



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 16-19**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2015-17
FOR LAKESIDE ON THE COLORADO, LTD.
LITTLE CIMARRON CREEK RANCH SUBDIVISION
W1/2 SECTION 35, TOWNSHIP 48 NORTH, RANGE 6 WEST, N.M.P.M.**

WHEREAS, Lakeside on the Colorado, Ltd., represented by Bob William, P.E., submitted a land use change application for the subdivision of 66.27-acres into four single-family residential lots, ranging between 16 and 17-acres each. Each lot would be served by an individual well and on-site wastewater system. No secondary residences are proposed. Access to all of the parcels will be via a new road, to be constructed from of County Road 864 (Cimarron Trail). The applicants have submitted protective covenants, titled Declaration of Protective Covenants for Little Cimarron Creek Ranch, which identify specific design standards and limitations on each lot; and

WHEREAS, after a review of the information, documentation and testimony related to it, the Gunnison County Planning Commission did, after a joint public hearing, on September 4, 2015 unanimously approve a recommendation of approval with certain Findings and Conditions:

FINDINGS:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.
2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
3. The Commission finds that the proposed four-lot residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
4. The property is beyond snowplowed access. The Planning Commission finds that the applicant has demonstrated that there are no conflicts with the requirements of Article 1, there is no increased risk to emergency services personnel, it is not disruptive to existing travel modes, there is no increased environmental detriment and that the benefits outweigh the detriments.
5. 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 Summary" of this application, and as depicted on the Site 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. The applicant shall comply with the following conditions for the protection of Gunnison Sage-grouse and Sage-grouse habitat:
 - 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) Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless preempted 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.
 - 3) All development on this parcel shall be clustered in the area east/northeast of the Little Cimarron River. Development shall be sited and designed to minimize impacts to Gunnison Sage-grouse and their habitats, as determined by Gunnison County. If this subdivision is approved, building and other Gunnison County authorizations shall be reviewed individually for Gunnison Sage-grouse impacts.
 - 4) No woven wire fencing is allowed for perimeter fencing or as interior cross fencing unless required to exclude domestic sheep. Perimeter and cross fencing shall be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in Mind*.
 - 5) No additional roads, routes or trails, with the exception of the proposed driveways shall be constructed on the property without additional review by Gunnison County for impacts to Gunnison Sage-grouse.
 - 6) If the owner intends to utilize the area for grazing animals, they must contact the Natural Resources Conservation Service (NRCS) in Montrose at 970-249-8407 for assistance in conservation planning. This will help avoid unintended impacts to sage-grouse habitat.
 - 7) 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.
 - 8) 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=Agriculture-Main/CDAGLayout>. The Gunnison County Weed District should be contacted (970-641-4393) for additional information and technical assistance.



- 9) Additionally, the applicant is advised that the Gunnison Sage-grouse is listed under the Federal Endangered Species Act (ESA). The Federal government may require additional mitigation or other actions beyond those found necessary by Gunnison County for activities that may result in "take" of the species, including loss of or impacts to Gunnison Sage-grouse habitat.
3. A mylar subdivision plat, in compliance with Section 6-105, *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 and unless the plat 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 Office of the Gunnison County Clerk and Recorder.
5. The applicant shall record the *Declaration of Protective Covenants for Little Cimarron Creek Ranch Subdivision* contemporaneously with the subdivision plat.
6. This recommendation is subject to the approval by the Board of County Commissioners of the requested waiver to the *Gunnison County Standards and Specifications for Road and Bridge Construction*, for the Cimarron Trail Road.
7. The applicant shall provide for installation of a dry hydrant on Little Cimarron Creek, as identified on the site plan, which shall be inspected and approved by the Gunnison Fire Protection District. All hydrant fittings must be compatible with the Gunnison County Fire Protection District fittings. No building or on septic permits shall be issued until the applicant has provided documentation of approval of the installation by the Gunnison County Fire Protection District.
8. A Development Improvements Agreement shall be entered into by the applicant with Gunnison County, subject to review and approval by the Gunnison County Attorney, referencing the construction design plans, titled "Cimarron Trail – Plan and Profile", dated April 20, 2015, prepared by Williams Engineering, LLC, Sheet 1, including provision of reclamation.
9. A performance bond, letter of credit or other means of surety, acceptable to the County, shall be submitted to cover costs of road construction and reclamation, plus 25 percent, as referenced in the Development Improvements Agreement. Said surety shall be retained by the County to a date acceptable to the County Public Works Director to warrant integrity of the road construction and establishment of reclamation.
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.

AND WHEREAS, the Board of County Commissioners approved a waiver of standards for the construction of Cimarron Trail, at a public hearing on March 1, 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2015-17, for Little Cimarron Creek Ranch Subdivision is approved as a Minor Impact, subject to each and all conditions of the Planning Commission Recommendation, as identified above.

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 Houck, seconded by Commissioner Swenson, and passed on this 3rd day of May, 2016.

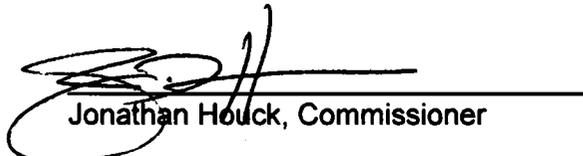
**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**



Paula Swenson, Chairperson

(Absent)

Phil Chamberland, Commissioner



Jonathan Houck, Commissioner

Attest:



Deputy County Clerk

