

**GUNNISON COUNTY PLANNING COMMISSION**  
**REVISED PRELIMINARY AGENDA: Friday, May 3, 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. SG Interests I, Ltd.,** work session/possible action, request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6<sup>th</sup> P.M., west of Highway 133

**10:00 a.m. ADDED - O.A. Pesnell, Monson Creek Outfitters,** work session/possible action, request for the use of two cabins for year-round guest lodging and sleigh and hay rides. Seasonal use (May – October) as a staging area for guided horseback tours onto adjacent BLM lands, and as a waypoint for jeep tours on adjacent BLM lands; with jeep rentals originating in the City of Gunnison; 59005 Highway 50, north of Highway 50, Doyleville, legally described as being located in the NW/4NE/4, NW/4 Section 1, N/2SW/4, the SE/4SW/4, part of SW/4 Section 1 and NE/4, NE/4SE/4 lying north of Highway 50 Section 2, Township 48 North, Range 3 East, N.M.P.M., 465-acres

**10:20 a.m. CD Staff,** work session/no action, Planning Commission training, review of Planning Commissioner's Handbook

- 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  
May 3, 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

Vice-Chairman- Jim Seitz

Commissioner- AJ Cattles

Commissioner-Susan Eskew

Commissioner-Warren Wilcox

Alternate Commissioner- Jeremy Rubingh

Alternate Commissioner- Tom Venard

Assistant Director of Community Development- Neal Starkebaum

Planner-Cathie Pagano

Community Development Department Services Manager-Beth Baker

**Others present as listed in text**

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

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Moved by Wilcox seconded by Eskew to approve Planning Commission minutes dated April 19, 2013, as amended. The motion passed unanimously.

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**SG INTERESTS- FEDERAL 11-90-9:** The Gunnison County Planning Commission (Commission) conducted a work session to discuss the request for the Federal 11-90-9 gas well project, including five gas wells, located in northwest Gunnison County, in Section 9, Township 11 South, Range 90 West, 6<sup>th</sup> P.M., west of Highway 133.

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

SG Interests (SG) representative Eric Sanford was present, SG representative Catherine Dickert participated by phone.

Eskew requested an explanation of a closed loop system; Sanford said in a closed loop system the cuttings are dried out and stored. The cuttings can be stored in multiple ways; in a pit, or under a tarp, etc. Pumps, and tankers are brought on site, the water goes into tanks and is injected into an injection well. In an emergency they can use trucks; they will use poly lines to flow to the MacIntyre flow back pit. The pipes are pressure tested with clean water, before frack fluids go through the lines.

The commissioners reviewed the draft decision.

Rubingh read the *Wildlife and Wildlife Habitat* section from the *Gunnison County Oil and Gas Regulations* into the record. He noted unnecessary fragmentation of habitat was mentioned in the Forest Service comments. He stated not every location makes sense; this location is inappropriate and this application should not be permitted.

Starkebaum had asked Colorado Parks and Wildlife (CPW) if their comments would be forth coming; CPW has indicated they were satisfied with the mitigations proposed for big game. Decommissioning roads is one of the best mitigation methods.

Venard said all regulations have gray areas; it comes down to interpretation and enforcement of the laws. Rubingh reiterated his concerns for the wildlife habitat.

Seitz said he is not convinced this application will cause significant degradation of wildlife and wildlife habitat.

Sanford will be discussing the wildlife mitigation plan for this area with Parks and Wildlife, May 13, 2013. They will determine what time of year various activities can take place.

The Commission continued the review of the draft decision.

**Moved** by Sietz seconded by Wilcox to approve OG-12-00006 as amended. The motion passed unanimously.

**PROJECT SUMMARY:**

The applicant requests an Oil and Gas Operations permit for the Federal 11-90-9 Gas Well Project, which includes the construction of a well pad, five gas wells and installation of gas and produced water pipelines to connect to the existing collection system.

**Operations Plan:**

Drilling: The well will be drilled using a conventional rotary drilling rig, operating 24 hours a day. Cuttings and drilling fluids will be maintained in a plastic lined reserve pit.

Completion: The well will be completed using a conventional daylight rig. Hydraulic fracturing is the planned stimulation for the well.

