AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft 4/19/16 BOCC Meeting Minutes

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Attached are the draft 4/19/16 BOCC meeting minutes for consideration.

Fiscal Impact: None

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/29/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 1

Agenda Date: 7/5/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
April 19, 2016

The April 19, 2016 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:30 am.

AGENDA REVIEW: There were no changes made to the agenda.

CONSENT AGENDA: Commissioner Chamberland requested that Item #1 be pulled for further discussion, and Deputy County Manager Marlene Crosby requested that Item #2 be pulled for discussion during her report time. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Items #1 and #2. Motion carried unanimously.

1. **Pulled for Discussion and Separate Action:** Acknowledgment of County Manager Signature; Contractor Agreement; Gunnison County Historic Preservation Commission and ERO Resources Corporation; 4/8/16 thru 6/15/16; $15,000
2. **Pulled for Discussion and Separate Action:** Grant of Temporary Easement; Grant of Perpetual Easement; Fairway Condominium Association; Shavano Drive Water Line Extension Project; $10
3. Acknowledgment of County Manager Signature; Agreement; Mountain Express and the Gunnison Valley Regional Transportation Authority; 4/1/16 thru 12/31/16
4. Ratification of Correspondence; State Board of the Great Outdoors Colorado Trust Fund; Black Mesa Land, LLC Conservation Easement
5. Acknowledgment of County Manager Signature; Gunnison County, Colorado Election Materials Printing Contract; Integrated Voting Solutions, Inc.; 4/7/16 thru 12/31/16
6. Acknowledgment of County Manager Signature; Agreement for Consulting Services; Gunnison Conservation District; 4/11/16 thru 12/31/16; $10,000
7. Contract Assignment with Consent; NGS American, Inc. and CoreSource, Inc.; Effective January 1, 2016
8. Acknowledgment of County Manager Signature; Grant Application; State Historical Fund; Ohio City Town Hall Project, Phase II; $97,427
9. Grant Application; Temple Hoyne Buell Foundation; Gunnison-Hinsdale Early Childhood Council General Operating Expenses; $10,000
10. Grant Application; Temple Hoyne Buell Foundation; Nurturing Parenting Program Parenting Classes; $10,000
11. Letter of Support; Great Outdoors Colorado; Trampe Ranch Conservation Easement
12. Letter of Support; Colorado Creative Industries, Office of Economic Development; Town of Crested Butte, Certified Creative District
13. Community Integration Agreement; Rocky Mountain Health Maintenance Organization, Inc., d/b/a Rocky Mountain Health Plans
14. Acknowledgement of County Manager Authorization to Submit; Grant Application; Colorado Department of Public Health and Environment; Emergency Preparedness and Response Program; 7/1/16 thru 6/30/17; $19,659

CONSENT AGENDA ITEM #1: Commissioner Chamberland asked for clarification related to the complete windshield detonation. CM Birnie explained that this will create a plan for documentation of what has been and could be designated. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #1. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORT: CM Birnie was present for discussion.

1. ICMA Summit. CM Birnie informed the Board that he attended this meeting during the previous week. He served as the chair for the regional nominating committee, and a county manager was selected to serve on the board.
2. Strategic Planning Update. CM Birnie informed the Board that the Administration Department would be updating its plan in May. He also noted his intention to follow the pattern of updating the County Strategic Plan in February.
3. BLM Comment Period for Proposed Rules. CM Birnie informed the Board that the County received an extension of 30 days on the comment period. The comments will be scheduled for approval on 5/17.

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DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for discussion.

