

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: Friday, October 11, 2013

- 8:45 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.

- 9:00 a.m.** **Scarp Ridge LLC, LUC-13-00005**-continued 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.

Lunch

- 1:00 p.m.** **Gunnison Valley Properties, LLC, LUC-12-00010**-work session/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 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.

- 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
October 11, 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	Community Development Director- Russ Forrest
Commissioner- A.J. Cattles	Assistant Director of Community Development- Neal Starkebaum
Commissioner- Warren Wilcox	Planner-Cathie Pagano
Commissioner-Susan Eskew	Community Development Department Services Manager-Beth Baker
Commissioner- Jeremy Rubingh	BOCC- Paula Swenson
Alternate Commissioner- Tom Venard	BOCC- Phil Chamberland
	BOCC-Jonathan Houck

Others present as listed in text

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

Moved by: Cattles seconded by Wilcox to approve Planning Commission minutes dated September 6, 2013 as amended. The motion passed unanimously.

Moved by: Fulton seconded by Wilcox to approve Planning Commission minutes dated September 20, 2013 as amended. The motion passed unanimously.

Scarp Ridge LLC, LUC-13-00005- The Gunnison County Planning Commission (Commission) and Board of County Commissioners (BOCC) conducted a continued joint public hearing. They reviewed the applicant's sketch plan. 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.

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

With a quorum present Chairman Kent Fulton opened the continued Joint Public Hearing.

Applicant's attorney David Leinsdorf, engineer Norman Whitehead, project manager John Featherman, representative Laci Wright, water engineer Tyler Martineau, and wildlife biologist John Monarch were present for the hearing.

Applicant's Presentation;

Featherman said there had been a site visit with Colorado Parks and Wildlife (CPW,) the applicant's representatives, county staff, and Kent Fulton. The CPW, county staff and applicant's representatives have had an additional meeting since the site visit.

Featherman noted following the site visit and meeting, the applicants have deleted the upper alpine hut, on Claim 17, from their sketch plan. Mining Claims 15, 16 and 17 will be placed in a conservation easement. Within Claim 16 the alpine hut building envelope and the access would be in the language the conservation easement. Featherman added they are considering purchasing additional off-site mining claims, with similar high alpine habitat, which could be put into a conservation easement.

CPW representative J Wenum said the onsite visit was helpful. He acknowledged, a smaller total footprint would result in better wildlife habitat. He added this approach would help to protect the wildlife habitat by keeping the bulk of activity lower. The Federal government has been shut down so the applicants have not been able to contact the Forest Service. He was encouraged with the condensed version of the zipline, noting at the lower elevation there would be less negative impacts to wildlife habitat. He said the winter recreation will not significantly impact the wildlife. He concurred with the consensus that Lynx do pass through the area, but do not stay in the area, so impacts to Lynx should be minimal. The

relocation of the trail is supported by CPW; there are some environmental issues which will be improved with the relocation. In terms of wildlife habitat the relocation of the trail is preferred; the existing trail is a mix of some cap rock, but other areas of severe erosion, which can impact the local aquatic conditions. The proposed realignment would provide a better slope and less erosion for better water quality, while still providing public access.

Biologist John Monarch met with the Fish and Wildlife agency. It was noted the comments made by Fish and Wildlife in reference to wildlife were only relevant to Lynx. They will forward comments when the Federal government reopens, it could be just a stamp on a site plan.

Leinsdorf submitted John Monarch's resume' for the record.

Fulton opened the floor to public comments; the comments were limited to three minutes.

Public comment:

Caroline Czenkusch, valley resident, said she was in support of the master plan and these applicants. She has an educational background in the sciences.

Larry Smith, a painter in the area, said quality of life begins with a good job. He said this company does quality work. The applicants hired small companies in the area, when they could have brought their own crews in. They bought all the materials here and purchased local art work. They are on the cutting edge of efficiency. The applicants seems to be in tune to the environment. This company sells fun and treads lightly on the environment.

Deidre Witherell, resident of Crested Butte, said she respects private property rights and acknowledged the local community needs jobs. She said the community, as taxpayers, are private property owners of public land. She noted her concerns; the addition of uses that are not existing uses, changes made to the area can never be changed back once things are torn down, and additional traffic impacts. She urged the applicants to put this type of development in an area that already has the infrastructure in place.

Richard Moody expressed his concern with inaccuracies he discovered on the Eleven website. He said the inaccuracies had been corrected but only after he contacted the applicants. He added he had lived in England, where Eleven had modernized a village, he said it was not popular.

