AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Draft BOCC Meeting Minutes; 6/19/2018

Action Requested:

Parties to the Agreement:

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

Summary:

The draft 6/19/2018 minutes are attached 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:

Reveiwed by: Discharge Date: Certificate of Insurance Required Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/13/2018

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

Agenda Date: 7/17/2018

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 19, 2018

The June 19, 2018 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
Marlene Crosby, Deputy 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: There were no changes made to the agenda.

CONSENT AGENDA: **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Consent Agenda as presented. Motion carried unanimously.

1. Memorandum of Understanding; Colorado Legal Services; Look Beneath the Surface Victims of Human Trafficking Regional Program; $4,000
2. Provider Agreement; Katherine Melland; Gunnison County Substance Abuse Prevention Project Community Data Analysis; $4,500
3. Agreement Amendment; Department of Health Care Policy and Financing; Amendment No. 4 to Gunnison County Original Agreement #2015CMIP051; Expiring June 30, 2019
4. Agreement Amendment; Department of Health Care Policy and Financing; Amendment No. 4 to Hinsdale County Original Agreement #2015CMIP053; Expiring June 30, 2019
5. Acknowledgement of County Manager's Signature; Health Equity Advocacy Network Strengthening Grant Program Amendment; The Colorado Trust; Extension of Grant Period to November 30, 2019; Revised Scope of Work; Increase of Grant Funds to $25,000
6. Retail Liquor License Renewal; Irwin Backcountry Guides LLC dba Taylor River Lodge; July 6, 2018 – July 6, 2019
7. Retail Liquor License Modification of Premises; Tassinong Farms LLC dba Tassinong Farms Food & Wine; October 17, 2017 – October 17, 2018
8. Landscaping Improvements Agreement; Discount Self Storage; Centennial Storage Partners, LLC.; 1825 Highway 135, Gunnison, CO 81230
9. Memorandum of Understanding; Crested Butte Community School; Summer Experience Programming; June – August 2018
10. Memorandum of Understanding; Gunnison Middle School; Summer Experience Programming; June 11, 2018 – July 19, 2018
11. Release of Development Improvements Agreement and Addendum Thereto for Little Cimarron Creek Ranch Subdivision
12. Release of Development Improvements Agreement for Paradise Campground
13. Marijuana Facility License Signature; Riverland Remedies, LLC; June 19, 2018 – June 19, 2021
14. Memorandum of Understanding; Rocky Mountain Health Foundation; Baby & Me Tobacco Free Program; $7,997
15. Delta, Gunnison, Hinsdale County Options for Long Term Care Agency Subcontract; Single Entry Point; July 1, 2018 – June 30, 2019; $106,500
16. Acknowledgement of County Manager's Signature; Construction Agreement; Intermountain Slurry Seal, Inc.; Multi-Agency 2018 Slurry Seal Project; $53,760
17. Acknowledgement of County Manager's Signature; Municipal Lease Agreement; Berry Companies Inc.; Bobcat 5600 Toolcat and Snow Blower; $64,420

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Temporary Road Use Agreement; County Road 12; Crested Butte/Mt. Crested Butte Chamber of Commerce; June 22, 2018 3:00PM – 6:00PM; Chainless Race Event: DCM Crosby explained the agreement to the Board with the location of the closure. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Temporary Road Use Agreement; County Road 12; Crested Butte/Mt. Crested Butte Chamber of Commerce; June 22, 2018 3:00PM – 6:00PM; Chainless Race Event. Motion carried unanimously.
2. Temporary Road Use Agreement; County Road 49; City of Gunnison; July 4, 2018 4:00PM – 12:00AM; Fireworks Display: DCM Crosby explained the closure and stated she has checked with airport manager to make sure everything is in place. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Temporary Road Use Agreement; County Road 49; City of Gunnison; July 4, 2018 4:00PM – 12:00AM; Fireworks Display. Motion carried unanimously.
3. Modification of Grant or Agreement; U.S. Forest Service Grant #17-RO-11020407-052; Cattle Guards on Forest Service Road 742; $16,000: DCM Crosby explained the modification including the addition of cattle guards to this agreement. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Modification of Grant or Agreement; U.S. Forest Service

Grant #17-RO-11020407-052; Cattle Guards on Forest Service Road 742; $16,000. Motion carried unanimously.

