AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution & Restrictive Covenant; Approving Land Use Change Perm

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

The Demented Duo Trust, represented by David Leinsdorf, has submitted a Land Use Change application for the construction of a single-family residence, in compliance with Section 11-108: Standards for Development on Ridgelines.

Fiscal Impact:

Submitted by: Rachel Sabbato **Submitter's Email Address:** rsabbato@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 6/15/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 6/15/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\jost Discharge Date: 6/15/2018

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

Agenda Date: 6/19/2018

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

June 5, 2018

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

FROM: **Rachel Sabbato**
Planner II

SUBJECT: **The Demented Duo Ridgeline Residence**
LUC-18-00009
Planning Commission Recommendation

The Planning Commission unanimously approved a Minor Impact Land Use Change Recommendation for the Demented Duo Trust Ridgeline Residence, on May 18, 2018. This ridgeline project requires BOCC approval. The County Attorney's office has reviewed and approved of the required restrictive covenant.

Attachments:
Planning Commission Recommendation
Board Resolution
Exhibit A – Restrictive Covenant
HOA Approval Letter
Visual Analysis
Site Plan

TO: **Board of County Commissioners**

FROM: **Planning Commission**

SUBJECT: **Planning Commission Recommendation**
Demented Duo Ridgeline Residence
Lot 17, Star Mountain Ranch
LUC-2018-00009

DATE: **May 18, 2018**

PREPARED BY: **Rachel Sabbato, Planner II**

APPLICANT: **The Demented Duo Trust**
10838 E. Jasmine Road
Scottsdale, AZ 85255

REPRESENTATIVE: **David Leinsdorf**

At its regular meeting on May 18th, 2018, the Planning Commission unanimously approved the following Minor Impact Recommendation, moved by AJ Cattles and seconded by Kent Fulton:

PROJECT DESCRIPTION:
The Demented Duo Trust, represented by David Leinsdorf, has submitted an 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*.

Submittal documentation includes the following:

- "Ridgeline Analysis – "Lot 17, Star Mountain Ranch, Ridgeline View from County Road 737", prepared by NCW & Associates, Inc., dated 2/27/18.
- Star Mountain Ranch Association approval letter, Charles R. Welch, Chair for DRC, Star Mountain Ranch, February 7, 2018.
- Restrictive Covenant

The analysis indicates that the proposed structure will be back screened by existing vegetation from ridgeline vantages on County Road 737 (Carbon Creek Road). The lot is predominately sagebrush, with the building site backed by a mixed stand of aspen and conifers.

The site is located on Lot 17, Star Mountain Ranch, approximately 18 miles north of the City of Gunnison, west of Carbon Creek Road (CR 737).

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact.

PLANNING COMMISSION MEETING DATES:
The Planning Commission held meetings on the subject project on the following dates:

- April 6, 2018 Work Session
- May 18th, 2018 Site Visit
- May 18th, 2018 Public Hearing

ONSITE VISIT:
The Planning Commission conducted a site visit on May 18th, 2018. The Commission members visited the building site and viewed the site from the ridgeline vantage location on Carbon Creek Road (CR 737). The Commission members noted that the site will be adequately screened by trees and that the ridge in front will also provide sufficient screening. The site will not be easily visible or obtrusive due to the earth tone color scheme and there is a significant distance from any of the vantage points on Carbon Creek Road (CR 737).

PUBLIC HEARING:
A public hearing was held on May 18, 2018; at that time, no public was present and no written public comments were received by the Commission.

COMPLIANCE WITH *SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES* OF THE GUNNISON COUNTY LAND USE RESOLUTION:
The applicants provided a detailed ridgeline analysis, including detailed architectural drawings of the site profile, prepared by NCW & Associates, Inc. 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 Carbon Creek Road (CR 737).

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 be visible from a municipal ridgeline vantage and minimally visible from Carbon Creek Road (CR 737).

