AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Meeting Minutes; 11/15/2016

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Attached are the draft 11/15/16 regular 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: 12/2/2016

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

Agenda Date: 12/6/2016

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 15, 2016

The November 15, 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
John Messner, Commissioner-Elect

Matthew Birnie, County Manager
Katherine Haase, Deputy County Clerk
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.

MINUTES APPROVAL: Commissioner Chamberland requested a spelling correction to the 10/18/16 meeting minutes. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the minutes as amended. Motion carried unanimously.

1. 10/18/2016 Regular Meeting.
2. 11/1/2016 Regular Meeting

CONSENT AGENDA: Chairperson Swenson requested that Item #5 be pulled for further discussion. Commissioner Chamberland requested that Item #6 be pulled for further discussion. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Consent Agenda Items #1-4 as presented. Motion carried unanimously.

1. Task Order Amendment #3; Colorado Department of Public Health and Environment, DCEED-IMM, FAAA, 17 FHHA 94988, Original Routing Number 15 FHHA 74628; Immunization Core Services Project; 10/26/16; $5,270
2. Acknowledgement of County Manager Approval to Submit; Grant Application; Division of Criminal Justice Juvenile Diversion; $35,000
3. Lease Agreement; Ray Trucking and Backhoe; W Mountain Ranch; $1,195.63
4. Lease Renewal; Mountain Meadow Research Center, 106 Maintenance Drive, Room 109, Gunnison, CO; Gunnison Basin Weed District Program; 1/1/17 thru 12/31/17; $2,499.87
5. **Pulled for Discussion and Separate Action:** Food and Beverage/Retail Lease Agreement; Rayna Clark dba Elevated Café; 12/1/16 thru 4/8/17
6. **Pulled for Discussion and Separate Action:** Resolution; Amending the Adopted Gunnison County Ambulance Licensing Regulations

CONSENT AGENDA ITEM #5: Chairperson Swenson noted that the contract should state "from lessee" not "to lessee" in section 4.2. She also questioned the $2,000,000 designated for liability insurance, and County Attorney David Baumgarten confirmed that the contractor agreed to this amount, which is higher than the $990,000 standard amount. **Moved** by Chairperson Swenson, seconded by Commissioner Houck to approve Consent Agenda Item #5, with the correction that was brought up. Motion carried unanimously.

CONSENT AGENDA ITEM #6: Emergency Manager Scott Morrill was present for discussion, and Commissioner Chamberland requested background information on this item. EM Morrill explained that the resolution updated the language and practices. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Consent Agenda Item #6 as presented. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS:

1. Resolution Establishing a Renovation and Construction Fund for the Gunnison - Crested Butte Regional Airport Terminal. Airport Manager Rick Lamport was present for discussion. CM Birnie explained that this resolution would add $200,000 to the funding that has been set aside thus far, and that this practice is similar to what has been done for the Public Works building and the courthouse. Although no additional funding was proposed to be added in 2017, the County may opt to do that after other uncertainties have been determined. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adopt Resolution #2016-44, a Resolution Establishing a Renovation and Construction Fund for the Gunnison - Crested Butte Regional Airport Terminal. Motion carried unanimously.
2. Request for Support; City of Gunnison Grant Application for CharMar Park Renovations. CM Birnie indicated that he just received this request from Gunnison City Manager Russ Forrest on 11/14 and that he was unaware of the deadline. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to write a letter of support for the City to support the CharMar Park proposed grant. Signature stamps will be used on the letter. Motion carried unanimously.
3. Vacation Rental By Owner (VRBO) Presentations. CM Birnie informed the Board that he arranged for presentations from VRBO vendors so that he and the Town managers can evaluate different products. One presentation has already taken place, and another firm from Utah will present later

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this week. The County contracted with a different company a few years back, which illuminated some issues. He will continue to explore the issue, and he will bring a recommendation to the Gunnison River Valley Local Marketing District Board if he finds a product worth pursuing. He may also suggest joining forces with the Towns in order to secure better pricing.