Transporting: If productive, the gas will be transported by buried pipeline. Produced water will be trucked or transported by buried pipeline.

Production: Production will be performed by conventional means. If artificial lift is required, a pumping unit will be used.

Post-Operation: If production is non-commercial, the well will be plugged and abandoned according to COGCC rules.

**SURFACE OWNERSHIP:**

U.S. Forest Service – Department of Agriculture  
Paonia Ranger District  
403 N. Rio Grande Avenue  
P.O. Box 1030  
Paonia, CO 81428

**MINERAL OWNER:**

Dept. of Interior - Bureau of Land Management  
2465 S. Townsend Avenue  
Montrose, CO 81401

**PROJECT LOCATION:**

The gas well project is located north of Forest Road 265, within Section 9, Township 11 South, Range 90 West, 6<sup>th</sup> P.M. Specific location of the site is identified on a map in the Community Development Department file.

**ACCESS:**

The applicant states the new access road will intersect with an existing lease access road (to the Federal 10-8-11-90R well). The existing lease access road then intersects with Forest Road 265.

SG Interests and Gunnison Energy Corporation have an existing agreement with Gunnison County to maintain County Road 265, for the application of magnesium chloride by Gunnison County, with financial reimbursement provided by SG Interests and Gunnison Energy.

**DOCUMENTS INFORMING THIS REVIEW AND ACTION:**

This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, maps, references and documents.

**COLORADO PARKS AND WILDLIFE:**

The Colorado Parks and Wildlife (CPW) provided comments to the Colorado Oil and Gas Conservation Commission, May 4, 2012, noting that that proposed gas well pad is located within an Elk Winter Concentration Area and identified concerns related to the cumulative impacts of increasing well pad density and ancillary facilities on wildlife habitats in the area. The proposed location will unnecessarily fragment wildlife habitat and exacerbate functional habitat loss due to the additional habitat loss, and long-term human disturbance associated with drilling, production, and maintenance of this facility. Several alternate locations were identified for the facility that would avoid and minimize impacts to wildlife by reducing the length of the access road and pipeline, including several areas south of road 265A, an area adjacent to Gunnison Energy's storage yard (approx. 1400ft southwest), and an area approximately 500 ft west of the proposed location. CPW recommended that SG consider incorporating this location into a comprehensive wildlife mitigation plan that addresses the cumulative impacts from all of SG's proposed development in the area, including the Bull Mountain Unit and surrounding area. Alternatively, CPW recommended to the COGCC and the USFS that one of the identified alternate locations be selected to avoid and minimize unnecessary site-specific impacts to wintering big game.

**U.S. FOREST SERVICE:**

Levi Broyles, Paonia District Ranger, GMUG National Forest, issued a Decision Memo on the Surface Use Plan of Operations, on March 12, 2013, for the Federal 11-90-9 #3 Well, and was evaluated under Section 390 of the Energy Policy Act of 2005 and as a Categorical Exclusion, including Appendix A, Conditions of Approval for 11-90-9 #3 Surface Use Plan of Operations.

**GUNNISON COUNTY CONSULTATION:**

Gunnison County hired Hayden-Wing Associates, LLC to provide consultation on wildlife issues associated with the Federal 11-90-9 well project. Comments were received from Matthew R. Dzialak, Senior Ecologist, Hayden-Wing Associates, LLC, for Gunnison County, letter of March 29, 2013, noting that the COGCC Form 2A and U.S. Forest Service decision memo Conditions of Approval are sufficient and mirror or exceed conditions placed on many other development actions.

**GUNNISON COUNTY, COLORADO TEMPORARY REGULATIONS FOR OIL AND GAS OPERATIONS:** The application was reviewed for compliance with the *Gunnison County, Colorado Temporary Regulations for Oil and Gas Operations, May 18, 2004*, and is defined as a Minor Oil and Gas Operation Project.

The applicant submitted a request for a technical infeasibility waiver for the pipeline and road construction. The pipeline and road construction is within 500 feet of a waterbody (Little Henderson Creek) for a portion of the alignment, approximately 250 feet at its closest point. The proposed pipeline and road construction does not meet the setback standard in *Section 1-107: Oil and Gas Operation Standards, H. Waterbody Setbacks*.

