AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Minutes; 3/7/2017

Action Requested:

Parties to the Agreement:

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

Summary:

Attached are the draft 3/7/17 meeting minutes for consideration.

Fiscal Impact:

Submitted by: Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 3/16/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 3/16/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/17/2017

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

Agenda Date: 3/21/2017

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 7, 2017

The March 7, 2017 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Phil Chamberland, Chairperson (via phone)
Jonathan Houck, Vice-Chairperson (ABSENT)
John Messner, Commissioner
Matthew Birnie, County Manager
Josh Ost, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Chairperson Chamberland called the meeting to order at 8:29 am.

AGENDA REVIEW: There were no changes made to the agenda.

CONSENT AGENDA: Commissioner Messner requested that Consent Agenda Item #5 be pulled for further discussion. **Moved** by Commissioner Messner, seconded by Commissioner Chamberland to approve the consent agenda with the exception of consent item #5. Motion carried.

1. West Central Public Health Partnership Cross-Jurisdictional Sharing Small Grant Program; $10,000
2. Security Electronics Maintenance Agreement; CML Security; Public Safety Center; $10,977.50
3. Memorandum of Agreement; City of Gunnison; Youth Shared Space and Sources of Strength Program; March 1, 2017 – March 31, 2018; $47,650
4. Memorandum of Agreement; City of Gunnison; Sources of Strength Summer Program; January 1, 2017 – December 31, 2017; $10,000
5. **Pulled for Discussion and Separate Action:** Resolution; Amending Resolution No. 2008-38, A Resolution Designating Crested Butte South as a Special Area; Approval of CBS Amended Noise Guidelines, 2016
6. Ratification of Correspondence; United Stated Department of Agriculture; Community Facilities Direct Loan Program; Mt. Crested Butte Performing Arts Center
7. Intergovernmental Agreement; Undesirable Plant Management 2017
8. Correspondence; Governor John W. Hickenlooper; Gunnison County Resolution #2017-04; Establishing Gunnison County Policy to Oppose Transfer of Federal Public Lands to State Ownership

CONSENT AGENDA ITEM #5: Resolution; Amending Resolution No. 2008-38, A Resolution Designating Crested Butte South as a Special Area; Approval of CBS Amended Noise Guidelines, 2016:
Commissioner Messner asked what the resolutions were for. County Attorney David Baumgarten was present for the discussion. He discussed the reasons these resolutions have been brought to the Board. CA Baumgarten explained the reasoning the Crested Butte South Property Owners Association (POA) would like to adopt a decibel ordinance that is different from the County. Crested Butte South Association Manager Dom Eymere was also present for the discussion. Dom explained that the POA would like to have better enforcement for the area. Dom explained that events that the POA put on would be exempt from the ordinance and also events that receive special event permits from the POA would also be exempt. County Manager Matthew Birnie asked if the County would be responsible for enforcement and it was stated that the County would not be responsible for enforcement beyond the existing parameters set in the Gunnison County Land Use Resolution.
Moved by Commissioner Messner, seconded by Chamberland to adopt resolution 2017-5; A Resolution Amending Resolution No. 2008-38, A Resolution Designating Crested Butte South as a Special Area. Motion carried.
Moved by Commissioner Messner, Seconded by Chamberland to adopt resolution 2017-6; A Resolution Approving the Crested Butte South Property Owners Association "Amended Noise Guidelines for Crested Butte South Special Area" Motion carried.

Chairperson Chamberland approved the use of his signature stamp on all items that are approved on today's agenda.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS:

1. County Manager Matthew Birnie reported that his office has issues the Request for Qualifications for development on the "Brush Creek Parcel." He explained the details and timeline for the process.
2. CM Birnie reported on the progress of the Gunnison County Strategic Plan. He stated a draft would be presented to the Board on their next work session.
3. CM Birnie has been working on getting the next Gunnison County Leadership Academy scheduled. He is still in negotiations on pricing and identifying who would be able to attend.

