

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: FRIDAY, January 21, 2022

Meeting on ZOOM

- 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.** **Cimarron Mountain Club (LUC-21-00020):** Public Hearing. The applicant has requested to reduce the number of owner families and number of private lots from 15 to 13, move the new equipment barn to the separate 35-acre Barn Parcel, construct up to ten "tiny houses" for use by staff, construction of a short road to access the staff housing and commons building, a new lodge erected on the 35-acre Lodge Parcel, install solar power system to supplement the grid power, and construct a 500 to 600 sq. ft. High Park Lake Cabin. Property at 5201 Cimarron Mountain Road Via County Road 858, located in T47N, R7W, N.M.P.M. Section 22: SE1/4, Section 27: All, Section 28: E1/2E1/2, Section 33: NE1/4NE1/4. Section 34: N1/2, Section 35: W1/2NW1/4, SE1/4NW1/4 and Lots 9 and 10.
- 9:30 a.m.** **Planning Commission Training Course:** Planning Commission will view the first of ten installments, of the Planetizen Planning Commissioner Training Course.

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ADJOURN

Note: Unless otherwise noted, all meetings are conducted by ZOOM meeting until further noticed. This 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 Community Development Department (970-641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations may contact the Planning Department before the meeting.

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
Friday, January 21, 2022**

The Gunnison County Planning Commission conducted a regular meeting on ZOOM. **Present:**

Chairperson- Laura Daniels Vice-Chairperson-Andy Sovick Commissioner-Vince Rogalski Commissioner-Scott Cox	Director of Community and Economic Development-Cathie Pagano Senior Planner – Rachel Sabbato Manager of Administrative Services- Beth Baker Others present as listed in text
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Absent: Commissioners Baca, Miller & Appleton

ZOOM: Commissioners Daniels, Sovick, Rogalski, Cox

With a quorum present Chairperson Daniels opened the January 21, 2022 regular meeting of the Planning Commission.

Moved by Rogalski seconded by Cox to approve the Planning Commission meeting minutes of January 7, 2022, as amended. The motion passed unanimously.

Cimarron Mountain Club (LUC-21-00020): The Gunnison County Planning Commission conducted a public hearing. The commissioners reviewed the applicant’s request to reduce the number of owner families and number of private lots from 15 to 13, move the new equipment barn to the separate 35-acre Barn Parcel, construct up to ten “tiny houses” for use by staff, construction of a short road to access the staff housing and commons building, a new lodge erected on the 35-acre Lodge Parcel, install solar power system to supplement the grid power, and construct a 500 to 600 sq. ft. High Park Lake Cabin. Property at 5201 Cimarron Mountain Road Via County Road 858, located in T47N, R7W, N.M.P.M. Section 22: SE1/4, Section 27: All, Section 28: E1/2E1/2, Section 33: NE1/4NE1/4. Section 34: N1/2, Section 35: W1/2NW1/4, SE1/4NW1/4 and Lots 9 and 10.

With a quorum present Chairperson Daniels opened the public hearing.

Manager of Administrative Services Beth Baker confirmed adequate public notice. The notice was published in the Crested Butte News and Gunnison Country Times, and the applicant submitted the proof of posting affidavit, photo, and certified mailing receipts.

Jim Aronstein, Kristofer Noel, and Kim Koehn were present on ZOOM representing the application.

Aronstein explained Cimarron Mountain Club (CMC) is 1,750-acres bordered by Bureau of Land Management (BLM) and private property. CMC is owned by 13 families. It has gone through several iterations of county project approvals, some were never completed and have since expired. They are now proposing a lodge, staff village, equipment barn, and small fishing cabin/ winter warming hut.

Staff Comments:

Planner Sabbato said a letter from Colorado Parks and Wildlife (CPW) was submitted. CPW concurred the mitigation plan was sufficient. The covenants for CMC outline the CPW conditions, and are included in the draft decision of approval.

Commission Comments:

Cox asked if the covenants could be amended without county approval. He also asked if there could be more 35-acre lots later. Aronstein said they are pretty locked into 13 lots. None of the current members want to expand. Cox inquired what would prevent it if the ownership changes and the new owners want to expand. Director Pagano explained if the owners decide that they want to expand it, it is defiantly a possibility. According to state statue anyone with more than 35 acres can develop. Aronstein said the road approval would require a new review. Chairperson Daniels agreed expansion is a potential down the road, should the ownership change.