**WORK SESSIONS:**

Work sessions were held by the Planning Commission on:

April 6, 2012

May 3, 2013

**SITE VISIT:**

The Planning Commission conducted a site visit on April 27, 2012. The Commission members noted their observations including the difficult terrain and proximity of the well pad to Little Henderson Creek and the Forest Service road.

**PUBLIC HEARING:**

A public hearing was held by the Planning Commission on May 4, 2012. At that time a letter was received from Sandy Shea, dated April 12, 2012, identifying concerns about planning for gas well operations in Gunnison County.

The public hearing was continued until:

June 1, 2012

July 6, 2012

August 17, 2012

September 21, 2012

October 19, 2012

November 16, 2012

January 1, 2013

March 1, 2013

April 19, 2013

All testimony presented, and the full record of that hearing, including all testimony, is hereby incorporated into this record.

**FINDINGS:**

The Gunnison County Planning Commission, having considered the application, all exhibits and public testimony finds that:

1. Approval is limited to the location and description of the SG Interests I, Ltd. Federal 11-90-9 Gas Well Project as described in the application. Any change 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 *Temporary Regulations for Oil and Gas Operations*, or as those may be hereinafter amended.
2. The Colorado Parks and Wildlife provided comments to the COGCC on May 4, 2012, identifying potential impacts to elk and elk habitat at the proposed Federal 11-90-9 well pad location.
3. The U.S. Forest Service issued a Decision Memo on the Surface Use Plan of Operations, on March 12, 2013, for the Federal 11-90-9 #3 Well, and that the proposal was evaluated under Section 390 of the Energy Policy Act of 2005 as

a Categorical Exclusion, including Appendix A, Conditions of Approval for the Federal 11-90-9 #3 Well, including conditions to mitigate impacts to wildlife habitat.

4. An analysis of the wildlife issues related to the Federal 11-90-9 #3 Well was prepared by Matthew R. Dzialak, Senior Ecologist, Hayden-Wing Associates, LLC, for Gunnison County, letter of March 29, 2013, noting that the COGCC Form 2A and U.S. Forest Service decision memo Conditions of Approval are sufficient and mirror or exceed conditions placed on many other development actions.
5. The applicant has identified a waterbody (Little Henderson Creek) within 500' of the proposed road and pipeline route.
6. The applicant requests a technical feasibility waiver for the pipeline and road alignment. The pipelines and road will be within 500 feet of a waterbody (Little Henderson Creek) along the route. The pipeline alignment cannot meet the setback standard of *Section 1-107: Oil and Gas Operation Standards, H. Waterbody Setbacks*. There is no economical technology commercially available to construct the gas and produced pipelines in compliance with the waterbody setbacks. Granting of the waiver will not cause substantial injury to the owner or occupant of adjacent lands; and the waiver will not cause substantial injury to the environment. Therefore, the granting of a technical infeasibility waiver for the pipelines is appropriate.
7. Subject to the Technical Infeasibility Waiver and the Conditions of Approval included in the Decision, below, the application is consistent with *Section 1-107: Oil and Gas Operations Standards, Gunnison County Temporary Regulations for Oil and Gas Operations, May 18, 2004*.
8. The applicant has requested a term of permit of five years in which to drill all five wells, which the Planning Commission finds appropriate.
9. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to these applications; including all exhibits, references and documents as included therein.

**DECISION:**

The Gunnison County Planning Commission, having considered the submitted applications, all exhibits, documentation and public testimony, and having reached the above Findings, hereby approves SG Interests I, Ltd. Federal 11-90-9 Gas Well Project; Oil and Gas Operations Permit No. OG2012-06 with the following conditions:

1. This permit is limited to the description of the SG Interests I, Ltd. Federal 11-90-9 Gas Well Project. Any substantive change 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 *Temporary Oil and Gas Regulations*, or as those may be hereinafter amended.
2. The applicant shall provide copies of any Spill Reports, associated with the Federal 11-90-9 Gas Well Project, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department.
3. The applicant shall provide copies of reports required by the Colorado Oil and Gas Conservation Commission or the U.S. Forest Service regarding water quality sampling, associated with the Federal 11-90-9 Gas Well Project, to the Community Development Department.
4. Nothing in this decision is or shall be construed to be a limitation on Gunnison County participating in any future regulatory process for said wells.
5. 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.
6. Approval of this permit 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.