The proposed residence is partially visible on a ridgeline that is more than 150 feet vertically higher from the closest point on a ridgeline vantage, pursuant to *Section 11-108: Standards for Development on Ridgelines C. Ridgeline Visibility*.

The applicants have asserted 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.

FINDINGS:
The Gunnison County Planning Commission, based on the facts set forth in this Recommendation and on the material facts represented by the applicant, whether or not repeated herein, and the results of an onsite visit and public hearing by the Planning

Commission, finds that:

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 titled "Lot 17, Star Mountain Ranch, Ridgeline View from County Road 737", prepared by NCW & Associates, Inc., dated 2/27/18 was submitted with the application.

3. The information and analysis indicate that the proposed structure, under the definition of "ridgeline vantage," will be visible from Carbon Creek Road (CR 737) only when traveling south.

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 May 18th, 2018 and viewed the building site and from points on the ridgeline vantage on Carbon Creek Road (737). The Commission found that the site would be adequately screened by trees and that the ridge in front will also provide sufficient screening. The site will not be easily visible or obtrusive due to the earth tone color scheme and there is a significant distance from any of the vantage points on Carbon Creek Road (CR 737).

7. The elevation difference between the building site and the ridgeline vantage on Carbon Creek Road (737) 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.

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.

NOW, THEREFORE, The Gunnison County Planning Commission, having considered the submitted analysis, site plan, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners, that LUC 2018-00009, The Demented Duo Trust Ridgeline Residence, be approved with the following 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.

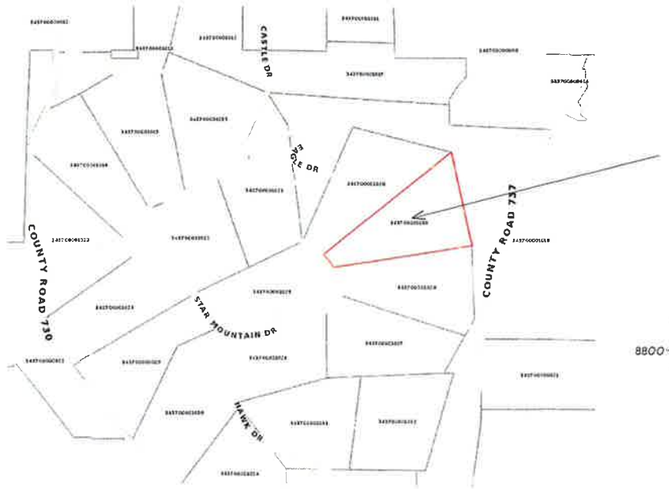
3. A restrictive covenant ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A.", shall be executed prior to approval by the Board. The restrictive covenant shall be recorded contemporaneously with the Board Resolution, within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