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

1. Contractor Agreement; SG Interests I, Ltd.; Snow Plowing on County Road 265; 11/15/16 thru 7/1/17; $5,000. DCM Crosby explained that the County contracted in this manner last year, and it was very cost effective for the department. **Moved** by Commissioner Chamberland to approve (the Contractor Agreement). Motion carried unanimously.
2. Trails Commission. DCM Crosby informed the Board that, if the Bureau of Land Management contractor doesn't make it to Hartman Rocks, the County will not be able to groom this year. She may suggest County involvement to make sure that the grooming is done if the cost is reasonable.
3. Work Session; 11/22. DCM Crosby informed the Board that she will provide a recommendations related to County Road 55 during next Tuesday's work session. Some of the property owners want to restrict ATV usage, which is creating issues. During the work session, she will also discuss a request by CenturyLink to install cable as part of the Cottonwood Pass project.

ENFORCEMENT ACTIONS: Community and Economic Development Director Cathie Pagano, Building/Environmental Health Official Crystal Lambert, CA Baumgarten and Deputy County Attorney Gretchen Stuhr were present for discussion.

Commissioner Houck asked about our outreach process, and BEHO Lambert stated that she utilizes all available tools to reach property owners, including certified mail. When the owner responds, the conversation begins, and she uses all tools at her disposal to gain compliance and explain the permitting process. In this case, all but one of the property owners picked up their certified mail. She also

Mr. Patrick McGhee provided a letter stating his concerns related to two of these infractions occurring next to his property. He also stated his appreciation for BEHO Lambert's work in this matter. Mr. Geipel, nearby property owner, stated that he had the property surveyed and the report proved that Mr. Geipel's statements were untrue. He requested an extension of 30 days to work with staff to resolve the issue.

Commissioner Chamberland questioned why taking action on these matters requires Board approval, and CA Baumgarten and BEHO Lambert explained that there is a procedural requirement for authorization. CA Baumgarten also indicated that, prior to starting any court cases, he wants permission from the Board to do so. He explained that he and BEHO Lambert work together as the issues advance and resolution is sought, and legal action is pursued if the parties cannot come to agreement. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize the County Attorney to engage in enforcement actions up to and including court actions on Items 1-7 presented today. Motion carried unanimously.

1. Schultz Family Trust Investments, LLC; Arrowhead Mountain Lodge at 21401 Alpine Plateau Road.
2. Theodore Evans III and Linda Johnson Evans; Lots 1-3, 16-18 and Adjacent 6th Street, Adjacent Avenue H, Adjacent Alley, Block 25; Irwin.
3. Chad Hussong; Lots 4, 5, 14, 15 and Adjacent Streets and Alleys; Irwin.
4. Craig Geipel; Lots 6-9, 11-13, Block 7 and Adjacent Streets and Alleys; Irwin.
5. Eric Underwood; Lots 3-5, 14-16, Block 13 and Adjacent 6th Street and Alley; Irwin.
6. Josh Mock; 294 Pashuta Drive.
7. Nicole Digate and Kevin Bates; Lots 6, 7, 11-13, Block 25, Adjacent Streets and Alleys; Irwin.

BREAK: The meeting recessed from 9:16 until 9:20 am for a short break.

LAND USE ITEMS:

1. Lot Cluster; Lawrence R. Riffel, Jr. and Virginia B. Riffel; Lots 11 and 12, Block 7, Town of Tincup and Lots 13 and 14, Block 7, Town of Tincup. Community Development Department Services Manager Beth Baker was present for discussion. CDDSM Baker explained that the Assessor's Office has requested that all property names match exactly, which she agrees with because the property records will be much cleaner. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the re-lot clustering for the Riffels. Motion carried unanimously.
2. Subdivision Exemption; Cathy Benson; N1/2 Lot 9, Ohio Meadows Subdivision F #1. Assistant Community and Economic Development Director Neal Starkebaum was present for discussion and explained the history of the subdivision. He also confirmed that staff didn't have any reason not to approve the request. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2016-45, a resolution for subdivision of land for Benson in the Ohio Meadows Subdivision. Motion carried unanimously.
3. Whetstone Industrial Park – Sketch Plan Approval; Planning Commission Recommendation. ACEDD Starkebaum and attorney Marcus Lock were present for discussion. ACEDD Starkebaum confirmed that the Planning Commission provided a unanimous recommendation to approve. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2016-46,

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a Resolution Approving the Sketch Plan for LUC No. 2016-00013 for Whetstone Industrial Park as presented today (end at "Park") as presented today. Motion carried unanimously.

