AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft Meeting Minutes; 7/1/14

Action Requested: Motion

Parties to the Agreement:

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

Summary:
Attached are the draft 7/1/14 meeting minutes.

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:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 7/11/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 7/15/2014 Follow Up Agenda Date:

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
July 1, 2014

The July 1, 2014 meeting was held in the Planning Commissioners' meeting room in the Blackstock Government Center located at 221 N. Wisconsin Street, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
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:

1. Regular Meeting Minutes; 6/3/2014. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the regular meeting minutes for June 3, 2014. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Consent Agenda as presented. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; State of Colorado, Department of Public Safety, Division of Criminal Justice Grant Agreement with Gunnison County; Grant #2015-DV-14-003126-07; 7/1/14 thru 6/30/15; $11,666
2. Acknowledgment of County Manager Authorization to Submit; Karl E. Eitel Fund Grant Application; Gunnison County Family Advocacy Support Team (FAST); $10,000
3. Intergovernmental Agreement; State of Colorado, Colorado Department of Public Safety and the Board of County Commissioners for the County of Gunnison; Participation in the Colorado Emergency Fire Fund
4. Ratification of Chairperson Signature; Contract Amendment #1; State of Colorado acting by and through the Department of Transportation; Original Contract CMS #12HA345238; Riverwalk Trail Extension; $277,000
5. Ratification of Deputy County Manager Signature; Road Access Permit; County Road #12, Kebler Pass Road, Summer Season 2014; Montrose Forest Products; Timber Hauling
6. Ratification of Correspondence; Governor John W. Hickenlooper, Department of Natural Resources Executive Director Mike King, and Chief Strategy Officer Alan Salazar; Draft Legislation Concerning Oil and Gas Development
7. Purchase of Service Contract; Regional Mental Health Services; Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services; 6/1/14 thru 5/31/15
8. Purchase of Service Contract, Regional Substance Use Disorder Services; Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services; 6/1/14 thru 5/31/15
9. Planned Maintenance Agreement; Cummins Rocky Mountain, LLC; Regular Maintenance and Inspection of Generator at Public Safety Center; 7/1/14 thru 6/30/15; $1,621.50
10. Agreement between Gunnison County HHS and Region 10 League for Economic Assistance & Planning, Inc., Region 10 Area Agency on Aging; Senior Resources Program; 7/1/14 thru 6/30/15; $33,000
11. Grant Agreement; Temple Hoyne Buell Foundation; Kids in Care Program; $2,000
12. Ratification of Chairperson Signature; Grant of Perpetual Easement; First State Bank of Colorado; Construction, Installation, Use and Maintenance of an Underground Sewer Line System; $10
13. Office of Pharmacy Affairs; Hospital Certification of Ownership/Operation by a Unit of State/Local Government; Certification of Contract between Private, Non-Profit Hospital and State/Local Government to Provide Health Care Services to Low Income Individuals; Gunnison Valley Hospital
14. Agreement between Gunnison County Health and Human Services and Region 10 League for Economic Assistance & Planning, Inc., Region 10 Area Agency on Aging; Senior Transportation Program; 7/1/14 thru 6/30/15
15. Ratification of Chairperson Signature; Contract Amendment #1, EIAF 7071 - Gunnison County Courthouse Adaptive Re-use & Renovation; Department of Local Affairs, Division of Local Governments; Extend Termination Date to 9/30/14
16. Funding Contract; State of Colorado, Department of Human Services, Office of Behavioral Health; Routing No. 15 IID 70329; Gunnison County Substance Abuse Prevention Project Services; 7/1/14 thru 6/30/15; $50,000

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

ADOPTION OF THE 2015-2019 GUNNISON COUNTY CAPITAL IMPROVEMENT PLAN: County Attorney David Baumgarten and Deputy County Manager Marlene Crosby were present for

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discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to adopt the 2015-2019 Gunnison County Capital Improvement Plan. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; MEISSNER/MCMAHON, BUSH VENTURES AND HEADLEE PROPERTIES: Community Development Director Russ Forrest and Planner Cathie Pagano were present for discussion. Planner Pagano explained that the properties are adjacent to the Wilder on the Taylor property, and that the adjustment would result in parcels just over one acre in size. **Moved** by Commissioner Houck, seconded, by Commissioner Chamberland to approve the Boundary Line Adjustment. Motion carried unanimously.

