AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Minutes; 6/6/2017

Action Requested:

Parties to the Agreement:

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

Summary:

Attached are the draft 6/6/17 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 7/7/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 7/7/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/7/2017

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

Agenda Date: 7/11/2017

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 6, 2017

The June 6, 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
Jonathan Houck, Vice-Chairperson
John Messner, Commissioner (VIA PHONE)
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 8:30 am.

AGENDA REVIEW: Deputy County Manager Marlene Crosby asked to remove item #1 under the Deputy County Manager's Report.

MINUTES APPROVAL: **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the 5/16/2017 regular meeting and the 5/23/2017 special meeting minutes as presented.

1. 5/16/2017 Regular Meeting
2. 5/23/2017 Special Meeting

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

1. Annual Contract; Curecanti National Recreation Area; Invasive Weed Treatment Project; $5,900
2. Approved Task Order Contract – Wavier #154; Colorado Department of Public Health and Environment; Emergency Preparedness and Response; $22,983
3. Acknowledgement of County Manager's Signature; Grant Application; Community Foundation of the Gunnison Valley; Gunnison County Substance Abuse Prevention Project Choice Pass Program; $3,500
4. Lease Agreement; Bishop of Pueblo; Queen of All Saints Parish Hall, 405 Sopris, Crested Butte, CO 81224; Voter Service Polling Center; $300
5. Modification of Agreement #13-PA-11020407-034; U.S. Forest Service; Noxious Weed Management; $6,000
6. Acknowledgement of County Manager's Signature; Prothman Company Scope of Services; Deputy County Attorney Search; $8,500
7. Resolution; Repealing Resolution No. 08-36 and Adopting the 2017 Gunnison County, Colorado Emergency Operations Plan
8. Amendment No. 6 to Contract Dated April 23, 2016; Jviation, Inc.; AIP 53 – Snow Removal Equipment Acquisition
9. Contract Agreement; W. F. Norman Corporation; Replication of Historic Tin Ceiling Tiles; Rehabilitation of the Ohio City Town Hall, Phase II; $10,100
10. Fourth Addendum to the Development Improvements Agreement for Riverwalk Estates Subdivision
11. Contract Amendment No. 2; Contract # 17-91687A2; Healthy Communities Program Fiscal Year 2018; $20,000

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORTS: County Manager Matthew Birnie was present for the discussion.

1. Correspondence; Western State Colorado University; Colorado Water Workshop: CM Birnie stated where the funding where would come from and what the workshop is about. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approved $500 from the Commissioner discretionary funds to sponsor the Colorado Water Workshop. Motion carried unanimously.
2. Leadership Academy: CM Birnie reported on the 4th Gunnison County Leadership Academy is underway. He explained the attendance in the academy and what the future schedule looks like.
3. New Employee Orientation On-Boarding: CM Birnie explained the new program that has been started by the Human Resources office for new employees. He described what the session consists of and when these will be held in the future.
4. Airport: The airport has now reopened. This project has been completed ahead of time.

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

1. **REMOVED:** Forest Road and Trail Act Easements
2. Temporary Road Use Agreement; City of Gunnison; County Road #49; Fourth of July Fireworks: DCM Crosby explained the agreement and when the road would be closed. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Temporary Road Use

DRAFT

Agreement; City of Gunnison; County Road #49; Fourth of July Fireworks for the County Manager's Signature. Motion carried unanimously.

3. Gothic Road: DCM Crosby reported that they will be meeting this Thursday to do trial runs with the bus company to figure out what additional maintenance that needs to be performed as well as sign installation.
4. Cement Creek Bridge: A rather large tree had been stuck on the center pier of the bridge. Lacy Construction was able to remove the tree yesterday. Due to the size the tree is still on the side of the road until a large truck is free to move it.
5. Brush Creek: A couple of issues arose yesterday on the road, there was water running down the road. The full extent of the damage has not be assessed yet.
6. Whitewater Park: The trash cans have been moved up the trail and well as the restrooms due to the rising water levels.

Recess: The meeting recessed from 8:52 am until 9:09 am in order to hold the below Public Hearing.

Public Hearing; Adoption of the 2015 Editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code", and the "International Energy Conservation Code", with Amendments

1. Open Public Hearing. Chairperson Chamberland opened the Public Hearing at 8:53 am.

2. Public Notice Confirmation. Building/Environmental Health Official Crystal 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. BEHO Lambert presented the proposed resolution. She described how the amendments were drafted and identified who was part of the stakeholders group. BEHO Lambert explained the major amendments to the fire sprinkler requirements and also air tightness testing. She stated when the different items within the resolution will go into effect.