4. CM Birnie Reported that he attended the Mayor Managers Meeting at Gunnison Valley Hospital and the topics discussed.

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

1. Resolution; To Clarify and Confirm Road Names Lying Within the Subdivisions of Tomichi Heights and Tomichi Heights Ranchettes:
   DCM Crosby explained the reasoning behind the resolution and that this was need so that these roads could be included in the Highway Users Tax reports and give clarity to any new addresses in that area.
   Moved by Commissioner Chamberland, seconded by Commissioner Messner to adopt resolution 2017-7; A Resolution to Clarify and Confirm Road Names Lying Within the Subdivisions of Tomichi Heights and Tomichi Heights Ranchettes. Motion carried.
2. Resolution; Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38 Also Known As Gold Basin Road:
   DCM Crosby explained the resolution that was presented. She stated how property owners were notified and that there was an advertisement ran in the local newspapers.
   Moved by Commissioner Messner, seconded by Commissioner Chamberland to adopt resolution 2017-8, A Resolution Authorizing Temporary Seasonal Closure and Weight Restriction for a Portion of County Road 38 Also Known As Gold Basin Road. Motion carried.
3. Crested Butte South Public Road Maintenance Agreement:
   DCM Crosby explained why this agreement that is before the Board and which roads would be included in the agreement.
   Moved by Commissioner Messner, seconded by Commissioner Chamberland to approve the Crested Butte South Public Road Maintenance Agreement. Motion carried.

Resolution; Concerning Authority and Use of the Gunnison County Courthouse, the Blackstock Government Center, and the O'Leary Family Services Center:
County Manager Birnie and County Attorney Baumgarten explained the reasoning behind the resolution and the updates the existing resolution concerning the use of the facilities. Commissioner Messner stated that County use should take priority, there should be a fee schedule and timeline for the public to use the facilities and not a blanket close to the public. Commissioner Chamberland stated that the Fred Field Heritage center is open to the public if it is needed. It was discussed that these items can be revisited if there issues arise.
Moved by Commissioner Messner, seconded by Commissioner Chamberland to adopt resolution 2017-9; A Resolution Concerning Authority and Use of the Gunnison County Courthouse, the Blackstock Government Center, and the O'Leary Family Services Center. Motion carried.

Resolution; Concerning Authority and Use of the Gunnison County Courthouse, the Blackstock Government Center, and the O'Leary Family Services Center Grounds:
Moved by Commissioner Chamberland, seconded by Commissioner Messner to adopt resolution 2017-10; A Resolution Concerning Authority and Use of the Gunnison County Courthouse, the Blackstock Government Center, and the O'Leary Family Services Center Grounds. Motion carried.

Resolution; Approving Land Use Change Permit No. 2016-00037 A Land Use Change Permit for Darin and Cathy Craig Construction of a Single-Family Residence on a Ridgeline Lot 10, Star Mountain Ranch:
Assistant Community and Economic Development Director Neal Starkebaum was present for the discussion. He explained the permit application and the details of the property. He also stated that the application included a restrictive covenant that provided for the replacement of any of the screening and compliance of the Star Mountain Ranch Homeowners Association. Commissioner Chamberland asked if there would be any trees that would be replanted that are removed in the construction. It was stated that there would be trees replanted.
Moved by Commissioner Messner, seconded by Commissioner Chamberland to adopt resolution 2017-11; A Resolution Approving Land Use Change Permit No. 2016-00037 A Land Use Change Permit for Darin and Cathy Craig Construction of a Single-Family Residence on a Ridgeline Lot 10, Star Mountain Ranch. Motion carried.

Lot Cluster Request; Pete Burke Holding LLC; Blue Mesa Subdivision Unit 1 Lots 277, 278 & 279:
Administrative Services Manager Beth Baker was present for the discussion. She explained the details of the property in the request. The Board did not have any questions about the request.
Moved by Commissioner Messner, seconded by Commissioner Chamberland to approve the Lot Cluster Request; Pete Burke Holding LLC; Blue Mesa Subdivision Unit 1 Lots 277, 278 & 279. Motion carried.

Correspondence; US Department of the Interior, Office of Surface Mining; Regulating Coal Mining and Reclaiming Abandoned Mine Land in Colorado:
County Attorney David Baumgarten was present for the discussion. The Board stated they would like to take every opportunity they can to push for methane capture. Commissioner Chamberland stated that he

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would like CA Baumgarten to draft comments on the feasibility if methane capture during the reclamation of these mines.

