AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Request & Resolution; Nine Mile Ranch Subdivision

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Resubdivide 3 lots in to 4 lots.

Fiscal Impact:

Submitted by: nstarkebaum **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 11/15/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 11/15/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/15/2018

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

Agenda Date: 11/20/2018

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

November 13, 2018

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

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Dawn Delany, Nine Mile Ranches Subdivision - Resubdivision**
Planning Commission Recommendation

The Planning Commission unanimously recommended approval of the Nine Mile Ranches Subdivision - Resubdivision, resubdivision of 3 lots into 4 lots, on October 19, 2018.

Attachments:
Planning Commission Recommendation
BOCC Resolution

TO:	**Board of County Commissioners**
FROM:	**Planning Commission**
SUBJECT:	**Planning Commission Recommendation Nine Mile Ranches Subdivision - Resubdivision LUC-2018-00028**
DATE:	**October 19, 2018**
PREPARED BY:	**Neal Starkebaum, Assistant Director**
APPLICANT:	**Dawn L. Delany 27010 State Highway 149 Gunnison, CO 81230**
REPRESENTED BY:	**Rose Foli**

At its regular meeting on October 19, 2018, the Planning Commission unanimously approved the following Minor Impact Recommendation, as amended, moved by Jack Diani and seconded by Vince Rogalski:

PROJECT SUMMARY:
Dawn Delany, represented by Rose Foli, is requesting the resubdivision of Nine Mile Ranches Subdivision, to add one lot. The single-family lots would include: Lot R1 5.0-acres, Lot R2 11.87-acres, with existing residence; Lot R3 9.83-acres; Lot R4 9.86-acres. The new residences will be served by well and septic. Access will be from Highway 149. No covenants are proposed for the development.

LOCATION:
The property is located approximately 18 miles southwest of the City of Gunnison, seven miles up Highway 149, south of Highway 50. The property is legally described as being within the E1/2SE1/4 Section 22, Township 48 North, Range 2 West, N.M.P.M.

SURROUNDING LAND USES:
West – across Highway 149; Mesa Valley Subdivision, two lots, with residences, 8.2 and 8.3-acres; 21-acre parcel, with residence.
North – 93-acre tract, agricultural
East –93-acre tract, agricultural; BLM
South – Moncrief Ranches, 176-acres, agricultural

IMPACT CLASSIFICATION: Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, and other submittal documents informing this Decision include, but are not limited to:
- Minor Impact Land Use Change Application
- Resubdivision Plat – prepared by Del-Mont Consultants, Inc., August 16, 2018

MEETING DATES:
The Planning Commission held meetings on the following dates:

- August 17, 2018 Work Session
- October 19, 2018 Joint Public Hearing

SITE VISIT:
The Planning Commission determined that a site visit was not necessary, as they were familiar with the property.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on October 19, 2018. At that time, no public was present and no written comments were received.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:
Comments were received from the following agencies:

Sage-Grouse Review: Brooke Vasquez, Wildlife Biologist, NRCS, letter of October 6, 2016, notes:

> "…….. The parcel is located along Hwy 149 with development to the west and north.
>
> The parcel is not within 0.6 miles of a Gunnison Sage-grouse lek. There are 4 Gunnison Sage-grouse leks within 2.15± miles of the parcel. Two of these leks are active, one has an unknown status, and one is inactive.
>
> The north end of the parcel contains approximately 1 acre of Gunnison Sage- grouse Tier 1 Habitat (score ≥ 15) as mapped using the 2012 Habitat Prioritization Tool (Gunnison Basin Sage-grouse Strategic Committee 2012). The overall habitat score for the parcel ranges from 6 to 26. The value of Gunnison
>
> Sage-grouse habitat on the parcel is reduced because of the proximity of the highway and adjacent development. The mapped Tier 1 Habitat is less likely to be utilized by Gunnison Sage-grouse due to the amount of disturbance from the highway and development.
>
> The parcel abuts vacant land to the east and south that is mapped as Tier 1 Habitat. Due to the proximity of active leks, this vacant land has potential to have Gunnison Sage-grouse use. According the April 2005 Gunnison Sage- grouse Rangewide Conservation Plan, 85.2% of Gunnison Sage-grouse nest within 4 miles of a lek. To help protect this habitat, any ground disturbing activity on the parcel or proposed parcels should be reseeded with an appropriate mix and weeds should be controlled.
>
> Allowing development in an already developed area is more desirable than wide spread development in Gunnison Sage-grouse habitat. The proposed activity on this parcel will have less of an impact on Gunnison Sage-grouse and their habitats because of its location near the highway and existing development.
>
> Based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison Sage-grouse or their habitats beyond that which has already occurred.