4. Modification of Grant or Agreement; U.S. Forest Service Grant #14-RO-11020407-052; Willow Creek Bridge; De-Obligation of $256,500: DCM Crosby explained the modification and stated this De-obligated the money in the original agreement since the County cannot handle the work that needs to be completed. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Modification of Grant or Agreement; U.S. Forest Service Grant #14-RO-11020407-052; Willow Creek Bridge; De-Obligation of $256,500. Motion carried unanimously.
5. Participation in Western State Colorado University Trailhead and Parking Project; $20,000: DCM Crosby explained the planned project. She discussed where the funds would come from. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Participation in Western State Colorado University Trailhead and Parking Project; $20,000. Motion carried unanimously.
6. DCM Crosby received a call from a Marble resident encouraging the Board to come over and have a meeting in Marble. The Board stated they would like to make a trip for a meeting in Marble this fall.
7. DCM Crosby met with the town of Pitkin regarding snow plowing and they asked extending the plowing agreement.

Certification of Delinquent Taxes and Authorization for County Treasurer Debbie Dunbar to Collect Those Taxes Pursuant to C.R.S. 30-20-420; Dos Rios, Antelope Hills, Somerset and North Gunnison Divisions of the Gunnison County Sewer and Water District:
Finance Director Linda Nienhueser was present for the discussion. The Board did not have any questions. **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Certification of Delinquent Taxes and Authorization for County Treasurer Debbie Dunbar to Collect Those Taxes Pursuant to C.R.S. 30-20-420; Dos Rios, Antelope Hills, Somerset and North Gunnison Divisions of the Gunnison County Sewer and Water District. Motion carried unanimously.

VOUCHERS AND TRANSFERS APPROVAL: Finance Director Linda Nienhueser presented the voucher approval report dated June 19, 2018 and the cash transfer authorization dated May 2018 for discussion and approval. **Moved** by Chairperson Chamberland, seconded by Commissioner Houck to approve the vouchers in the amount of $2,475,132.30. Motion carried unanimously. **Moved** by Chairperson Chamberland, seconded by Commissioner Houck to authorize the cash transfers in the amount of $2,904,119.74. Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar was unable to attend the meeting. The May 2018 Treasurer's report and Investment report dated May 31, 2018 were presented for discussion and acceptance. **Moved** by Commissioner Houck, seconded by Commissioner Messner to accept the reports as presented. Motion carried.

The Board took a break at 8:56 am and the meeting resumed at 9:00 am.

Public Hearing; Proposed Amendments to Gunnison County On-Site Wastewater Treatment System Regulations:

1. Open Public Hearing. Chairperson Chamberland opened the Public Hearing at 9:00 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. Commissioner Houck identified his communications with constituents and Commissioner Chamberland stated he spoke with BEHO Lambert about this item.

4. Staff Presentation. BEHO Lambert presented the draft proposal with the changes from the work session in April. These are the minimum regulations from the state with additional items that staff has developed for Gunnison County. The minimum setbacks from water bodies are increased from state minimums but these have not changed from the current regulations. She also discussed the title transfer aspect for functioning permitted systems and also older systems. Staff has proposed to take out the penalty for transfer of a non-functional or non-compliant systems. The enforcement will only happen once a permit is requested in the future for a non-functional or non-compliant system. BEHO Lambert discussed the contractor licensing program for installers and that education could come to Gunnison for this program.

5. Applicant Presentation. N/A.

6. Board Questions. Commissioner Houck asked to speak about the variance procedure for these regulations. BEHO Lambert explained that it is not different from the current regulations. The applicant would need to go through Environmental Health Board then on to the Board of County Commissioners if needed.

