



**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 18 -01**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. LUC-2016-00040  
A LAND USE CHANGE PERMIT FOR JIM FREE  
BEING SITUATED IN U.S. GOVERNMENT LOTS 9, 10, 15 & 16, SECTION 5, TOWNSHIP 46  
NORTH, RANGE 6 WEST, N.M.P.M.  
FREE SUBDIVISION**

**WHEREAS**, Jim Free, submitted a land use change application for the subdivision of 32.428-acres into two single-family lots: Lot 1, 5.898-acres (with existing cabin) and Lot 2, 26.53-acres (with three existing cabins) to settle a family estate. Existing access is from Hampton Road, via County #858 (Big Cimarron Road). No covenants are proposed, and no changes to the existing developed property is contemplated. The existing cabins date back to the early/mid 20<sup>th</sup> century. The 32-acre legal parcel was created as a remainder tract, during the subdivision of Silverjack Subdivision, in 1973; and

**WHEREAS**, after a review of the information, documentation and public testimony related to it, the Gunnison County Planning Commission did, after a joint public hearing on September 15, 2017 unanimously approve a Recommendation to the Board of County Commissioners, to approve the Free Subdivision, LUC-16-00040 with certain Findings and Conditions:

**FINDINGS:**

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.
2. 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 residential subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.
4. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

**CONDITIONS:**

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
2. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by



the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

3. 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.
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 is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

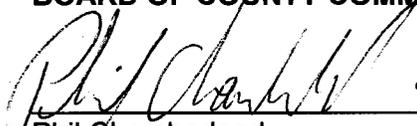
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2016-00040, Free Subdivision, is approved as a Minor Impact Project, subject to each and all conditions of the Planning Commission Recommendation, as identified above.

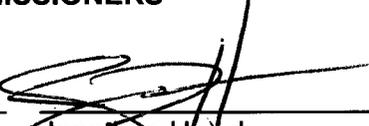
**THIS APPROVAL** is effected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. 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 16<sup>th</sup> day of January, 2018.

**BOARD OF COUNTY COMMISSIONERS**

  
Phil Chamberland,  
Chairperson

  
Jonathan Houck,  
Commissioner

  
John Messner,  
Commissioner

**ATTEST:**  
  
Joan M. Bare, Deputy  
Gunnison County Clerk and Recorder