RESOLUTION; ADOPTING THE GUNNISON/CRESTED BUTTE INDUSTRIAL SPECIAL AREA, SPECIAL AREA REGULATIONS AND SPECIAL AREA MAPS: Community Development Director Forrest and County Attorney Baumgarten were present for discussion. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2014-15, a Resolution Adopting the Gunnison/Crested Butte Industrial Special Area, Special Area Regulations and Special Area Maps. Motion carried unanimously.

RESOLUTION; APPROVING THE TRANSFER OF GUNNISON COUNTY OIL AND GAS PERMITS AND AGREEMENTS FROM GUNNISON ENERGY CORPORATION TO GUNNISON ENERGY, LLC: Community Development Director Forrest, Assistant Community Development Director Neal Starkebaum and County Attorney Baumgarten were present for discussion. Assistant Community Development Director Starkebaum explained that the Gunnison County Land Use Resolution allows for the transfer of permits and agreements. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2014-16, a Resolution Approving the Transfer of Gunnison County Oil and Gas Permits and Agreements from Gunnison Energy Corporation to Gunnison Energy, LLC. Motion carried unanimously.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Crosby, Community Development Director Forrest, County Attorney Baumgarten and Building/Environmental Health Official Crystal Lambert were present for discussion.

1. Grants of Perpetual Easement; Antelope Hills Water Line Project; Construction, Installation, Use and Maintenance of an Underground Water Line System. Deputy County Manager Crosby informed the Board that several additional easements are pending. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the perpetual easements for the Antelope Hills Water Line Project with Bruce and Freida Allen for $2,500, BAMP, LLC for $10, Antelope Hills Association, Inc. for $10, and Construction, LLC for $5,000. Deputy County Manager Crosby noted that Construction, LLC is owned by Fred and Valerie Schmalz. Motion carried unanimously.
    a. Bruce A. and Freida E. Allen; $2,500
    b. B.A.M.P., LLC; $10
    c. Antelope Hills Association, Inc.; $10
    d. Construction, LLC; $5,000
2. Bridge Inspections. Deputy County Manager Crosby informed the Board that inspectors were in the process of completing bi-annual inspections for all of the bridge structures in excess of 20'-0" in span. One structure revealed a significant crack and significant deterioration in the concrete, while the rebar and wires are still intact. The inspectors recommended that the County cordon off the shoulder so that access is denied, and the County complied with this request on 6/30. The cordon will remain until the water recedes enough to allow a full evaluation.
3. Cumberland Pass Bridges. Deputy County Manager Crosby informed the Board that she is working to develop an agreement with the Forest Service for work on these bridges.
4. Road Damage Issues. Deputy County Manager Crosby informed the Board that there has been damage to the campground on White Pine Road and at Avery above Gothic, both of which qualify for flood repair funding. The Forest Service will need agreements in place before the damage can be repaired, and the agreements are due by 7/15. She asked for permission for the County Manager's signature on the agreements as soon as they are available. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve and authorize County Manager Birnie's signature on the contract. Motion carried unanimously.
5. Pass Updates. Deputy County Manager Crosby informed the Board that magnesium chloride would be applied to Cottonwood Pass before the end of the day, and that the lower three miles of Kebler Pass would also be receiving an application. A towing company will remove abandoned vehicles that are in the way, and the vehicles will be held for 60 days before being scrapped.

COUNTY MANAGER'S REPORT: County Manager Birnie was present for discussion. This began earlier than scheduled due to a gap in the meeting.

1. National Citizen Survey Award Nominations. County Manager Birnie informed the Board that the County has been nominated for two awards, one in the "Transformation in Built Environment" category and one in the "Mobility" category, and that the awards will be announced in mid-July.
2. Staff Changes. County Manager Birnie informed the Board that Adriana Villalobos resigned on 6/30, which will create coverage issues for his office until a replacement has been hired.
3. Courthouse Project Update. County Manager Birnie informed the Board that all activities in the field are going well, and that the agreement for the guaranteed maximum price would be signed on 7/2.