Public Comments:

Owner to the east of CMC Penny Bishop asked where the potential buildings were going to be placed. She noted her concerns with water quality. Aronstein explained the structures will be on the mountain parcel, five miles up the access road and 1,500 ft. above her home. Water rights come from the water parcel, six miles above, and springs on the mountain have been filed on. None of those will affect Bishop’s water rights.

Property owner Gary Stevens said his property is adjacent to CMC’s lower parcel. He requested clarification on access to the mountain parcel during the winter months. He was concerned his water line would freeze if the parcel is cleared of the snow. Aronstein confirmed there would only be over the snow access in the winter months. Stevens said as an adjacent land owner, they support the CMC master plan, and are happy with the access over snow dates.

Chairperson Daniels asked if the no snow plowing is memorialized. Planner Sabbato said it could be added as a condition. Aronstein agreed. He requested a note for flexibility. If there is very late season snow, they may be need to plow to gain access.

There was a discussion concerning elk calving season and construction date limitations. Director Pagano suggested if clarity is needed the decision could be delayed, until there is clarification from CPW. Aronstein explained they have been working on this for a year. He is eager to get to a conclusion. The commissioners agreed to add a condition to the decision, “construction shall be prohibited from May 1 to June 15th of each year, to the extent set forth in the wildlife mitigation plan dated December 16, 2021, to minimize negative impacts on calving elk and fawning mule deer. Off road riding in motorized vehicles shall be prohibited from May 1 to June 15th of each year.”

The commissioners reviewed the decision draft.

Chairperson Daniels closed the public hearing

Moved by Cox seconded by Sovick to approve LUC-21-00022 Cimarron Mountain Club as found in the planning commission decision of approval. The motion passed unanimously as amended, found in the decision that follows.

PROJECT DESCRIPTION:

Cimarron Mountain Club (CMC), represented by Jim Aronstein proposes the following;

1. The number of private 35 acre lots will be reduced from 15 to 13.
2. Equipment barn, 10,800 square feet, relocated to the separate, lower 35-acre Barn Parcel. The equipment barn will be served by its own septic system.
3. Staff Village- ten tiny homes for use by staff that would be 500 square feet each. The village would also include a commons building of approximately 900 square feet of enclosed space where staff could gather is also proposed. The staff tiny homes and commons building would be on the separate 35-acre Staff Housing Parcel and would be supported by the existing water system at CMC and its own septic system. This would be the only septic system on the 35-acre Staff Housing Parcel.
4. A short road would be constructed from the existing Cimarron Mountain Club road to access the staff housing and commons building.
5. A new lodge, to be erected on the 35-acre Lodge Parcel between the existing Double Yurts and Cabin Yurts. The new lodge would contain approximately 11,900 square feet of enclosed space above ground (over two stories) and approximately 5,300 square feet basement, total of 17,200 sq. ft. The new lodge would contain a kitchen, dining room, lounges, a boot and ski room, bathrooms and bedrooms with ensuite bathrooms for use by owners and their guests. There would also be two small rooms for massage, porches, and outdoor fire pit, sauna and hot tubs. The lodge would be served by CMC's communal water system and the existing septic system on the 35-acre Lodge Parcel.
6. Cimarron Mountain Club will supplement the power grid by installing its own solar power system (with battery storage and backup generator) as Delta Montrose Electric Association (DMEA) lacks sufficient capacity in its main power line to CMC. This system would be installed adjacent to the proposed equipment barn on the Barn Parcel.
7. High Park Lake Cabin. A small fishing cabin, 500-600 square feet, would also serve as a Nordic warming hut in the winter. The small cabin would have a half-bathroom, with a sink and toilet. Non-potable water would be taken from High Park Lake pursuant to a decreed water right and potable drinking water would be brought to the cabin in large jugs. There would be no kitchen. Electricity would be provided by a small solar system. The cabin would be served by a separate septic system, which would be the only septic system on the 70-acre Lake Parcel.

The subject parcel is legally described as 5201 Cimarron Mountain Road Via

County Road 858

SECTION 22: SE1/4

SECTION 27: ALL

SECTION 28: E1/2E1/2

SECTION 33: NE1/4NE1/4

SECTION 34: N1/2

SECTION 35: W1/2NW1/4, SE1/4NW1/4 AND LOTS 9 AND 10

All The Above Described Property In Township 47 North, Range 7 West, N.M.P.M. and stretches into Gunnison, Montrose And Ouray Counties, Colorado.