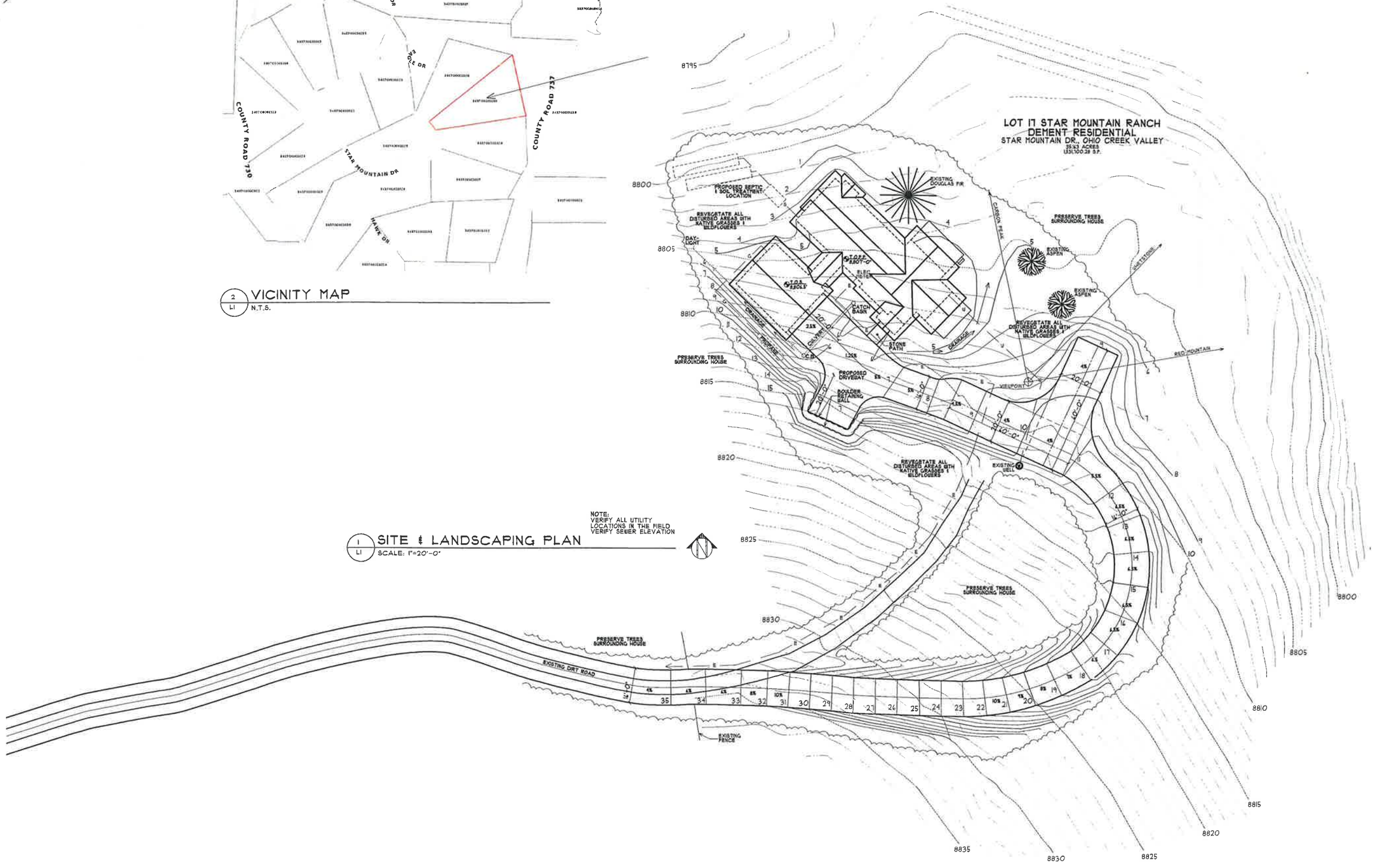
5. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

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.



2 / L1 VICINITY MAP
N.T.S.



1 / L1 SITE & LANDSCAPING PLAN
SCALE: 1"=20'-0"

NOTE:
VERIFY ALL UTILITY LOCATIONS IN THE FIELD
VERIFY SEWER ELEVATION

DANIEL J. MURPHY
ARCHITECT, PC
P.O. Box 2119 • 129 Sixth Street
Crested Butte, CO 81224
Ph: 970-349-1200 • Fax: 970-349-0101
e-mail: info@djmarchitect.com

OWNER:

JOHN & STACIE DeMENT
10838 E. JASMINE DR.
SCOTTSDALE, AZ. 85255-2400
JOHN's CELL: (480) 652-3241
STACIE's CELL: (480) 652-3248
JOHN'S E-MAIL: jtdement@gmail.com

GENERAL CONTRACTOR:

LUCAS CONSTRUCTION CO.
601 S. 12th ST. A
GUNNISON, CO 81230
PHONE: (970) 641-8231
MARK's CELL: (970) 209-6056
E-MAIL: markleucasconstruction@yahoo.com

CONTENTS:

L1 SITE & LANDSCAPING PLAN, VICINITY MAP
L2 LOCATION MAP

A1 EXTERIOR ELEVATIONS & WINDOW SCHEDULE
A2 FLOOR PLAN

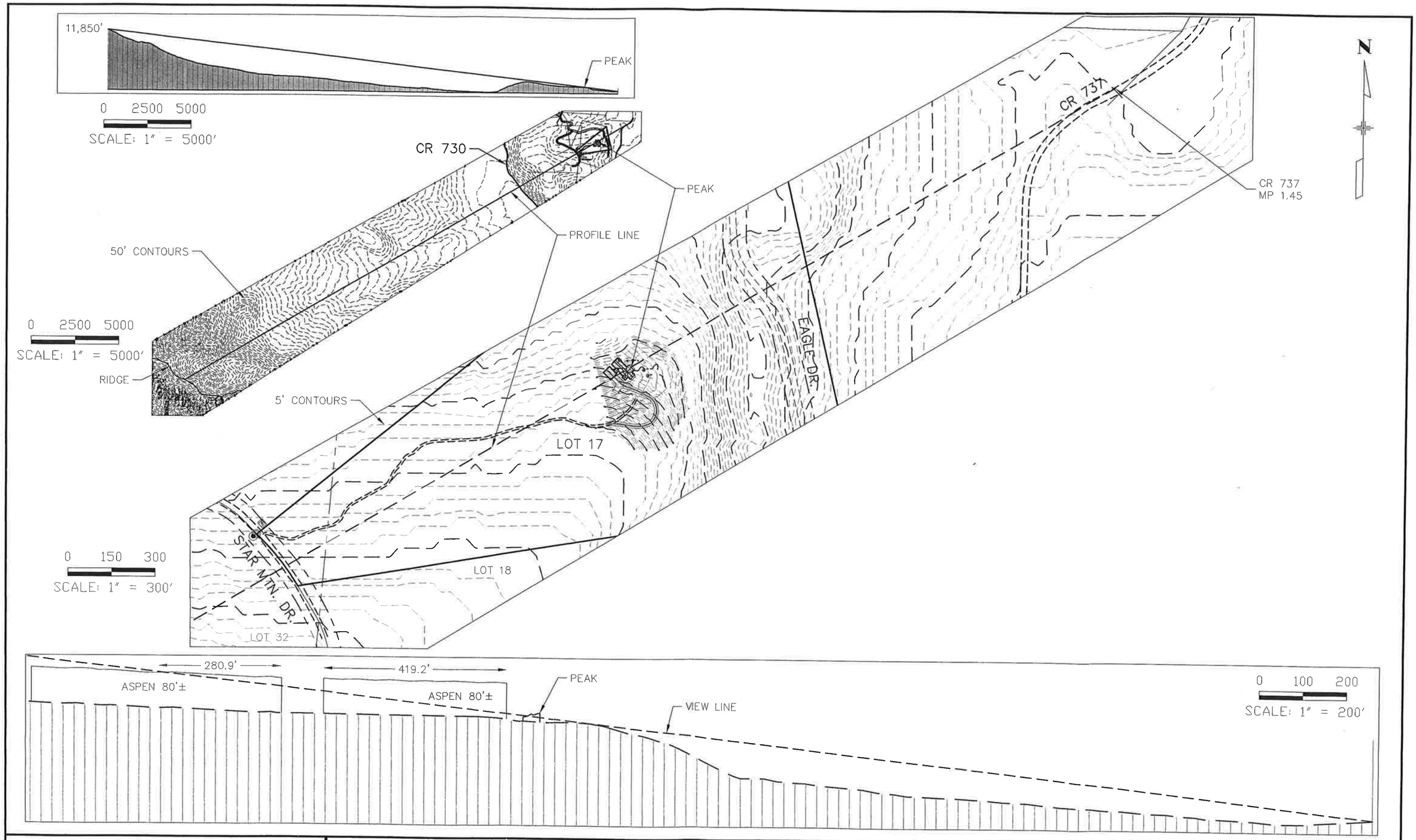
REVISIONS:

PROJECT:
DEMENT RESIDENCE
LOT 17, STAR MTN. RANCH
GUNNISON COUNTY, CO

SHEET NAME:
SITE & LANDSCAPING PLAN

DATE: 2/19/2018

SHEET NO: L1



100 50 0 100 200
SCALE: 1" = 100'

Prepared By:

NCW & Associates, Inc.