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4. 4H Forever Fund. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to continue with the matching of the funds raised by the kids up to $2,500 for the 4H Forever Fund. Motion carried unanimously.

COMMISSIONER ITEMS: This discussion began earlier than scheduled due to a gap in the meeting.

Commissioner Chamberland:

1. Roundtable Meeting in Aspen, CO; 6/30/14. Commissioner Chamberland informed the Board that he and Community Development Director Russ Forrest attended this meeting, along with Governor Hickenlooper and members of his staff. Commissioner Chamberland will provide written materials to the Board at a later time. The discussions included topics such as broadband. He will keep the Board posted.
2. Achieving Redundancy in Broadband. Commissioner Chamberland informed the Board that he has discussed this issue with a couple of companies. Discussions will continue.

BREAK: The meeting recessed from 9:03 until 9:08 am in order to hold the below Public Hearing.

PUBLIC HEARING; PROPOSED GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS) REGULATIONS (FORMERLY GUNNISON COUNTY ISDS REGULATIONS): Community Development Director Forrest, Building/Environmental Health Official Crystal Lambert and County Attorney David Baumgarten were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:03 am.

2. Public Notice Confirmation. Building/EH Official Lambert confirmed that the Public Hearing had been properly public noticed.

3. Identify Ex Parte Communications. There were no ex parte communications identified.

4. Staff Presentation. Building/EH Official Lambert stated that she has been working with the Environmental Health Board to create regulations that are no less stringent than what Amendment 43 mandates. She noted that the most substantial change is that the application process will require additional preliminary work, but that the additional work should equate to a faster turnaround. Another minor change is the introduction of a vault system. There have been open house meetings with contractors, five public hearings with the Environmental Health Board, two open house events, and the work session with the Board on 5/13/14. Her office worked with the County Attorney's Office to develop the regulations. Community Development Director Forrest stated that the Environmental Health Board recommended approval, and Building/EH Official Lambert informed the Board that the State is in agreement with the changes.

5. Applicant Presentation. N/A.

6. Board Questions. The Board did not have any questions.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:08 am, and no comments were provided.

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. N/A.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:08 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; ADOPTING THE "GUNNISON COUNTY, COLORADO ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS": **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve Resolution #2014-17, a Resolution Adopting the "Gunnison County, Colorado On-Site Wastewater Treatment System Regulations". Motion carried unanimously.

COMMISSIONER ITEMS (continued):

Commissioner Houck:

1. Tincup Travel Issues. Commissioner Houck informed the Board that he and Gunnison National Forest District Ranger John Murphy traveled to Tincup last week. He believes that the previously identified signage issues have been addressed by Public Works.
2. Meeting with Colorado State University (CSU) President Tony Frank. Commissioner Houck informed the Board that he and County Manager Birnie met with Mr. Frank during the previous week. The discussion included the beneficial partnership between CSU and the County.

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3. City of Gunnison Comprehensive Plan. Commissioner Houck informed the Board that the City has asked him to participate in this process, and he agreed. He will update the Board as the process continues. The project is estimated to be complete within the next couple of years.

Commissioner Swenson:

1. Gunnison Sage-grouse Meetings. Chairperson Swenson informed the Board that she met with Noreen Walsh, Regional Director of the Mountain-Prairie Region of the US Fish and Wildlife Service, in Buena Vista on 6/20 to discuss this issue. Commissioner Houck and Gunnison Wildlife Conservation Coordinator Jim Cochran are scheduled to speak with Ms. Walsh on 7/3 regarding the downfalls of compensatory mitigation and other suggested options. She also had lunch with Department of Natural Resources Executive Director Mike King on 6/18 to continue discussions related to a conservation easement.
2. Gunnison-Crested Butte Chamber of Commerce, Crested Butte / Mt. Crested Butte Chamber of Commerce, Gunnison-Crested Butte Tourism Association, and Facilitators Marv and Marty Weidner; Facilitation Meetings. Chairperson Swenson informed the Board that she and Community Development Director Forrest met with this group yesterday, and that four working results and related services have been identified as a result of the facilitated meetings.