5. Applicant Presentation. N/A

6. Board Questions. Commissioner Messner asked about multifamily square footage requirement for fire sprinklers. BEHO Lambert explained it only applies to single family dwellings.

7. Public Comments. Chairperson Chamberland opened the Public Hearing to comments at 9:03 am. Hal Hearne asked if the fees on the permits would be refunded if the actual costs are lower than the national average. Chairperson stated that there would not be a process for this as if the national average was lower than the County would not ask for higher fees from the applicant after the fact. Chairperson Chamberland closed the public comments at 9:05 am.

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

9. Applicant Response. N/A

Close Public Hearing. Chairperson Chamberland closed the Public Hearing at 9:09 am and immediately reconvened the Gunnison County Board of County Commissioners Regular Meeting.

Resolution; Adopting of the 2015 Editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code", and the "International Energy Conservation Code", with Amendments:
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt resolution 2017-23; Adopting of the 2015 Editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code", and the "International Energy Conservation Code", with Amendments. Motion carried unanimously**.**

Gunnison-Crested Butte Tourism Association Board Vacancy:
County Manager stated there is a vacancy and what options the Board has for advertising. The board stated they would like to advertise this vacancy for 2 weeks and close it on June 21st, 2017.

Correspondence:

1. U.S. Forest Service; Spadafora Sundry Notice: The Board discussed this correspondence. Commissioner Messner stated he would be interested in making comments to encourage dialogue so that the road does not need to move. CM Birnie that this sounded like a comment that would need to be made to the parties and not to the Forest Service. Community and Economic Development Director Pagano stated that the Land Use Change permit is in her office and that may restrict what the Board may comment on. The Board decided that they would not like to comments to the Forest Service at this point.

DRAFT

2. U.S. Forest Service; Grand Mesa, Uncompahgre and Gunnison National Forest Plan Revision: CM Birnie stated this was discussed at the last meeting. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the comments. Motion carried unanimously.

BREAK: The Board took a break at 9:23 am and the meeting resumed at 9:30 am.

Recess: The meeting recessed from 9:30 am until 9:46 am in order to hold the below Public Hearing.

Public Hearing; Proposed Revisions to the Gunnison County On-site Wastewater Treatment System Regulations, Article 19: Crested Butte Watershed On-site Wastewater Treatment System District

1. Open Public Hearing. Chairperson Chamberland opened the Public Hearing at 9:30 am.

2. Public Notice Confirmation. Building/Environmental Health Official Crystal 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. BEHO Lambert presented the proposed resolution. She explained the district that would be affected and what would be changing.

5. Applicant Presentation. N/A

6. Board Questions. The Board asked about certification process for inspectors. BEHO Lambert explained the training that takes place.

7. Public Comments. Chairperson Chamberland opened the Public Hearing to comments at 9:37 am. John Heinle asked about the permit that is required from Town of Crested Butte and the process that is required. BEHO Lambert stated that this would be a question for the Town of Crested Butte and that they would have all the required information. Rafael Anderson asked regulatory agency would be for these regulations. BEHO Lambert stated that Gunnison County would enforce the regulations. Chairperson Chamberland closed the public comment at 9:43 am.

8. Acknowledge Correspondence Received. The Board stated they received an email from Barbara Thompson in support of the resolution.

9. Applicant Response. N/A

Close Public Hearing. Chairperson Chamberland closed the Public Hearing at 9:46 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Resolution; Amending the Gunnison County On-Site Wastewater Treatment System Regulations, Specifically Article 19: Crested Butte Watershed OWTS District:
Moved by Commissioner Houck, seconded by Chairperson Chamberland to approve resolution 2017-24; Amending the Gunnison County On-Site Wastewater Treatment System Regulations, Specifically Article 19: Crested Butte Watershed OWTS District. Motion carried unanimously**.**

Gunnison Valley Regional Housing Authority Update: Gunnison Valley Regional Housing Authority Director Jennifer Kermode was present for the discussion.

1. First Amendment to the Intergovernmental Agreement Establishing the Gunnison Valley Regional Housing Authority: GVRHA Director Kermode explained the amendment to the Board and what changes it included. Chairperson Chamberland asked about the payment schedule and if all jurisdictions were in support of the new payment date. GVRHA Director Kermode stated that it may need to be looked at again. Chairperson Chamberland asked about ballot initiative support language in the agreement. County Manager Birnie clarified the language for the Board. The Board asked to know other municipalities' decisions on language before a decision is made. Commissioner Houck asked about timeline for this agreement. GVRHA Director Kermode stated she would be taking this in front of all the municipalities this month so that the GVRHA Board can adopt a resolution at their July 12th meeting.

