

**GUNNISON COUNTY PLANNING COMMISSION**  
**PRELIMINARY AGENDA: Friday, September 6, 2013**

**8:00 a.m. • Call to order; determine quorum**

**Scarp Ridge LLC**, joint public hearing/no action, Sketch Plan application. The applicant is requesting approval for a master plan for the Scarp Ridge LLC (aka Irwin) property to include use of the existing lodge for weddings and events and as a conference center; six new single-family residences on adjoining mining claims; one storage structure, one elevated overlook structure, two alpine huts; expansion of the existing maintenance barn; the addition of a roof deck to the existing parking barn; outdoor pavilion that would seat approximately 170 people; new mountain bike trails; zipline; kids' village to include playground equipment; reroute of the existing Scarp Ridge trail. The proposed structures and facilities will comprise a year-round commercial resort.

The property is located 12 miles west of the Town of Crested Butte, accessed from Kebler Pass Road (CR 12), Lake Irwin Campground Road (FSR 826), Green Lake Road (FSR 826.1E) and Irwin Lodge Road (FSR 826.1C). The parcel is legally described as the following 19 lode mining claims, all in the Ruby Mining District: Aumego, U.S. Survey No. 2703; Capitol U.S. Survey No. 3466; Clara U.S. Survey No. 2801; Fourth of July U.S. Survey No. 3467; Zumo U.S. Survey No. 2702; Crystal, U.S. Survey No. 1156; Diquita, U.S. Survey No. 2786; Double Dyke U.S. Survey No. 5511; Lead Chief U.S. Survey No. 2731; Legal U.S. Survey No. 4149; Silver Hill U.S. Survey No. 2813; Justice U.S. Survey No. 2867; Pickwick, U.S. Survey No. 2814; Tacoma U.S. Survey No. 2701; Lottie S U.S. Survey No. 5322; US Treasury, U.S. Survey No. 5322; Lower Chloride, U.S. Survey No. 17240A; Little Minnie, U.S. Survey No. 4421; Staten Island, U.S. Survey No. 3716.

**10:00 a.m. Frank Kugel & George Sibley, Upper Gunnison River Water Conservancy District** work session/no action, informational discussion on water topics

**11:00 a.m. Community Development Staff – amendments to the Gunnison County Land Use Resolution**, work session/possible action, proposed amendments to sections of the *Land Use Resolution* to update Gunnison Sage-grouse regulations

**11:45 a.m. • Approval of Minutes**  
• **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

**Lunch**

**1:00 p.m. Gunnison Valley Properties, LLC**, continued joint public hearing/no action, Preliminary/Final Plan; request for a year-round sand and gravel operation on 109-acres of a 220-acre parcel; 62-acres of which will be excavated. The operation will include the extraction, crushing, screening, washing and stockpiling of approximately 200,000 tons of sand and gravel per year. Asphalt and concrete batching is also proposed to be conducted at the facility. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50 to Tomichi Creek, legally described as being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50.

**End of Meeting** • Report of actions taken by BOCC.  
• A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

**GUNNISON COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**September 6, 2013**

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The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

**Chairman-** Kent Fulton

**Commissioner-**A.J. Cattles

**Commissioner-**Susan Eskew

**Commissioner-**Warren Wilcox

**Alternate Commissioner-** Jeremy Rubingh

**Alternate Commissioner-** Tom Venard

**Assistant Director of Community Development-** Neal Starkebaum

**Community Development Department Services Manager-**Beth Baker

**Director of Community Development-** Russ Forest

Others present as listed in text

**Absent-** Commissioner Jim Seitz

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

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**MOVED;** by Rubingh seconded by Cattles to approve the minutes of August 2, 2013 as amended. The motion passed unanimously.

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**Scarp Ridge:** The Gunnison County Planning Commission and Board of County Commissioners conducted a joint public hearing. The applicant is requesting approval for a master plan for the Scarp Ridge LLC (aka Irwin) property to include use of the existing lodge for weddings and events and as a conference center; six new single-family residences on adjoining mining claims; one storage structure, one elevated overlook structure, two alpine huts; expansion of the existing maintenance barn; the addition of a roof deck to the existing parking barn; outdoor pavilion that would seat approximately 170 people; new mountain bike trails; zipline; kids' village to include playground equipment; reroute of the existing Scarp Ridge trail. The proposed structures and facilities will comprise a year-round commercial resort.