Board Comments on Bureau of Land Management/North Fork Mancos Master Development Plan Scoping Comments:

County Attorney David Baumgarten was present for the discussion. He explained the comments that have been created so far along with the Gunnison County Community Development department. CA Baumgarten stated he would send these comments to the Board to make sure he is not missing anything the Board would like to comment on. CA Baumgarten gave a brief overview of five of the bullet points within the comments created. CA Baumgarten asked the Board they approved sending working drafts to the various citizen groups during the process.

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

COMMISSIONER ITEMS:

Commissioner Messner:

1. Meeting with Chaffee County Commissioners: Commissioner Messner asked Commissioner Chamberland where in the process he was with arranging a meeting with the Chaffee County Commissioners. Commissioner Chamberland stated he would initiate the conversation today.
2. Gunnison Valley Regional Housing Authority Strategic Plan: At the Housing Authority meeting this week they will be adopting the results from the strategic planning retreat held recently.
3. Gunnison Valley Regional Housing Authority Director Search: Applications for the Housing Director deadline is March 10th. Interviews will commence shortly after the deadline.

Commissioner Chamberland:

1. Club 20 Transportation Letter: Commissioner Chamberland sent the other Commissioners the draft of the letter and will discuss when he gets back to town.

ADJOURN: **Moved** by Commissioner Messner to adjourn the meeting. Motion carried. The meeting adjourned at 9:34 am.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

Minutes Prepared By:

_____
Josh Ost, 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. 2017-5

A RESOLUTION AMENDING RESOLUTION NO. 2008-38, A RESOLUTION DESIGNATING CRESTED BUTTE SOUTH AS A SPECIAL AREA

WHEREAS, pursuant to the Gunnison County Land Use Resolution, Section 1-110: Process for Designating Special Areas, the Board of County Commissioners of Gunnison County, Colorado (herein, the "Board of

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County Commissioners") adopted Resolution No. 2008-38, A Resolution Designating Crested Butte South As A Special Area; and

WHEREAS, the Board of County Commissioners currently intends to clarify which covenants, restrictions, resolutions, rules or regulations of the Crested Butte South Board of Directors will be given effect by the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Resolution No. 2008.38, Exhibit A Section 106 is amended to read in full:

> "Section 106: ADOPTION OR AMENDMENT OF COVENANTS, RESTRICTIONS, RESOLUTIONS, RULES AND REGULATIONS. No Covenant, Restriction, Resolution, Rule or Regulation, and no portion of any of them, of the Crested Butte South Board of Directors, shall be adopted or amended to be less restrictive than the requirements of the Gunnison County Land Use Resolution, Section 1-105, or the corresponding requirement of the Gunnison County Land Use Resolution, without the prior approval by written resolution of the Board of County Commissioners. Any adoption or amendment made without such prior approval by the Board of County Commissioners shall be null and void, shall be given no effect by the Board of County Commissioners, and shall be beyond the approval granted by the Board of County Commissioners in designating Crested Butte South as a Special Area pursuant to the Gunnison County Land Use Resolution."

INTRODUCED by Commissioner Messner, seconded by Commissioner Chamberland, and adopted this 7th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – Absent; Messner – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2017-6

A RESOLUTION APPROVING THE CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION "AMENDED NOISE GUIDELINES FOR CRESTED BUTTE SOUTH SPECIAL AREA"

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado (the "Board") has adopted Resolution No. 2017-5" A Resolution Amending Resolution No. 2008-38, A Resolution Designating Crested Butte South As A Special Area." And,

WHEREAS, Resolution No. 2017-5 reads at Section 106: "No Covenant, Restriction, Resolution, Rule or Regulation, and no portion of any of them, of the Crested Butte South Board of Directors, shall be adopted or amended to be less restrictive than the requirements of the Gunnison County Land Use Resolution, Section 1-105, or the corresponding requirement of the Gunnison County Land Use Resolution, without the prior approval by written resolution of the Board of County Commissioners. Any adoption or amendment made without such prior approval by the Board of County Commissioners shall be null and void, shall be given no effect by the Board of County Commissioners, and shall be beyond the approval granted by the Board of County Commissioners in designating Crested Butte South as a Special Area pursuant to the Gunnison County Land Use Resolution." And,