IMPACT CLASSIFICATION:

The initial classification was a Major Impact based on Section 7-101: A. and B. The applicant is requested a reduction in the initial impact classification and staff represented to the applicant that they may submit a Minor Impact application rather than a Major Impact Sketch Plan application. A determination of impact classification was made in the work session on November 5, 2021 in accordance with Section 3-111: Classification of Impact. After reviewing the application the planning commission reduced the classification to a minor impact land use change, motioned by Vince Roglaski and seconded by Scott Cox.

The project, by definition, is a Minor Impact pursuant to *Section 6-102: The project, by definition, is a Minor Impact pursuant to Section 6-102: I. 10,000-15,000 Sq. Ft. Expansion of Commercial or Industrial Use.*

This use will be based on the commercial classification on the definition of a “resort” per the Land Use Resolution. *RESORT (INCLUDING INNS, LODGES, DUDE RANCHES AND GUEST RANCHES) means those establishments used for housing and providing either organized entertainment or recreational opportunities for overnight lodging, generally several nights in duration. This type of facility either provides all recreational opportunities on-site, or as part of an organized or duly licensed and/or permitted recreational activity on public or private lands in the vicinity of the inn, lodge or guest ranch.*

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the application on the following dates:

- November 5, 2021 Work session
- November 19, 2021 Work session and virtual site visit
- January 7, 2022 Work session
- January 21, 2022 Public Hearing

SITE VISIT:

The Planning Commission determined that a site visit was not necessary due to difficulties in getting to the site due to US Highway 50 road construction and closures. The applicant provided a virtual tour via drone footage.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on January 21, 2022. Comments received included: if this proposed lodge would be the second lodge or still part of the first one, where would the new staff village road be and where would the new proposed lodge and staff village get their water. Additional comments included if the Cimarron road would be plowed during winter operations.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail on September 28, 2021 to the following agencies:

Bureau of Land Management Montrose Field Office, Suzanne Copping

Gunnison County Public Works, Sparky Casebolt and Marlene Crosby

Gunnison County Building Official, Crystal Lambert

City of Gunnison Fire Marshall, Hugo Ferchau

Colorado State Forest Service, Supervisory Forester, Sam Pankratz

Colorado Parks and Wildlife, District Wildlife Manager- Montrose East, Matt Ortega

Comments from the agencies and are noted in the applicable sections below.

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

Section 9-100: *Uses Secondary to a Primary Residence.*

Not applicable. No secondary uses are proposed and per section 8.1 of the CMC restrictive covenants, CMC private land owners may build only one residence on a lot.

Section 9-303: *Dude Ranches and Resort.*

Applicable. Proposed lodge and equipment barn. As defined by the Land Use Resolution, "RESORT: (INCLUDING INNS, LODGES, DUDE RANCHES AND GUEST RANCHES) means those establishments used for housing and providing either organized entertainment or recreational opportunities for overnight lodging, generally several nights in duration. This type of facility either provides all recreational opportunities on-site, or as part of an organized or duly licensed and/or permitted recreational activity on public or private lands in the vicinity of the inn, lodge or guest ranch." The lodge, high park lake cabin, equipment barn are a commercial use, categorized as a resort.

9-303.A.1-2. Access to Public Land. Land owners access the resort per a private road, Cimarron Mountain Road via County Road 858. An Executed letter of right-of-way from the United States Department of Interior, Bureau of Land Management dated June 10, 2009 from Barbara Sharrow, Montrose BLM Field Manger addresses the access road and buried utilities across public lands.

9-303.B. Cooking and Dining Facilities. The Staff Village housing will have individual kitchens and the new 17,200 sq. ft lodge will also have a dining facility with a supporting kitchen.

9-303.C. Limitations on Occupancy. Land owners and their guests will be occupying CMC, lodging rooms and individual cabins will not be used for long term rentals.

9-303.D. Compliance with Building Code and Applicable fire Protection District Requirements. All structures proposed shall be compliant with the LUR and the applicable requirement of the applicable building codes.