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

COMMISSIONER ITEMS:

Commissioner Chamberland:

1. Broadband Update. Commissioner Chamberland informed the Board that he attended a recent meeting in Lonetree to discuss broadband efforts, and that the meeting was productive.

Commissioner Houck:

1. Community Health Subgroup. Commissioner Houck stated that he attended this meeting last Thursday. Outreach has been substantial and work is being done. The online tool is comprehensive.
2. Colorado Water Quality Control Commission. Commissioner Houck stated that he and Commissioner Chamberland both met with this group yesterday.
3. Forest Service Dispersed Camping Rule. Commissioner Houck stated that the Board should provide comments by the 11/18 deadline. He does not want to opportunities minimized by campground closures. He agreed to create draft correspondence for consideration and then ratification on a future agenda. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to authorize Commissioner Houck to draft comments and use signature stamps on the letter for ratification on 12/6. Motion carried unanimously.

Commissioner Swenson:

1. Regional Housing Authority Update. Chairperson Swenson informed the Board that the group met last week and that the Housing Needs Assessment will be discussed in upcoming meetings. The Assessment indicated that the communities are in need of over 300 additional affordable housing units. Karl Fulmer has resigned his position as the Executive Director, and his last day will be 12/31. She will sit as the Interim Executive Director until a new director is in place.
2. Western State Colorado University (WSCU) Internship Program. Chairperson Swenson stated that she's been working to develop this program, but that she will be stepping back from her active role. Proponents will meet with the Gunnison City Council tonight to request program funding with the goal of working with businesses to get the internship program created and put into place. She also asked the other commissioners if they would like to put this onto an agenda to receive a proposal. Commissioner Chamberland noted that he would be interested in hearing the proposal during a work session, and he would also like to hear from WSCU regarding their interest and plans. Commissioner Houck also indicated that he would like to hear the proposal and discuss any alignment to the One Valley Prosperity Project goals, so a work session was scheduled for 11/22.

ADJOURN: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:43 am.

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_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Katherine Haase, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2016-43

A RESOLUTION AMENDING THE ADOPTED GUNNISON COUNTY AMBULANCE LICENSING REGULATIONS

WHEREAS, on the 5th day of July, 2016, the Board of County Commissioners of the County of Gunnison, Colorado ("Board"), adopted Resolution No. 2016-29, a *Resolution Adopting Gunnison County Ambulance Licensing Regulations and Repealing Previous Regulations*, recorded, in records, at the Office of the Gunnison County Clerk and Recorder at the reception number 640356 ("Gunnison County Ambulance Licensing Regulations"); and

WHEREAS, it has been brought to the Board's attention that it would be beneficial to the general public of Gunnison County to amend the currently adopted Gunnison County Ambulance Licensing Regulations by not limiting the destination of all ambulance patients in Gunnison County to only emergency facilities, as they are defined in the Gunnison County Ambulance Licensing Regulations; and

WHEREAS, the deletions and amendments to the Gunnison County Ambulance License Regulations are the following:

Deletions

a. To strike and forever delete the clause located at Section A "Definitions", number eighteen (18). The clause to be stricken and forever deleted is as follows:
"18. Emergency Facility: A general hospital, trauma center, or free-standing emergency facility with an emergency department staffed twenty-four (24) hours a day, seven (7) days per week, with a licensed physician; or an emergency medical outpatient facility staffed twenty-four (24) hours a day, seven (7) days per week with a licensed physician or registered nurse with direct medical supervision by a licensed physician; or an emergency facility with a licensed physician who responds on an on-call basis."
b. To strike and forever delete the following clause located in section D "Standards", subsection three (3), letter "a":
"a. The Authorized Representative shall inspect, or have inspected by a mechanic licensed by the Colorado Department of Transportation, each ambulance to be issued a license in Gunnison County once a year or more often if required by the Board. Such inspection shall determine whether each ambulance is being properly maintained and contains the equipment specified in these regulations. Maintenance records shall be made available immediately upon request. Such inspections shall be in addition to other safety or motor vehicle inspections required to be made under Colorado law and shall not excuse compliance with any other requirements of Colorado law."
c. To strike and forever delete the clause located at section D "Standards", subsection four (4), letter "a". The clause to be stricken and forever deleted is as follows:
"a. All ambulances shall deliver patients to a licensed emergency facility of the patient's choosing, or as directed by the patient's physician or member of the patient's immediate family; provided; however, when the patient's condition is determined to be an emergency, the ambulance service shall deliver the patient to the closest, licensed emergency facility, or the facility designated by the physician advisor consistent with all guidelines imposed by the Regional Emergency Medical and Trauma Advisory Council. In all cases where a preference is not expressed, the ambulance service shall deliver the patient to the nearest appropriately licensed emergency facility."
d. To strike and forever delete the clause located at section E "Licenses", subsection two (2), letter "c". The clause to be stricken and forever deleted is as follows:
"c. The ambulance service pays the required fees of One-Hundred and Fifty Dollars ($150.00) for each new license or One-Hundred Dollars for each renewal thereafter to Gunnison County."