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Board of County Commissioners Paula Swenson, Phil Chamberland and Jonathan Houck were present for the joint public hearing.

Commissioner Jeremy Rubingh has recused himself from the review of this application.

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

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

Applicant's attorney David Leinsdorf, project manager John Featherman, water attorney Marcus Locke, and representatives Billy Rankin and Laci Wright were present to represent the applicants for the joint public hearing.

Featherman explained their proposal is for the expansion of an existing commercial operation. He used maps to illustrate the property/mining claims and the location of the existing structures. He said there was currently a 30,000 gallon fuel tank, a parking facility, the Movie cabin, storage shed and the Irwin Lodge. The Irwin lodge has an approximately 10,000 sq. ft. footprint and was previously a three story building. The lodge had been gutted by the prior owners.

He added the lodge has a continued historical commercial use. It has been used for weddings, retreats, etc. They now propose to use the lodge for used including weddings, retreats and educational seminars. The lodge will include a catering kitchen, a bar and restrooms. They will also improve the lake side deck. In addition they are proposing six new cabins ranging in size from 1,000 sq. ft. to 8,000 sq. ft.

Featherman noted the applicants own 19 load mining claims, which total 124 acres.

Featherman explained the applicants would change the operation to a smaller more sustainable model than the previous use of the lodge. They will not have overnight guests at the lodge, but would disperse guests to the six cabins on the property. They will be able to open and close the use of the six cabins as the demand dictates. He noted this is a 20 year proposal.

Featherman said the materials needed to construct the new cabins will be dropped off in the winter, using the snow cats. There will be no roads to the cabins. All structures will use solar for power. The materials chosen for the outside are non-reflective to compliment the surroundings. He noted this is not a gated community. It is an expansion of an existing use.

Featherman said there will be canopy tours, mountain bike trails on private property, a kids village on private property, and the creation of a trail head and connector.

Operations manager Billy Rankin said they are proposing to offer luxury accommodations with guided activities. They will provide low volume high quality activities to their guests. The Irwin Lodge was built and completed in 1978. The lodge has accommodated 30 to 40 guests at a time. The lodge used a coal burning furnace. There were three to four snow cats a day taking guests to the lodge and they used over 2000 acres of land. Most days there would be 30 to 40 individuals snowmobiling in the area. He said they were not taking area which has not been historically used. He noted the proposed operation will be a much less intensive use of the lodge and the surrounding area. They will employ local guides and staff; more employees in the winter.

Rankin explained they are proposing year round amenities. They will host weddings, business retreats, and camps, etc. There will be hiking trails, mountain bike trails, and rope courses on private land.

Rankin said they have proposed moving the Scarp Ridge trail. The current trail head is not actually a trail head; that presents problems. He noted there can be 20 to 30 cars parked along the road a day. The improvised trail head is littered with trash, and with no bathroom facilities- human waste. The trail is a use trail going up the fall line; it is deeply rutted. The applicants are proposing creating the first trail head for Scarp Ridge. It would be located on private property. The parking lot would hold 22 cars, have two pit toilets, a user information kiosk, and bear proof trash receptacles. He noted the area topography would hide most of the visual impact of this location.

Rankin added the new trail would take off from the trail head and go into public land; there would be approximately 4000 ft. of new trail. It would be a design trail rather than a use trail. The trails distance would increase by approximately 2,300 ft. It would add about 300 ft. of elevation. Rankin said the public would likely be able to use the mountain bike trails. Planner Pagano requested clarification from Rankin on the public use he had referred to, in writing.

Rankin noted there had been several letters of support. Support for the new trail location has come from the Trails Commission. The U.S. Forest Service has supported the overall concept of the trail realignment.

Water attorney Marcus Locke said he has been working on the water supply plan and water augmentation plan. The water usage for the project is minimal. After the irrigation water about 90% of the water will go back into the stream. Water will be used for fire protection, bathroom and kitchen facilities, drinking water and augmentation water in ponds.

Attorney David Leinsdorf said he had met with County staff to identify any wildlife issues based on the CPW comments. He noted a site visit had been scheduled with the CPW, but CPW cancelled the meeting/ site visit. It will be rescheduled.