Bill Sieck, resident in the valley, echoed some of the positive comments. He added this is a good project; there is integrity here. These people have a goal of a quality operation.

Rachel Gardner, event planner in the valley, said she has worked with the applicants and has been pleased and impressed. The revitalization of Irwin lodge is needed. She added it would be foolish not support them.

Cory Brindal, resident of Irwin, said he has observed this project from the beginning. He said there have been many violations; an illegal septic system, illegal tree cutting, and buildings constructed in the easement. He urged the commission to enforce guidelines which require proven success before moving to the next phase. He advised the commission to proceed cautiously.

Pat Del Tredicci agreed with Witherell and Moody. She added zip lines are not a wilderness experience.

Justin Varaljay, community member and owner of a trail building business, said he has worked with Eleven. Eleven has built world class trails in all sorts of conditions. He has designed some of the proposed Scarp Ridge trail realignment. This new trail is using proper grade and switch backs and will likely be an easier hike. It could broaden the user group. The area the trail goes through would provide beautiful views.

Kurt Feltus, construction company owner in Crested Butte, said he supports the master plan. This company has developed responsibly and used local craftsman.

Jack Barker, 30 year resident, said the issue is this proposal does not adhere to the historical uses of the property. The old Irwin lodge was open to the public, this feels more like a country club, using public land to get there. Using public property changes things. He questioned how the applicants could bring up the needed construction materials in a designated none mechanized area. He asked who would maintain the new proposed trail, and monitor the septic systems after they are installed.

Hall Brill, summer resident of Irwin, said he drives by the operation to get to his residence. He expressed concern with the realignment of the trail, noting it could prevent some individuals from using it. He said both of the upper huts should be deleted, and anything new should be clustered. The ziplines would not be compatible with the current uses. The noise generated by events at the lodge will disturb the area and the fire danger is significant. The increased traffic will be dangerous for the campground. He echoed the sentiment that the track record of the applicants is questionable. They are asking for piecemeal approval.

Jeff Schlabach, resident in the valley, had worked with Eleven for several years. He said they are very environmentally minded and he supports the application.

Chris Hemsley, resident of Crested Butte, is in support of the application and is pleased with Eleven so far. They use local contractors and materials. The County should support low impact recreational development. The public is currently trespassing when using the trail; the owners are offering a solution and they will pay for it. The trail, if built right will last with very little maintenance.

Rick Barnard, contractor in the valley, said he installed solar for the applicants and he is in support of the application.

Allison Elliot, Irwin resident, said the proposal is in the wrong place and in the wrong scale. She questioned how the bike trails could be policed for trespass. It is an intermeshed situation, it is not gated. People have traditionally wandered through this forest. She encouraged the commissioners to reduce the size of the plan and the area impacted. The applicants know how to get this type of thing done by buying an existing operation and increasing the size of it. She urged the commissioners to not give up because of a poor economy, and to be careful to respect the historical uses.

Ted Evans, resident of valley, thanked the commissioners for defining this as a major impact. He appreciates all the jobs provided by Eleven. He suggested using a yurt that could be put up seasonally rather than the Alpine Hut. He urged the applicants to include all the uses into the lodge rather than build new cabins. The proposed trail will be covered with snow for an extra month. The trail should remain where it is and be maintained. The applicants should not be allowed to go back on the original easement agreement.

David Gotorff, resident of Irwin, thanked the commissioners. He was concerned with Eleven's track record, noting if Eleven was a good neighbor the residents of Irwin would be in favor, they are not. He urged the commissioners not to be misled by short term jobs. He pointed out Eleven had already constructed three buildings in the easement. He said the commissioners should protect the community and natural resources. This proposal for mansions, roads and ziplines will forever change the culture of the area. The applicants knew the limitations when they purchased the property. It would be a mistake to allow them change the easement. He pointed out the new trail is partly in avalanche terrain. Travelers on the new trail would be in danger in the winter. He said very few individuals not employed by Eleven support the proposal.

Gary Achenbach, Irwin resident, said he is was one of the closest neighbors. He is favor of an appropriate development. He encouraged the commissioners to consider the thousands of the people who use the campground. He expressed concern with the noise levels, because the music can be played until 1:00 A.M. and liquor can be sold until 2:00 A.M. He said there are safety concerns with people driving home from Irwin after drinking. He proposed the applicants adhere to the same rules as the campground; no loud noise after 10:00 P.M until 6:00 A.M.