Amendments

a. To add the following clause as section A "Definitions", number eighteen (18):
"18. Licensed Medical Facility: A person, business entity or agency that is granted a license or certificate to operate a health care entity, within the State of Colorado, and that bears legal responsibility for compliance with all applicable federal and state statutes and regulations, pursuant to and in accordance with the Colorado Department of Public Health and Environment Rules and Regulations, as they may be amended."
b. To add the following clause in section D "Standards", subsection three (3):
"a. The Authorized Representative shall inspect, or have inspected by a licensed mechanic, each ambulance to be issued a license in Gunnison County once a year or more often if required by the Board. Such inspection shall determine whether each ambulance is being properly maintained and contains the equipment specified in these regulations. Maintenance records shall be made available immediately upon request. Such inspections shall be in addition to other safety or motor vehicle inspections required to be made under Colorado law and shall not excuse compliance with any other requirements of Colorado law."
c. To add the following clause as section D "Standards", subsection four (4):
"a. All ambulances shall deliver Patients to the most appropriate licensed medical facility, as determined by the Medical Director or his designee, dependent on the Patient's medical needs

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and in accordance with Colorado Department of Public Health and Environment Rules and Regulations. When medically appropriate, the Patient's preference should be considered."

d. To add the following clause as section E "Licenses", subsection (2), letter "c":
"c. The ambulance service pays the required fees of Seventy-Five Dollars ($75.00) for each new license and renewal thereafter, respective to that particular ambulance, to Gunnison County."

WHEREAS, the Gunnison County Ambulance Licensing Regulations with the above-referenced deletions and amendments are attached hereto and hereby incorporated by this reference as Exhibit "A":

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Gunnison, Colorado ("Board") shall and hereby does amend, reaffirm, and ratify, the Gunnison County Ambulance Licensing Regulations as follows:

Deletions

a. To strike and forever delete the clause located at section A "Definitions", number eighteen (18). The clause to be stricken and forever deleted is as follows:
"18. Emergency Facility: A general hospital, trauma center, or free-standing emergency facility with an emergency department staffed twenty-four (24) hours a day, seven (7) days per week, with a licensed physician; or an emergency medical outpatient facility staffed twenty-four (24) hours a day, seven (7) days per week with a licensed physician or registered nurse with direct medical supervision by a licensed physician; or an emergency facility with a licensed physician who responds on an on-call basis."

b. To strike and forever delete the following clause located in section D "Standards", subsection three (3), letter "a":
"a. The Authorized Representative shall inspect, or have inspected by a mechanic licensed by the Colorado Department of Transportation, each ambulance to be issued a license in Gunnison County once a year or more often if required by the Board. Such inspection shall determine whether each ambulance is being properly maintained and contains the equipment specified in these regulations. Maintenance records shall be made available immediately upon request. Such inspections shall be in addition to other safety or motor vehicle inspections required to be made under Colorado law and shall not excuse compliance with any other requirements of Colorado law."

c. To strike and forever delete the clause located at section D "Standards", subsection four (4), letter "a". The clause to be stricken and forever deleted is as follows:
"a. All ambulances shall deliver patients to a licensed emergency facility of the patient's choosing, or as directed by the patient's physician or member of the patient's immediate family; provided; however, when the patient's condition is determined to be an emergency, the ambulance service shall deliver the patient to the closest, licensed emergency facility, or the facility designated by the physician advisor consistent with all guidelines imposed by the Regional Emergency Medical and Trauma Advisory Council. In all cases where a preference is not expressed, the ambulance service shall deliver the patient to the nearest appropriately licensed emergency facility."

d. To strike and forever delete the clause located at section E "Licenses", subsection two (2), letter "c". The clause to be stricken and forever deleted is as follows:
"c. The ambulance service pays the required fees of One-Hundred and Fifty Dollars ($150.00) for each new license or One-Hundred Dollars for each renewal thereafter to Gunnison County."