WHEREAS, the Crested Butte South Board of Directors is requesting the Board to approve, in writing, the Crested Butte South Property Owners Association "Amended Noise Guidelines for Crested Butte South Special Area", dated October 12, 2016, (the "Amended Noise Guidelines"), a copy of which is attached hereto and incorporated herein as Exhibit A. And,

WHEREAS, the Board finds the Amended Noise Guidelines to be a reasonable exercise of the authority granted by Resolution No. 2017-5;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO that the "Amended Noise Guidelines For Crested Butte South Special Area", attached hereto, be and are approved, effective this date.

INTRODUCED by Commissioner Messner, seconded by Commissioner Chamberland, and adopted this 7th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – Absent; Messner – yes.

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BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2017-7

A RESOLUTION TO CLARIFY AND CONFIRM ROAD NAMES LYING WITHIN THE SUBDIVISIONS OF TOMICHI HEIGHTS AND TOMICHI HEIGHTS RANCHETTES

WHEREAS, it has come to the attention of the Board of County Commissioners of the County of Gunnison, Colorado ("Board") that it would be beneficial and in the best interest of the public to clarify and confirm the names of the roads lying within the subdivisions of Tomichi Heights and Tomichi Heights Ranchettes; and

WHEREAS, the plat titled: "*Plat of Tomichi Heights A Subdivision In The S1/2 SW1/4 Sec 32 T 50N R 1E NMPM Gunnison County Colorado*" was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 7, 1963, bearing Reception No: 254911 as identified in Appendix "A" attached hereto and incorporated herein by reference ("Tomichi Heights"); and

WHEREAS, the plat titled: "*Plat of Tomichi Heights Ranchettes A Subdivision In The N1/2 Of The SW ¼, Sec. 32 T 50N, R 1E, NMPM Gunnison County Colorado" was* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on July 18, 1972, bearing Reception No: 289747 as identified in Appendix "B" attached hereto and incorporated herein by reference ("Tomichi Heights Ranchettes"); and

WHEREAS, the only road identified on the plat for Tomichi Heights was Ute Lane; and

WHEREAS, the roads identified on the plat for Tomichi Heights Ranchettes were not named; and

WHEREAS, in consideration of public health, safety and welfare in delivery of emergency services, for continuity and clarity the east – west inner road lying within Tomichi Heights was renamed and the roads lying within Tomichi Heights Ranchettes were provided names as identified in the internal *Address Atlas of Gunnison County, Book 2* at page 66-D attached hereto and incorporated herein by reference as Appendix "C"; and

WHEREAS, the Board would like to clarify and confirm the names of the roads lying within the subdivisions of Tomichi Heights and Tomichi Heights Subdivision; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the names for the roads lying within the following subdivisions shall be and hereby are identified pursuant to the internal *Address Atlas of Gunnison County, Book 2* at page 66-D attached hereto as Appendix "C":

1. Tomichi Heights according to the "Plat of Tomichi Heights A Subdivision In The S1/2 SW1/4 Sec 32 T 50N R 1E NMPM Gunnison County Colorado" was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 7, 1963, bearing Reception No: 254911 as identified in Appendix "A" attached hereto; and

2. Tomichi Heights Ranchettes according to the "Plat of Tomichi Heights Ranchettes A Subdivision In The N1/2 Of The SW ¼, Sec. 32 T 50N, R1E, NMPM Gunnison County Colorado" was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on July 18, 1972, bearing Reception No: 289747 as identified in Appendix "B" attached hereto.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Messner, and adopted this 7th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – Absent; Messner – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 17-8

A RESOLUTION AUTHORIZING TEMPORARY SEASONAL CLOSURE AND WEIGHT RESTRICTION FOR A PORTION OF COUNTY ROAD 38 ALSO KNOWN AS GOLD BASIN ROAD

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, (hereinafter the "Board") has the legal authority to regulate and control the use of certain highways and roads in Gunnison County, Colorado; and

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WHEREAS, pursuant to C.R.S. § 42-4-111 (1)(v) and C.R.S. §18-9-117(1)(b),(c), and (f) the Board has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, as a result of the winter thaw there is a certain portion of County Road 38 also known as Gold Basin Road (hereinafter "County Road 38"), that has deteriorated and there is resource damage; and