Because Gunnison Sage-grouse are in the general area, I recommend that the following requirements/conservation actions be applied as conditions of all Gunnison County permits issued for projects on this parcel to protect Gunnison Sage-grouse and their habitats:

1) Due to the proximity of Tier 1 Habitat, a Gunnison County Reclamation Permit will be required for any site disturbing activities on the proposed parcels. That permit should contain specific reclamation conditions. Disturbed areas need to be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.

2) For activities not requiring a Reclamation Permit, disturbed areas should be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.

3) Woven wire fencing will not be allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing must be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in Mind.*

4) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weed-species The Gunnison County Weed Management Program should be contacted (970- 641-4393) for additional information and technical assistance.

5) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

Colorado Division of Water Resources –Megan Sullivan, P.E., Water Resource Engineer, letter of December 2 and 9, 2016 and February 3, 2017. Excerpts include:

"We have reviewed the above referenced proposal to subdivide a 38 acre tract into three single family lots. Lot 1 will be 9.7 acres and has an existing residence, Lot 2 will be 13 acres and Lot 3 will be 13.3 acres in size. According to the Water Supply Information Summary sheet, under the Estimated Water Requirements section, the use within the subdivision is for three single family dwellings and irrigation of 0.5 acres. It is unclear if the irrigated 0.5 acres is for the entire subdivision to be divided among the three lots, limited to one specific lot, or each lot will have 0.5 acres of irrigation. Water will be supplied by individual on-lot wells and wastewater treatment will be provided by individual onsite wastewater treatment systems.

The existing residence on proposed Lot 1 is currently served by an existing well, Well Permit No. 224492. According to our records, the well permit was issued on April 3, 2000 and use of groundwater from the well is limited to fire protection, ordinary household purposes inside one single family dwelling, irrigation of not more than 0.9 acres of home lawn and gardens, and the watering of domestic animals. The well was constructed on August 21, 2000 to a depth of 260 feet and a permanent pump was installed on August 25, 2000. According to the pump installation report, a two hour pump test was performed and the reported pump rate was 12 gpm and the static water level was at 32 feet. For subdivisions created after 1972, § 37-92-602(3)(b)(III), C.R.S., requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. The source of the proposed water supply would be from, or tributary to, the Gunnison River. This area of the Gunnison River is over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells, including any existing wells, within the subdivision. The applicant has contracted with the Lake San Cristobal Water Activity Enterprise which is managed by the Upper Gunnison Water Conservancy District (District), Hinsdale County and the Town of Lake City, for replacement water to be released

from Lake San Cristobal pursuant to the District's Plan for Augmentation decreed in Case No. 03CW108, Water Division No. 4. However, the applicant provided copies of augmentation certificates for Parcels (Lots) 2 and 3 but not one for Lot 1. If the applicant intends to use the existing well, currently permitted under Permit No. 224492, to supply any portion of the subdivision, pursuant to the State Engineer's Policy 2011-1, a new well permit issued pursuant to a decreed plan for augmentation will be required. Please note that the augmentation certificates provided for Parcels 2 and 3 are for 1 Base Unit each. According to the decree in Case No. 03CW108, 1 Base Unit will provide sufficient augmentation water, including transit loss, to augment depletions from in-house use for a single family dwelling utilizing a non-evaporative sewage disposal system. Therefore pursuant to the augmentation certificates, the use of the wells on Lots 2 and 3 would each be limited to household use only in one single family dwelling with no outside uses such as lawn and garden irrigation or domestic animal watering allowed. As the applicant indicated in the provided materials that at least 0.5 acres within the subdivision will be irrigated, presumably on Lot 1, sufficient augmentation water must be purchased to replace depletions from all uses from the well on Lot 1, including any outside uses.

