TO: **Board of County Commissioners**

FROM: **Planning Commission**

SUBJECT: ***DRAFT* Planning Commission Recommendation**
Little Cimarron Creek Ranch Subdivision
LUC-2015-00017

DATE: **September 4, 2015**

PREPARED BY: **Neal Starkebaum, Assistant Director**

APPLICANT: **Lakeside on the Colorado, Ltd.**
500 Log Cabin Road
Merzton, TX 76941

REPRESENTED BY: **Robert Williams, P.E.**
Williams Engineering, LLC
80 Camino del Rio, Suite 1
Gunnison, CO 81230

PROJECT SUMMARY:
The request is for the subdivision of 66.27-acres into four single-family residential lots, ranging between 16 and 17-acres each. Each lot would be served by an individual well and on-site wastewater system. No secondary residences are proposed. Access to all of the parcels will be via a new road, to be constructed from of County Road 864 (Little Cimarron Road).

The applicants have submitted protective covenants, titled *Declaration of Protective Covenants for Little Cimarron Creek Ranch Subdivision (Covenants)*, which identify specific design standards and limitations on each lot.

LOCATION:
The property is located approximately 38 miles west of the City of Gunnison, approximately two miles south of State Highway 50, west of and adjacent to the Little Cimarron Road. The parcel is located at the westerly edge of Gunnison County and directly adjacent to Montrose County. The property is adjacent to the Little Cimarron Road (CR #864), which traverses northwest to southeast along the northeastern property line. The parcel is located within the W1/2 Section 35, Township 48 North, Range 6 West, N.M.P.M.

SURROUNDING LAND USES:
West – R&G Butte Rock Ranch –501-acre parcel; agricultural uses
North – August Nicholas Family – 58-acres; agricultural uses
East – R&G Rock Butte Ranch – 501-acre parcel; agricultural uses
South – R&G Rock Butte Ranch – 501-acre parcel; agricultural uses

IMPACT CLASSIFICATION:
Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, and other submittal documents informing this Decision include, but are not limited to:

- Minor Impact Land Use Change Application – Little Cimarron Creek Ranch Subdivision
- Site Plan – prepared by Williams Engineering, LLC, undated
- Vicinity Map and Subdivision Plat, prepared by Fred Ballard, PLS, Gunnison Valley Survey, April 22, 2015

MEETING DATES:
The Planning Commission held meetings on the following dates:

- June 19, 2015 Work Session
- August 7, 2015 Joint Public Hearing
- August 7, 2015 Work Session

SITE VISIT:
The Planning Commission conducted a site visit on June 19, 2015, at which time the Commission viewed the neighborhood, the property and the location of the lot lines and building envelopes. The members attending the site visit noted that the location of the building envelopes were appropriate, and mostly hidden from surrounding properties and the County Road.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on August 7, 2015. At that time, no members from the public were present.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:
Comments were received from the following agencies:

Colorado Parks and Wildlife – Renzo DelPiccolo, Area Wildlife Manager, Colorado Parks and Wildlife, letter of May 29, 2015. Excerpts include:

"Colorado Parks and Wildlife (CPW) has reviewed Gunnison County's Minor Impact Land Use Change Application for Little Cimarron Creek Ranch. The applicant, Lakeside on the Colorado, LTD., proposes Little Cimarron Creek Ranch as a one phase project to divide a 66.27 acre parcel into 4 single-family lots, with limited agricultural use. The lots will range in size from 16 to 17 acres.

The property is located on the westerly edge of Gunnison County, adjacent to Montrose County. The property is bounded on the east side by Gunnison County Road 864, and on the other three sides by private ranches. The access road to Cimarron State Wildlife Area transects the property on the south side. The Little Cimarron River runs through the property from South to North. The habitat is primarily riparian with willow, cottonwood, juniper, pine and alder species. The southwest portion of the property on the west bank of the Little Cimarron River is primarily sagebrush upland. The proposed project sites sits at approximately 7600 ft. elevation.

Black Bear Habitat Utilization:

The location of the proposed project lies within CPW mapped summer and fall black bear habitat. The area surrounding the proposed project does experience black bear conflicts throughout the summer and fall months. Due to the bear activity that exists in the area of the proposed project, the applicant should be prepared for bear activity. CPW strongly recommends that the applicant or HOA require bear proof trash containers at residences and facilities and keep trash and food,

including pet food, sources properly stored. CPW also encourages limited use of bird feeders and other bear attractants. Upon request CPW can provide literature to help reduce bear conflicts.