WHEREAS, that certain portion of County Road 38 that has deteriorated is located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line; and

WHEREAS, to prevent further resource damage and deterioration of that portion of County Road 38, temporary closure to the public has been recommended for the season beginning March 8, 2017 through May 15, 2017 or sooner if conditions allow; and

WHEREAS, the Board acknowledges that it is necessary that property owner(s) and occupant(s) of adjacent lands are able to access their land; and

WHEREAS, adjacent property owner(s) and occupant(s) of adjacent lands shall be exempt from the closure of that portion of County Road 38. HOWEVER, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a ten (10) ton load limit per vehicle for that portion of County Road 38; and

WHEREAS, closure of County Road 38 will not adversely affect health and safety nor will it cause substantial injury to the owner(s) or occupant(s) of adjacent land(s); and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that certain portion of County Road 38 located beyond the end of the asphalt beginning at the parking area known as "Bambi Parking Area" south to the Saguache County line shall be and hereby is temporarily closed to the public for the season beginning March 8, 2017 through May 15, 2017 or sooner if conditions allow with an exception for adjacent property owner(s) and occupant(s) of adjacent lands who are exempt from the closure of that portion of County Road 38. HOWEVER, those adjacent property owner(s) and occupant(s) of adjacent lands shall be subject to the road weight restriction of a ten (10) ton load limit per vehicle for that portion of County Road 38.

INTRODUCED by Commissioner Messner, seconded by Commissioner Chamberland, and adopted this 7th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – Absent; Messner – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2017-9

CONCERNING AUTHORITY AND USE OF THE GUNNISON COUNTY COURTHOUSE, THE BLACKSTOCK GOVERNMENT CENTER, AND THE O'LEARY FAMILY SERVICES CENTER

WHEREAS, the Board of County Commissioners of Gunnison County (the "Board") owns and oversees the buildings, improvements, maintenance and use of the Gunnison County Courthouse at 200 E. Virginia Ave., the Blackstock Government Center at 221 N. Wisconsin Street, and the O'Leary Family Services Center at 225 N. Pine Street, all in the City of Gunnison; and

WHEREAS, pursuant to Colorado Revised Statutes, 18-9-117 (b), the Board has the power to control, manage and supervise the buildings and property, and to adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of such buildings and property; and

WHEREAS, the Board finds that indoor areas and meeting rooms in the three County-owned public buildings shall not be available for use by non-County-related functions due to the high demand for these spaces.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that:

1. Areas and meeting rooms in the Gunnison County Courthouse, the Blackstock Government Center and the O'Leary Services Center may be scheduled for use only by:
    a. County staff;

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b. County boards and commissions appointed by the Board;
c. Groups coordinated and managed by the Health and Human Services Department for meetings that support their purposes; and
d. Court staff, limited to the use of courtrooms, jury rooms, and judges' chambers for court-related activities.

2. A County employee or a Board or Commission member must be present for the entirety of any area and/or meeting room use that extends beyond the normal business hours of 8:00 am until 5:00 pm, Monday through Friday. The County employee or Board or Commission member must also ensure that the building is vacated and secured prior to leaving the premises.
3. Specifically regarding the Gunnison County Courthouse, the entirety of the Gunnison County Courthouse is the subject of the exclusive administration, protection and maintenance of the Board of County Commissioners of Gunnison County, Colorado, EXCEPT the Seventh Judicial District and the Office of the District Attorney of the Seventh Judicial District shall have the authority to grant, limit or prohibit use of the portions of the Gunnison County Courthouse described in Exhibit "A", attached hereto and incorporated herein by this reference, exclusively for activities of the Seventh Judicial District and/or the Office of the District Attorney of the Seventh Judicial District.
4. The Board of County Commissioners of Gunnison County retains the full and exclusive authority to make further orders, rules or regulations regarding the Gunnison County Courthouse, Blackstock Government Center, and the O'Leary Family Services Center as the Board of County Commissioners of Gunnison County, Colorado deems reasonably necessary.
5. This Resolution supersedes in its entirety Resolution No. 12, Series 2012.