BREAK: The meeting recessed from 9:23 until 9:29 am for a short break, and then again from 9:29 until 9:49 am in order to hold the below Public Hearing.

PUBLIC HEARING; DRAFT REGULATIONS FOR MARIJUANA CULTIVATION, MANUFACTURING, AND TESTING FACILITIES IN UNINCORPORATED GUNNISON COUNTY: Community Development Director Forrest and County Attorney Baumgarten were present for discussion.

1. Open Public Hearing. Chairperson Swenson opened the Public Hearing at 9:29 am.

2. Public Notice Confirmation. Community Development Director Forrest confirmed that the Public Hearing had been properly public noticed.

3. Identify Ex Parte Communications. There were no ex parte communications identified.

4. Staff Presentation. Community Development Director Forrest explained that the Board would be asked to take action on three separate resolutions; one to create licensing regulations, one to amend the Gunnison County Land Use Resolution, and one to allow marijuana facilities to operate in the Gold Basin Industrial Park. He stated that the Planning Commission had met to discuss the proposed regulations and modifications after Gunnison County voted in favor of Amendment 64 in November 2012. The process of performing criminal background checks with the State is still being discussed and is not ready for Board action. He noted that he received comments from the Crested Butte Fire District yesterday, and that he hasn't had time to fully review those comments, but that the Board would have time to review each application coming before the Board for approval with the full opportunity to provide their thoughts in each instance, as would the Fire District. Lastly, he confirmed that the Planning Commission unanimously recommended approval for the LUR changes and the Gold Basin Industrial Park resolution last week.

5. Applicant Presentation. N/A.

6. Board Questions. Commissioner Chamberland asked if the regulations had adequately addressed enforcement in the event that a neighbor complains about the smell. Community Development Director Forrest assured him that there are a variety of remedies that the County can utilize if enforcement issues arise.

7. Public Comments. Chairperson Swenson opened the Public Hearing to comments at 9:40 am.

   Mr. Lou Costello introduced himself as a long-time resident dating back to the 1950's. He asked the Board to approve the resolutions because he feels that the use meets all stated requirements of the Industrial Park, will create jobs, and will create tax revenue. He submitted an application to the State in June, and he read aloud an excerpt from an interview that Telluride Sheriff Bill Masters recently participated in that indicated that there were no detox arrests made during this year's Bluegrass Festival.

   Mr. Gary Fabiano introduced himself as a long-time resident dating back to the mid-1960's. He encouraged allowing marijuana facilities in all industrial parks within the County.

8. Acknowledge Correspondence Received. No additional correspondence was identified.

9. Applicant Response. Community Development Director Forrest stated that, as proposed, the license process would take 14 days. County Manager Birnie explained that the County would collect a 0.5% sales tax as a result of sales at retail locations within the municipalities, which would be dedicated to capital projects and wouldn't be available for law enforcement or administration related to the industry. He also explained that, at this time, the County does not have the authority

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to tax a specific industry, but that there are efforts being discussed among the counties at Colorado Counties, Inc. regarding possible legislation that would allow the taxing of an industry. If authorized, those taxes would be used to mitigate the impacts of the industry. Chairperson Swenson stated the County would prefer that all retail operations be located within the municipalities.

10. Close Public Hearing. Chairperson Swenson closed the Public Hearing at 9:49 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; CREATING LICENSING REGULATIONS FOR MARIJUANA CULTIVATION, MANUFACTURING, AND TESTING FACILITIES: Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2014-18, a Resolution Creating Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities with the recommended amendments discussed today. Motion carried unanimously.

RESOLUTION; AMENDING THE GUNNISON COUNTY, COLORADO LAND USE RESOLUTION WITH THE ADDITION OF SECTION: 9-104 TO REGULATE MARIJUANA CULTIVATION, MANUFACTURING, AND TESTING FACILITIES: Moved by Commissioner Houck, seconded by Commissioner Chamberland to adopt Resolution #2014-19, a Resolution Amending the Gunnison County, Colorado Land Use Resolution with the Addition of Section: 9-104 to Regulate Marijuana Cultivation, Manufacturing, and Testing Facilities, with amendments made today. Motion carried unanimously.

