

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 3 SERIES 2012

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-10
A LAND USE CHANGE PERMIT FOR RICHARD AND CONSTANCE ELZE
FOR THE SUBDIVISION OF A 5-ACRE LOT FROM A 179.85-ACRE PARCEL**

WHEREAS, Constance and Richard Elze have submitted an application to subdivide a 5-acre parcel from a larger 179.85-acre tract. The proposed lot is currently served by an individual well and individual sewage disposal system. There is also an existing single-family residence on the proposed parcel. The applicants own property on which a conservation easement has been executed on the entire 179.85-acre tract that is held by Colorado Open Lands, the easement is recorded at Reception No. 536700 in the office of the Gunnison County Clerk and Recorder. The easement does provide an allowance for the subdivision of one five acre parcel on the 179.85-acre tract and a letter of approval for the subject project was received from Mo Ewing of Colorado Open Lands dated November 14, 2008. The applicants have also proposed protective covenants for the 5-acre parcel. The parcel on which the Land Use Change is proposed is north of the City of Gunnison at 441 County Road 818 (Wiley Lane). The parcel is legally described as 184.85 acres in the S2NE4, NW4, lying west of County Road 730, Section 2, Township 50 North, Range 1 West, N.M.P.M.; and

WHEREAS, after a review of the Minor Impact application and final submittal and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, on December 19, 2008 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. This project, by definition, is classified as a Minor Impact.
2. There are existing improvements on the subject parcel that include, but are not limited to, a single-family residence, individual sewage disposal system and individual well.
3. The subject parcel is in occupied Sage-grouse habitat.
4. There is a conservation easement (Reception No. 536700) on the entire 179.85-acre tract. This subdivision is permitted by the terms of the easement.
5. The conservation easement limits the remainder parcel (174.85 acres) which is larger than 35 acres, to the use of one single-family residence.
6. This application is consistent with the standards and requirements of this *Resolution*.
7. 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. That 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 a parcel within this subdivision, 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. This requirement is necessary because of significant use of the area by the Gunnison Sage-grouse and will help prevent the potential transmission of disease from outside avian sources to Sage-grouse.
2. 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.
3. 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*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-10, for Richard and Constance Elze is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

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 Swenson, seconded by
Commissioner Channell, and passed on this 17 day of January, 2012.

BOARD OF COUNTY COMMISSIONERS

Hap Channell Paula Swenson Phil Chamberland
Hap Channell, Paula Swenson, Phil Chamberland,
Chairperson Vice-Chairperson Commissioner

ATTEST:

[Signature]
Gunnison County Clerk and Recorder

