

GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, August 23, 2013

- 8:00 a.m.**
- **Call to order; determine quorum**
 - **Approval of Minutes**
 - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

- 8:05 a.m. Scarp Ridge LLC, 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.

- 10:15 a.m. Dana and Larry Darien,** Lot 3 Darien River Subdivision, work session/no action, request for approval for development of a single family residence and individual sewage disposal system on Lot 3, Darien River Subdivision. Parcel was subdivided in 2000 but no use was approved for the lot. Parcel is located approximately two miles west of the Town of Marble on County Road 3; the parcel is adjacent to the Crystal River.

- 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.

Adjourn

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
August 23, 2013**

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-Susan Eskew	Director of Community Development- Russ Forrest
Commissioner- Warren Wilcox	Planner-Cathie Pagano
Commissioner-Susan Eskew	Community Development Services Manager-Beth Baker
Alternate Commissioner- Jeremy Rubingh	
Alternate Commissioner- Tom Venard	

Others present as listed in text

Absent; Commissioners Jim Seitz, and AJ Cattles

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

Scarp Ridge LLC; (LUC-13-00005) The Gunnison County Planning Commission (Commission) conducted a work session. They discussed the applicant's Sketch Plan submittal. 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.

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

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

Applicant's attorney David Leinsdorf, engineer Norman Whitehead, project manager John Featherman, water engineer Tyler Martineau, wildlife biologist John Monarch and applicant's representative Billy Rankin were present to represent the applicants for the work session.

Planner Cathie Pagano, Director of Community Development Russ Forrest, County Wildlife Coordinator Jim Cochran, and Director of Public Works Marlene Crosby were present for the work session.

Leinsdorf noted the review agencies comments had been addressed in letters he had submitted to the Commission.

Crosby addressed the County's jurisdiction concerning the road to Irwin. She explained the County's jurisdiction ends at the Irwin town site. The remainder of the road is regulated by the Forest Service. The roads should be 16 ft. wide with an all-weather surface. A waiver of standards would be required for variations of those requirements. If the access is for two or more dwellings the BOCC will be the decision makers. She suggested clustering the lots could reduce the linear feet of roads. She added the road must be fit for an ambulance to travel on.

Leinsdorf asked about the interface between the winter cat ski operation and the county trail head. Crosby explained the impacts of the snow cats to the chip and seal have been minimal.

Leinsdorf did not agree a waiver of standards would be required, he referred to the standards in the *Gunnison County Land Use Resolution* (LUR) for vehicle access.

Gunnison County Wildlife Coordinator Jim Cochran explained he is a wildlife biologist. He works on candidate species, proposed candidate species, and threatened and endangered species. He addressed differences between the applicants' biologist John Monarch comments and the comments submitted by Colorado Parks and Wildlife (CPW.) He noted the CPW views are neutral; they study impacts to wildlife. He said CPW has valid concerns which need to be addressed; any impacts to wildlife due to human activity. CPW looks at each species differently. He encouraged the applicant to review their request and mitigate it. "As it stands it will have negative impacts." Cochran agreed animals could move out and then back in to the area, but the impacts are not always what is expected.

Cochran added the bigger issue will be this area is in mapped Lynx habitat. The County is required to consult with the U.S. Fish and Wildlife, according to section 10 of the Endangered Species Act. Fish and Wildlife determines what steps must be taken; the County will have to consult with Fish and Wildlife. There must be evidence stating Fish and Wildlife has given authorization to continue.

Cochran referred to the work the County is doing with the Gunnison Sage grouse. He noted the Irwin area is an area where the County has not authorized much activity. Cochran read a portion of Section 10 of the Endanger Species Act; he reiterated the Fish and Wildlife agency must be consulted on the Lynx issue. He said the applicants are required to consult with the Fish and Wildlife agency to verify whether or not they will require a Take Permit. Cochran added CPW must also be consulted. The most positive way to approach this is coordination with CPW.