RESOLUTION; AMENDING THE GOLD BASIN INDUSTRIAL PARK SPECIAL AREA REGULATIONS TO ADD MARIJUANA CULTIVATION, MANUFACTURING, AND TESTING FACILITIES AS A PERMITTED USE: Moved by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2014-20, a Resolution Amending the Gold Basin Industrial Park Special Area Regulations to Add Marijuana Cultivation, Manufacturing, and Testing Facilities as a Permitted Use. Motion carried unanimously.

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

GUNNISON RIVER FESTIVAL: Deputy County Manager Crosby was present for this impromptu discussion, and she informed the Board that the festival was well attended and successful. There are more signs on degradation at the White Water Park as the water recedes, so her department will continue to monitor the situation. Two public meetings will take place at the end of the month to discuss the park and an upcoming Great Outdoors Colorado (GOCO) grant opportunity.

ADJOURN: Moved by Commissioner Chamberland, seconded by Commissioner Houck to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:54 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Katherine Haase, Deputy County Clerk

Attest:

_____
Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

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BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 14 - 15

A RESOLUTION ADOPTING THE GUNNISON/CRESTED BUTTE INDUSTRIAL SPECIAL AREA, SPECIAL AREA REGULATIONS AND SPECIAL AREA MAPS

WHEREAS, the *Gunnison County Land Use Resolution* provides, at Section 1-110: *Process For Designating Special Areas*, a process by which the Board of County Commissioners of Gunnison County may designate particular geographical areas, basins, or other land areas as being uniquely subject to specialized land use regulations; and

WHEREAS, the Board of County Commissioners and the Planning Commission jointly held a public hearing on April 18, 2014, including extending the written comment portion of the public hearing to May 15, 2014, to receive public testimony concerning the proposed Special Area; and

WHEREAS, after a review of all information, documentation and testimony related to it, the Planning Commission did on May 16, 2014 forward a recommendation of unanimous approval of the request to the Board of County Commissioners; and

WHEREAS, the Board of Commissioners did, on June 3, 2014 receive and review the Planning Commission's recommendation, and considered the recommendation in evaluating the request, and intends to approve the request by the adoption in full of the Planning Commission's May 16, 2014 recommendation:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY that:

The *Gunnison/Crested Butte Industrial Special Area*, including the *Gunnison/Crested Butte Industrial Special Area Regulations*, attached, and the attached maps of the *Gunnison/Crested Butte Industrial Special Area*, identified as "Riverland Industrial Park – Special Area" and "Signal Peak Industrial Park – Special Area", is hereby adopted;

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and passed on this 1st day of July, 2014.

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. 14 – 16

A RESOLUTION APPROVING THE TRANSFER OF GUNNISON COUNTY OIL AND GAS PERMITS AND AGREEMENTS FROM GUNNISON ENERGY CORPORATION TO GUNNISON ENERGY LLC

WHEREAS, the *Gunnison County Colorado Regulations for Oil and Gas Operation* provides, at Section 1-110: *Enforcement and Penalties*, *B. Transfer of Permits*, the process to transfer Gunnison County Oil and Gas Permits, with written approval of the Board of County Commissioners of Gunnison County; and

WHEREAS, by letter of June 10, 2014 Lee Fyock, Vice President Permitting and Environment, Gunnison Energy Corporation, notified Gunnison County that Gunnison Energy Corporation had finalized an internal corporate restructuring under which its business will be carried on in the form of a limited liability company rather than as a corporation and requested that all Gunnison County Oil and Gas Permits be transferred to Gunnison Energy LLC; and

WHEREAS, the Board of Commissioners intents to approve the transfer of any agreements currently in place with Gunnison Energy Corporation to Gunnison Energy LLC and the transfer of all Gunnison County Oil and Gas Permits issued to Gunnison Energy Corporation to Gunnison Energy LLC and;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY that:

All Gunnison County Oil and Gas Permits issued to Gunnison Energy Corporation, identified in the attached "Exhibit A" , and all agreements with Gunnison Energy Corporation, including but not limited to the document titled *Agreement*, executed November 5, 2010 for road maintenance of County Road 265, attached as "Exhibit B", are hereby transferred to Gunnison Energy LLC, and that Gunnison Energy LLC shall comply with all conditions, terms and requirements identified in each individual Gunnison County Oil and Gas Permit; and that all such conditions, terms and requirements remain in full force and effect;

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and passed on this 1st day of July, 2014.