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**MONSON CREEK OUTFITTERS:** The Gunnison County Planning Commission (Commission) conducted a work session to discuss the request for the use of two cabins for year-round guest lodging and sleigh and hay rides. Seasonal use (May – October) as a staging area for guided horseback tours onto adjacent BLM lands, and as a waypoint for jeep tours on

adjacent BLM lands; with jeep rentals originating in the City of Gunnison; 59005 Highway 50, north of Highway 50, Doyleville, legally described as being located in the NW/4NE/4, NW/4 Section 1, N/2SW/4, the SE/4SW/4, part of SW/4 Section 1 and NE/4, NE/4SE/4 lying north of Highway 50 Section 2, Township 48 North, Range 3 East, N.M.P.M., 465-acres.

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

Applicant OA Pesnell participated by phone.

Starkebaum said at the prior meeting the County Attorney raised issues. Starkebaum has met with the County Wildlife Coordinator and the County Attorney to review the draft decision. The County Attorney added no further findings or conditions to the draft decision, and indicated his comfort with the draft decision.

Pesnell said he is in agreement with the conditions and findings as presented.

The commissioners reviewed the draft decision.

**Moved** by Wilcox seconded by Cattles to approve LUC-12- 00020 as amended. The motion passed unanimously.

**PROJECT DESCRIPTION:**

The applicant requests the use of the Monson Creek Ranch property as a guest ranch, with the two existing cabins closest to Highway 50, to be used for year-round guest lodging and for year-round seasonal sleigh and hay rides, which will be conducted on the property. The property would also be used seasonally (May – October) as a staging area for guided horseback tours onto adjacent BLM lands, and as a waypoint for jeep tours on adjacent Bureau of Land Management public lands, with jeep rentals originating in the City of Gunnison. No jeep rentals will be offered from the site and no public stables are proposed; the horseback trips are a tour with the outfitter. The applicant lives on-site, in the residence on the north end of the property.

**LOCATION:**

The site is located at 59005 Highway 50; north of Highway 50, legally described as being located in the NW/4NE/4, NW/4 Section 1, N/2SW/4, the SE/4SW/4, part of SW/4 Section 1 and NE/4, NE/4SE/4 lying north of Highway 50 Section 2, Township 48 North, Range 3 East, N.M.P.M., 465-acres; 19 miles east of the City of Gunnison, near Doyleville.

**PREVIOUS LAND USE CHANGE APPROVALS:**

A Minor Impact approval was granted for the use of a 3,416 square foot single-family residence, with a 1536 square foot garage, as a third residence on the property, Certificate of Minor Impact No. 7 Series 2008, recorded with the Office of the Clerk and Recorder, Reception No. 585593, August 4, 2008.

**PLANS/REPORTS/SUBMITTALS:**

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- Site plan, maps and exhibits, submitted as part of the Land Use Change application.
- Allen Moores, Gunnison County Public Works, memo of February 1, 2013
- Cheryl Cufre, Colorado Open Lands, letter of February 22, 2013
- Susan Lohr, Lohr Associates, Inc., letter of January 12, 2013
- Susan Lohr, Lohr Associates, Inc., letter of February 11, 2013
- Bureau of Land Management (BLM) Special Recreation Permit No. C01601512002, issued by the Gunnison BLM office, July 3, 2012
- Megan Sullivan, Colorado Division of Water Resources, memo of January 25, 2013
- J Wenum, Area Wildlife Manager, Colorado Parks and Wildlife, letter of February 14, 2013
- Jim Cochran, Wildlife Conservation Coordinator, memo of January 8, 2013
- Dennis Spritzer, Fire Marshall, Gunnison County Fire Protection District, email of February 1, 2013

**CONSERVATION EASEMENT:**

Colorado Opens Lands (COL) holds the conservation easement on the property, “Deed of Conservation Easement – Puckett Ranch North Property”, recorded with the Office of the Gunnison County Clerk and Recorder, Reception No. 524120, September 26, 2002. The deeded easement is for the protection and preservation of the land’s conservation values including agriculture, wildlife habitat and open space. Provisions within the Deed of Easement allow for commercial uses, including guiding and outfitting, provided the uses are consistent with the conservation values of the property. COL engaged Susan Lohr, Lohr Associates, Inc. to provide an analysis of the impacts of the proposed uses to the conservation values on the property, and her responses are contained in letters of January 12 and February 11, 2013.