9-303.E. Compatibility with Neighborhood uses. The applicant states, "The CMC project will have minimal impact upon any neighboring properties, public or private. The development on CMC's mountain parcel is more than five miles up CMC's private access road from County Road 858 and is situated almost two miles and 1,500 vertical feet away from the nearest neighboring residence. A fundamental tenet of CMC's mission statement is protection of the wilderness character of its land. The limited and carefully planned development on CMC's property will ensure the realization of this goal."

Section 10-103: *Residential Density.C.3.b. Conditions are appropriate for Larger Lot Size or Lesser Density.*

Applicable, Staff village.

Public Water Supply and Wastewater Treatment is not available, each parcel contains will have its own water decreed water supply and On-site Waste Water Treatment System (OWTS). Emergency Services Access is Difficult and is not sufficiently close to the location of development to provide timely response year-round.

10-104: C.1.c. Alternative Locational Standards. Location well suited to specific use.

Applicable. This proposed location is well suited for the specific use of the recreation proposed under the resort amenities being offered by CMC.

Section 11-105: Development in Areas Subject to Wildfire Hazards.

Applicable. According to Gunnison County GIS mapping wildfire hazards in this area are moderate to extreme. At the time of building permits, fire mitigation plans and defensible space work will be required. The applicant has and continues to work with Colorado State Foresters from the Ouray office in wildfire mitigation methods. An emergency and wildfire egress plan including locations of hydrants available was provided as well.

Section 11-106. G. General Standards for Development in Sensitive Wildlife Habitat Areas.

Applicable. According to Colorado Parks and Wildlife *Wildlife Species Map*, Several species are in the area. Matt Ortega, CPW District Wildlife Manager, provided a letter dated December 1, 2021 stating,

“CPW does have concerns for negative impacts to wildlife and for wildlife conflicts related to this development. CPW would like to make the following comments related to this development, some of which we made in 2015 at prior permitting stages and will repeat here: The proposed project will change building types and densities from previously approved land use permits. The building areas will remain the same. The project site for building 10 tiny homes and a staff building will remain in the same location as previously approved shop with apartments. The proposed site for the new barn and micro grid will be in close proximity to the staff village.

The location of the proposed project lies within CPW mapped summer and fall black bear habitat. The area surrounding the proposed project does experience black bear conflicts throughout the summer and fall months. Due to the bear activity that exists in the area of the proposed project, the applicant should be prepared for bear activity. CPW strongly recommends that the applicant or HOA require bear proof trash containers at residences and facilities and keep trash and food, including pet food, sources properly stored. CPW also encourages limited use of bird feeders and other bear attractants. Upon request CPW can provide literature to help reduce bear conflicts. The proposed project also lies within CPW mapped elk production area, spring, summer and fall use areas, as well as mapped mule deer spring, summer and fall use area. CPW recommends limiting activity including road and building construction as well as recreation from May 15th, through June 30th each year to minimize negative impacts on calving elk and fawning mule deer. CPW advises landscaping be planned with plant species and plant protection that would reduce deer and elk foraging and damage on landscaping. CPW strongly recommends keeping livestock feed properly stored and applied to reduce deer and elk foraging on livestock feed. CPW also recommends wildlife friendly fences be constructed throughout the proposed project area. The site of the proposed project is in the migration corridor for the Cimarron deer and elk herds. Deer and elk are frequently in the area and would benefit from wildlife friendly fences to allow safe migration. Upon request CPW can provide a book for fencing with wildlife in mind.”

Applicant has provided a Wildlife Impact Mitigation response to Sensitive Wildlife Habitat Standards. Matt Ortega has reviewed this response and stated in an email dated December 8, 2021, *“It looks like they do have all of the recommendations covered in their covenants. The recommended closure times for elk production are only recommendations. CMC's closure of construction from May 1 to June 15 is sufficient.”*

Section 11-107: *Protection of Water Quality.*

Applicable. All structures shall comply with water quality protection standards. A wetland delineation report dated July 15, 2021 by Bio-Environs was provided. "On July 11, 2021 Bio-Environs inspected the established 30.0-acre CMC Lodge project area in Gunnison County, CO. Two wetland areas totaling 1.5 acres, 1460 LF of unnamed ephemeral stream channel and 250 LF of a drainage feature are identified within the project area. The wetlands and water feature are connected to the Gunnison River through surface connection. The Corps of Engineers provides the final approved aquatic resources boundary confirmation and approved jurisdictional determination as requested." As presented on the Mountain Parcel site maps with wetlands, dated August 18, 2021 all wetlands setbacks of 25 feet or more have been met.