Mike Swan, resident of Crested Butte, said he is in favor of the application. He added to allow growth is to succeed.

Ashton Wyckoff, resident of Crested Butte, said he is in full support of the application. He said the applicants have put quality and the environment first. They have reached out to the community in a generous fashion. The proposal is low density compared the total amount of wilderness in the county. Eleven has improved the area since they have owned it.

John Biro, Irwin resident, echoed the traffic concerns. He added that the limited access will become the new norm.

Dan McElroy, resident of Crested Butte, said he is a proponent of private property rights. He added the regulations are too restrictive. The applicants appear to be doing a good job and are using local contractors.

Erin Dalton, resident of the valley, said she is a proponent of Eleven. What they bring to the valley is unique. This proposal would improve the area. Eleven has put a lot of money back into the community.

Doug Hudson, Crested Butte resident and business owner, said is in favor of the project as proposed. He said the owners would regulate the traffic. He added more amenities for our visitors is critical. He said Eleven as an operator is well organized and provides excellent visitor experiences.

Ted Colvin, Crested Butte resident, said he is a proponent of the proposal. He added cleaning up the area with an economically viable business is preferred. Operating a business in the area is difficult, Eleven is showing they have the ability to do it.

Applicant's Response:

Featherman explained the applicants have proposed the cabins as a way of taking sleeping rooms out of the lodge and putting them into the cabins. It was done because running a facility the size of Irwin lodge in that area is very difficult. Having the cabins will allow the space to be used only as needed. They will build one cabin and if needed then they will build another one. This will allow them to not run the lodge for only six guests. The point is not to build an operation destined to fail. The lodge will be an event center it will allow the opening and closing the rooms as there is demand. The Forest Service and Eleven have agreed on the relocation of the trail.

Featherman said the original Irwin lodge business model has changed from using over 1,000 acres and accommodating 24 skiers to bringing fewer clients in and increasing fees. He noted anyone can buy a seat on the cat and go skiing.

Featherman addressed the avalanche terrain and noise concerns; the skiers will most likely set their tracks in the winter. They will adhere to noise level / decibel level of a maximum of 65 decibels.

Featherman said all guest mountain bikers will be accompanied by at least two guides. He added it is the public's responsibility to know where they are hiking, and if they are trespassing.

Featherman explained the propane tank for the movie cabin was taken care of. There were twelve trees that were illegally cut in the past; that will not happen again. He said products being brought in from offsite reduces the time the contractor is on site, and increases the efficiency. Eleven does employ local contractors and use local vendors. The buildings are meant to be highly efficient to benefit the short building season. He acknowledged there was a mistake made on the website and it has been corrected. He said any traffic impacts would have to be mitigated. The campsite and increased construction traffic would be addressed in the preliminary plan. The Alpine Hut will be a similar use to the Movie Cabin- it is ideal for guests who need to get out of the elements. It will have incinerator toilets, and they will haul water to the site.

Leinsdorf noted sketch plan is a negotiation, the LUR prohibits submitting engineering in the sketch plan phase. Ziplines are very low impact. They will address the ziplines in detail in preliminary plan. The applicants had discussed dinner tours with county staff; they would have had to do a land use change, and decided not to do the dinner tours. Since Featherman has been on the project adherence to detail has greatly increased. Eleven did build the buildings in the easement, but it does not impede traffic; it was not intentional.

Leinsdorf noted the density proposed is much lower than the LUR allows. The LUR would allow the construction of 12 homes. This proposal of half the number. The sites have been chosen for natural defensible space and minimizing visual impacts. He said this has been a very good back and forth with the community and represents the conflicting goals which must be addressed by the commissioners.

Staff Comments:

Planner Pagano clarified the county environmental health official is Crystal Lambert and monitoring of septic systems will be done by her office. Pagano has spoken to the State concerning Advantex septic systems; the State has approved the technology.

Review Body Comments:

BOCC Chamberland commented he would like to see how the night time noise would affect the campground; mitigating noise will have to be addressed. He said using a seasonal yurt rather than construction of the Alpine hut could be considered. The late night traffic back to town should be addressed and mitigated. There are also concerns with construction traffic.

BOCC Houck echoed Chamberland's concerns and comments. He said there is more information needed on the Alpine huts. He added a commercial application if approved should reflect the community values, so the business would work for the applicant and the public.