1. Bid Award; Riverwalk Trail Project; Oldcastle SW Group, Inc., dba United Companies; $608,596. DCM Crosby stated that most bids were very close. United was the low bidder and is in the process of submitting all paperwork. She requested permission for CM Birnie sign the contract when it is available, and permission for her to sign all other associated documentation. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the bid award for the Riverwalk Trail Project with Oldcastle Group in the amount of $608,596, and authorize the County Manager's signature and the Deputy County Manager's signature on some of those forms. Motion carried unanimously.
2. Landfill Project Update. DCM Crosby stated that the County received approval for the construction of a new cell from the US Fish and Wildlife Service. The bid award will be scheduled on the 5/24 agenda.
3. Grant of Temporary Easement; Grant of Perpetual Easement; Fairway Condominium Association; Shavano Drive Water Line Extension Project; $10. DCM Crosby clarified that this was originally approved for CM Birnie's signature, but that he wasn't available when the paperwork was ready. For that reason, it was set up the Chairperson's signature. After a survey is completed, a perpetual easement will be recommended. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Grant of Temporary Easement and authorize the Chairperson's signature. Motion carried unanimously.
4. Schedule A Agreements and FRTA Easements. DCM Crosby noted that earlier discussions included the desire for a document clause for the County to assert its right to pursue the RS2477 option on future projects. She recommended that the Board consider forgoing the RS2477 language relative to the four pending FRTA projects so that the documentation process is timely. CA Baumgarten agreed that this would be appropriate as long as there is no language in the FRTA easements that specifically states that the County gives up the right to pursue RS2477 in the future. The Board agreed with her approach.
5. Colorado Department of Transportation Letter of Support; Little Blue Canyon. DCM Crosby informed the Board that the Little Blue Canyon was discussed at a recent Region 10 meeting. During that meeting, CDOT asked for letters of support for this project, which is expected to cost approximately $18M. The Board agreed that a letter would be appropriate, and DCM Crosby agreed to provide a draft letter for consideration on 5/3.

BREAK: The meeting recessed from 8:58 until 9:03 am in order to hold the below Public Hearing.

PUBLIC HEARING; TR ENTERPRISES LIMITED; MARIJUANA FACILITY LICENSE FOR CULTIVATION; LOT 5, RIVERLAND INDUSTRIAL PARK, FILING ONE: Community Development Director Russ Forrest, Community Development Department Services Manager Beth Baker, TR Enterprises, Ltd. representative Tom Rudder were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 8:58 am.

2. Public Notice Confirmation. CDDSM Baker confirmed that the Public Hearing had been properly public noticed.

3. Identify Ex Parte Communications. There were no ex parte communications identified.

4. Staff Presentation. CDD Forrest explained the proposal for this 4,600 square foot cultivation facility to be located in Riverland. He confirmed that the criminal history check was completed and that the Fire District did not have any concerns related to the use of carbon filtration to control odor. He recommended approval of the application, and he noted that such approval would be contingent on State approval, and vice versa.

5. Applicant Presentation. Mr. Rudder stated that he has lived in Crested Butte since 1990 and that he is an upstanding citizen who hopes to provide for his child with this project. He is a former merchant marine, and he has had a drywall business. He stated that all issues have been addressed, and that half of the square footage will be allocated to a grow operation. He said he was eager to operate a proper business and provide good tax income for the government.

6. Board Questions. None.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:03 am, but no comments were provided.

8. Acknowledge Correspondence Received. The homeowners' association correspondence didn't note any concerns.

9. Applicant Response. N/A.

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10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:04 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve the application. Motion carried unanimously.

REQUEST FOR EXTENSION OF MINOR IMPACT APPROVAL; CROSSBAR RANCH, LLC; CERTIFICATION #6, SERIES 2013, LUC-13-00007: Planner Cathie Pagano and architect Jennifer Barvitski were present for discussion.

Planner Pagano explained the request to extend the term of the permit by three years. Ms. Barvitski noted that this had been postponed because other projects took priority, and that a permit will be requested either this fall or next fall. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the request for extension of the minor impact approval for Crossbar Ranch, LLC for three years. Motion carried unanimously.

BREAK: The meeting recessed from 9:09 until 9:13 am in order to hold the below Public Hearing.

PUBLIC HEARING; PETITION TO VACATE A PORTION OF DEER LANE INCLUDING CUL DE SAC, LYING WITHIN MARBLE SKI AREA, CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO; BILLY AND SHARON BURKE: CA Baumgarten, DCM Crosby, and attorney Trent Palmer (via telephone) were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:09 am.

2. Public Notice Confirmation. DCM Crosby confirmed that the Public Hearing had been properly public noticed.

3. Identify Ex Parte Communications. There were no ex parte communications identified.

4. Staff Presentation. DCM Crosby explained that this process began approximately three years ago, and that access to a single parcel had been an issue. She noted that approval of this request would be consistent with the County's desire to reduce the number of small lots in Marble. She also stated that the resolution, lot cluster and plat on the agenda would complete the documentation for this request. Mr. Palmer had no additional comments, and CA Baumgarten thanked him for his patience during the process.