Mule Deer, Elk and Moose Habitat Utilization:

The proposed project also lies within elk calving, spring, summer, fall and winter use areas, as well as mule deer spring, summer, fall and winter use area. Moose populations have recently established throughout the year in the Little Cimarron drainage as well. CPW advises landscaping be planned with plant species and plant protection that would reduce deer, elk and moose foraging and damage on landscaping. CPW strongly recommends keeping livestock feed properly stored and applied to reduce deer, elk moose foraging on livestock feed.

CPW recommends wildlife friendly fences be constructed throughout the proposed project area. The proposed project is in the migration corridor for the Cimarron deer and elk herds, and is mapped as Gunnison Sage-grouse occupied habitat within the Cerro Summit/Cimarron population. Many wildlife species are frequently in the area and would benefit from wildlife friendly fences to allow safe migration. Upon request CPW can provide a book for fencing with wildlife in mind.

Impact Avoidance and Minimization Recommendations:

Given the high quality wildlife habitat of the proposed project site and surrounding area, and based on a site specific evaluation of the proposed activities at the site, CPW recommends the following to avoid and minimize potential project impacts to wildlife.

- Use of bear proof trash containers and waste storage to minimize black bear conflict
- Proper timing use and removal of bird feeders to reduce black bear conflict
- Planned landscaping considerations to reduce mule deer, elk and moose foraging and damage to landscaping
- Proper storage and application of livestock feed to reduce mule deer, elk and moose foraging on livestock feed
- Construction of wildlife friendly fencing."

Colorado Division of Water Resources –Megan Sullivan, P.E., Water Resource Engineer, letter of June 2, 2015. Excerpts include:

"We have reviewed the additional information regarding the above referenced proposal to subdivide approximately 66.27 acres into four comparatively sized lots for single family homes. The applicant proposes to supply water through individual on-lot wells that will operate pursuant to future contracts with the Upper Gunnison River Water Conservancy District. Sewage disposal is to be provided through individual sewage disposal systems. The applicant has noted that some outside watering is anticipated and total water use is estimated at 0.5 acre-feet per lot. This office has no record of any existing wells on the parcel.

…… Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. § 37-90-137(2) and the plan for augmentation issued to Upper Gunnison River Water Conservancy District, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of said plan for augmentation. Provided the sustained well yield of each of the proposed wells is similar to other nearby wells constructed into the Little Cimarron Creek alluvium, the proposed water supply is expected to be physically adequate.

Gunnison County Fire Protection District –Dennis Spritzer, Fire Marshal, May 27, 2015. The comments note:

> "I have reviewed the plans for Little Cimarron Ranch for Fire Protection and have no fire issues with this proposed development. They have proposed a dry hydrant and the access for emergency vehicles is adequate."

Gunnison County Environmental Health Office - Crystal Lambert, Environmental Health Official, memo of June 11, 2015. Her comments note:

> "The Environmental Health Office has received a request to review the application for the Little Cimarron Creek Ranch Land Use Change. The applicants are proposing a four parcel subdivision. The parcels will range in size from 16.3 to 17 Acres. Sewage disposal on all parcels will be by on-site wastewater treatment systems and domestic water will be provided by obtaining a well permit and the drilling of four individual wells.
>
> On-site wastewater treatment systems are required to be a minimum of 100 feet away from wells and water bodies, including wetlands. Currently three wetland areas are delineated on the property. One wetland is located within the building envelope of parcel 3, the second wetland is located within the building envelope of parcel 4, and the third wetland is located on, and across, the boundary between proposed parcels 3 and 4. The owners are proposing to remove the two wetland areas that are located within the building envelopes of parcels 3 and 4. The removal of these two wetland areas is necessary to provide feasibility that the parcels will be able to receive approval for on-site wastewater treatment systems. The owners are proposing to keep and enhance the wetland area located on, and across, the boundary between proposed parcels 3 and 4. The Little Cimarron River flows through each of the proposed parcels adjacent to each of the proposed building envelopes.
>
> It is feasible, with conscientious site planning of well, septic and structure locations, all the proposed parcels will be able to receive approval for on-site wastewater treatment system permits.
>
> The owners are proposing to coordinate the removal of an existing mobile home in the northern portion of the property. In addition, the septic system should be properly terminated in accordance with the Gunnison County On-site Wastewater Disposal System regulations."