7. Public Comments. Chairperson Chamberland opened the Public Hearing to comments at 9:25 am.
   Dan Stewart: Mr. Stewart asked about clarification on Arrowhead systems and BEHO Lambert explained the proposed changes for these systems.
   Joe Grenawalt: Mr. Grenawalt asked about periodic inspections of current systems. BEHO Lambert stated there will not be periodic inspections in Gunnison County.
   James Thompson: Mr. Thompson spoke about the Irwin District. He urged the Board to require the inspections when the title is transferred.
   Tom Carroll: Mr. Carroll asked about replacing a tank in Tincup. BEHO Lambert explained the process Mr. Carroll would need to go through in order to have his tank replaced.
   Steve Jackson: Mr. Jackson asked about consideration for seasonality and vault systems. BEHO Lambert stated that even if a property is only used seasonally it needs to be sized for maximum flow as if it was used year round.
   Judy Sammons: Ms. Sammons had a question on selling her property and if she needed to participate in this new process in regards to the inspections. BEHO Lambert stated these regulations will not be in effect until one year after adoption but urged Ms. Sammons to have her system inspected anyways.
   Ted Walker: Mr. Walker asked about helping homeowners to get through difficult solutions. The Board stated they were committed to helping homeowners through every situation.

8. Acknowledge Correspondence Received. One letter from Mr. Thompson in support for regulations was acknowledge.

9. Applicant Response. N/A

Close Public Hearing. Chairperson Chamberland closed the Public Hearing at 9:52 am and immediately reconvened the Gunnison County Board of County Commissioners meeting.

Moved by Commissioner Messner, seconded by Commissioner Houck to adopt Resolution 2018-19; A Resolution Amending the Gunnison County On-Site Wastewater Treatments System Regulations. Motion carried unanimously.

The Board took a break at 9:53 am and the meeting resumed at 10:01 am.

Public Hearing: Proposed North Fork Ambulance Health Service District Formation:

1. Open Public Hearing. Chairperson Chamberland opened the Public Hearing at 10:01 am.

2. Public Notice Confirmation. North Fork Ambulance Executive Director Kathy Steckel 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. N/A

5. Applicant Presentation. Ms. Steckel was present for the discussion. She gave a background on the ambulance service and the need for funding. They are asking for 5.75 mill levy and explained the areas that would be serviced by this district.

6. Board Questions. The Board asked is the legal questions had been resolved. Deputy County Attorney Matthew Hoyt confirmed that they had and also the TABOR and Gallagher amendment questions were answered by the counsel for the district.

7. Public Comments. Chairperson Chamberland opened the Public Hearing to comments at 10:07 am.
   CJ Malcom: Mr. Malcom was present to show support for the formation of the district.

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

9. Applicant Response. N/A.

Close Public Hearing. Chairperson Chamberland closed the Public Hearing at 10:12 am and immediately reconvened the Gunnison County Board of County Commissioners meeting. The Board directed staff to draft a resolution for the meeting on June 26th.

Bureau of Land Management Energy Corridor Regional Review Update:
Deputy County Attorney Matthew Hoyt was present for the discussion and reported on the review. He gave a background on why this process is occurring. DCA Hoyt stated that this is not a NEPA process, the NEPA process will happen later. He discussed the various upcoming comment periods. The Gunnison Sage Grouse was a topic of discussion including the possible shifting of the corridor. Chairperson Chamberland stated he would like broadband use be pushed in the corridor along with the County's Sage Grouse concerns.

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Donation Request; Sponsorship of 2018 Colorado Wildland Fire Conference:
Emergency Manager Scott Morrill was present for the discussion. He explained the purpose of the conference and the levels of sponsorship. The Board was supportive of a donation and elected to wait until County Manager Matthew Birnie returns to discuss funding this.

Resolution and Restrictive Covenant; 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:
Planner II Rachel Sabbato and Attorney David Liensdorf were present for the discussion. Planner II Sabbato discussed the location of the residence and the restrictive covenants. The Board did not have any questions on this item.
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution 2018-20 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 and approval of the Restrictive Covenant. Motion carried unanimously.

