



**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO. 2014-11

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2013-26
TED AND KIM BEMIS
BEMIS SUBDIVISION
SUBDIVISION OF LOT 8, DOS RIOS HOME SITES UNIT NO. 2**

WHEREAS, Ted and Kim Bemis have applied for a land use change permit for the subdivision of Lot 8, Dos Rios Home Sites Unit No. 2 Subdivision (3.74-acres) into two single-family residential lots, consisting of Lot 8A – 1.58-acres and Lot 8B – 2.16-acre lots. There is an existing single-family residence on the proposed Lot 8B, served by central water and sewer provided by the Dos Rios Water and Sewer District. Dos Rios Home Sites Unit No. 2 Subdivision was approved by the Board of County Commissioners on October 2, 1962 and was recorded on the same day at Reception No. 252853, with the Gunnison County Clerk and Recorder. Access will be from County Road 33 (Camino Del Rio). Covenants for the Dos Rios Home Sites Unit No. 2 Subdivision were approved as part of the subdivision and were recorded October 15, 1962 at Book 637, Page 694, with the Gunnison County Clerk and Recorder. The covenants allow the subdivision of lots with Dos Rios Home Sites Unit No. 2. Lot 8A will be served by central water and sewer. The Dos Rios Homeowners Association approved the subdivision request. The subdivision is shown on a plat titled "Bemis Subdivision", prepared by Stephen Jessoe, PLS, All County Survey, Inc., dated July 20, 2010; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on March 7, 2014 forward a Recommendation of unanimous approval of that application to the Board of County Commissioners with certain Findings and Conditions:

AND WHEREAS, the Board of County Commissioners did receive and review the information within the Planning Commission's Recommendation, and considered it in evaluating this application;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2013-26 Bemis Subdivision, is hereby approved, subject to the Planning Commission Recommendation, as identified above, with the following findings and conditions;

FINDINGS:

1. The application is classified as a Minor Impact Project.
2. The subdivision plat was reviewed and approved by the County Attorney's office, as to form and content.
3. Jim Cochran, Gunnison County Wildlife Conservation Coordinator, memo dated December 6, 2013, notes the finding that subdivision of this parcel will not adversely impact Gunnison Sage-grouse or their habitats.



4. The proposed use is similar to and compatible with the existing residential uses in the surrounding neighborhood.
5. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and Section 6-103: *Standards of Approval for Minor Impact Projects*.
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.

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. To avoid and/or minimize potential offsite impacts to Gunnison Sage-grouse and/or their habitats the following conditions will be applied to all permits issued by Gunnison County for activities on this parcel and any parcels resulting from the proposed subdivision:
 - 1) 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. This includes construction workers' pets.
 - 2) Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. A Gunnison County Reclamation Permit is required for any land-disturbing activities on this property. It may contain additional site-specific reclamation requirements.
 - 3) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list:
<http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agric+ulture-Main/CDAGLayout>. The Gunnison County Weed District should be contacted (970- 641-4393) for additional information and technical assistance."
3. A mylar subdivision plat, in compliance with Section 6-105 of the *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until the plat is signed by the Chairman of the Board of County Commissioners and is recorded with the office of the Gunnison County Clerk and Recorder.
4. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.



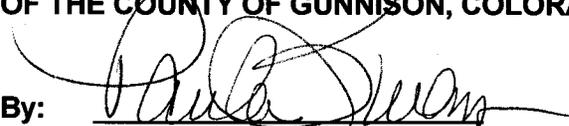
5. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
6. The removal or material alteration 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.
7. 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.

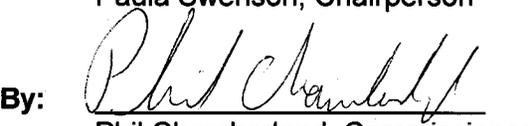
THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should 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 Houck, seconded by Commissioner Chamberland, and passed on this 18th day of March, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

By: 
Paula Swenson, Chairperson

By: 
Phil Chamberland, Commissioner

By: 
Jonathan Houck, Commissioner

ATTEST:


Deputy County Clerk