BOCC Phil Chamberland asked what kind of foundations would be used for the huts; Featherman said pier and timber foundations. Chamberland asked if they would use a green roof; Featherman said the western portion of the building will be a turf roof on an outer membrane. Chamberland asked about the canopy tours, rope course and zip line; Rankin said the rope and canopy tours are very low impact development. The zip line noise will be negligible.

Fulton asked in what order the development would occur; Featherman said the old Irwin lodge will be first. The Silver Hill cabin will be largest cabin and done second. The development would proceed from there as the demand dictates.

Fulton asked how far along the water augmentation plan is; Locke said the legal work is done and will be submitted soon, the timing then depends on the court.

Chamberland asked if the applicants would be maintaining the new trail; Featherman confirmed all construction, design and maintenance will be done by the applicants.

BOCC Houck asked about the timing of the trail head completion; Leinsdorf said as early as feasible.

Chamberland asked when the new trail vs. the old trail would be travelable because of snow; Rankin explained the time difference would be negligible. The trail is south west facing.

Fulton inquired about the timing of the installation and use of the canopy /rope tours and zip line; Rankin said they will use a phased approach, depending on the demand.

Eskew said the overarching public concern public is the privatization of the area. She noted a design trail provides a preferred experience, over a use trail. She added people don't like change, but just might benefit from the change in the long run.

Rankin stated the land has been private for years. The trail realignment will be beneficial. The cabins are not private homes, they will be used by guests.

Wilcox requested an explanation of patented mining claims; Leinsdorf explained they are legal parcels. The applicants have 15 parcels which could be conveyed separately without County approval. The applicants could construct 12 homes; they consider this application a down zoning. The master plan is a 20 year plan; it is difficult to be specific.

#### **Public Comment-**

Public Land Director for High Country Citizens Alliance (HCCA) Ally Melton asked where the parking lot would be for the mountain bikers; Rankin said the new trail head.

Melton noted mechanized use on the trail will be tempting. How will it be monitored; Rankin said the information will be available at the trailhead. He added they are still considering different management plans. Leinsdorf said there are trails in the county open at some times and not others. He said this could be handled in a similar manner. Melton asked if they would be reclaiming old parts of the trail: Rankin said yes they will work with the Forest Service. Melton asked if there has been a contingency plan made for the possibility of the applicants pulling out of the project; Rankin said there had not been much thought on that. Melton was concerned the Forest Service does not have the resources to maintain the trail; she said this needs to be worked out.

Peter Bridges stated the applicants' proposal should be rejected. He noted he had submitted a letter to Commission. His concerns included;

- It is not compatible with the existing land uses in the area
- The construction could continue for 20 years
- The developer must be required to maintain the new trail
- Noise levels of zip lines, and guests at the lodge until 2 a.m. & serving liquor
- Potential impacts to the wildlife
- Water quality- Crested Butte has water rights in Lake Irwin and that was not mentioned
- It is in the interest of the public to maintain the current trail
- If a fire did occur, it would strain the ability of Fire Protection District to control the fire
- Reject the application in its present form
- Do not let the developer urbanize the ridge and leave scars on the landscape

David Gottorff said he has been turned away by the employees with no trespassing signs and ropes. He has gained permission to get up to Scarp Ridge several times. His concerns included;

- The management company, Eleven, has not honored the current easements
- The Movie cabin has been built within the easement
- The restrooms have been built within the easement
- Do not approve any further development until those buildings are relocated outside of the easements
- The new trail will be in a winter avalanche area
- Noise from the activities at the lodge, etc.
- Current employees have trespassed on his property
- How will they maintain structures and the need for fuel without roads?
- Fire trucks, cement trucks, etc. need roads
- How will the large buildings be maintained and supplied?