Wildlife Biologist John Monarch explained his written comments. He said the Fish and Wildlife permit previously given for the snow-cat skiing also applies to the current application. He noted Fish and Wildlife concurred with Monarch in 2009 when they permitted the snow-cat skiing, noting this is a slow compaction area. The Fish and Wildlife agency gave its clearance and it applies here as well. It assumed the whole area was in a snow compaction area and any additional improvements would not cause negative impacts; it was all covered. He said this application would not likely cause adverse impacts.

Monarch noted when looking at Lynx activity data, which was compiled over time, it was rare any Lynx was in the area. There is a chance because Lynx do wonder, and can be expected to come through. A viable population is doubtful. Lynx do not have great suitability for this habitat; not many rabbits for food. Monarch said this is not Lynx denning habitat. He reiterated the clearance for summer activities and the ski operation has already been cleared by Fish and Wildlife.

Fulton clarified the Fish and Wildlife comments Monarch had referred to where actually written in 2004. Monarch said with the present activity he suspects Fish and Wildlife will determine the same impacts will occur.

Applicants' representative Billy Rankin explained the Irwin Lodge was built in 1978. The original operation ran three to four snow- cats, which brought 30 to 40 people into the area a day. This activity continued for two decades. He added before the current owners bought the property the snowmobile snow compaction was significant. He had worked for the old lodge and said the new uses have decreased the impacts.

Cochran stated the County is not making a determination concerning the impacts to the Lynx habitat. The County does state this is an area within occupied habitat. The County will require written confirmation Fish and Wildlife has been consulted about this specific application, what the impacts will be, and they will issue their determination. Leinsdorf agreed to consult with Fish and Wildlife. Fulton agreed current comments will be required from Fish and Wildlife. Monarch agreed to make contact with the Fish and Wildlife agency. Cochran added the applicants will be required to address the cumulative impacts of the entire operation.

Fulton questioned Monarch on CPW representative's J Wenum's comments concerning his zone of influence comments. Monarch said wildlife habituates to their circumstances. He made an example of the elk in Evergreen. He noted one can't say a species is gone or has been pushed out; the way animals use the area may change- they shift around. They shift activity within their home range.

Eskew asked what makes good Lynx habitat and why this is not good habitat. Monarch explained it lacks the optimum conditions. Lynx need cover for an animal to have an area where she wants to den. Most importantly we do not have a prey base necessary for Lynx to habituate the area.

US Fish and Wildlife representative Cathy Mask said their comments had been limited to impacts on public land not private. The comments made concerning the zone of influence is supported by research. The additional roads proposed are a concern.

Mask said the easement is adequate and it speaks to the private commercial resort. The access was for long or short term residency. It does not preclude access to private residences. The historical use could have caused more traffic than the six proposed residences.

Mask noted the existing right of way does not accommodate a trail head, but the public does use it. The public generally parks at the end for the road. People can park along the road but there are not a lot of good places to park in that area. The right of way is for a transportation corridor. Generally the public can park 30 ft. on either side of the center line. Fulton asked how far up the road goes and if people are allowed to park there. Mask was unsure if it includes parking.

Mask explained a trailhead is traditionally a place for people to park, gather information, or gather waste; this is not a trailhead, it is the Lodge parking lot. Mask noted the proposed parking lot would be better not only from a hygiene standpoint, but the current situation also invites trespass. The proposed parking lot seems to be a more sustainable location.

Rankin said the proposed access is a better access.

Pagano said the revised staff report dated August 6, 2013, included the comments from referral agencies. She reviewed several sections including;