Gunnison County Public Works Department – Marlene Crosby, Public Works Director, email of March 23, 2015. She notes that:

> **"**The Public Works Department has reviewed the Minor Impact Project Land Use Change Application for Little Cimarron Creek Ranch and offers the following comments.
>
> A Waiver of Standards has been submitted for a 60 degree intersection of Cimarron Trail and the Little Cimarron Road and for a road easement that is 30 feet wide rather than 60 feet. The Waiver of Standards will require Board of County Commissioner action and will run concurrently with the Land Use Change application approval/denial on a Commissioner agenda.
>
> The applicant will also need a Gunnison County private plow permit to plow a short section of the Little Cimarron Road. Gunnison County does not do any plowing in this area, but the road is used by winter recreationalists to access the parking area located on the Nicolas property.
>
> The request for plowing should be considered as part of the land use change process. If the subdivision is approved the Gunnison County Public Works Department will issue a one year plow permit. If there are no problems or damage to the road during the first plow season subsequent permits will be issued for three year intervals."

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 9-508: Keeping of Livestock not on an Agricultural Operation.
The applicant proposes to allow livestock on the property.

Covenants. Section 3.1 Use of Little Cimarron Creek Ranch Parcel and 3.4 Animals. Limited grazing permitted with consultation with NRCS.

Section 10-102: *Locational Standards for Residential Development.*
The request meet does not meet the primary residential density standard. The proposed subdivision is not located within a municipal three-mile area.

Section 10-103: *Residential Density.*
The request proposes the subdivision of 66.27-acres, into four lots, each approximately 16-17-acres.

There are no residential subdivisions, adjacent to the property, in Gunnison County. However, there are multiple subdivided residential parcels across the County line, in Montrose County, adjacent to the Little Cimarron Road, including:

- Lee Hawk Subdivision, one lot of 5-acres, approx.. ¾ of a mile north.
- Cimarron Springs Subdivision – eight lots, with lot sizes ranging between 4-12 acres, at the intersection of Highway 50 and the Little Cimarron Road, approx.. 1.5 miles north
- Nelson Subdivision – one lot, 8.5- acres, adjacent to and north of the Cimarron Springs Subdivision, approx.. 2.0 miles north.

The Commission finds that the proposed residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
The property contains a flood hazard area, 100-year floodplain of the Little Cimarron River, delineated by Bob Williams, P.E., as shown on the site plan. The building envelopes are located outside of the floodplain.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
The property is not within a geologic hazard area, according to County mapping.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*
The proposed building envelopes are in a low - moderate wildfire hazard area, according to County mapping. Other areas of the property are in a moderate wildfire hazard, mostly in the sagebrush.

See comments from Dennis Spritzer, Fire Marshal, Gunnison County Fire Protection District, comments of May 27, 2015.

Section 11-106: *Protection of Wildlife Habitat Areas.*
A sage-grouse Habitat Site Specific Analysis Pre-Application conference was held at the subject property. Building envelopes have been located in areas east/northeast of the Little Cimarron River to avoid and/or minimize the impacts to the Gunnison Sage-grouse and their habitats.
See comments from Jim Cochran, Wildlife Conservation Coordinator, memo of September 23, 2013, and addendum, September 20, 2013.

No outstanding concerns from the Colorado Parks and Wildlife.
See comments from Renzo DelPiccoli, Area Wildlife Manager, CPW, letter of May 29, 2015.

Section 11-107: *Protection of Water Quality*.
Little Cimarron Creek flows through the property. Building envelopes have been established to meet the 25 foot restrictive inner buffer setback from the stream. The applicant indicates that there are three small wetland areas on the property; two of which are in the process of being abandoned and the third will be enhanced.

See letter from Chris Kruthaupt, Creekside Angling & Environmental, letter of March 16, 2015.

Section 11-108: *Standards for Development on Ridgelines.*
The property is not located on a ridgeline.

Section 11-109: *Development that Affects Agricultural Lands.*
There are agricultural lands in the immediate area, as well as a grazing lease on the subject parcel.

Section 11-110: *Development of Land beyond Snowplowed Access*.
The property is beyond snowplowed access. Montrose County provides winter maintenance and snowplowing to the Gunnison County line. There is no Gunnison County snowplowing above the Gunnison County line. The applicant is requesting year round access and is requesting a private plow permit to snowplow that portion of the County Road, from the County line to the access road, from the Board of County Commissioners.

