapes; landscapes that promote the hermits' religious way of life. These landscapes, however, create complications that are not contemplated in the LUR with its strict limitation on solid fuel-burning devices.
3. LUR Section 1-113.C.7. The Proposed Amendment would promote public health, safety, and welfare. Wildfires are a concern in this region of Gunnison County. This concern was confirmed with the Lowline Fire of 2023. Additional solid fuel-burning stoves would allow the hermits to effectively thin the forest of deadfall, unhealthy, and dense trees then store within the basement of the Hermitage House such firewood. Such dangerous fuels would be safely disposed of via heating, which would protect the Whetstone Ranch and surrounding properties because of the fire mitigation efforts. The highly fire-resistant nature of the Hermitage House's design would also not create or pose any additional fire risks if additional solid fuel-burning stoves are installed in the residence. The Hermitage House is designed to be made of concrete, stone, and other fire-resistant materials.

C. Conclusion

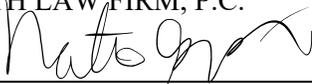
The LUR's strict limit on solid fuel-burning devices is good governance for almost all projects and properties within Gunnison County. However, this limit has caused unintended consequences in certain scenarios. The LUR would require property owners, in certain instances, to install, less practical, more impactful, and potentially dangerous heat sources. A minor amendment to the LUR would create a very limited exception to Section 13-107.C. to the benefit of certain property owners,

Application to Amend LUR  
Petrus Holdings Inc.  
January 9, 2025  
Page 5 of 5

but no harm to the Gunnison County community. The Applicant asks that you approve the Proposed Amendment.

Sincerely,

SMITH LAW FIRM, P.C.

By:   
Nathaniel R. Smith, President

cc: Andrew Schulman, Petrus Holdings Inc.  
Sean Pope, Pope Consulting