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 Messner, seconded by Commissioner Chamberland, and passed on this 7th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – Absent; Messner – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2017-10

CONCERNING AUTHORITY AND USE OF THE GUNNISON COUNTY COURTHOUSE, BLACKSTOCK GOVERNMENT CENTER, and THE O'LEARY FAMILY SERVICES CENTER GROUNDS

WHEREAS, the Board of County Commissioners of Gunnison County (the "Board") owns and oversees the buildings, improvements, grounds, maintenance and use of the Gunnison County Courthouse at 200 E. Virginia Ave., the Blackstock Government Center at 221 N. Wisconsin Street, and the O'Leary Family Services Center at 225 N. Pine Street., all in the City of Gunnison; and

WHEREAS, pursuant to Colorado Revised Statutes, 18-9-117 (b), the Board has the power to control, manage and supervise the buildings and property, and to adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of such buildings and property;

WHEREAS, each of the three buildings and properties has certain outdoor areas that can be made available by the Board for public use; and

WHEREAS, the Board recognizes the value of having such facilities available for public use, but that such use has raised issues about maintenance costs, security, County staff and contracted maintenance crews; and

WHEREAS, a study of comparable spaces in the community indicates that fees are charged for use by public groups of outdoor public areas, and that such fees offset a portion of costs of security, maintenance and improvements; and

WHEREAS, the Board finds it in the best interest of public safety and fiscal responsibility that the use of outdoor public areas by groups of 15 or more persons on the three County-owned public properties for non-County functions shall not be allowed without the written consent of the Facilities and Grounds Manager.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that:

1. Public outdoor areas on the Gunnison County Courthouse, the Blackstock Government Center and the O'Leary Family Services Center grounds may be scheduled for public use as follows:

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a. Groups comprised of 15 or more people will need to obtain prior written authorization from the Facilities and Grounds Manager. The collection of a $150 security deposit shall be required, and the deposit will be refunded within 10 business days upon post-use inspection and the finding of no damage to the property. The cost of repairs for any damages caused by a group shall be the sole responsibility of the group, and the costs will be deducted from the security deposit prior to refund of the balance. If the total cost of repairs is more than the amount of the deposit, the additional amount will be charged to the group.
b. Groups comprised of less than 15 persons will not need to obtain prior written authorization, and a security deposit will not be required.

2. The Board of County Commissioners of Gunnison County retains the full and exclusive authority to make further orders, rules or regulations regarding the Gunnison County Courthouse, the Blackstock Government Center, the O'Leary Family Services Center, or grounds as the Board of County Commissioners of Gunnison County, Colorado deems reasonably necessary.

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 Messner, and passed on this 7th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – Absent; Messner – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2017-11

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2016-00037
A LAND USE CHANGE PERMIT FOR DARIN AND CATHY CRAIG
CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A RIDGELINE
LOT 10, STAR MOUNTAIN RANCH

WHEREAS, Darin and Cathy Craig, represented by Ben White, Ben White Architecture have submitted a Land Use Change application for the construction of a single-family residence with an attached garage, in compliance with *Section 11-108: Standards for Development on Ridgelines*, *Gunnison County Land Use Resolution*.

The applicants provided a detailed ridgeline analysis, including detailed architectural drawings of the site profile, prepared by Ben White, Architect, Ben White Architecture. The drawings and site plans, as noted above, depict the location, form and scale of the proposed structures in relation to the existing trees on the parcel and the ridgeline vantage locations on Ohio Creek Road. The lot is predominately sagebrush, with the building site backed by a mixed stand of aspen and conifers.

The applicants have demonstrated through visual analysis that the structure will be significantly screened, in compliance with *Section 11-108: Standards for Development on Ridgelines. I.1.d: If Significant Screening Exists and Is Protected, Decision Shall Be Made By Board,* with existing vegetation that is of such volume, density and species that no part of the building that is partially visible will be visually obtrusive.

The Commission finds that there will be significant vegetative screening existing on the property, located behind the proposed residence to significantly screen the proposed residence, as to make it visually unobtrusive. The distance between the subject parcel and the closest point on the ridgeline vantage is significant and the duration of the visibility is of so short a period of time that those factors will limit the visibility of the proposed residence from the ridgeline vantage.