Section 11-110: *Development of Land Beyond Snowplowed Access.*

Not Applicable. No development is proposed beyond snowplowed access. Approximately six miles of gravel roads are already constructed. In the winter, CMC plows only a short driveway from County Road 858 to the existing equipment barn and parking areas on the Entry Parcel and rubber tired vehicles are parked there. Using snowcats, CMC packs and grooms its internal roads from this location to the Lake Parcel and the Mountain Parcel and staff, member families and their guests are transported via over-snow tracked vehicles, including snowcats, tracked UTVs and snowmobiles.

Section 12-103: *Road System.*

Applicable. The applicant has renewed with the Montrose Bureau of Land Management field office their Special Recreation and Right of Way permits, both are currently up to date. Approximately six miles of high quality gravel roads are already constructed. Over the snow access is the main mode of transport during the winter months. Mud seasons both in spring and fall are observed with little to no traffic or club members on site to although roads to melt out without causing road damage.

Comments from Gunnison County Public Works in an email from Sparky Casebolt dated October 19, 2021 included, "After reviewing the plans for the CMC Minor Impact we have the following comments.

1. Proposed grades for roads needs to be on the plans.
2. Emergency Access Turnaround appears to be only 16 feet wide, it needs to be 20 feet wide on each leg of the T for a minimum distance of 40 feet, we need these dimensions spelled out on plans.
3. We need width of road for staff housing, and width of parking to be spelled out on plans.
4. We need hard copy of final plans drawn to scale before access permits can be issued.
5. Final inspection of road for staff housing will need to be completed before individual CO can be issued for staff homes."

Section 12-104: *Public Trails.*

Not applicable. No public trails exist on the property and no new public trails are contemplated in this application.

Section 12-105: *Water Supply.*

Applicable. CMC Lodge pond and water decree narrative and Water Decrees

1. Water Decree, Case Number 14CW53 , dated February 1, 2016 by Water Judge Steven Patrick, District Court, Water Division 4, Colorado.

2. Water Decree, Case Number 17CW20 , dated April 9, 2018 by Water Judge Steven Patrick, District Court, Water Division 4, Colorado.

Jordan Dimick, P.E., out of SGM's office in Durango, has led the water supply plan. SGM first conducted a thorough examination of the water demand posed by the current plan of development. SGM has determined that this water demand will actually be less than the water demand of the previous development plan, as approved and decreed by the water court in 2017. Because the water usage will be less under the currently proposed development plan, and because the water will be used for essentially the same categories of purposes and on the same lands as contemplated in CMC's decree, SGM felt that it should not be necessary to obtain a new court decree and that the 2017 court decree is fully sufficient, in and of itself, to support the currently proposed development plan.

SGM has consulted with Bob W. Hurford, Division 4 Engineer of the Colorado Division of Water Resources, with regard to this matter. Mr. Hurford has concurred with SGM's conclusion and determined that there is no need to obtain a new court decree. In his determination of August 31, 2021, the Division Engineer stated as follows,

"I concur that there is no need to change the existing water rights portfolio to meet the current CMC development plan and the water rights can be developed as they are currently decreed. The augmentation plan is also adequate to protect any junior out of priority uses of water during times of a local or mainstream call. The revised CMC 2021 Development plan is adequately supported by the existing water rights portfolio without any new or changes of water rights or revisions to the court approved plan of augmentation."

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable. On-site waste water treatment systems (OWTS) will be utilized for this proposal. Please see the provided Utilities site plan by SGM dated May 28, 2021. The Staff Village parcel has now been split into a new 35 acre parcel per the deeds and documentation provided and will have it's own OWTS system. The lodge on the mountain parcel (separate 35) will have a OWTS and the equipment barn on the lower "barn parcel" will have its own well and OWTS system. All OWTS systems shall comply with current regulations at the time of building applications.

Section 12-107: Fire Protection.