Amendments

a. To add the following clause as section A "Definitions", number eighteen (18):
"18. Licensed Medical Facility: A business entity or agency that is granted a license or certificate to operate as a health care entity, within the State of Colorado, and that bears legal responsibility for compliance with all applicable federal and state statutes and regulations, pursuant to and in accordance with the Colorado Department of Public Health and Environment Rules and Regulations, as they may be amended."

b. To add the following clause in section D "Standards", subsection three (3):
"a. The Authorized Representative shall inspect, or have inspected by a licensed mechanic, each ambulance to be issued a license in Gunnison County once a year or more often if required by the Board. Such inspection shall determine whether each ambulance is being properly maintained and contains the equipment specified in these regulations. Maintenance records shall be made available immediately upon request. Such inspections shall be in addition to other safety or motor vehicle inspections required to be made under Colorado law and shall not excuse compliance with any other requirements of Colorado law."

c. To add the following clause as section D "Standards", subsection four (4):
"a. All ambulances shall deliver Patients to the most appropriate licensed medical facility, as determined by the Medical Director or his designee, dependent on the Patient's medical needs and in accordance with Colorado Department of Public Health and Environment Rules and Regulations. When medically appropriate, the Patient's preference should be considered."

d. To add the following clause as section E "Licenses", subsection (2), letter "c":
"c. The ambulance service pays the required fees of seventy-five and NO/100 U.S. Dollars ($75.00) for each new license and each renewal thereafter, respective to that particular ambulance, to Gunnison County."

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Now, herewith the instant resolution, be it incorporated that above-referenced deletions and amendments are hereby ratified into the Gunnison County Ambulance License Regulations, attached hereto and incorporated herein by this reference as Exhibit "A".

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

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2016-44

A RESOLUTION ESTABLISHING A RENOVATION AND CONSTRUCTION FUND FOR THE GUNNISON - CRESTED BUTTE REGIONAL AIRPORT TERMINAL

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado desires to reserve money in a segregated account specifically identified for potential renovations and construction activities for the Gunnison - Crested Butte Regional Airport Terminal; and

NOW THEREFORE, BE IT RESOLVED by the Board Commissioners of the County of Gunnison, Colorado that a committed balance account in the amount of six hundred sixty-one thousand, one hundred eighty-three and No/100 U.S. Dollars ($661,183) is immediately created (in the Airport Operations Fund) for Gunnison - Crested Butte Regional Airport Terminal renovations and construction. Interest accruing on such committed balance account shall be added to the principal of such account.

IT IS FURTHER RESOLVED that additional funds may be authorized to be placed in the committed balance account in 2016 and future years.

IT IS FURTHER RESOLVED that money from such account may be used for Gunnison - Crested Butte Regional Airport Terminal renovations and construction only upon majority affirmative vote of the Board of County Commissioners.

IT IS FURTHER RESOLVED that money from such account may be used for purposes other than Gunnison - Crested Butte Regional Airport Terminal renovations and construction only upon unanimous affirmative vote of the Board of County Commissioners.

IT IS FURTHER RESOLVED that in the event of a unanimous affirmative vote to use the money from such account for purposes other than Gunnison - Crested Butte Regional Airport Terminal renovations and construction, then such money may not be withdrawn from such committed balance account or used until thirty (30) days after the unanimous affirmative vote on its use by the Board of County Commissioners.

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

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7. 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 this 15th day of November, 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. 2016 - 46

A RESOLUTION APPROVING THE SKETCH PLAN FOR LUC NO. 2016-00013 WHETSTONE INDUSTRIAL PARK PART OF LOT 1, ALL LOTS 2, 3, 4, PART OF THE SENW, PART OF NESW, SESW 33.93-ACRES IN SWSE, 0.41-ACRES IN SESE SECTION 18, LOT 1 E1/2NW 3.51-ACRE IN W1/2NWNE SECTION 19, TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6TH P.M. L & D RANCHES, LLC