The application shall not be approved unless, in addition to compliance with all other standards and requirements of this *Resolution*, the Board determines by clear and convincing evidence that:

1. **NO CONFLICT WITH ARTICLE 1.** Such expansion or extension does not substantially conflict with the requirements of Article 1: *General Requirements;*
2. **MEETS ROAD AND BRIDGE CONSTRUCTION SPECIFICATIONS**. Meets or exceeds the requirements of the *Gunnison County Standards and Specifications for Road and Bridge Construction*;
3. **NO INCREASED RISK TO EMERGENCY SERVICES PERSONNEL**. Does not create or substantially increase the risk to emergency services personnel who may be called upon to travel over the subject section of road;
4. **NOT DISRUPTIVE TO EXISTING TRAVEL MODES**. Does not disrupt significant, existing modes of travel;
5. **NO INCREASED ENVIRONMENTAL DETRIMENT.** Does not create or significantly increase detrimental environmental impact to road(s) and/or land(s); and
6. **BENEFITS OUTWEIGH DETRIMENTS**. Considering the existing use and the proposed use of the areas accessed by the proposed expansion or extension of snowplowing, presents benefits that clearly outweigh its detriments.

The Planning Commission finds that the applicant has demonstrated that there are no conflicts with the requirements of Article 1, there is no increased risk to emergency services personnel, is not disruptive to existing travel modes, there is no increased environmental detriment and that the benefits outweigh the detriments.

Section 11-111: *Development on Inholdings in the National Wilderness.*
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: *Development on Property above Timberline.*
Not applicable, the site is not located above timberline.

Section 12-103: *Road System*.
The proposed lots would be accessed via the new construction of an access road from the Little Cimarron Road. The applicant is requesting a waiver of the minimum requirements from the Gunnison County Specifications for Road and Bridge Construction. The public hearing for the waiver request has not yet been scheduled.

See comments from Marlene Crosby, Public Works Director, memo of June 6, 2015 and Dennis Spritzer, Fire Marshall, Gunnison County Fire Protection District, May 27, 2015.

Section 12-104: *Public Trails*.
There is no public trail existing or proposed.

Section 12-105: *Water Supply*.
Domestic water for all four lots will be provided by obtaining a well permit and the drilling of four individual wells. Augmentation water will be purchased from the Upper Gunnison River Water Conservancy District, Aspinall-Wilson Unit to provide the legal water supply. The water supply has been determined to be legally and physically able to supply the proposed development. See comments from Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, dated June 2, 2015.

> *Covenants – Section 3.20 Water.* Each owner must comply with the terms of the contract for augmentation and is responsible for renewing such contract.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
On-site Wastewater Treatment Systems are proposed on each lot to provide for wastewater treatment. See comments from Crystal Lambert, Environmental Health Official, memo of June 11, 2015 noting feasibility of installation of on-site wastewater treatment systems.

Section 12-107: *Fire Protection*.
The property is within the Gunnison County Fire Protection District, however, first response would be from Montrose County, which has a mutual aid agreement with Gunnison County. See comments from Dennis Spritzer, Fire Marshal, Gunnison County Fire Protection District, comments of May 27, 2015.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
The site plan for the subdivision complies with the standards of this Section.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
The building envelopes meet the setback requirements.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
The subdivision plat identifies site-specific building envelopes on each lot. Minimum lot size complies with OWTS regulations. Building sizes will comply with the required maximum square footages at time of building permit application.

Section 13-106: *Energy and Resource Conservation.*
All structures to be constructed within the development will be subject to the standards of this Section at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

Section 13-108: *Open Space and Recreation Areas*
Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: *Signs.*
There are no signs proposed as part of the submitted application.

Section 13-110: *Off-Road Parking and Loading.*
A minimum of two parking spaces is required for each single-family residence.

Section 13-111: *Landscaping and Buffering.*
Landscaping is not required for minor impact projects.

Section 13-112: *Snow storage*.
Adequate area is available for snow storage on each lot.

Section 13-113: *Fencing*
All new fencing shall comply with this Section.

> *Covenants. Section 3.22 - Fencing.* Perimeter and cross fencing shall be constructed with wildlife friendly fencing.

Section 13-114: *Exterior Lighting.*
All new structures are required to comply with this section.

> *Covenants. Section 3.9 – Light, Sound and Odors.* Exterior lighting must comply with Gunnison County regulations, as amended.