P.O. Box 3688 Crested Butte
(970) 349-6384 Colorado 81224

LOT 17, STAR MOUNTAIN RANCH
GUNNISON COUNTY, COLORADO

RIDGE LINE VIEW FROM C.R. 737

PROJECT: 17175.00	DWG.: RIDGE	DATE: 2/26/17	SHEET 1 OF 1

Gmail

David Leinsdorf <david81224@gmail.com>

FW: Preliminary Approval Lot 17

DJM Architect PC <info@djmarchitect.com> Wed, Feb 7, 2018 at 4:18 PM
To: "David Leinsdorf (david81224@gmail.com)" <david81224@gmail.com>

Hi David,

We'll send you the site plan, floor plans and elevations and Norm's analysis, what we have so far.

Please call me when you get a chance. It would be nice to deal with both of these ridgelines at the same time.

Thanks,

Murf

Daniel J Murphy

Daniel J. Murphy Architect P.C.

P.O. Box 2179, 429 Sixth Street, Suite 201, Crested Butte CO 81224

ph: 970-349-1200, fax: 970-349-0101, email: info@djmarchitect.com

From: Judy Welch [mailto:charliejudy@gmail.com]
Sent: Wednesday, February 7, 2018 4:05 PM
To: DJM Architect PC <info@djmarchitect.com>
Cc: BOB COLVEY <bcolvey@southwind.net>; Marcia Landwehr <mwlandwehr@hotmail.com>; Mark Adams <mark.adams.d@gmail.com>
Subject: DRC: Preliminary Approval Lot 17

February 7, 2018

870 Seneca Drive

Gunnison, CO 81230

SCANNED

RE: Preliminary Approval Lot 17, John and Stacie DeMent

Danial Murphy Architect PC

Dear Mr. Murphy:

This is to inform you that the Star Mountain Ranch Design Review Committee has granted preliminary approval for the design and location of the proposed home on lot 17 in Star Mountain Ranch.

Charles R. Welch

DRC Chair

Star Mt. Ranch

970 641 0239

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2018- ____

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2018-00009
A LAND USE CHANGE PERMIT FOR THE DEMENTED DUO TRUST
CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A RIDGELINE
LOT 17, STAR MOUNTAIN RANCH

WHEREAS, The Demented Duo Trust, represented by David Leinsdorf, has 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 NCW & Associates, Inc. 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 Carbon Creek Road (CR 737).

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 be visible from a municipal ridgeline vantage and minimally visible from Carbon Creek Road (CR 737).

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, pursuant to Section 11-108: Standards for Development on Ridgelines C. Ridgeline Visibility.

The site is located on Lot 17, Star Mountain Ranch, approximately 18 miles north of the City of Gunnison, west of Carbon Creek Road (CR 737); 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 May 18th, 2018 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

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 "Lot 17, Star Mountain Ranch, Ridgeline View from County Road 737", prepared by NCW & Associates, Inc., dated 2/27/18 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 Carbon Creek Road (CR 737).

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 significantly 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 May 18, 2018 and viewed the building site and from points on the ridgeline vantage on Carbon Creek Road (CR 737). 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 Carbon Creek Road (CR 737) 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.

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. 2018-00009, for the Demented Duo Trust 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 _____, seconded by Commissioner _____, and passed on this ___day of June, 2018.