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: 14-17

A RESOLUTION ADOPTING THE "GUNNISON COUNTY, COLORADO ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS"

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WHEREAS, pursuant to Article 10 of Title 25, C.R.S. and 5 CCR 1002-43 (Regulation 43), the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") is required to adopt local on-site wastewater treatment system regulations that are as stringent as Regulation 43; and

WHEREAS, State of Colorado Water Quality Control Division has reviewed the proposed Gunnison County, Colorado On-site Wastewater Treatment System Regulations (hereinafter the proposed OWTS Regulations) pursuant to section 43.4(A)(2)(a) of Regulation 43 and found no inconsistencies or conflicts with regard to Regulation 43 and has no objections to the proposed OWTS Regulations; and

WHEREAS, the Gunnison County Environmental Health Board has reviewed and certified to the Board proposed OWTS Regulations; and

WHEREAS, the Board has determined that the proposed OWTS Regulations are in the best interest of public health, safety and welfare of the citizens of Gunnison County; and

WHEREAS, a public hearing on this matter was held by the Board on the 1st day of July, 2014; and

WHEREAS, notice of the public hearing was given at least once and at least 20 days in advance; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the "Gunnison County, Colorado On-site Wastewater Treatment System Regulations" are hereby adopted for the incorporated area of Gunnison County and will become effective on August 15th, 2014; the previously adopted "Gunnison County, Colorado Individual Sewage Disposal System Regulations" are superseded, effective August 15th, 2014, by this action, except for each project for which Gunnison County has received an application for an individual sewage disposal system, or for which Gunnison County has issued an individual sewage disposal system permit before August 15th, 2014.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and passed on this 1st day of July, 2014.

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. 2014-18

A RESOLUTION CREATING LICENSING REGULATIONS FOR MARIJUANA CULTIVATION, MANUFACTURING, AND TESTING FACILITIES

WHEREAS, pursuant to Section 14 of Article XVIII of the Colorado Constitution, Article 43.3 of title 12, C.R.S. (Colorado Medical Marijuana Code) and Article 43.4 of Title 12, C.R.S. (the Colorado Retail Marijuana Rules) local jurisdictions can create regulations to further regulate marijuana related businesses and can be more restrictive than the above mentioned state regulations.

WHEREAS, consistent with the above, the Gunnison County Community Development Department has prepared regulations titled "Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities" attached hereto and incorporated herein by reference as Attachment "A" (" Licensing Regulations"); and

WHEREAS, on July 1, 2014, the Board of County Commissioners of the County of Gunnison, Colorado ("Board of County Commissioners")conducted a duly noticed public hearing for adoption of the Licensing Regulations; and

WHEREAS, the Board of County Commissioners has evaluated the Licensing Regulations with consideration of the following criteria:

- Consistency with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Rules;
- Consistency with the Criteria for Text Amendments in Section 1-113 of the Land Use Resolution
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Public health, safety and welfare; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Gunnison, Colorado that the "Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities" attached hereto as Attachment "A" are hereby adopted. These licensing regulations shall become effective fourteen days after the approval of this Resolution.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and passed on this 1st day of July, 2014.

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. 2014-19

A RESOLUTION AMENDING THE GUNNISON COUNTY, COLORADO LAND USE RESOLUTION WITH THE ADDITION OF SECTION: 9-104 TO REGULATE MARIJUANA CULTIVATION, MANUFACTURING, AND TESTING FACILITIES

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WHEREAS, pursuant to Section 14 of Article XVIII of the Colorado Constitution, Article 43.3 of title 12, C.R.S. (Colorado Medical Marijuana Code) and Article 43.4 of Title 12, C.R.S. (the Colorado Retail Marijuana Rules) local jurisdictions can create regulations to further regulate marijuana related businesses and can be more restrictive than the above mentioned state regulations.