Cheryl Cufre, Director of Land Stewardship, COL submitted a letter, dated February 22, 2013, noting COL's approval, with identified limitations on timing and scope of the proposed uses.

**ACCESS:**

The Colorado Department of Transportation issued State Highway Access Permit No. 312126 on October 20, 2012, allowing access onto Highway 50, for the proposed guest ranch/outfitting business uses. Allen Moores, Gunnison County Public Works, notes in comments, dated February 1, 2013 that the existing driveway access will require minor widening and surfacing to be brought up to standards in the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

**WATER SUPPLY:**

Well permit No. 289636, issued October 23, 2012, allows for the use of the well to supply water for three single-family residences, watering of livestock and not more than (1) acre of gardens or lawns. Comments from Megan Sullivan, Colorado Division of Water Resources, memo of January 25, 2013 indicate that a commercial well permit, relative to guest lodging, is required for short-term rentals (less than 30-days), but not for long-term rentals (more than 30-days). As the Tomichi Creek basin and its tributaries are over-appropriated, the use of the well for short-term rentals cannot occur without a water court approved plan for augmentation.

**SPECIAL RECREATION PERMIT - BUREAU OF LAND MANAGEMENT:**

The applicant obtained a Bureau of Land Management (BLM) Special Recreation Permit No. C01601512002, issued by the Gunnison BLM office, July 3, 2012, for Monson Creek Ranch, Inc. to conduct day-use horseback rides and jeep tours on open routes on BLM lands, in the Wood Gulch and Monson Gulch areas. According to information in the BLM permit, the permit is issued on an annual basis, and after three years of successful operations, the operation is eligible for a five year permit status.

**WILDLIFE / SAGE-GROUSE:**

The subject site, as well as the lands identified for use in the BLM special recreation permit, is located within occupied Gunnison Sage-grouse habitat. Comments were received from Jim Cochran, County Wildlife Conservation Coordinator, January 8, 2013 noting his analysis of the impacts to Sage-grouse, with recommended mitigation and conditions of approval to minimize impacts. J Wenum, Area Wildlife Manager, in a letter of February 14, 2013, references Jim Cochran's comments and supports the conditions identified to assist in avoiding and minimizing impacts to Sage-grouse. The applicant was advised that the Gunnison Sage-grouse has been listed as a candidate for listing under the Endangered Species Act (ESA).

**IMPACT CLASSIFICATION:**

The project, by definition, is a Minor Impact Project pursuant to *Section 6-101: N. New Commercial, Industrial Larger than 5,000 sq. ft., or Five Acres*.

**MEETING DATES:**

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

- January 18, 2013      Work session
- March 1, 2013        Public Hearing
- April 5, 2013        Work session

**SITE VISIT:**

The Planning Commission conducted a site visit on February 1, 2013. The Commission viewed the existing cabins, the access road, the staging area, the location of the transmission road and adjacent BLM lands.

**PUBLIC HEARING:**

The Planning Commission conducted a public hearing on March 1, 2013. At that time, no members of the public were present. Written comment was received from Stan Irby, Irby Ranches LLC, dated February 25, 2013, noting concerns with impacts to sage-grouse from the operation of the outfitting business on adjoining BLM lands.

**REVIEW AGENCY REFERRAL COMMENTS:**

A referral was sent to the Division of Water Resources, Colorado Open Lands, Colorado Parks and Wildlife, Colorado Department of Transportation, Gunnison County Fire Protection District, and Gunnison County Public Works. The following agencies provided comments:

**Gunnison County Fire Protection District:**

Dennis Spritzer, Fire Marshall, notes in an email of February 1, 2013, that he has no fire issues with the Monson Creek Outfitters proposal.

**Gunnison County Public Works:**

Allen Moores submitted comments on February 1, 2013, noting that the driveway would need to be widened to 22 feet, with placement of 6 inches of gravel to meet the Driveway Design Standards in the *Gunnison County Standards and Specifications for Road and Bridge Construction*.