Applicable. This parcel is outside of any fire district and is required to sprinkler the lodge, possibly the staff village and equipment barn per applicable building codes at the time of construction. In a letter dated October 21, 2021, Fire Marshal Hugo Ferchau states,

"Thanks for the opportunity to comment. Looking at the Cimarron Mountain Club, I see that there is an existing hydrant that I am unaware of. I just want to be sure that connections of that hydrant match our hoses so it would be useful to us. Our hose sizes are 2.5" NH and 4.5" NH. I would assume that the 4" water line to the lodge will be enough for the sprinkler system, but I will need to see engineered sprinkler plans to be sure. The same is true for the size of the 20,000 gallon water tank. I don't see it being feasible to meet fire flows required in Appendix B of the IFC and really don't see them being necessary as there are not any other buildings in close proximity to the lodge."

Applicant's response, *"There is an existing hydrant located south of the proposed lodge, as shown on the Civil Drawings, Sheet C1.2. SGM to provide additional narrative and specification regarding this device and connection specification. All required fire flows and demand calculations are provided on the Fire Protection Drawings. See "Fire Protection Water Supply Notes, Sheet FP0-0. The lodge has been designed with fire suppression meeting NFPA13 standards as referenced in the calculations above. It is served from a 20,000*

gallon storage tank above the facility and gravity fed into the lodge. We agree that the requirements of the IFC do not apply in the case of this project. As such, the project has not been designed to meet the requirements NFPA 1142, as referenced in the "Fire Protection Water Supply Notes", Sheet FP0-0. There is plenty of existing water capacity in the immediate area of the site to meet water shuttle/water tender requirements to satisfy NFPA 1142, subject to approval from the fire department. Deborah Shaner, our fire protection engineer, will be reaching out directly to Hugo Ferchau to further review and outline our Fire Protection Plan and design strategy.

There is a proposed hydrant located on building Site 7, as indicated on the Civil Drawings, Sheet C2.2. A fire alarm control panel, and annunciator panel are all indicated in the design as shown on the Fire Protection Drawings."

Section 13-103: General Site Plan Standards and Lot Measurements.

Applicable. Per site maps and construction plans submitted within this application these criteria are met.

Section 13-104: Setbacks from Property Lines and Road Rights-of-Way.

Applicable. Per site maps and construction plans submitted within this application the proposed improvements meet the setback requirements.

Section 13-105: Residential Building Sizes and Lot Coverages.

Applicable. There are ten residential employee units proposed.

D1. Percent of Coverage: The aggregate square footage of coverage by structures on a parcel 6,500 sq. ft. or larger do not exceed 45% of the total 35 acre parcel.

D2. Max Building Size and Max Aggregate of All Structures. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 5,000 sq. ft and the aggregate of all structures shall not exceed 7,000 sq. ft.

Section 13-107: Installation of Solid Fuel-Burning Devices

Applicable. If solid-fuel-burning devices are proposed for the lodge or employee units, applicant will need to demonstrate compliance at time of building permit application.

Section 13-108: Open Space and Recreation Areas

Applicable. Per the three main 35 acre parcels that the development will be constructed on, the nature of the large parcels meets this standard.

Section 13-110: Off-Road Parking and Loading.

Applicable. Applicant response, "The staff village will only be occupied by a single individual or a couple. Additionally, in the winter, staff will be transported from the entry parcel up the mountain to the staff village via over-snow vehicles and very few parking spaces in the staff village will actually be utilized, except perhaps by a few snowmobiles. In the summer, only six of the tiny homes will be occupied by staff (the other tiny homes will be occupied in the winter by ski guides), so only six parking spaces will be needed in the summer, at most.

With respect to the lodge, in the winter, owners and guests will be transported from the entry parcel up the mountain via over-snow vehicles. Guests staying in the lodge will not require parking spaces. In the winter, we will only need parking spaces for a few snowmobiles and tracked side-by-side utvs., in the summer, staff will not

need to park vehicles at the lodge, as we have purposefully located the staff village within easy walking distance of the lodge.”

Section 13-111: *Landscaping and Buffering.*

Applicable. The natural topography and forested landscape will be preserved and will provide for buffering. Applicant has stated, “We intend to maintain existing natural vegetation and landscaping to the maximum extent possible.”

Section 13-112: *Snow storage.*

Not Applicable. No plowing has been proposed for this application. The Lodge area is existing and complied with all requirements at the time the building permit was issued. Cimarron Mountain Road is not plowed during the winter, over the snow access is based from the bottom garage and new equipment barn.