WHEREAS, L & D Ranches, LLC, represented by Marcus J. Lock, Law of the Rockies, submitted the Whetstone Industrial Park Sketch Plan, which proposes the subdivision of a 35-acre parcel into 17 lots, ranging in size from 1.25-2.15 acres, for a commercial/industrial park, with an allowance for an accessory residential unit, in association with a primary light industrial or commercial use. Water is proposed to be supplied by a central water system and wastewater treatment will be provided by individual onsite wastewater treatment systems. Access will be via a new access road, via Buckley Drive, to State Highway 135. The applicant voluntarily changed the name of the development to Whetstone Industrial Park, due to concern from the Fire District, to eliminate any confusion with another development of a similar name (Slate River Development).The property is located in Part of Lot 1, All Lots 2, 3, 4, Part of the SENW, Part of NESW, SESW 33.93-acres in SWSE, 0.41-acres in SESE Section 18, Lot 1 E1/2NW 3.51-acre in W1/2NWNE Section 19, Township 14 South, Range 85 West, 6th P.M.; and

WHEREAS, a joint public hearing was conducted September 2 and October 7, 2016, by the Planning Commission and Board of County Commissioners; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on October 7, 2016 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:

1. The submitted Sketch Plan applies to all of the 35-acres proposed for development.
2. Section 4-504: A., of the Gunnison County Land Use Resolution prescribes that, "…Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant…" and that detailed engineering plans and other overly detailed information shall not be required or accepted by the County."
3. This application, by definition, is classified as a Major Impact Project.
4. Pursuant to Division 7-200: Sketch Plan for Major Impact Projects of the *Land Use Resolution*:
   This Sketch Plan application is generally consistent with the standards and requirements of the Resolution, pursuant to Division 7-200: Sketch Plan for Major Impact Projects, i.e., compliance of the proposed land use change with the standards of the Resolution are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the Resolution within its conceptual presentation of the proposed development. It is expected that, pursuant to Section 7-703 A., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for

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evaluation.

5. The Commission discussed combining Preliminary and Final plans and finds that it would be appropriate for this development, based upon the design, size, and lack of public concerns/comments, noted by the lack of public attendance at the public hearings.
6. The Planning Commission has expressed concern regarding compatible uses and siting within the development. It has been noted that some heavy industrial uses may not be appropriate adjacent to other "lighter" industrial or commercial uses, with accessory residences.
7. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process.
8. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this Resolution, then the application shall be denied at the Preliminary or Final Plan review stage.
9. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.
10. 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.
11. 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.
12. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Whetstone Industrial Park Sketch Plan need be conducted by the Board, and further, the Board hereby approves the Whetstone Industrial Park Sketch Plan for LUC No. 2016-00013 as recommended by the Planning Commission, with the following conditions:

1. Approval of this Sketch Plan application shall constitute a final decision of approval for the general development concept only but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project or permission to proceed with any aspect of construction of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary Plan and Final Plan reviews the applicant is unable to fulfill all of the requirements of the *Resolution* then the application shall be denied at the Preliminary or Final Plan review stage.
2. The applicant may submit a combined Preliminary/Final Plan application. If a combined Preliminary/Final Plan application is submitted, the applicant shall include Final Plan application submittal requirements, consistent with *Section 7-401: Final Plan Application for Major Impact Projects*.
3. The following are specifically identified as Preliminary Plan application submittal items of particular attention:
    - Analysis of the visibility of the development from Highway 135 and mitigation through buffering, berming and/or landscaping.
    - Segregation/limitations of types of uses, including segregation/limitations on accessory residential use, within the development.
    - Protection of water quality of the Slate River.
    - Response to the Riverland Industrial Park Lot Owners Association comment letter of August 31, 2016, as appropriate.
    - Compliance with the Crested Butte Fire Protection District requirements.
    - Level of commercial/retail permitted within the development.
    - What level of county land use review will be required for varying uses.
4. Submittal of a traffic study in compliance with Section 12-103: E. is required as part of the Preliminary Plan application.
5. Gunnison County will determine, based upon test results required to be submitted as part of the Preliminary Plan application, whether, pursuant to Section 12-105: G.8., additional well testing will be required during January or February to ensure that a year-round, consistent supply of water will be available to this development.
6. The applicant shall be required to submit and actively pursue the completion of a Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void and require the applicant to begin the Sketch Plan review process again.

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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.

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 adopted this 15th day of November, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

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