BOARD OF COUNTY COMMISSIONERS

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

ATTEST:

Gunnison County Clerk and Recorder

RESTRICTIVE COVENANT

FOR GOOD AND VALUABLE CONSIDERATION, the undersigned The Demented Duo Trust ("Grantor") voluntarily agrees, for itself, its beneficiaries, representatives, successors and assigns, with the Board of County Commissioners of Gunnison County, Colorado ("County") that Lot 17, Star Mountain Ranch, according to the plat recorded February 23, 1993, bearing Reception No. 440815, County of Gunnison, State of Colorado ("Property") shall be forever burdened by and subject to the following restrictions:

1. No trees or other natural vegetation shall be removed from the Property except:

A. To clear the building site for construction of the improvements approved pursuant to Gunnison County Land Use Change No. LUC–18-00009;

B. To preserve and/or improve the health of the forest on the Property, except that no trees or other natural vegetation shall be removed or substantially altered which wholly or partially shield the building(s) on the Property from a ridgeline vantage (as defined in the Gunnison County Land Use Resolution) or which are seen behind the building(s) when viewed from a ridgeline vantage; and

C. To create defensible space for protection against wildfires.

In the event that any other trees or other natural vegetation that screen Grantor's building(s) from a ridgeline vantage are removed or substantially altered by Grantor, wildfire or other cause, Grantor shall replace such trees or other natural vegetation during the next planting season following such removal with trees or other natural vegetation of like kind and size and insure their survival. Star Mountain Ranch Association, Inc., a Colorado non-profit membership corporation, the homeowners association for Star Mountain Ranch, hereby approves this Restrictive Covenant and agrees to provide, at Grantor's expense, reasonable assistance to Grantor to facilitate and enable Grantor's performance of its obligations under this Restrictive Covenant.

2. All buildings shall have unobtrusive exterior colors and materials that blend as much as possible with the surrounding natural terrain and environment. No bright colors or materials shall be permitted.

3. The roof material shall be cedar shake, rusted metal or another comparably unobtrusive material. No shiny metal roof shall be allowed.

4. In addition to the requirements in the Gunnison County Land Use Resolution, all exterior lighting shall be directed downward. No unsheathed

exterior lighting shall be allowed. No mercury vapor or similar lighting shall be allowed.

5. Grantor agrees that all exterior finishes shall be as described on the Materials List dated 4/9/2018, a copy of which is attached to and incorporated into this Restrictive Covenant as **Exhibit A**. Grantor shall not alter the exterior of any building on the Property without first obtaining County's prior written consent.

6. The failure to enforce or obtain compliance as to any violation of this Restrictive Covenant shall not be deemed a waiver of the right to do so for any subsequent violation or the right to enforce any part of this Restrictive Covenant.

7. The terms and provisions hereof shall be enforceable by an action for damages, injunctive relief, specific performance and/or any other remedy available at law or in equity. All remedies shall be cumulative.

8. If any action is brought in a court of law to enforce, interpret or construe this Restrictive Covenant or any document provided for herein or relating hereto, the prevailing party in such action shall be awarded all reasonable attorneys' fees and expert witness fees as well as all reasonable costs incurred in the prosecution or defense of such action.

9. This Restrictive Covenant, to the extent possible, shall be construed so as to give validity to all of the provisions hereof. If any provision of this Restrictive Covenant is determined to be invalid, unenforceable or prohibited by any court, the same shall not affect any other provision or section hereof and all other provisions and sections shall remain in full force and effect.

10. All contracts and agreements to sell or lease the Property, or any portion thereof, shall contain a provision incorporating therein the terms and provisions of this Restrictive Covenant and requiring that the purchaser or lessee of the Property, or any portion thereof, shall strictly observe the terms and provisions hereof.

11. The terms and provisions hereof shall forever inure for the benefit of Gunnison County, Colorado and be binding upon the heirs, representatives, successors and assigns of the Grantor and be appurtenant to and run with title to the Property as a perpetual covenant running with the land.

IN WITNESS WHEREOF, the undersigned have signed this Restrictive Covenant as of the 19th day of May, 2018.

GRANTOR

THE DEMENTED DUO TRUST

John T. Dement

John T. Dement, Trustee

Stacie E. Dement

Stacie E. Dement, Trustee

ASSOCIATION

Star Mountain Ranch Association, Inc.,
a Colorado non-profit corporation

By: Linda C McGrath

Linda C. McGRATH, ~~Chairperson~~ Board Member and Secretary

ACCEPTANCE

The Board of County Commissioners of Gunnison County, Colorado accepts the foregoing Restrictive Covenant this ____ day of _____, 2018.