As indicated in previous correspondence, the existing residence on proposed Lot 1 is currently served by an existing well, Well Permit No. 224492. According to our records, the well was constructed on August 21, 2000 to a depth of 260 feet and a permanent pump was installed on August 25, 2000. According to the pump installation report, a two hour pump test was performed and the reported pump rate was 12 gpm and the static water level was at 32 feet. Unfortunately the well test reported on the Pump Installation Report did not provide more information other than a single pump rate and the static water level.

As stated in CRS 30-28-133(3)(d), the subdivider is required to submit "Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Typically adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. However, if the applicant could provide a copy of a more recent well test in which water levels and a pumping rate are measured in intervals over the length of the test, a water resource report may not be necessary.

If a more recent well test confirms the well has a sustained yield similar to the pump rate reported in 2000 and if the additional wells have similar production rates, the water supply should be physically adequate.

The applicant submitted a pump test conducted by Williams Drilling Company on January 18, 2017, for well Permit No. 224292. The report indicates that a two hour pump test was performed and according to the report, the well was drawn down from the static water level of 36 feet to 70 feet while pumping at between thirteen and ten gallons per minute. After pumping stopped, the well recovered to within seven feet of the static water level within 30 minutes. If the proposed additional wells have similar production rates and sufficient storage capacity, the water supply should be physically adequate. Please note the long term adequacy of any ground water source may be subject to fluctuation due to hydrological and climatic trends."

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 9-508: Keeping of Livestock not on an Agricultural Operation.

The applicant proposes to allow livestock on the property.

Section 10-102: ***Locational Standards for Residential Development.***
The request does not meet the primary residential density standard. The proposed subdivision is not located within a municipal three-mile area.

Section 10-103: ***Residential Density.***
The request proposes three single-family lots, Lot R1 5.0-acres; Lot R2 11.87-acres, with existing residence; Lot R3 9.83-acres; Lot R4 9.86-acres. Residential parcels in the immediate neighborhood range from 8.3-acres to 21-acres. Parcel sizes are compatible with existing residential development in the neighborhood and will result in no significant net adverse impacts to the neighborhood.

Section 11-103: ***Development in Areas Subject to Flood Hazards*****.**
The property contains no floodplain, according to County mapping.

Section 11-104: ***Development in Areas Subject to Geologic Hazards*****.**
The property is not within a geologic hazard area, according to County mapping.

Section 11-105: ***Development in Areas Subject to Wildfire Hazards.***
The property is in a low - moderate wildfire hazard area, according to County mapping.

Section 11-106: ***Protection of Wildlife Habitat Areas.***
A sage-grouse Habitat Site Specific Analysis Pre-Application conference was held at the subject property. See comments from Brooke Vasquez, Wildlife Biologist, NRCS, letter of October 6, 2016. No comments were received from the Colorado Parks and Wildlife.

Section 11-107: ***Protection of Water Quality*****.**
No water bodies are located on the property.

Section 11-108: ***Standards for Development on Ridgelines.***
The property is not located on a ridgeline.

Section 11-109: ***Development that Affects Agricultural Lands.***
There are agricultural lands in the immediate area.

Section 11-110: ***Development of Land beyond Snowplowed Access*****.**
The property is not beyond snowplowed access.

Section 11-111: ***Development on Inholdings in the National Wilderness.***
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: ***Development on Property above Timberline.***
Not applicable, the site is not located above timberline.

Section 12-103: ***Road System***.
The proposed lots would be accessed from an access road from Highway 149. Colorado Department of Transportation has issued Access Permit No. 318083, July 20, 2018, for four residences. No comments were received from the County Public Works Department.

Section 12-104: ***Public Trails***.
There is no public trail existing or proposed.

Section 12-105: *Water Supply*.
The water supply for Lot R2 will be supplied by the existing well. New wells will supply water to Lots R1, R3, and R4. The applicant has provided contracts from the Upper Gunnison River Water Conservancy District for augmentation water from the Lake San Cristobal Water Activity Enterprise, for the proposed wells on the lots. Comments from Megan Sullivan, Water Resources Engineer, Colorado Division of Water Resources, note that the subdivision can be legally and physically served by the proposed water supply. The applicant has purchased additional augmentation water for the additional lot, from the Upper Gunnison Water Conservancy District, for augmentation water from the Lake San Cristobal Water Activity Enterprise.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
On-site Wastewater Treatment Systems are proposed on each lot to provide for wastewater treatment. Other residences in the neighborhood have existing permitted wastewater treatment systems.