WHEREAS, on July 1, 2014, the Board of County Commissioners of the County of Gunnison, Colorado ("Board of County Commissioners") adopted Resolution No: 2014- 19, "A Resolution Creating Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities"; and

WHEREAS, consistent with the above and Section 1-113 of the Gunnison County, Colorado Land Use Resolution, dated December 4, 2012, ("Land Use Resolution"), the Gunnison County Community Development Department has prepared an additional section to the Land Use Resolution titled "Section 9-104: Marijuana Cultivation, Manufacturing or Testing Facility", attached hereto and incorporated herein by reference as Attachment "A" ("Section 9-104"); and

WHEREAS, the Gunnison County Planning Commission has completed review and has approved Section 9:104;

WHEREAS, the Gunnison County Planning Commission on June 27, 2014, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, on July 1, 2014, the Board of County Commissioners conducted a duly noticed public hearing for adoption of Section 9:104; and

WHEREAS, the Board of County Commissioners has evaluated Section 9:14 with consideration of the following criteria:

- Consistency with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Rules;
- Consistency with the Criteria for Text Amendments in Section 1-113 of the Land Use Resolution
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Public health, safety and welfare; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Gunnison, Colorado that the Gunnison County, Colorado Land Use Resolution , dated December 4, 2012 and amendments thereto shall be and hereby is amended with the adoption of "Section 9-104: Marijuana Cultivation, Manufacturing or Testing Facility" attached hereto as "Attachment A."

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and passed on this 1st day of July, 2014.

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. 2014-20

A RESOLUTION AMENDING THE GOLD BASIN INDUSTRIAL PARK SPECIAL AREA REGULATIONS TO ADD MARIJUANA CULTIVATION, MANUFACTURING, AND TESTING FACILITIES AS A PERMITED USE

WHEREAS, pursuant to Section 14 of Article XVIII of the Colorado Constitution, Article 43.3 of Title 12, C.R.S. (Colorado Medical Marijuana Code) and Article 43.4 of Title 12, C.R.S. (the Colorado Retail Marijuana Rules) local jurisdictions can create regulations to further regulate marijuana related businesses and can be more restrictive than the above mentioned state regulations.

WHEREAS, on July 1, 2014, the Board of County Commissioners of the County of Gunnison, Colorado ("Board of County Commissioners") adopted Resolution No: 2014-20, "A Resolution Creating Licensing Regulations For Marijuana Cultivation, Manufacturing, And Testing Facilities" and Resolution No: 2014-20 "A Resolution Amending The Gunnison County, Colorado Land Use Resolution With The Addition Of Section: 9-104 To Regulate Marijuana Cultivation, Manufacturing, And Testing Facilities"; and

WHEREAS, to be consistent with the above and Section 12 of the "Gold Basin Industrial Park Special Area Regulations" ,adopted on May 15, 2005 as amended("Special Area Regulations"), the Gunnison County Community Development Department has prepared an amendment to include the addition of paragraph 20, "Marijuana cultivation, manufacturing and testing" under Section 5.B titled "Operations and Use" of the Special Area Regulations, as identified in Attachment "A" attached hereto and incorporated herein by reference ("Amendment")"; and

WHEREAS, the Gunnison County Planning Commission has completed review and approved the Amendment and on June 27, 2014, forwarded its written recommendations to the Board of County Commissioners regarding the Amendment; and

WHEREAS, on July 1, 2014, the Board of County Commissioners conducted a duly noticed public hearing for the adoption of the Amendment; with consideration of the following criteria:

- Consistency with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Rules;
- Consistency with the Criteria for Text Amendments in Section 12 of the Gold Basin Industrial Park Special Area Regulations;
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;

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- Public health, safety and welfare; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Gunnison, Colorado that Section 5.B titled "Operations and Use of the "Gold Basin Industrial Park Special Area Regulations" adopted May 5, 2005 as amended, shall be and hereby is amended to include the addition of paragraph 20. "Marijuana cultivation, manufacturing and testing", as identified in Attachment "A." hereto.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

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