5. Applicant Presentation. N/A.

6. Board Questions. N/A.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:12 am. DCM Crosby explained that she had been visited by Alice Meredith, who was unable to attend the meeting. Ms. Meredith owns property in the Crystal River Filing and she expressed concern about the proximity of this land to her parcel. After DCM Crosby provided the details to Ms. Meredith, she was agreeable with the request.

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. N/A.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:13 and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; VACATING A PORTION OF DEER LANE, INCLUDING CUL DE SAC, LYING WITHIN MARBLE SKI AREA, CRYSTAL RIVER FILING, COUNTY OF GUNNISON, STATE OF COLORADO: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2016-17, a Resolution Vacating a Portion of Deer Lane, Including Cul De Sac, Lying within Marble Ski Area, Crystal River Filing, County of Gunnison, State of Colorado. Motion carried unanimously.

LOT CLUSTER APPLICATIONS; BILLY AND SHARON BURKE: Community Development Department Services Manager Beth Baker was present for discussion, along with CA Baumgarten and DCM Crosby.

CDDSM Baker confirmed that all parties were in agreement with this request, and that the utility companies had no objections. The resulting parcels would be 8.098 acres and 1.001 acres in size. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the lot clusters. CA Baumgarten confirmed that the revised plat memorialized these approvals. **Moved** by Commissioner Chamberland,

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seconded by Commissioner Houck to approve the plat and authorize the Chairperson's signature. Motion carried unanimously.

1. Lots 38 and 39, Lots 41 through 46, and Lots 48 through 53, Block 1, Marble Ski Area, Crystal River Filing
2. Lots 36, 26 and 47, Block 1, Marble Ski Area, Crystal River Filing

PLAT OF THE ADDITION OF TRACTS B THROUGH F TO GOLF VILLAS AT SKYLAND LOCATED IN MULTI-FAMILY TRACT 4, SKYLAND – INITIAL FILING, COUNTY OF GUNNISON, STATE OF COLORADO: Planner Cathie Pagano, attorney Marcus Lock representing John Geist (owner), and Golf Villas HOA President Dave Bright were present for discussion.

Planner Pagano presented the proposed reduction in allowable density for Multi-Family Tract 4. In 1991, the County approved a 65-unit density. It was reduced in 1996, and then again in 2001 to 59 units. To date, a total of 28 units have been constructed with 31 remaining. The current proposal would reduce the remaining 31 units to 14.

Mr. Lock stated that this project had been negotiated and compromised for quite some time, and that it would be Mr. Geist's property that would reduce to 14 units. He opined that this lengthy process is an example of the problems that can occur when there is no master development plan for a housing development. The Skyland Community Association has signed off on the plan, which will include 80% open space. He also confirmed that everyone in the community seems supportive of the proposal, and that the one objector has since relocated. Mr. Bright confirmed that all concerns had been addressed and that the HOA was supportive of this request. Plat was in transit due to weather.

Moved by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2016-18, a Resolution Approving the Partial Replat of Portions of Multi-Family Tract 4, Skyland – Initial Filing, into Tracts B Through F, County of Gunnison, State of Colorado as presented today. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Chairperson's signature on the plat. Motion carried unanimously.

VOUCHERS AND TRANSFERS APPROVAL: Finance Director Linda Nienhueser presented the voucher approval report dated April 19, 2016 and the cash transfer authorization dated March 2016 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the vouchers in the amount of $921,444.64. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the cash transfer authorization in the amount of $1,981,550.29. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the March 2016 Treasurer's report and an investment report dated March 31, 2016 for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's Report. Motion carried unanimously.

SEVENTH AMENDMENT TO SERVICE AGREEMENT; CORESOURCE, INC.; EFFECTIVE JANUARY 1, 2016: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Chairperson's signature. Motion carried unanimously.

CONSENT TO MORTGAGE OF LEASEHOLD INTEREST; COMERICA BANK; AVFLIGHT: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the mortgage leasehold interest for Comerica Bank and AvFlight. Motion carried unanimously.

EXTENDED PROPERTY TAX APPEAL PERIOD OPTION; 2016: County Assessor Kristy McFarland and Senior Assessment Analyst William Spicer were present for discussion.

CA McFarland presented the request and explained the difference in the dates. She asked for Board approval so that her staff would have additional time to review appeals, though she also noted that this extended period would also be a benefit to property owners. Previously, the appeal notice deadline was 6/30, but her staff will now have until 8/31. As well, the petition deadline was moved from 7/15 to 9/15, and the hearings that were previously mandated to occur between 7/15 and 8/5 will now occur between 9/15 and 10/31. This type of extension must be requested each year. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the extended property tax appeal period option. Motion carried unanimously.