COMMISSIONER ITEMS: This item occurred earlier due to gap in the meeting.

Commissioner Messner:

1. Mountain Roots Letter of Support: Commissioner Messner stated he is waiting to hear back from Mountain Roots before he writes the letter.

DRAFT

2. Signal Peak Trail Development: Commissioner Messner has been having a lot of meetings with constituents about Signal Peak. He asked if the County should have any meetings regarding this aside from the meeting the Bureau of Land Management is having. The Board discussed if this would be something they would like to consider.

Building Envelope Adjustment; Lot 3, Dos Amigos Homesites:
Administrative Services Manager Beth Baker was present for the discussion. She explained the adjustment and where it is located. She stated it had been approved by the County Attorney and the homeowners association. **Moved** by Commissioner Houck, seconded by Chairperson Chamberland to approve the Building Envelope Adjustment; Lot 3, Dos Amigos Homesites. Motion carried unanimously**.**

Resolution; Approving LUC No. 2016-00009 Preliminary/Final Plan for Slate River Development Subdivision SW ¼ of Section 35, Township 13 South, Range 86 West, 6th P.M., Tract Q (AKA Lot 13) Cypress Foothills, LP:
Community and Economic Development Assistant Director Neal Starkebaum was present for the discussion. He explained the development and the planning commission recommendation. The Board stated they did not have any questions on this issue. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve resolution 2017-25; Approving LUC No. 2016-00009 Preliminary/Final Plan for Slate River Development Subdivision SW ¼ of Section 35, Township 13 South, Range 86 West, 6th P.M., Tract Q (AKA Lot 13) Cypress Foothills, LP. Motion carried unanimously**.**

COMMISSIONER ITEMS: This item occurred earlier due to gap in the meeting.

Commissioner Messner:

1. ICElab Accelerator Program: There has been 11 applications for the Accelerator Program.
2. C.A.R.E. Energy Efficiency Program: Representatives from C.A.R.E. are meeting today with City and County employees to start to move this program forward.

Commissioner Houck:

1. One Valley Prosperity Project Event: The event will be on Thursday, June 8th. It is open to the public.
2. Gunnison Public Lands Initiative: The roll out June 20th. GPLI could possibly to come and present to the Board on the 13th or 20th of June.

Executive Session; Green Lake Trail Access:
Moved by Commissioner Houck, seconded by Commissioner Messner to enter an executive session to discuss the Green Lake Trail Access. In attendance would be the Board of County Commissioners, County Attorney David Baumgarten, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby, and Paralegal Rachel Magruder. Motion carried unanimously.
The board went into executive session at 10:28 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____ _____
David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b).

Date: _____ _____
Phil Chamberland, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Chairperson Chamberland to come out of the executive session. Motion carried unanimously**.** The Board came out of executive session at 10:51 am. Chairperson Chamberland confirmed that the discussion remained on-topic, that all parties stated to be in attendance

DRAFT

were, in fact, in attendance and that no decisions were made. Chairperson explained the history and where the Board stands on this issue. He stated that U.S. Forest Service is where the decision on this issue lies not on the Board of County Commissioners. Chairperson Chamberland then opened the meeting to short public comment on the issue. Citizens Eric Aslakson, Ruta Martell, David Gottorff and John Biro gave their comments to the Board concerning this issue.

Commissioner Messner left the meeting at this point.

Gunnison Valley Health; Senior Care Center Project Discussion:
Gunnison Valley Health CEO Rob Santilli and Gunnison Valley Health Chief Professional and Senior Services Officer Wade Baker were present for the discussion. Charlie Meyer with Davis Partnership was available via phone and presented the plan to the Board. Gunnison Valley Health would like the County to approve the plan that the Gunnison County Planning Commission had already approved. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the submittal of an application from Gunnison County to the City of Gunnison to proceed with the plan. Motion carried**.**
Don Crosby of the Home Association presented comments to the Board on the Senior Care Center plan. Wade Baker gave the Board a presentation on the proposed layout of the new building.