- **9-301 Applicability and General Standards Commercial and Industrial Uses-** Applicable, commercial and industrial developments, including buildings, shall be designed according to the same principles governing the design of residential developments, and shall be sited to complement the topography, avoiding environmentally sensitive areas to the maximum extent feasible. Factors including drainage, noise and odor and surrounding land uses shall be considered in siting buildings, sufficient access shall be provided and impacts mitigated
- **10-104 Locational standards for commercial, industrial or other non-residential uses-** Applicable, the existing and proposed commercial use shall be considered under the alternative locational standards and meet the standards of the Section. The proposed shall comply with the following; - Locational considerations, Compatible with existing uses established impact area, and No significant net adverse effect.
- **11-104 Development in geologic hazard areas-** Applicable, some of the proposed development may be located in areas of geologic hazard. A geotechnical review of the site shall be required as part of Preliminary Plan, along with review by the Colorado Geological Survey.
- **11-105 Development in wildfire hazard areas-** Applicable, a copy of the application has been referred to the Crested Butte Fire Protection District and Gunnison Fire District for review and comment
- **11-106 Protection of wildlife habitat areas-** Applicable, a copy of the Sketch Plan application has been referred to Colorado Parks and Wildlife (CPW) for review and comment. CPW submitted a letter dated July 31, 2013 from J Wenum, Area Wildlife Manager-Gunnison. Comments note, "The cumulative impacts to wildlife from consistently increasing recreational activities in the Irwin Lake area are likely to become more and more difficult to manage. Backcountry outdoor recreation... may have significant wildlife impacts even though it is perceived to be 'light on the land.'"
- **11-107 Protection of water quality-** The applicant has identified an area of wetlands on the subject parcel. All buildings are required to maintain a minimum 25-foot setback from wetlands. A water quality protection plan, in compliance with this Section, shall be required at Preliminary Plan. "The Town of Crested Butte has an interest in the proposal given that the Town is a permitting authority for this proposed project based on the Watershed Protection District. The application does not reference this fact and implies that the project is in the Ruby Anthracite drainage which is true but omits the fact that Lake Irwin, where the Town has water rights, also drains in to Coal Creek where the Town's water diversion is located and is thus subject to our permitting authority...The proposal appears to represent significant change from the existing and historical land use of the property. The building density and intensity of use that is proposed could have significant effects to the watershed given the roads, buildings, trail, water augmentation and septic systems."
- **11-108 Standards for development on ridgelines-** Staff will conduct an onsite review to determine if there are any issues relative to ridgeline development as part of this application.
- **11-110 Development beyond snowplowed access-** The subject parcel is beyond snowplowed access. The owners have signed and recorded a Landowner's Acknowledgement of No Snowplowing, No County Liability, and No Restriction on Road Closures.
- **11-112 Development above timberline-** Portions of the subject parcel are above timberline
- **12-103 Road System-** Public Works Director Marlene Crosby has noted "Road design plans at this point in the process are adequate. The only concern noted was that there will be no impact on the winter trail heads located

at the end of the plowed section of the Kebler Pass Road. There should be no parking by either guests or staff at the trailhead. There is currently not enough space to meet the needs of the Forest Service permittees, Irwin residents and recreational users.they need to continue to manage their operation so there is no impact on the existing Keble winter trailheads.

- **12-104 Trails** – The existing public trail, Scarps Ridge, is proposed to be relocated and realigned. The trailhead is proposed to be relocated onto the Lead Chief Lode west of where Irwin Lodge Road crosses Robinson Creek. The applicant proposes to construct and maintain, at the applicant's expense, a parking lot for 22 motor vehicles, two restrooms, a trailhead with maps, bear proof trash receptacles and interpretive signs. The applicants also propose to create a new trail from the new trailhead that will connect to the exiting Scarp Ridge trail. The new trail will be approximately 4,050 ft. In return, the U. S. Forest Service would vacate or administratively close the public easement on the Irwin Lodge Road from the new parking lot to the Irwin Lodge. The Gunnison County Trails Commission and U.S Forest Service have submitted comments.
- **12-105 Water Supply-** Applicable, the applicants propose to use groundwater and wells for the water supply. Central wells are prosed to serve the development. No fire suppression system is proposed for the commercial structures. Augmentation plans will be required to obtain well permits through the State of Colorado. The applicants propose to construct an augmentation pond on site. The Division of Water Resources submitted comments that include.....So long as the applicant obtains a court decreed plan for augmentation and valid well permits for the uses proposed in this Sketch Plan, this office has no objection to this application.
- **12-106 Wastewater treatment-** Applicants propose to install individual sewage disposal systems where feasible and small residential wastewater treatment plans where soils are not suitable for ISDS.
- **12-107 Fire Protection-** Applicable, portions of the development area are in high wildfire hazard areas. The Gunnison County Fire District Fire Marshall and Crested Butte Fire Protection District have both commented on the Sketch Plan application. Both districts have concerns including the access to this site, water supply for fire protection, sprinkling the structures, a 30,000 gallon water cistern, and the installation of dry hydrants.