A restrictive covenant, attached as "Exhibit A," will ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening. Additionally, the structures on the ridgeline shall have minimum visual impact. The residence will not stand out among its surroundings, nor draw attention to themselves, through the use of reclaimed wood material for siding and exterior colors that blend with surrounding natural terrain. Additionally, rusted metal or another comparably unobtrusive material shall be used for the roof material. The residence is not visible from a municipal ridgeline vantage.

The site is located on Lot 10, Star Mountain Ranch, at the end of Kestrel Drive, approximately 18 miles north of the City of Gunnison, east of Ohio Creek Road; and

WHEREAS, after a review of the visual analysis, all information, documentation and related to it, and an on-site visit, the Gunnison County Planning Commission did, after a public hearing on January 20, 2017 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

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FINDINGS:

1. The 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 F. Development Requiring Detailed Ridgeline Vantage Visibility Analysis.*

2. A detailed visual ridgeline analysis and architectural drawings titled "Ridgeline Analysis – The Craig Residence" prepared by Ben White, White Architecture, March 12, 2016 was submitted with the application.

3. The information and analysis indicate that the proposed structure, under the definition of "ridgeline vantage," would be visible from Ohio Creek Road.

4. Pursuant to *Section 11-108: Standards for Development on Ridgelines*, I. Exceptions the Planning Commission finds by clear and convincing evidence that significant screening exists and that the building site meets or exceeds the following standard:

   d. If Significant Screening Exists and is Protected, Decision Shall Be Made by Board. If the Planning Commission finds that the project does not meet the first three requirements of this section, but that any building on the ridgeline shall be <u>significantly</u> screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of year, the Commission shall so note in a recommendation to the Board, and the Board shall be the decision making body. If approved, the approval shall include:

   1. *Recorded Covenant, Easement or Agreement*. A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and
   2. *Minimal Visual Impact*. When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and:
      (a.) *Is Not Obtrusive or Visible From A Municipal Ridgeline Vantage*.
      Must comply with both of the following standards:
      (1.) *Obtrusiveness*. The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and
      (2.) *Municipal Ridgeline Vantage*. The building will not be visible with the naked eye from a municipal ridgeline vantage; and
      (b.) *Must Not be Visible from Ridgeline Vantage or Visibility is Only Momentary*. Must comply with and with one of the following standards:
      (1.) *Distance from Ridgeline Vantage(s)*. The building will not be visible with the naked eye from near or distant ridgeline vantages; or
      (2.) *Number and Length or Duration of Ridgeline Vantages*. The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the building will be visible only momentarily to passersby.

5. A restrictive covenant was submitted, ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A".

6. The Planning Commission conducted a site visit on December 2, 2016 and viewed the building site and from points on the ridgeline vantage on Ohio Creek Road. The Commission found that the site would be visually unobtrusive due to distance and screening from the ridgeline vantage.

7. The elevation difference between the building site and the ridgeline vantage on Ohio Creek Road is greater than 150 feet.
8. The proposed structures will blend with the surroundings. The house siding will be reclaimed lumber, using unobtrusive exterior colors that blend with the surrounding natural terrain. The roof material proposed is rusted metal or another comparably unobtrusive material. No shiny metal roof shall be allowed, as identified in the restrictive covenant.

9. All exterior lighting shall be directed downward, as identified in the restrictive covenant.

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 comments at the public hearing, exhibits, references and documents as included therein.

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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.

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

CONDITIONS:

1. This permit is limited to activities described within the "Project Description" 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. That this approval be memorialized by Board Resolution and recorded within the Office of the Gunnison County Clerk and Recorder.

3. A restrictive covenant ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A.", shall be executed prior to approval by the Board. The restrictive covenant shall be recorded contemporaneously with the Board Resolution, within the Office of the Gunnison County Clerk and Recorder.

4. 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.

5. 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.

6. Approval of this use implies no approval of any such similar use on any other parcel. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with County land use standards.

7. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, 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. 2017-00037, for Darin and Cathy Craig is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is effected 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 Messner, seconded by Commissioner Chamberland, and passed on this 7th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – Absent; Messner – yes.

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