ADJOURN: **Moved** by Chairperson Chamberland, seconded by Commissioner Houck to adjourn the regular meeting. Motion carried. The meeting adjourned at 11:47 am.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

Minutes Prepared By:

_____
Josh Ost, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

DRAFT

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 17-23

A RESOLUTION ADOPTING THE 2015 EDITIONS OF THE "INTERNATIONAL BUILDING CODE", THE "INTERNATIONAL RESIDENTIAL CODE", THE "INTERNATIONAL MECHANICAL CODE", THE "INTERNATIONAL FUEL GAS CODE" AND THE "INTERNATIONAL ENERGY CONSERVATION CODE", WITH AMENDMENTS

WHEREAS, pursuant to C.R.S.§38-28-201, et. seq., the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") previously adopted the 2003 editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code", and the "International Energy Conservation Code"; and

WHEREAS, the Board subsequently adopted the 2009 editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code", and the "International Energy Conservation Code"; and

WHEREAS, the Board has reviewed the 2015 Editions of the "International Building Code"; the "International Residential Code", the "International Mechanical Code", and the "International Fuel Gas Code"; and the "International Energy Conservation Code" (herein collectively the "2015 Building Codes"); and

WHEREAS, the Board has determined that adoption of the 2015 Building Codes with certain changes, amendments and substitutions, establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and provide safety to fire fighters and emergency responders during emergency operations; and

WHEREAS, the Gunnison County Planning Commission has reviewed and certified to the Board the 2015 Building Codes with the recommended changes, amendments and substitutions; and

WHEREAS, a public hearing on this matter was held by the Board on the 6th day of June, 2017; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the following are hereby adopted for the unincorporated area of Gunnison County:

1. the "International Building Code", 2015 Edition, with the amendments as set forth in Appendix "A" attached hereto and incorporated herein, consisting of two (2) pages;

2. the "International Residential Code", 2015 Edition, with the amendments as set forth in Appendix "B", including "Passive Radon Gas Controls" (identified as Appendix F within the "International Residential Code"), and "Permit Fees", (identified as Appendix L within the "International Residential Code"), and "Light Straw-clay Construction", (identified as Appendix R within the "International Residential Code"), and "Strawbale Construction", (identified as Appendix S within the "International Residential Code") attached hereto and incorporated herein, consisting of four (4) pages;

3. the "International Mechanical Code", 2015 Edition, with the amendments as set forth in Appendix "C" attached hereto and incorporated herein, consisting of one (1) page; and

4. the "International Fuel Gas Code", 2015 Edition, with the amendments as set forth in Appendix "D" consisting of one (1) page;

5. the "International Energy Conservation Code", 2015 Edition, with the amendments as set forth in Appendix "E" consisting of one (1) page is hereby adopted for the unincorporated area of Gunnison County effective September 1, 2017, except for Chapter 2: Definitions and Section 109.3:Building permit valuations of the 2015 International Building Code and Chapter 2: Definitions, Section 105.2: Work exempt from permit, and Section 108.3: Building permit valuations of the 2015 International Residential Code shall be effective June 7, 2017. Applications for building and mechanical permits received prior to September 1, 2017 may utilize the previously adopted 2009 Editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code" and the "International Energy Conservation Code".

The previously adopted 2009 Editions of the "International Building Code", the "International Residential Code", the "International Mechanical Code", the "International Fuel Gas Code" and the "International Energy Conservation Code" are superseded, effective September 1st, 2017, by this action, except for Chapter 2: Definitions and Section 109.3:Building permit valuations of the 2009 International Building Code and Chapter 2: Definitions, Section 105.2: Work exempt from permit, and Section 108.3: Building permit valuations of the 2009 International Residential Code shall be superseded effective June 7, 2017.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 6th day of June, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 17-24

DRAFT

A RESOLUTION AMENDING THE GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS, SPECIFICALLY ARTICLE 19: CRESTED BUTTE WATERSHED OWTS DISTRICT

WHEREAS, on July 1, 2014 the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") adopted the "Gunnison County On-site Wastewater Treatment System Regulations" through Resolution No: 14-17; and

WHEREAS, on April 5, 2016 the Board adopted an amendment to "Article 19: Crested Butte Watershed OWTS District" of the "Gunnison County OWTS Regulations" through Resolution No: 16-15; and

WHEREAS, State of Colorado Water Quality Control Division has reviewed the proposed further amendment to the Gunnison County OWTS Regulations pursuant to section 43.4(A)(2)(a) of Regulation 43, On-site Wastewater Treatment System Regulation, 5 CCR 1002-43, and found no inconsistencies or conflicts between Regulation 43 and the proposed amendment 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 amendment to the OWTS Regulations; and