SAA Spicer informed the Board that he recently attended a presentation on flown aerial imaging, which he believes is popular with Counties because Emergency Management staff can immediately visualize areas of concern, Assessor's Offices can measure buildings without actually being on site, and Road and Bridge staff can view areas without having to travel. He stated that the image quality is very high and that the program, which would be hosted externally and available to the public, might be worth consideration. The initial cost would be approximately $400,000, so CA McFarland acknowledged that she may want to pursue a DOLA grant. Chairperson Swenson expressed concern about the ongoing funding for the subscription in future years, and CA McFarland agreed to take a look at what other counties have done. She may also

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consider cross-jurisdictional grants. CM Birnie confirmed that this program is in the Capital Improvements Plan for future consideration.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

COMMISSIONER ITEMS: This discussion began earlier than scheduled due to a gap in the meeting.

Commissioner Chamberland:

1. Mayors and Managers Meeting. Commissioner Chamberland and CM Birnie attended the recent meeting, and they felt that the discussion related to the weed management program in Crested Butte was informative.
2. BLM Planning 2.0 Webinar. Commissioner Chamberland sat in on this webinar last week.
3. Legislative Update. Commissioner Chamberland stated that the OHV bill was signed last Tuesday, and that the healthcare bill passed out of the senate committee last Thursday.
4. Colorado Opportunity Scholarship Initiative Update. Commissioner Chamberland stated that Western State Colorado University is involved in the project and already has plans for a submittal, so they will work together on one submittal. WSCU will be providing some matching funds. Discussions are ongoing.

Commissioner Houck:

1. Gunnison Sage-grouse Update. Commissioner Houck informed the Board that he attended two different work group meetings last week to discuss adaptation projects.
2. Public Lands Initiative Update. Commissioner Houck stated that the PLI group is evaluating proposals submitted by Trout Unlimited, and Backcountry Hunters and Anglers.
3. Hartman Rocks Users Group Meeting. Commissioner Houck attended a recent meeting. A cleanup project is scheduled to take place on 5/1, and other improvement projects for the base area are being considered.

Commissioner Swenson:

1. Air Program. Chairperson Swenson stated that the air program is moving forward as expected. Air Alliance is beginning to take off, and the group is getting ready to launch a local campaign on the importance of the air program.
2. Legislative Update. Chairperson Swenson noted that she attended the recent meeting via telephone. She has been in communication with Senator Kerry Donovan and Emergency Manager Scott Morrill to discuss the 9-1-1 bill and the concern that legislation would remove accountability of 9-1-1 carriers to find out why calls are dropped and how the system might improve.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:01 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Katherine Haase, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

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GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2016-17

A RESOLUTION VACATING A PORTION OF DEER LANE, INCLUDING CULDESAC, LYING WITHIN MARBLE SKI AREA CRYSTAL RIVER FILING, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority and is the owner of certain roads lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate a certain unbuilt portion of Deer Lane, including the cul de sac, lying within Marble Ski Area, Crystal River Filing, County of Gunnison, State of Colorado described as follows:

That portion of Deer Lane, including the cui de sac, lying adjacent to Lots 43 through 53, Block 1, Marble Ski Area, Crystal River Filing, as identified on the plat titled *"Plat of Marble Ski Area Crystal River Filing Gunnison County, Colorado"* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: 282561, and lying adjacent to Lot 5 as identified on the plat titled *"Amended Plat of Lot 54 through 64* & *122, Block 1 and Lots 68 through 73* & *78 through 86, Block 2 and Vacation of* a *Portion of Deer Trail, Fawn Drive* & *Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado"* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No. 590513, and as identified on the plat titled *"Amended Plat of Lots 36-39 and Lots 41-53, Block 1 and Vacation of Deer Lane, Marble Ski Area, Crystal River Filing and Lot 5 of the Amended Plat of Lot 54 through 64* & *122, Block 1 and Lots 68 through 73* & *78 through 86, Block 2 and Vacation of* a *Portion of Deer Trail, Fawn Drive* & *Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado",* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: ----

WHEREAS, the vacation of the above described unbuilt portion of Deer Lane and cui de sac will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described unbuilt portion of Deer Lane and cui de sac; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following described unbuilt portion of Deer Lane and cui de sac lying within Marble Ski Area, Crystal River Filing, County of Gunnison, State of Colorado, shall be and hereby is vacated:

That portion of Deer Lane, including the cui de sac, lying adjacent to Lots 43 through 53, Block 1, Marble Ski Area, Crystal River Filing, as identified on the plat titled *"Plat of Marble Ski Area Crystal River Filing Gunnison County, Colorado"* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: 282561, and lying adjacent to Lot 5 as identified on the plat titled *"Amended Plat of Lot 54 through 64* & *122, Block 1 and Lots 68 through 73* & *78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive* & *Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado"* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No. 590513, and as identified on the plat titled *"Amended Plat of Lots 36-39 and Lots 41-53, Block 1 and Vacation of Deer Lane, Marble Ski Area, Crystal River Filing and Lot 5 of the Amended Plat of Lot 54 through 64* & *122, Block 1 and Lots 68 through 73* & *78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive* & *Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado",* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: -------

It is the specific intent of the Board that the vacation of the above described unbuilt portion of Deer Lane and cui de sac shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. A Lot Cluster Agreement executed by Gunnison County and the owner(s) of the adjacent property clustering said property and the unbuilt portion of Deer Lane and cui de sac vacated by this Resolution; and
2. This Resolution.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 19th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY

RESOLUTION NO. 18, SERIES 2016

A RESOLUTION APPROVING THE PARTIAL REPLAT OF PORTIONS OF MULTI-FAMILY TRACT 4, SKYLAND – INITIAL FILING, INTO TRACTS B THROUGH F, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, John G. Geist, represented by attorney Marcus Lock, has submitted an application to replat portions of the Multi-family tract 4 (MF-4), Skyland Initial Filing. The applicant seeks to reduce the number of units to be constructed from 22 units to 14 units. Skyland MF-4 was originally approved by the Board of County Commissioners on July 16, 1991 for 65 units. To date, 31 units have been constructed on parcels within MF-4 as noted in attached Exhibit A. Applicant proposes to subdivide the remaining undeveloped land within MF-4 into Tracts B-G. Tract D will be reserved for the development of 11 additional units, and Tract F will be reserved for the development of 3 additional units. All 14 additional units will be added to the Golf Villas at Skyland common interest community. Tracts, B, C, and E will be preserved in perpetuity as open space.

On August 1, 2001, the Planning Commission noted that the tract had initially been approved for 65 units; in 1996, the number of approved units was reduced to 59, at the request of the property owner. At that time a total of 28 units had been constructed and thus 31 units were still to be constructed under the allowed number of units. The property owner at the time, Mountain West, proposed to build 25 units, three fewer than allowed. Three additional units were built in 2001 leaving 22 units that can be built.

Issues relating to the development of the remaining land have been a source of contention between the Skyland Community Association and the owners of the remaining developable land within MF-4 for a number of years. As properties were built and sold, conflicts also developed between the owners of undeveloped property in Skyland MF-4 and the existing homeowners associations, Golf Villas at Skyland and Mountain West Villas. The disputes related to the infrastructure costs, development rights, and open space and setback requirements set forth in the Skyland Community Association Design Guidelines.

The parties have agreed to collaborate in an effort to reasonably define the development rights in MF-4. John Geist, owner of tracts B, C, D, E, and F has agreed to limit the remaining development in MF-4 to fourteen additional units, as shown on the proposed replat titled, "Partial Replat of Portions of Multi-Family Tract 4, Skyland—Initial Filing, into Tracts B through F, County of Gunnison, State of Colorado." There are 28 units in Golf Villas and 3 units in Mountain West Villas, with the addition of the proposed 14 units to Golf Villas, there will be a total of 45 units on MF-4, 20 units less than originally contemplated.

WHEREAS, the proposed replat and the executed *Agreement to Finalize Development Plans Within Skyland MFT-4* between the Golf Villas Homeowners Association and John G. Geist identify the location and number of units to be built on MF-4. The reduction in density and proposed replat do not conflict with any previously approved Land Use Changes for MF-4 and are in compliance with the standards of the Gunnison County *Land Use Resolution*.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Land Use Change Permit No. 16-0008, for John Geist, is approved, subject to each and all of the foregoing conditions of this decision document, as identified above,

WHEREAS, 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.

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 19th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS

Chamberland – yes; Houck – yes; Swenson - yes.

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