**Gunnison County Wildlife Conservation Coordinator:**

Jim Cochran, County Wildlife Conservation Coordinator, submitted comments in a memo of January 8, 2013 noting his analysis of the impacts to Sage-grouse and conditions of approval to minimize impacts.

**Colorado Parks and Wildlife:**

J Wenum, Area Wildlife Manager, submitted comments in a letter of February 14, 2013, references Jim Cochran's comments of January 8, 2013 and supports the conditions identified to assist in avoiding and minimizing impacts to Sage-grouse.

**Colorado Division of Water Resources:**

Megan Sullivan, Team 4, 5 & 6, Water Supply Branch, submitted comments in a memo of January 25, 2013, provided comments on the proposed use of the existing well at the Monson Creek Ranch.

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

**Section 9-301: *Commercial and Industrial Uses.***

The applicant is proposing a commercial guest ranch.

**D. General Standards:**

**D.1: Non Residential Accessory Uses:** The proposed use is not accessory to a residential use; nor is any new residential use proposed.

**D.2: Food Service Requirements:** No food service is proposed as part of this application.

**D.3: Electrical Disturbances:** No use of equipment that creates electrical disturbances is anticipated at the site.

**D.4: Fire and Explosive Hazards:** No materials or products that decompose by detonation are proposed to be stored at the site.

**D.5. Glare and Heat:** No glare or heat producing activities are anticipated or expected at the site.

**D.6. Exterior Lighting:** The exterior lighting shall be designed so that all direct rays and glare are confined to the subject parcel.

**D.7. Odors:** No odors are anticipated or expected.

**D.8. Radioactivity:** No radioactive materials are proposed to be stored on site.

**D.9. Vibration:** No activities that cause vibration are expected to occur along the property boundaries.

**D.10. Noise:** No new noise is anticipated as a result of this application.

**Section 9-303: *Dude Ranch or Resort.***

**A. Access to public land.**

The applicant has direct access to adjoining public lands from the subject property. The horseback and jeep tours on BLM lands require a Special Recreation Permit from the Bureau of Land Management.

**B. Cooking and dining facilities.**

The cabins have kitchens.

**C. Limitations on Occupancy.**

Due to limitations with the water supply of the existing well, only long term (longer than 30 days) rentals are permitted. If the applicant obtains a commercial well permit, short term (shorter than 30 days) will be permitted.

**D. Compliance with Building Code and Applicable Fire Protection District Requirements.**

Dennis Spritzer, Fire Marshall, notes in an email of February 1, 2013, that he has no fire issues with the Monson Creek Outfitters proposal.

**E. Compatibility with Neighborhood Uses.**

The operation of the guest ranch, including horseback tours, and hay and sleigh rides will generate limited impacts and are compatible with the surrounding agricultural uses and open lands in the vicinity.

**Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.***

Not applicable. No exploration, extraction or processing of materials is proposed.

**Section 9-500: *Miscellaneous Uses and Activities.***

Not applicable. No miscellaneous uses or activities are proposed.

**Section 10-102: *Locational Standards for Residential Development.***

Not applicable, no new residential development is proposed as part of this application.

**Section 10-103: *Residential Density.***

Not applicable, no new residential development is proposed as part of this application.

**Section 10-104: *Locational Standards for Commercial, Industrial or Other Non-Residential Development***

The proposed location complies with the alternative locational standards. The location is particularly well suited to the specific use as a guest ranch, due to its location and proximity to adjacent public lands for the horseback tours.

**Section 11-103: *Development in Areas Subject to Flood Hazards.***

Not applicable, the subject parcel is not in the 100-year floodplain.

**Section 11-104: *Development in Areas Subject to Geologic Hazards.***

Not applicable, the subject parcel is not in an area of geologic hazards, according to Gunnison County mapping.

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

The subject parcel is in an area of low to moderate wildfire hazards. A copy of the application was sent to the Gunnison County Fire Protection District. Comments were received from Dennis Spritzer, Fire Marshall, email of February 1, 2013, in which he notes that he has no fire issues with the Monson Creek Outfitters proposal.