Section 13-114: *Exterior Lighting.*

Applicable. If exterior lighting is proposed for the lodge or employee units, applicant will need to demonstrate compliance at time of building permit application.

Section 13-115: *Reclamation And Noxious Weed Control.*

Applicable. A reclamation permit may be required as part of this application for any new disturbance greater than 10,000 square feet. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction. **Applicant has also provided that an ongoing plan is in place for noxious weed control.**

Section 13-116: *Grading And Erosion Control.*

Applicable. Per the Cimarron Mountain Club Drainage Plan Map, dated May 28, 2021 by SGM Engineering and the Drainage Narrative, dated June 2021, prepared by Tyler Harpel P.E. SGM Engineering the criteria per this standard has been met.

Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control.*

Section 13-117: *Drainage, Construction And Post-Construction Stormwater Runoff.*

Applicable. Per the Cimarron Mountain Club Drainage Plan Map, dated May 28, 2021 by SGM Engineering and the Drainage Narrative, dated June 2021, prepared by Tyler Harpel P.E. SGM Engineering the criteria per this standard is being met.

Section 13-119: *Standards to Ensure Compatible Uses.*

The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The initial classification was a Major Impact based on Section 7-101: A. and B. The applicant requested a reduction in the initial impact classification to a Minor Impact Land Use Change and planning commission approved.
2. The lodge and barn will remain under commercial resort classification, staff village will be residential and shall comply with new square footages per section 13-105 in the LUR.
3. The new lodge, new staff village, high park lake cabin and equipment barn are each located on individual 35 acre parcels. Each will have its own On-site Waste Water System.
4. All Bureau of Land Management (BLM) permits, Special Recreation and Right of Way, have been renewed and are current.
5. An environmental assessment was completed as part of the BLM process.
Cimarron Mountain Club is working with Colorado State Forest Service out of the Ouray office to maintain and mitigate wildfire risk.

An emergency evacuation plan is in place along with dry hydrant locations.

6. Due to this location being so remote 911 emergency services are not available but careflight helicopter is.
7. No snow plowing is proposed, only over the snow access during winter months.
8. Spring (end of ski season till roads dry out) and fall (muddy roads to snow accumulations for skiing and over the snow access) mud seasons are observed and minimal traffic is allowed and the club is closed to members at this time.
9. This is a sensitive wildlife habitat area for black bear and elk calving seasons.
10. This application is consistent with the standards and requirements of this *Resolution*.
11. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-21-00020 be classified as a Minor Impact, and be approved with the following conditions:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. Bear proof trash containers at residences and facilities shall be required, pet food sources shall be properly stored. This also includes limited use of bird feeders and other bear attractants. No animals, livestock or poultry of any kind shall be kept, raised or bred on any portion of the property, except dogs and cats and other household pets belonging to a user or guest, which pets are confined to the interior of a residence or other building when not under the direct supervisions and control of its owner.

3. Construction shall be prohibited from May 1 to June 15 of each year, to the extent set forth in the wildlife mitigation plan dated December 16, 2021, to minimize negative impacts on calving elk and fawning mule deer. Off road riding in motorized vehicles shall be prohibited from May 1 to June 15th of each year.
4. The site of the proposed project is in the migration corridor for the Cimarron deer and elk herds. Deer and elk are frequently in the area and to allow for safe migration wildlife friendly fences shall be installed.
5. Landscaping shall be planned with plant species and plant protection that would reduce deer and elk foraging and damage on landscaping. CPW strongly recommends keeping livestock feed properly stored and applied to reduce deer and elk foraging on livestock feed.
6. CMC shall implement and maintain a long term noxious and nonnative invasive weed management plan.
7. No explosives would be utilized without an inspection of the avalanche path and run out zone for the presence of backcountry users and/or wildlife. Impacts to elk during calving season will be eliminated by restricting use of the SRP during elk calving season (May 15 – June 30).
8. Avalanche mitigation practices associated with the proposed action are intended to improve the safety of users in the proposed SRP and CMC area and are conducted in a safe and responsible manner.
9. No snowplowing shall occur on the road above the care taker's cabin on the entry parcel during winter months, November 1 to April 30th.
10. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
11. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
12. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
13. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

/s/ Beth Baker
Gunnison County Community and Economic Development