John Ellis hikes on Scarp Ridge, he agreed with comments made by Gottorff and Bridges. His concerns included;

- He asked if the reassurances from the applicant are in writing
- Concerned with wildlife impacts
- Noise mitigation needed
- Denial of access
- New trail will extinguish part of the current public access
- New trail will wall off the east, south east side of the trail
- There will only be one way up – now there are two ways

James Thomson said he is a professional ecologist. He was unclear whether this is the applicant's complete plan. He was confused because the cabins have been described as single family residences and guest facilities. His concerns included;

- Suggested the owners place a conservation easement on the remaining property, to ensure no further development
- The lengthening of the trail and the increase in elevation are problematic
- Challenged applicant's biologist John Monarch's report; found it unconvincing.
- Monarch's report does not state how much work was done and does not adequately describe many conditions or assertions
- Monarch's low impact assertion of the zip line is not accepted by CPW
- He challenged the assertion that animals will come back after leaving the area because of development
- There is a character to Monarch's conclusions which aren't convincing by the standards used
- The proposed sewage facilities, is new technology. The manufactures claim- colorless and odorless water. It is still loaded with nitrogen and phosphorous which could get in the Crested Butte water system.

JW Smith was in favor of the application. He said things change. His concerns included;

- Increased traffic
- Like to see development remain close to the lodge and the hill
- Many people trespass now
- The applicants should be able to build
- In support of the trail head and the signage

Bill Oliver said the District Ranger has not decided whether there is an EIS or EA needed yet. He suggested the Forest Service go forward with the EIS. He said the application should be reviewed in a more detailed manner.

### **Applicants Response-**

Rankin said David Gottorff comments were false and his accusations were inaccurate. Rankin noted winter access is different from summer access; there are many avenues to access Scarp Ridge. It is low angle terrain with low avalanche possibility. He has submitted letters stating they can legally serve food.

Leinsdorf said the applicants want the roads to be as minimal as possible. The applicants approach has been endorsed by Public Works; it is safer to drive over rocks rather than aggregate that washes away. The applicants are hoping not to fight with CPW or the County; they will work out mitigation for wildlife impacts.

Fulton continued the joint public hearing to Friday, October 11, 2013, at 9:00 a.m.

**Frank Kugel & George Sibley, Upper Gunnison River Water Conservancy District** : The Gunnison County Planning Commission conducted a work session- informational discussion on water topics.

No minutes were taken.

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**Amendments to the Gunnison County Land Use Resolution**: The Gunnison County Planning Commission conducted a work session. They reviewed the proposed amendments to sections of the *Land Use Resolution* to update Gunnison Sage-grouse regulations

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

Director of GIS Mike Pelletier and Wildlife Coordinator Jim Cochran were present for the discussion.

The commissioners reviewed the proposed changes to Sage-grouse related Sections of the LUR.

Fulton seated alternate commissioner Tom Venard for the vote.

**MOVED BY:** Venard seconded by Eskew to approve the recommendation to the BOCC of the Proposed Amendments- Sage-grouse related Sections of the Gunnison County Land Use Regulations. The motion passed unanimously.

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**Gunnison Valley Properties, LLC**: The Gunnison County Planning Commission (Planning) and the Board of County Commission (BOCC) conducted a continued joint public hearing. They reviewed the applicants' request for a year-round sand and gravel operation on 109-acres of a 220-acre parcel; 62-acres of which will be excavated. The operation will include the extraction, crushing, screening, washing and stockpiling of approximately 200,000 tons of sand and gravel per year. Asphalt and concrete batching is also proposed to be conducted at the facility. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50 to Tomichi Creek, legally described as a being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50.

Board of County Commission Jonathan Houck was present for the discussion.

Commissioner Warren Wilcox has recused himself from the review of this application.

Board of County Commissioner Jonathan Houck was present for the continued joint public hearing.

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

The applicant Dick Bratton, and the applicant's representative Ben Langenfeld of Greg Lewicki and Associates, were present for the continued joint public hearing.

Langenfeld reviewed the documents they had submitted to the Commission; revised traffic report, appraisal report and new berm configuration.

Langenfeld said the proposed traffic access has been given a grade of A, in most directions, and B north bound. The report was prepared using the projected traffic counts for the peak season. The traffic analysis used July traffic projections. The analysis was used for assessment of the Highway 50 traffic and the proposed access. The study revealed;

- No need for acceleration or deceleration lanes
- The operational analysis shows so little difference that the actual grade (A-B) does not change.

Langenfeld said they had considered additional berming on the east side; determined additional berming would not benefit neighbors Maclean and Hays. Additional berming would narrow the gap and benefit the visual impacts and noise and dust impacts. The additional berming will be 10 ft in height and would be constructed at the same time as the original. This would be the most berming done; they would be out of top soil on site.

