

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 21, SERIES 2011**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-05
A LAND USE CHANGE PERMIT FOR THE CRESTED BUTTE LAND TRUST
FOR THE SUBDIVISION OF A 36.77-ACRE PARCEL INTO TWO LOTS**

WHEREAS, The Crested Butte Land Trust has submitted an application to subdivide a 36.77-acre parcel into two lots, one 3.77-acre parcel (Lot 1) and a 33-acre parcel (Lot 2), named Alpenglow Ranch. There are an existing single-family residence, quonset hut, barn, shop, two individual wells and individual sewage disposal system on Lot 1. Lot 2 is vacant. The applicant is proposing that two residences and one barn be allowed on Lot 1. Lot 2 is to remain as open space and is protected by a conservation easement recorded at Reception No. 580138 in the Gunnison County Clerk and Recorder's office; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on December 17, 2010 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions; and

FINDINGS:

1. This project, by definition, is classified as a Minor Impact.
2. There are existing improvements on Lot 1 that include, but are not limited to, a single-family residence, outbuildings, an individual sewage disposal system and two individual wells.
3. The existing single-family residence is approximately 1,100 square feet.
4. The proposed Restrictive Covenant regarding Lot 1 states that the aggregate square footage (excluding the existing single-family residence) permitted on Lot 1 shall not exceed 3,920 square feet.
5. The proposed Restrictive Covenant identifies a maximum building height of 20 feet.
6. A conservation easement, recorded at Reception No. 580138 in the Gunnison County Clerk and Recorder's office designates Lot 2 as open space.
7. The subject parcel is adjacent to agricultural operations.
8. One existing well permit (Permit No. 278137) is valid for one single-family residence, fire protection, and the irrigation of not more than ½ acre of home gardens and lawns. The second well permit (Permit No. 278138) is valid for watering of livestock on a farm or ranch.
9. A second residence may require a plan for water augmentation.
10. The existing septic tank is not functioning in compliance with Gunnison County ISDS Regulations, according to Gunnison County Environmental Health Specialist, Richard Stenson. Prior to any use of the existing single-family residence on the subject parcel approval must be received from the Gunnison County Environmental Health office.

11. A property owner is required to construct and maintain fencing in order to keep livestock off his/her property in compliance with Colorado's "fence-out" requirements.
12. An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.
13. This application is consistent with the standards and requirements of this *Resolution*.
14. 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.

CONDITIONS:

1. There shall be no use whatsoever of the existing single-family residence until written notice of compliance with the Gunnison County *Individual Sewage Disposal System Regulations from the Gunnison County Environmental Health Inspector*.
2. Prior to the issuance of any building or individual sewage disposal system permits for a second residence the applicant shall provide documentation that there is a legal and adequate supply of water for two residences.
3. To the maximum extent feasible a secondary residence shall be legally and physically served by the same water and wastewater treatment systems that serve the primary residence.
4. Domestic animals must be controlled by kenneling, leash, fencing or other physical restraint. Any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or the individual.
5. 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*.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.
8. 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.
9. 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.

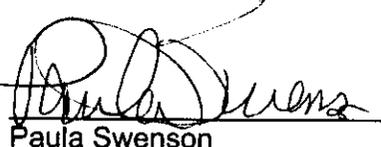
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-05, for the Crested Butte Land Trust is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Planning Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and passed on this 17th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS

 Hap Channell Chairperson	 Paula Swenson Commissioner	 Phil Chamberland Commissioner
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ATTEST:


Katherine Haase
Deputy Gunnison County Clerk and Recorder

