



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2016-45**

**A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND
FROM THE DEFINITION OF THE TERMS "SUBDIVISION"
AND "SUBDIVIDED LAND"
N½ LOT 9, OHIO MEADOWS SUBDIVISION FILING NO. 1**

WHEREAS, pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of Gunnison County may exempt from the statutory definitions of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of C.R.S. 30-28-101 *et seq.*; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. Ohio Meadows Subdivision Filing No. 1 was approved by the Board of County Commissioners on November 2, 1970, and is recorded in the office of the Gunnison County Clerk and Recorder at Reception No. 282025.
2. The Protective Covenants of the Castle Mountain Company, Ohio Meadows Subdivisions, recorded in the office of the Gunnison County Clerk and Recorder at Book 424, Page 114, November 19, 1970, allow the subdivision of any tract, resulting in not less than 100,000 square feet and frontage of not less than 250 feet on a road.
3. The N1/2 Lot 9, 4.4-acres and the S1/2 Lot 9, 4.1-acres, are reflected on survey plats filed with the office of the Gunnison County Clerk and Recorder at Reception Nos. 324467 and 324468, February 14, 1978, respectively.
4. The N1/2 Lot 9, Ohio Meadows Filing No. 1 is currently vacant.
5. The S½ Lot 9, Ohio Meadows Filing No. 1 has an existing residence and well, constructed in 1980.
6. The development is located within the Ohio Creek drainage, which is over-appropriated and groundwater is subject to priority administration.
5. In discussions between Gunnison County and the Colorado Division of Water Resources, a solution, which is acceptable to the Division of Water Resources, would be to have the County exempt the lot from the statutory definition of "subdivision" and subdivided land, which would allow the Division of Water Resources to issue an exempt "household-use only" well permit.

WHEREAS, the "household-use-only" well is the planned water supply for the N½ Lot 9, Ohio Meadows Subdivision F#1; and



WHEREAS, the Board of County Commissioners desire that the owners of the N½ Lot 9, Ohio Meadows Subdivision F#1 should not be impaired in their general ability to obtain a "household-use-only" well permit and building permit; and

WHEREAS, the Board of County Commissioners desires to exempt the N½ Lot 9, Ohio Meadows Subdivision F#1 from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the purpose of facilitating the "exempt" status of a single "household-use-only" well;

NOW, THEREFORE, BASED ON THE FINDING AND PURPOSES SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that an exemption is granted, pursuant to C.R.S. 30-28-101(10)(d) of the N½ Lot 9, Ohio Meadows Subdivision F#1 from the definition of "subdivision" and "subdivided land" for the purpose of facilitating the "exempt" status of a single "household-use-only" well.

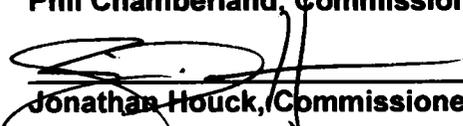
THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted on this 15th day of November, 2016.

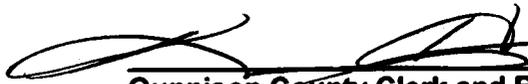
**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**


Paula Swenson, Chairperson


Phil Chamberland, Commissioner


Jonathan Houck, Commissioner

ATTEST:


Gunnison County Clerk and Recorder


Deputy