Langenfeld said they have added a third dust and noise monitoring station; on the back side of the berm. The monitors would be checked annually in the peak operation time.

Langenfeld explained the applicants had an appraisal report prepared regarding property values around the potential gravel pit. The appraiser determined there would be no additional impact to values of the surround residences, because of this operation.

Cattles questioned if there would be trees planted on the berms; Lagenfeld said there will be trees on the berm for visual mitigation for the neighbors. The trees will be will not be close to the road.

Langenfeld noted the processing facilities location is permanent. It would be located in the south east corner at the very end to the pit floor, behind the berm.

Jack Culinan said he had submitted comments to the Commission. He is in favor of the application.

Arron Mclean said the monitoring station should be located on the top of the berm; Langenfeld agreed. Lagenfeld explained it would monitor dust and noise. The monitoring would occur once a year for a 24-hour period. Mclean said more than one test per year would be more representative. Lagenfeld suggested three days between June 15<sup>th</sup> and August 15<sup>th</sup> during peak crushing. Mclean reiterated his concern with his potential loss of property value, in response to appraiser Charles Peterson's evaluation.

Bratton has spoken with the neighbors. He agreed to put the regulations and agreements in writing.

BOCC Houck questioned where the monitoring was addressed; Starkebaum said it was a condition at Sketch Plan approval.

Jack Cullinan addressed the air quality; the stewardship belongs to the operators of the pit.

Langenfeld said certain permits will have to address preventing injury to neighboring wells. They would go beyond the required 600 ft., and include neighbors at 1000 ft. in the permit.

Bob Delahey was opposed to the whole project. He stated nothing can be done to mitigate the visual impacts to his property. He remains concerned with contamination of his well and the depletion of the aquifer. The current gravel operation in the area already produces intolerable amounts of dust; the dust generated by the proposed operation will only add to the problem. The surrounding area will be impacted by the noise and odor from another pit. The access to the pit off Highway 50 will impact his driveway; there is a need for acceleration and deceleration lanes.

Paula Maclean thanked Bratton for meeting with them. She said the bottom line is they oppose the project. The mitigation suggested will not help mitigate the visual impacts to her home. The existing industrial park can be seen only minimally from her home. She is very concerned with the potential impacts to the health of her family. The noise will be from an operation running seven days a week. She stated it will limit the number of people who would buy their house.

Sally Hayes was concerned that the mitigation plan for air pollution does not mentioned odors. She was not convinced this gravel pit will actually provide the price competition they say it will. She added the cost of labor will be the same, no matter which pit the gravel comes from.

Donna Bratton noted she has lived in her home near the proposed pit for 37 years. Many things have changed since then, most for the better. Things have to change so the area can prosper and grow. The homes that have been built around hers have changed her life too. Mclean agreed that his home may have changed her situation, but a gravel pit is much more disruptive to his life than a single family residence has been to hers.

Sally Hayes asked why the plant is not described as permanent and permitted as a stationary source.

Butch Clark noted his concern with dust and odor and the need for 24 hr. / 7 day a week monitoring. The proposed berming could cause line of sight problems on Highway 50. The applicant needs to determine how they would cope with major storm events, with a plan in place to keep hazardous materials stored high because of flash flooding.

Mary Kay Fry agreed the proposed location is bad. She reiterated the access is unsafe.

Mclean asked who he would call with air pollution infractions.

Langenfeld agreed to provide the County copies of permits and reports. If there would be a report of exceedence they would be required to remediate and follow-up with documentation.

Bob Delahey reiterated his concern with dust and the reference to the LUR- mining operations shall not cause adverse impacts to residential development.

Butch Clark noted cumulative impacts will be difficult to monitor. It will be difficult to cope with the larger situation- who is causing the problem. The atmospheric quality and Gunnison inversions make it difficult to figure out what or who is causing the problem.

Fulton said the Commission will want to see the agreements between neighbors and applicant.

Fulton said the Commission will accept written public comments until October 10, 2013.

Fulton closed the oral discussion/ portion of the public hearing.

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Fulton adjourned the meeting at 3:15 p.m.

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/S/ Beth Baker

Community Development Department Services Manager  
Gunnison County Community Development Department