



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 29 SERIES 2012**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2008-60  
A LAND USE CHANGE PERMIT FOR KEVIN AND REBECCA PERSONS  
RESUBDIVISION OF LOT 1, CREEKWOOD SUBDIVISION  
PERSONS SUBDIVISION**

**WHEREAS**, Kevin and Rebecca Persons, represented by Dick Bratton, submitted a land use change application for the (3.81-acres) into three single-family residential lots, each served by an individual sewage disposal system and individual well; and

**WHEREAS**, after a review of the information, documentation and testimony related to it, the Gunnison County Planning Commission did, on December 2, 2011 unanimously approve a Recommendation 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. Concerns regarding the installation of additional proposed septic systems, in relationship to the cumulative impacts to ground and surface waters, within this geographic area, have been raised. The Commission finds that while there is a valid concern regarding the increase of septic systems within the Spring Creek drainage, there is insufficient evidence regarding negative impacts to water quality to determine the impacts in the review of this application.
3. The Colorado Geological Survey has reviewed the geologic hazards on the property and the proposed mitigation, as designed by the applicant's consultant, Buckhorn Geotech, and has affirmatively stated that the mitigation satisfactorily addresses the hazards present on the property.
4. The applicant has provided for site specific mitigation of the geologic hazards present on the property, in compliance with *Section 11-104: Development in Areas Subject to Geologic Hazards*. Specific performance of the mitigation measures and responsibilities of the future lot owners for inspection and maintenance of the geologic hazard mitigation structures and drainages is identified within the *Declaration of Protective Covenants of Persons Minor Subdivision* covenants and as a condition of this recommendation.
5. 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*.
6. 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. 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 the plat is signed by the Chairman of the Board of County Commissioners and is recorded with the office of the Gunnison County Clerk and Recorder.
3. The approval shall be memorialized by Board Resolution/Certificate of Minor Impact. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.
4. No building or septic permits shall be issued on the individual lots, until such time that the rockfall mitigation berm has been constructed and certification of the construction of the berm, by a licensed professional engineer, in compliance with the design identified on plans prepared by Buckhorn Geotech, *Persons Subdivision, Rockfall and Debris Flow Mitigation* dated July 15, 2010 is provided to the Community Development Department.
5. An inspection shall be made each year for five years (commencing from the date of the completion of the earth berms) by a licensed professional engineer, who shall inspect the earthen berms, drainage ditches and seepage beds on each lot and submit a report to the Community Development Department on or before October 15th of each year. The written report thereof shall utilize the following guidelines: The report shall contain a description of any changes to the berms, drainage ditches and seepage beds during the prior 12 months and shall contain photographs of the entirety of each of the berms and drainage ditches. The reports shall include photo documentation, which shall include an assessment of the stability/functionality of the berms, catchments and drainage ditches, and recommendations by such professional for any work needed to restore or maintain mitigation effectiveness. If maintenance or repairs are recommended by the professional, the recommended work, if it has not already been completed, shall be completed no later than 60 days after such report is given to the County. If after five years of such inspections and reports discloses that the berms, catchments and drainages have remained in a stable, effective condition, the annual inspections by each landowner shall be scaled back to biennial inspections, reports and photo documentation.
6. If at any time a lot owner discovers, or the inspection noted in Condition No. 5 reveals, that debris has accumulated to a depth of six inches or more on the west side of a berm or in any drainage ditch, such material shall be removed no later than 60 days after such determination and its removal reported to the County and documented by photographs in the annual report. In addition, if at any time during the year a debris flow event occurs that causes deposition of one foot or more of debris in front of a berm or in any drainage ditch, or if a rockfall event should occur which results in a rock of one cubic foot or larger impacting a berm, a licensed professional engineer shall be contacted to inspect the integrity of the affected structure and recommend repairs or modifications as deemed appropriate. In such event, as a minimum, the debris and rock material shall be removed to restore the full capacity of the berm or drainage ditch no later than 60 days after such determination. In addition, the engineer shall prepare a written report describing what has occurred, along with his recommendations and a description of the work completed, which report shall be delivered to the County with the annual report.
7. Prior to scheduling the application before the Board of County Commissioners, the applicant shall provide evidence of the purchase of augmentation water from the Upper Gunnison River Water Conservancy District (UGRWCD), for two additional base units of augmentation water, to the Community Development Department.
8. The applicant shall provide three copies of the recorded subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for inclusion into the rural addressing system.
9. The following shall be completed upon recordation of the Plat:
  - 1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Qwest.



- 2) The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.
- 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.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2008-60, for Persons 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 Swenson, seconded by Commissioner Chamberland, and passed on this 2<sup>nd</sup> day of October, 2012.

BOARD OF COUNTY COMMISSIONERS

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

ATTEST:

  
Gunnison County Clerk and Recorder  