The entire revised staff report may be found in the Planning office file number LUC-13-00005.

Pagano inquired if the applicants had contacted the State Water Quality Division concerning the septic systems; they have not, but will.

Leinsdorf responded to some of the comments made by Pagano;

- Clustering- the LUR states density should not be greater than the density in the area. The applicants have 19 mining claims, 12 are vacant and five are clustered in one site, at the lodge.
- Density limited to the density of the surrounding neighborhood does not apply
- Agreed that wildlife does not just specifically refer to Gunnison Sage grouse, but this is not sensitive wildlife habitat and the standards do not apply here.

Pagano noted LUR Section10-103 Conditions appropriate for larger lot size do apply in the case.

Pagano said CPW has mapping which identifies sensitive and critical wildlife habitat; she will follow up with CPW. Monarch said a lot of the area is not mapped for many of the species.

Pagano explained clustering is addressed in several sections of the LUR and Public Works Director Marlene Crosby mentioned it as well. The applicant has not proposed it at this time and it should be considered. Pagano recommended the applicants consider clustering.

Cochran explained sensitive wildlife habitat is different from sensitive wildlife species. We are addressing habitat here. He encouraged the proponent to consider wildlife conflicts and how they will be addressed, when developing in these areas. He said it is better to address this issue earlier in the process.

Barbara Thomson asked how guests who had been served alcohol will get back to Crested Butte. Featherman said they would be taken back in a snow-cat. All guests will be shuttled or use designated drivers. Leinsdorf said the LUR has very strict noise standards that must be complied with.

Pagano noted the initial application has called out 2 a.m. for the closing time; this should be reconsidered.

Carolyn Achenbach asked Rankin if all trailheads have bathrooms; Rankin said no. Achenbach was also concerned with the noise standards in reference to the zip lines; the applicants will address the zip line noise.

The Commission suggested the applicants address:

- Meet with the Forest Service
- Issues concerning the roads
- Sewer and wastewater
- Forest Service response needed on several issues
- Sensitive wildlife habitat and species – discuss with CPW representative J. Wenum
- Update from the Forest Service on the letter dated 2004
- Decibel levels of zip line

Fulton closed the work session @ 10:40 AM. The public hearing is scheduled September 6, 2013 @ 8 AM.

Dana and Larry Darien, (LUC-13-00013) The Gunnison County Planning Commission (Commission) conducted a work session. The discussed a request for approval for development of a single family residence and individual sewage disposal system on Lot 3, Darien River Subdivision. Parcel was subdivided in 2000 but no use was approved for the lot. Parcel is located approximately two miles west of the Town of Marble on County Road 3; the parcel is adjacent to the Crystal River.

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

Planner Cathie Pagano and Director of Community Development Russ Forrest were both present for the work session.

Applicant Larry Darien noted they are requesting approval for the construction of a single family residence and individual septic disposal system (ISDS), on Lot 3, Darien River Subdivision. The lot was originally subdivided with the limitation that there would be no uses on this lot. They had wanted to trade the Forest Service Lot 3 for a Forest Service parcel. The Forest Service was not interested.

Pagano noted the applicants had received a variance from the Environmental Health Board to install a septic system. It was required because they could not meet setbacks to wetlands.

Pagano asked if Darien was requesting a second residence on the parcel; Darien said no.

Fulton said there will be a site visit.

Rubingh asked about development above timberline; Pagano said there is none.

Pagano noted the access has been approved by County Public Works.

Eskew asked why now; Dana said technology has changed, and the Forest Service trade will not be going through. There is an ISDS permit and a waiver process is not needed again.

Rubingh asked if the Army Corps of Engineers has approved the lot; Pagano said yes the Army Corps has certified the assessment.

The issues include LUR Section 11-107 wetlands and water body setbacks, Compliance with development in a flood plain area, a portion of the site is in a high wildlife area.

The site visit and the public hearing will be conducted in Marble, Co. on September 20, 2013.

Fulton adjourned the meeting at 11:30 a.m.

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