Section 13-115: *Reclamation and Noxious Weed Control.*
A reclamation permit is required for driveway construction, home site clearing and berm construction.

> *Covenants. Section 3.14 – Weed Control and Revegetation. Section 3.17 Reclamation and Weed Control.*

Section 13-116: *Grading and Erosion Control.*
Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff.*
The applicant has identified best management practices to be employed to provide drainage, construction and post-construction storm water runoff during construction of the road.

Section 13-118: *Water Impoundments.*
Not applicable, this project does not propose a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.
Specific design standards and limitations on the uses on each lot are identified in the protective covenants, *Declaration of Protective Covenants Red Feather Ranch Subdivision and Design Guidelines*, to ensure the residential uses are compatible with the existing residential and agricultural neighborhood.

Section 15-103: *Right-to-Ranch Policy*.
This Section is applicable to all land use change permits.

FINDINGS:
The Commission finds that:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.

3. The Commission finds that the proposed four-lot residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.

4. The property is beyond snowplowed access. The Planning Commission finds that the applicant has demonstrated that there are no conflicts with the requirements of Article 1, there is no increased risk to emergency services personnel, it is not disruptive to existing travel modes, there is no increased environmental detriment and that the benefits outweigh the detriments.

5. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plans, exhibits, site specific mitigation, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2015-17 Little Cimarron Creek Ranch Subdivision, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. The applicant shall comply with the following conditions for the protection of Gunnison Sage-grouse and Sage-grouse habitat:

    1) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

    2) Per Section 11-106 G. e. of the *Gunnison County Land Use Resolution*, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit

a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.

3) All development on this parcel shall be clustered in the area east/northeast of the Little Cimarron River. Development shall be sited and designed to minimize impacts to Gunnison Sage-grouse and their habitats, as determined by Gunnison County. If this subdivision is approved, building and other Gunnison County authorizations shall be reviewed individually for Gunnison Sage-grouse impacts.

4) No woven wire fencing is allowed for perimeter fencing or as interior cross fencing unless required to exclude domestic sheep. Perimeter and cross fencing shall be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in Mind.*

5) No additional roads, routes or trails, with the exception of the proposed driveways shall be constructed on the property without additional review by Gunnison County for impacts to Gunnison Sage-grouse.

6) If the owner intends to utilize the area for grazing animals, they must contact the Natural Resources Conservation Service (NRCS) in Montrose at 970-249-8407 for assistance in conservation planning. This will help avoid unintended impacts to sage-grouse habitat.

7) Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix. A Gunnison County Reclamation Permit is required for any land-disturbing activities on this property. It may contain additional site-specific reclamation requirements.

8) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main/CDAGLayout. The Gunnison County Weed District should be contacted (970-641-4393) for additional information and technical assistance.

9) Additionally, the applicant is advised that the Gunnison Sage-grouse is listed under the Federal Endangered Species Act (ESA). The Federal government may require additional mitigation or other actions beyond those found necessary by Gunnison County for activities that may result in “take” of the species, including loss of or impacts to Gunnison Sage-grouse habitat.

3. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

4. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

5. The applicant shall record the *Declaration of Protective Covenants for Little Cimarron Creek Ranch Subdivision* contemporaneously with the subdivision plat.

6. This recommendation is subject to the approval by the Board of County Commissioners of the requested waiver to the *Gunnison County Standards and Specifications for Road and Bridge Construction*, for the Cimarron Trail Road.

7. The applicant shall provide for installation of a dry hydrant on Little Cimarron Creek, as identified on the site plan, which shall be inspected and approved by the Gunnison Fire Protection District. All hydrant fittings must be compatible with the Gunnison County Fire Protection District fittings. No building or on septic permits shall be issued until the applicant has provided documentation of approval of the installation by the Gunnison County Fire Protection District.

8. A Development Improvements Agreement shall be entered into by the applicant with Gunnison County, subject to review and approval by the Gunnison County Attorney, referencing the construction design plans, titled "Cimarron Trail – Plan and Profile", dated April 20, 2015, prepared by Williams Engineering, LLC, Sheet 1, including provision of reclamation.

9. A performance bond, letter of credit or other means of surety, acceptable to the County, shall be submitted to cover costs of road construction and reclamation, plus 25 percent, as referenced in the Development Improvements Agreement. Said surety shall be retained by the County to a date acceptable to the County Public Works Director to warrant integrity of the road construction and establishment of reclamation.

10. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

11. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

12. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.