



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2018- 20**

**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.

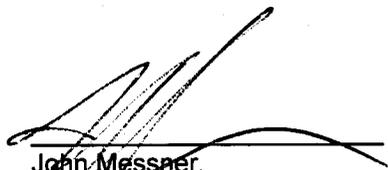
THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and passed on this 17th day of June, 2018.

BOARD OF COUNTY COMMISSIONERS


Phil Chamberland,
Chairperson


Jonathan Houck,
Commissioner


John Messner,
Commissioner

ATTEST:


Jan M. Bae, Deputy
Gunnison County Clerk and Recorder

