AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution 2018-12; Granting an Exemption for a Division of Land from the Definition of the Terms

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Request for exemption to allow for issuance of well permit.

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 3/30/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 3/30/2018 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\jost Discharge Date: 3/30/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 4/3/2018

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

March 20, 2018

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Matt Sanders**
Lot 10, Rockey River Resort
Subdivision Exemption – to allow issuance of well permit

Matt Sanders is requesting assistance from the Board of County Commissioners. The assistance is in the form of a subdivision exemption for Lot 10, Rockey River Resort, to obtain a "household only use" well permit. In 1977 when the subdivision was approved, this reach of the Gunnison River was not over-appropriated and groundwater was not subject to priority administration. In 2002, this reach of the Gunnison River became over-appropriated and groundwater became subject to priority administration.

The Board, by Resolution 04-49, September 7, 2004, did provide relief by subdivision exemption of seven lots within Rockey River Estates. The owner of Lot 10 was unable to be contacted at that time.

Please see the attached letter from Matt Sanders, Board Resolution 04-49 and Board Resolution approving the exemption for Lot 10.

March 1, 2018

County of Gunnison

Planning and Building Department
221 N. Wisconsin St.
Gunnison, CO 81230

Attention: Cathie Pagano, Neal Starkebaum and the County Commissioners

Dear Friends:

My name is Matt Sanders and I recently purchased Lot 10, Rockey River Estates and am attempting to get a well permit from the Division of Water Resources.

It was recently called to my attention by my Realtor that there is a hold up with my well permit application process due to a recorded document signed by the Gunnison County Commissioners back in 2004 that exempts several of the unimproved home sites in Rockey River Estates for future wells. However, Lot 10 was not listed as exempt. A copy of the resolution is enclosed with this letter. My broker has spoken with Neal Starkebaum about this omission and he suggested that I write a letter requesting that Lot 10 be exempt also so I can complete my well application with the State and get my well permit.

I would sure appreciate your expediency with this matter as I am hoping to get on the well driller's job list for this upcoming summer season.

Please feel free to call me at 303-944-0418 or email me at: mattsanders1958@gmail.com with any questions or further discussion. Thank you in advance for your time with this issue.

Sincerely,

Matt Sanders

Matt Sanders

900 Camino Del Rio

Gunnison, CO 81230

Enclosure

received
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BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY RESOLUTION NO. 04-49

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND"

WHEREAS, pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of Gunnison County may exempt from the statutory definitions of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of C.R.S. 30-28-101 *et seq.*; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. The Rockey River Estates Subdivision was approved by the Board of County Commissioners on August 15, 1977, platted for seventeen single-family lots and a Resort lot. As of 2004, nine of the seventeen lots have been developed. The development is located within the Gunnison River drainage.

2. In 1977 when the subdivision was approved, this reach of the Gunnison River was not over-appropriated and groundwater was not subject to priority administration. In 2002, this reach of the Gunnison River became over-appropriated and groundwater became subject to priority administration.

3. The following landowners of the undeveloped lots within the Rockey River Estates Subdivision have petitioned the County, in writing, to provide relief so that they may obtain well permits for their lots: Frank and Lynn Magnum, Lot 2; Dan and Dana LaBarr, lot #4; Brian Riepe and Susan Parker, Lot 7; Nick and Mary Lypps, Lot 8; Glen Dagenhardt, Lots 14 and 15; and Erin Vokoun, Lot 17.

4. In discussions between Gunnison County staff and Luanne Beasley, Colorado Division of Water Resources, she indicates that a solution, which is acceptable to the Division of Water Resources, would be for the County exempt the lots from the statutory definition of "subdivision" and subdivided land. The Division of Water Resources would then be able to issue exempt "household-use only" well permits.

WHEREAS, the Board of County Commissioners desires that the owners of the undeveloped lots within Rockey River Estates Subdivision should not be impaired in their general ability to obtain a "household-use-only" well permit; and

WHEREAS, the Board of County Commissioners desires to exempt Lots 2, 4, 7. 8, 14, 15, and 17. Rockey River Estates Subdivision from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the limited purpose of facilitating the "exempt" status of well applications;

NOW, THEREFORE, BASED ON THE FINDINGS AND PURPOSES SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that an exemption is granted, pursuant to C.R.S. 30-28-101(10)(d) for Lots 2, 4, 7, 8, 14, 15, and 17, Rockey River Estates Subdivision, from the definition of "subdivision" and "subdivided land."

INTRODUCED by Commissioner Anderson, seconded by Commissioner Field, and adopted this 7th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

Fred Field, Chairperson

Jim Starr, Commissioner

Perry Anderson, Commissioner

GUNNISON COUNTY SEAL COLORADO

Attest:

Kelly Balch
Clerk Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 18-____

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND"
LOT 10, ROCKEY RIVER ESTATES

WHEREAS, pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of Gunnison County may exempt from the statutory definitions of the terms “subdivision” and “subdivided land” if the Board determines that such division is not within the purposes of C.R.S. 30-28-101 *et seq.*; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. The Rockey River Estates Subdivision was approved by the Board of County Commissioners on August 15, 1977, platted for seventeen single-family lots and a Resort lot. The development is located within the Gunnison River drainage.

2. In 1977 when the subdivision was approved, this reach of the Gunnison River was not over-appropriated and groundwater was not subject to priority administration. In 2002, this reach of the Gunnison River became over-appropriated and groundwater became subject to priority administration.

3. The Board, by Resolution 04-49, September 7, 2004, did provide relief by exemption of seven lots within Rockey River Estates. The owner of Lot 10 was unable to be contacted at that time.

3. The owner of Lot 10, Rockey River Estates Subdivision has petitioned the County, in writing, to provide relief so that he may obtain a well permit for his lot.

4. In discussions between Gunnison County staff and the Colorado Division of Water Resources, a solution, which is acceptable to the Division of Water Resources, would be for the County exempt the lot from the statutory definition of “subdivision” and “subdivided land”. The Division of Water Resources would then issue an exempt “household-use only” well permit.

WHEREAS, the Board of County Commissioners desires that the owners of the undeveloped lots within Rockey River Estates Subdivision should not be impaired in their general ability to obtain a “household-use-only” well permit; and

WHEREAS, the Board of County Commissioners desires to exempt Lot 10, Rockey River Estates Subdivision from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the limited purpose of facilitating the "exempt" status of well applications;

NOW, THEREFORE, BASED ON THE FINDINGS AND PURPOSES SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that an exemption is granted, pursuant to C.R.S. 30-28-101(10)(d) for Lot 10, Rockey River Estates Subdivision, from the definition of "subdivision" and "subdivided land."

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this 27th day of March, 2018.

BOARD OF COUNTY COMMISSIONERS

_____	_____	_____
Phil Chamberland, Chairperson	Jonathan Houck, Commissioner	John Messner, Commissioner

ATTEST:

_____

Gunnison County Clerk and Recorder