**Section 11-106: *Protection of Wildlife Habitat Areas.***

The application was referred to the Colorado Parks and Wildlife. Please see comments from Jim Cochran, County Wildlife Conservation Coordinator, memo of January 8, 2013 and J Wenum, Area Wildlife Manager, letter of February 14, 2013.

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

Not applicable, the proposed use is not within 125 feet of a waterbody.

**Section 11-108: *Standards for Development On Ridgelines.***

Not applicable. The site is not located on a ridgeline.

**Section 11-109: *Development that Affects Agricultural Lands.***

The proposed uses will be a compatible use to the agricultural uses on the property. The applicant indicates that they will also raise sheep on the subject parcel.

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

Not applicable, the site is not located beyond snowplowed access.

**Section 11-111: *Development on Inholdings in The National Wilderness.***

Not applicable, the site is not located on a National Wilderness inholding.

**Section 11-112: *Development on Property Above Timberline.***

Not applicable, the site is not located above timberline.

**Section 12-103: *Road System.***

The Colorado Department of Transportation issued State Highway Access Permit No. 312126 on October 20, 2012, allowing access onto Highway 50 for the proposed uses. The existing driveway access will require minor grading and surfacing to be brought up to *Gunnison County Standards and Specifications for Road and Bridge Construction*.

**Section 12-104: *Public Trails.***

There is no public trail existing or proposed on this site.

**Section 12-105: *Water Supply.***

Well permit No. 289636, issued October 23, 2012, allows for the use of the well to supply water for three single-family residences, watering of livestock and not more than (1) acre of gardens or lawns. Comments from Megan Sullivan, Colorado Division of Water Resources, memo of January 25, 2013 note that a commercial well permit is required for short-term rentals (less than 30-days), but not for long-term rentals (more than 30-

days). As the Tomichi Creek basin and its tributaries are over-appropriated, a well permit for short-term rentals cannot be issued with a water court approved plan for augmentation

**Section 12-106: Sewage Disposal/Wastewater Treatment.**

ISDS Permit No. 10-0001 was issued for the new larger cabin, in compliance with the regulations.

**Section 12-107: Fire Protection.**

The proposed development is located within the Gunnison County Fire Protection District. A copy of the application was sent to the Gunnison County Fire Protection District. Comments were received from Dennis Spritzer, Fire Marshall, email of February 1, 2013, in which he notes that he has no fire issues with the Monson Creek Outfitters proposal.

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

The site plan for this proposed development meets the criteria of this section.

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

This section applies; no improvements are proposed.

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

Not applicable, no new residential buildings are proposed.

**Section 13-106: Energy and Resource Conservation.**

Not applicable, this section only applies to residential buildings.

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

Not applicable, no solid fuel burning device is proposed as part of this application.

**Section 13-108: Open Space and Recreation Areas**

Not applicable, no requirement of open space is required for this application.

**Section 13-109: Signs.**

Sign Permit No. 11-008, for the Monson Creek Ranch, was issued on September 14, 2011.

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

Applicable, the proposed parking is depicted on site plan and meets the standards.

**Section 13-111: Landscaping and Buffering.**

The applicant proposes to maintain the existing native vegetation at the site. No additional landscaping is required.

**Section 13-112: Snow storage.**

Applicable, adequate room for snow storage is available and a copy of this application was referred to Gunnison County Public Works for review.

**Section 13-113: Fencing**

Not applicable, no new fencing is proposed.

**Section 13-114: Exterior Lighting.**

Applicable, this section applies and any exterior lighting shall comply with this section and shall be wholly confined to the site.

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

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction, or installation of an individual sewage disposal system.

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

Only minor grading activities are necessary to improve the driveways. A Reclamation Permit, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*, may be required by the Public Works Department

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

Not applicable, the existing building is not within 100 feet of a water body or mudflow.

**Section 13-118: Water Impoundments.**

Not applicable, this project does not propose a water impoundment.

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

The proposed development has been designed and mitigation identified so that the operation of the guest ranch will not adversely affect the character of surrounding land uses.

**Article 15: Right-to-Ranch Policy.**

This section is applicable.