Contractor Agreement; Sprout Studio, LLC; Shady Island River Access Park Project; Expiring October 31, 2018; $49,940:
Planner II Rachel Sabbato was present for the discussion. She discussed the agreement and the Board did not have any questions. **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve the Contractor Agreement; Sprout Studio, LLC; Shady Island River Access Park Project; Expiring October 31, 2018; $49,940. Motion carried unanimously.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

COMMISSIONER ITEMS:

Commissioner Houck:
1. Commissioner Houck will be pulling the County Coalition for Sage Grouse back together for the action plan.
2. Commissioner Houck will be working with Delaney Keating at the ICElab on further opportunities within the County for outdoor industries.
3. Ideas for the next round of Forest Plan Revision comments was discussed with the Board.

BREAK: The Board of County Commissioners regular meeting recessed at 11:00 am for the Gunnison County Board of Health meeting to take place.

GUNNISON COUNTY BOARD OF HEALTH: Health and Human Services Director Joni Reynolds, Public Health Manager Carol Worrall, and County Health Officer Dr. John Tarr were present for discussion.

CALL TO ORDER: Chairperson Chamberland called the Gunnison County Board of Health meeting to order at 11:00 am.

Multicultural Resource Services Activities: PHM Worrall discussed the recent activities which included the translations of the fire restriction information to Spanish. The Housing Authority put on several meetings in Spanish regarding the GV-HEAT program. There have also been several meetings regarding health directives including a dental program also in Spanish. Community Health Coalition and staff presented at Mt. Crested Butte Town Council Meeting. Vouchers were crested for the Spanish speaking community for blood draws at the annual health fair the hospital puts on. An event called the World Café happened February. This event covered topics including health, housing and parenting. Strategic Planning for the Multicultural Resources office will start soon.

Drug Abuse Prevention Activities: Dr. Tarr presented a graph on this discussion. He showed that Gunnison County is below the state average in opioid prescriptions for 2016.

HHSD Reynolds gave a brief report on some of the recent suicide prevention activities that have been occurring lately.

ADJOURN: The Board of Health meeting adjourned at 11:37 am.

BREAK: The Board of County Commissioners regular meeting recessed at 11:37 am for the Gunnison/Hinsdale Board Human Services meeting to take place. See Separate minutes. The meeting resumed at 12:04 pm.

CONTINUED COMMISSIONER ITEMS:

Commissioner Chamberland:
1. The Club 20 retreat was held recently and it was a good meeting. They will also have traveling meetings to educate on upcoming legislation.

Commissioner Messner:

1. The River Festival will be going on this weekend and Commissioner Messner urged everyone to promote and encourage citizens to attend.
2. Commissioner Messner will update the Board on the Gunnison Rising discussions in the future. Some of the topics were briefly discussed with the Board.
3. Tough Enough to Wear Pink received a donation for a second vehicle to transport patients to appointments.

ADJOURN: **Moved** by Commissioner Houck to adjourn the meeting. The meeting adjourned at 12:23 pm.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

Minutes Prepared By:

_____
Josh Ost, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 18-19

A RESOLUTION AMENDING THE GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

WHEREAS, pursuant to the State of Colorado On-site Wastewater Treatment System Act, C.R.S. §25-10-101, et seq. and the Colorado Department of Public Health and Environment, Water Quality Control Commission, On-site Wastewater Treatment System Regulation #43 (hereinafter Regulation 43), 5 CCR-1002-43, the Board of County Commissioners of the County of Gunnison, Colorado (herein the "Board") is required to amend the Gunnison County On-site Wastewater Treatment System Regulations (hereinafter the OWTS Regulations) to be as stringent as Regulation 43; and

WHEREAS, State of Colorado Water Quality Control Division has reviewed the proposed amendments to the Gunnison County OWTS Regulations pursuant to section 43.4(A)(3)(a) of Regulation 43 and found no inconsistencies or conflicts with regard to Regulation 43 and has no objections to the proposed amendments to the OWTS Regulations; and

WHEREAS, the Gunnison County Environmental Health Board has reviewed and recommended to the Board the proposed amendments to the OWTS Regulations; and

WHEREAS, the Board has determined that the proposed amendments 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 19th day of June, 2018; and

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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 proposed amendments to the Gunnison County OWTS Regulations are hereby adopted for the unincorporated area of Gunnison County and will become effective on August 3, 2018.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 19th day of June, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

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

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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 19th day of June, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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