WHEREAS, the Board has determined that the proposed amendment to the 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 6th day of June, 2017; and

WHEREAS, notice of the public hearing was given at least once and at least 30 days in advance; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the following amendments to the Gunnison County OWTS Regulations are hereby adopted for the unincorporated area of Gunnison County on or after the effective date below:

1. Article 19: CRESTED BUTTE WATERSHED OWTS DISTRICT, as set forth in Appendix "A" attached hereto and incorporated herein, consisting of two (2) pages. The amendment changes are highlighted below.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 6th day of June, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 17-25

A RESOLUTION APPROVING LUC NO. 2016-00009
PRELIMINARY/FINAL PLAN FOR
SLATE RIVER DEVELOPMENT SUBDIVISION
SW 1/4 OF SECTION 35, TOWNSHIP 13 SOUTH,
RANGE 86 WEST, 6TH P.M, TRACT Q (AKA LOT 13)
CYPRESS FOOTHILLS, LP

WHEREAS, Cypress Foothills, LP, represented by Marcus J. Lock, Law of the Rockies, submitted the Slate River Development Preliminary/Final Plan, which proposes the subdivision of a 44.5-acre parcel, which has been described as a "hybrid-format" development proposal. This application is the final step in the land use review of the subdivision. The property is bisected by the Slate River, which divides the land into a "West Parcel" and an "East Parcel". The dichotomy of the hybrid-format is explained below.

The West Parcel (14.1-acres - west of the Slate River), will be severed from the 44.5-acres and remain a remainder tract, which will be annexed to the Town of Crested Butte, pursuant to a Pre-Annexation Agreement, in place with the Town of Crested Butte. While the West Parcel is an element of this subdivision and hybrid-format development, the County land use review primarily addresses the residential development of the East Parcel. The only County approval the applicant is seeking with respect to the West Parcel is (a) the construction of an access road (Pyramid Avenue) and utility extensions to the East Parcel, (b) certain grading, berming, landscaping, and trail construction as shown on Cypress's engineered

DRAFT

plans; (c) the cleanup of the old Town landfill pursuant to and in accordance with a Voluntary Clean Up Plan ("VCUP"), with the Town of Crested Butte, approved and overseen by the Colorado Department of Public Health and Environment; and (d) any other County approval necessary to effectuate the intent and purposes of the Pre-Annexation Agreement or satisfy the terms and conditions thereof. No other uses are approved on the West Parcel.

The East Parcel (30.4-acres - east of the Slate River) will be subdivided into 23 single-family residential lots, with the opportunity for a secondary residence on each lot, and a Homeowners Association Lot, on which an owner's complex may be potentially constructed. However, in the event the owner's complex is constructed, it will not contain any bedrooms to accommodate sleeping within it. Lot sizes range from one-third to just under an acre. Access to the East Parcel will be from Gothic Road, via construction of a new road (Pyramid Avenue). The lots will be restricted to a maximum primary residential building size of 5,000 square feet, a detached secondary residence or accessory buildings up to 750 square feet and the aggregate square footage of all buildings of 5,750 square feet. Water will be provided by connection to the Town of Crested Butte's municipal water system, and wastewater will be provided by central sewer, via connection to the Town of Crested Butte's municipal sewer system. The applicant has identified that this development will not be a "gated community". A final narrative of the subdivision protective covenants has been submitted addressing the homeowner association responsibilities, architectural style and design guidelines and County required covenant provisions; and
WHEREAS, a joint public hearing was conducted May 12 and May 19, by the Planning Commission and Board of County Commissioners; and
WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on May 19, 2017 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:
FINDINGS:
1. 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.
2. The Commission reviewed the revised plan location of the Pyramid Avenue/Gothic Road intersection in onsite visits and in reaching a determination that the relocation of the intersection minimizes the impact of vehicle headlights on the existing residential property across Gothic Road.
3. The Commission utilized the applicant's visual renderings of the development from the Crested Butte Cemetery in its onsite visits, and in reaching a determination that views from the cemetery, including the views of Crested Butte Mountain from the cemetery, will not be significant impacted.
4. Colorado Parks and Wildlife staff determined that the proponents have adequately addressed the elk migration and wildlife concerns for the development in the Slate River Development Subdivision Wildlife Habitat Analysis and Mitigation Plan and by financial contribution to the Trust for Public Lands to assist in preserving the Upper East River/Farris Creek conservation easement on the Trampe Ranch.
5. The Town of Crested Butte will provide potable water and sanitary sewer service for the development. This agreement is memorialized in the Amendment to Pre-Annexation Agreement, recorded in the office of the Gunnison County Clerk and Recorder at Reception Number 643828, December 7, 2016.
6. The applicant and the Town of Crested Butte are in agreement to extend Eighth Street, dependent upon the outcome of the old Town landfill cleanup.
7. Traffic mitigation measures, particularly the installation of a southbound left turn lane on Gothic Road are sufficient for full buildout of the Slate River Development. The applicant agrees to construct a southbound left turn lane on Gothic Road at the Pyramid Avenue intersection. The applicant anticipates that paving and striping associated with this roadwork will not occur until the subdivision is paved in 2018.
8. The Crested Butte Fire Protection District reviewed the subdivision plans and has commented that it has no objection to the development.
9. The proposed land use change is compatible with the character of existing land uses in the development area, and will not adversely impact the future development of the development area.
10. Specific uses on all lots have been identified in this Plan.
11. The proposed land use change complies with all applicable requirements of the Gunnison County Land Use Resolution, pursuant to Division 7-300: Preliminary Plan for Major Impacts and Division 7-400: Final Plan for Major Impact Projects of the Resolution.
12. Pursuant to Section 16-117 of the Gunnison County Land Use Resolution a Development Improvement Agreement is required to be achieved during a Final Plan review, ensuring collateral and identified dates of completion to ensure the construction of: roads (including the installation of southbound turn lane on Gothic Road), drainage, a potable water system, a water system for fire protection and landscaping, a sewer system, the installation of electrical, telephone and natural gas lines, landscaping and reclamation, as rendered within plans listed within the above "Documents Informing this Review and Action."
13. Pursuant to Section 7-302: K. of the Gunnison County Land Use Resolution, the Board has the option of conducting another public hearing to consider this Preliminary/Final Plan application and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the Board is required to determine whether to conduct a public hearing. A decision to conduct or not to