Wilcox said the sketch plan is a concept phase; details will be flushed out in the preliminary plan phase. The noise impacts could be mitigated with good time limitations. It would benefit the applicant to address the drinking and driving back to town.

Venard thanked Leinsdorf for his presentation. He noted sketch plan is the concept phase, He also echoed Houck's comments.

Eskew appreciated the public comments. She acknowledged the public does not want to lose something they have. A change in business model makes sense. The new Irwin ownership has done a good job so far.

Cattles agreed with the comments made by the commissioners.

Fulton thanked the public for their participation. He said there will be more work sessions. They are welcome to attend, but public comment will not be taken after the public hearing is closed.

The commission outlined the items still needed as;

- The Forest Service input on the easement
- Have discussion about trail 421, the secondary trail
- Provide a letter specifically addressing the bike trails
- Comments from Crested Butte concerning water and sewer and the impacts to the water shed
- Discussion of the zipline, and the kid village- need specifics
- Rope courses- what is involved in it and where would it go

The commissioners thanked J Wenum and his staff at CPW.

The next work session will be conducted November 1, 2013.

Close the Public Hearing;

Chairman Fulton closed the continued joint public hearing at 12:05 P.M.

Gunnison Valley Properties, LLC, LUC-12-00010: The Gunnison County Planning Commission conducted a work session. They discussed the 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 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.

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

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

Fulton seated Commissioner Tom Venard for the work session.

The applicant Dick Bratton, and the applicant's representative Ben Langenfeld of Greg Lewicki and Associates, were both present for the work session.

Starkebaum noted the planning office had received comments from Camron Dirks, Shan Hays, the MacLeanan Family, Dick Bratton, and Ben Lagenfeld. Bratton submitted comments on October 11, 2013, concerning the neighbors and their concerns.

Lagenfeld drew the commissioners' attention to the applicant's October 3, 2013, submittal in response to the public and the commissioners' comments. They have made efforts to reach out to the neighbors to ensure protection of the neighbors' wells. The mine operator will submit copies of permits, enforcement documents and regulatory documents to the county.

Neighbor Arron MacLeanan asked how the wells would be monitored and if there would be a bond set. Bratton agreement to monitor the wells and extend that agreement to any future operator.

Rubingh acknowledged the great effort put forth by the applicant and adjacent owners. He noted the adjacent owners remained concerned with the traffic impacts. Bratton said it had been addressed in his response letter of October 11 2013.

Assistant Director Starkebaum clarified the planning office did not prepare the map referred to in Bratton's letter. He said it was prepared for planning not by planning.

Futon clarified the need for acceleration and deceleration traffic lanes is not a decision made by the County, it is made by CDOT.

Fulton asked if the county airport has the capability to monitor and retrieve the data for the meteorological parameters; Langenfeld said it was his understanding they could; if not there will have to be a site close enough to be accurate and useful.

Fulton asked what amount of precipitation would be a problem; Lagenfeld it would likely have to be a significant precipitation event.

Cattles appreciated the owners and applicant had gotten together.

Rubingh asked about the air quality monitoring and establishing a baseline record for five years; Starkebaum was not aware of any precedent for the number of years. Langenfeld was in favor of the option to reduce or eliminate the monitoring once it's been proven successful for a number of years.

Fulton said any new operator could need to be monitored; Langenfeld explained monitoring is not tied to the state permit. If the county decides monitoring is needed, it is between the county and a new operator. Starkebaum said we should take into consideration what is being monitored.

Language that gives the operator the opportunity to discontinue the monitoring after five years was discussed; a five year monitoring plan with an option for the operator to petition lowering the number of days after three years.

MacLeanan noted his concerns with his well and the potential impacts to it, from the gravel operation. Bratton has agreed to sign an agreement to protect the neighbor's wells and would agree to have future operators adhere to the agreement.

Starkebaum said a private agreement between the homeowners and the operator cannot be monitored by the county. Following a brief discussion, Bratton agreed the county would not monitor their private agreement. MacLeanan said he was just concerned if an agreement wasn't monitored it could be lost.

Neighbors Arron MacLeanan and Bob Delahay said while they have made some good progress with the applicants, no one in the neighborhood wants another gravel pit next door, even with the mitigation.

The commissioners agreed to monitor for five years- three times per year. The operator can petition for a reduction or elimination after three years.

The Commission directed staff to prepare a draft recommendation of approval.

Fulton adjourned the meeting at 2:20 P.M.

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