**FINDINGS:**

The Gunnison County Planning Commission finds that:

1. This project is classified as a Minor Impact Project.
2. There is an existing primary and two secondary residences on the parcel, which have been previously approved by Gunnison County.
3. Comments have been received from the Gunnison County Wildlife Conservation Coordinator and the Colorado Parks and Wildlife, concerning potential impacts to Gunnison Sage-grouse, including recommended mitigation and conditions of approval to avoid and minimize impacts to the Sage-grouse.
4. The proposed uses have been evaluated and reviewed by Colorado Open Lands, holder of the Conservation Easement, and specific restrictions have been identified to ensure that the uses are consistent with the preservation and protection of the Conservation Values on the property. Incorporation of those restrictions as conditions of the Planning Commission approval is therefore appropriate.
5. The application complies with the standards and requirements of the *Gunnison County Land Use Resolution*.
6. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

**DECISION:**

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and having reached the above findings, classifies LUC-12-00020 Monson Creek Outfitters as a Minor Impact project, and approves it with the following conditions:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan and information 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. The applicant shall provide a copy of the current Bureau of Land Management - Special Recreation Permit to the Community Development Department.
3. The applicant shall improve the driveway access to comply with the applicable standards in the *Gunnison County Standards and Specifications for Road and Bridge Construction*. Inspection and approval from Gunnison County Public Works of the driveway improvements shall be obtained prior to initiation of the business activities.
4. The use of the cabins for lodging is limited to long-term (30 day or longer) minimum rentals, until such time as the applicant can provide documentation from the Colorado Division of Water Resources that a legal water supply for the commercial use of well is obtained allowing for short-term (less than 30 day) rental of the cabins. The applicant shall provide copies of lodging lease documentation, upon request by Gunnison County.
5. No jeep rentals are permitted from the property.
6. No public stables are contemplated or permitted by this approval.
7. To ensure that the uses and activities are consistent with the preservation and protection of the conservation values of the property, in compliance with the Deed of Conservation Easement, the following conditions shall apply:

- a. Jeep and horseback tours are only allowed between May 15 and October 15<sup>th</sup>.
  - b. No more than two jeep or horseback tours allowed per day.
  - c. Jeep and horseback tours shall take place at the same general time of day so that wildlife can become accustomed to the regularity of the activity.
  - d. Access to public lands directly from Monson Creek Ranch for the purposes of guided jeep or horseback tours shall be only by the "powerline" road, as described on the BLM permit maps.
  - e. No jeeps trips or horseback tours shall be undertaken on any other portion of the property.
  - f. Hay and sleigh rides are limited to no more than three per week and are limited to the existing, established agricultural roads.
  - g. Hay and sleigh rides take place at the same general time of day so that wildlife can become accustomed to the regularity of the activity.
  - h. No new roads shall be constructed.
  - i. Existing agricultural roads shall be maintained to the lowest level required to provide safe passage.
8. To help minimize the impacts of the proposed uses and activities on Gunnison Sage-grouse, the following conditions shall apply:
- a. Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution*, dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur.
  - b. Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.
  - a. No jeep or horseback tours may occur during the period March 15 to May 15 annually, in order to minimize impacts to the breeding activities of Gunnison Sage-grouse.
  - b. No dogs shall accompany any tour (jeep or horseback), at any time.
  - c. Access to public lands directly from Monson Creek Ranch for the purposes of guided jeep or horseback tours shall be only by the "powerline" road, as described on the BLM permit maps.
  - d. A report of tour activity shall be submitted to the Community Development Department annually to allow evaluation of the level of impact to Gunnison Sage-grouse. At a minimum this report shall include the type and number of tours accomplished, by day, and time, with the number of participants. Gunnison County may additionally condition authorizing permits to minimize impacts to Gunnison Sage-grouse based upon this information.
9. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. 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.

11. 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.
12. 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.

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Eskew submitted a letter to the commissioners addressing coal mining and capture of methane vented gases. She requested the Commission explore the issue. The commissioners briefly discussed this and unanimously decided to not take up the issue at this time. They encouraged Eskew to pursue this issue individually.

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**Planning Commission Training:** The Gunnison County Planning Commission (Commission) conducted a work session. The Community Development staff provided training using the Commissioners Handbook.

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

There were no minutes taken.

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Fulton adjourned the meeting at 11:55 A.M..

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