DRAFT

conduct such a hearing shall be based on the Board's determination of whether it is in the public interest to do so, and considering among other factors the following whether there has or has not been substantial public interest in the proposal; or whether it is reasonably probable that new issues related to the Preliminary Plan application of the proposed land use change will be identified; or whether it is reasonably probable that new information related to the Preliminary/Final Plan of the proposed land use change will be provided. The Planning Commission is neither required nor prohibited from recommending that the Board conduct such a hearing.
14. The Commission finds that, given the lack of significant alterations in the plan during the course of Preliminary/Final Plan review, concerns of public interest have been substantially mitigated; further, that issues have been addressed, discussed and considered in depth during this review and it is reasonably improbable that either new issues will be identified, or new information provided, should another hearing be conducted.
15. 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.
16.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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Slate River Development Preliminary/Final Plan need be conducted by the Board, and further, the Board hereby approves the Slate River Development Subdivision Preliminary/Final Plan, LUC No. 2016-0009, as recommended by the Planning Commission, with the following conditions:

1. A mylar subdivision plat, in compliance with Section 7-401 M., 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.

2. 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.

3. The applicant shall record the Declaration of Protective Covenants – Slate River Development contemporaneously with the subdivision plat.

4. The applicant's consultant shall coordinate with the County's consultant regarding the disposal of the Town of Crested Butte's Old Town landfill materials at the Gunnison County landfill.

5. The applicant shall construct a southbound left turn lane on Gothic Road to Pyramid Avenue.

6. The development shall not be a "gated community".

7. A Development Improvements Agreement shall be executed by the applicant and Gunnison County, including identified infrastructure costs, subject to review and approval by the Gunnison County Attorney, referencing the infrastructure plans, to include: construction of roads (including the installation of the southbound turn lane on Gothic Road), drainage, potable water system, water system for fire protection and landscaping, sewer system, installation of electrical, telephone and natural gas service lines, landscaping and reclamation, as rendered within plans identified in the "Documents Informing this Review and Action."

8. The Development Improvement Agreement shall require the applicant to provide to the County a guarantee of financial security, acceptable to the County, in an amount established by the Board based on no less than 125 percent of the estimated cost of the project, and payable on demand to the County. Said surety shall be retained by the County to a date acceptable to the County to certify completion of improvements.

9. 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.

10. 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.

11. 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.

DRAFT

THIS APPROVAL is effected noting that decision documentation includes, but is not limited to, the application and the entire Community Development 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 Houck, seconded by Commissioner Messner, and passed on this 6th day of June, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

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

DRAFT