Board of County Commissioners

By: _____

_____, Chairperson

ATTEST:

_____

Gunnison County Clerk and Recorder

STATE OF Arizona)
) ss.
COUNTY OF Maricopa)

The foregoing Restrictive Covenant was hereby acknowledged before me this 19th day of May, 2018 by John T. Dement and Stacie E. Dement, Trustees of The Demented Duo Trust.

Witness my hand and official seal. My commission expires: April 9, 2020

Notary Public

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
SARA E CRISCIONE
My Commission Expires April 09, 2020

(4/9/18)\d\dement-restrictive.covenant

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Restrictive Covenant was hereby acknowledged before me this 1 day of June, 2018 by Linda C. McGrath as ~~Chairperson~~ Board Member and Secretary of Star Mountain Ranch Association, Inc., a Colorado non-profit membership corporation.

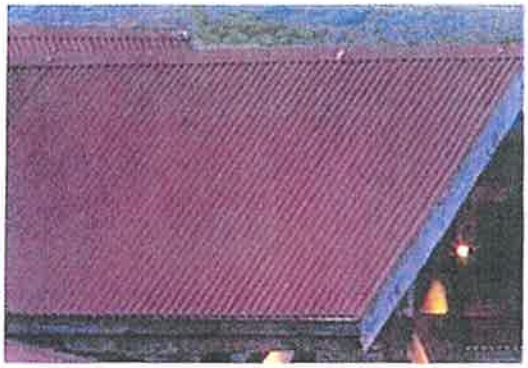
Witness my hand and official seal. My commission expires:

ELIZABETH E. MALONEY BERNHOLTZ
Notary Public – State of Colorado
Notary ID 20004012322
My Commission Expires Jan 24, 2021

Elizabeth Bernholtz
Notary Public

DeMent Residence, Star Mountain Ranch
Materials List
4/9/2018

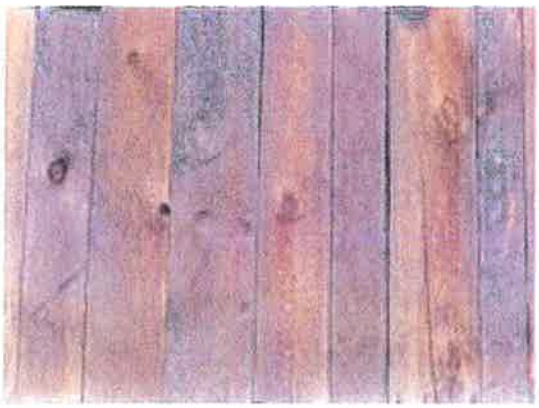
EXHIBIT A



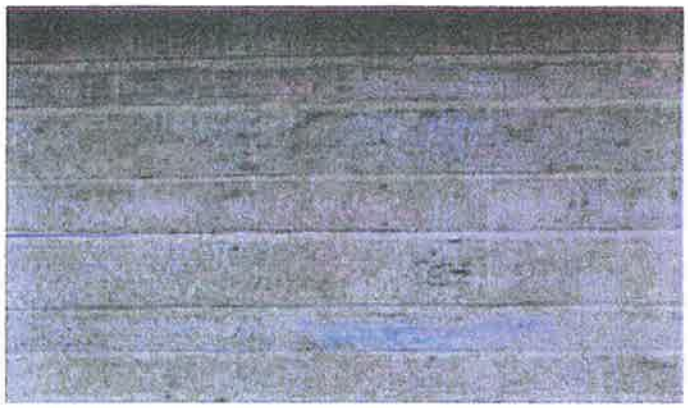
Corrugated Rusty Metal Roof

Window Color, Dark Bronze

Bridge Washers



Vertical Rabbeted Random Width Siding



Horizontal Channel Rustic Siding

Stone Siding and Column Base

Beams, Columns & Braces