Section 12-107: *Fire Protection*.
The property is within the Gunnison County Fire Protection District. No comments were received from the District.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
The site plan for the subdivision complies with the standards of this Section.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
The building envelopes meet the setback requirements.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
The subdivision plat identifies site-specific building envelopes on each lot. Minimum lot size complies with OWTS regulations. Building sizes are required to comply with the required maximum square footages at time of building permit application.

Section 13-106: *Energy and Resource Conservation.*
All structures to be constructed within the development will be subject to the standards of this Section at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

Section 13-108: *Open Space and Recreation Areas*
Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: *Signs.*
There are no signs proposed as part of the submitted application.

Section 13-110: *Off-Road Parking and Loading.*
A minimum of two parking spaces is required for each single-family residence.

Section 13-111: *Landscaping and Buffering.*
Landscaping is not required for minor impact projects.

Section 13-112: ***Snow storage.***
Adequate area is available for snow storage on each lot.

Section 13-113: ***Fencing***
All new fencing shall comply with this Section.

Section 13-114: ***Exterior Lighting.***
All new structures are required to comply with this section.

Section 13-115: ***Reclamation and Noxious Weed Control.***
A reclamation permit is required for driveway construction, home site clearing and berm construction.

Section 13-116: ***Grading and Erosion Control.***
Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: ***Drainage, Construction and Post-Construction Stormwater Runoff.***
Construction activities are required to secure a Reclamation Permit from the Public Works Department.

Section 13-118: ***Water Impoundments.***
Not applicable, this project does not propose a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.
The development is compatible with the existing residential and agricultural neighborhood.

Section 15-103: ***Right-to-Ranch Policy.***
This Section is applicable to all land use change permits.

FINDINGS:
The Commission finds that:

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 addition of one lot to the approved 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.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plans, exhibits, and public testimony, has reached the above Findings and recommends to the Board of

County Commissioners that LUC No. 2018-00028 Nine Mile Ranches Subdivision Resubdivision, be approved with the following 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. The applicant shall comply with the following conditions for the protection of Gunnison Sage-grouse and Sage-grouse habitat:

    1) Due to the proximity of Tier 1 Habitat, a Gunnison County Reclamation Permit will be required for any site disturbing activities on the proposed parcels. That permit should contain specific reclamation conditions. Disturbed areas need to be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.

    2) For activities not requiring a Reclamation Permit, disturbed areas should be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.

    3) Woven wire fencing will not be allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing must be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in Mind.*

    4) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weed-species The Gunnison County Weed Management Program should be contacted (970- 641-4393) for additional information and technical assistance.

    5) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

RESUBDIVISION OF
NINE MILE RANCHES SUBDIVISION

SITUATED IN E½SE¼ SECTION 22, TOWNSHIP 48 NORTH, RANGE 02 WEST, COUNTY OF GUNNISON, STATE OF COLORADO

DEDICATION

Dawn L. Delany, being the owner and mortgagee of the land described as follows:

NINE MILE RANCHES SUBDIVISION

under the name of RESUBDIVISION OF NINE MILE RANCHES SUBDIVISION, have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use the streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities shown hereon.

In witness whereof, Dawn L. Delany have subscribed her, name this _____ day of _____, A.D. 2018.

By_____
Name: Dawn L. Delany

State of Colorado)
)ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this ____ day of _____ A.D. 2018,

by Dawn L. Delany

My commission expires: _____

Witness my hand and official seal.

_____
Notary Public

CONSENT OF LENDER

The lender on the above property, Gunnison Savings & Loan Association under the Deed of Trust dated February 25, 2008 and recorded February 29, 2008 at Reception No. 582420 hereby consents to the and acknowledges this subdivision plat.

GUNNISON SAVINGS & LOAN
ASSOCIATION

By: _____
Name: _____
Title: _____

State of Colorado)
)ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this ____ day of _____ A.D. 2018,

by _____ as _____ of Gunnison Savings & Loan Association.

My commission expires_____

Witness my hand and official seal.

_____
Notary Public

ATTORNEYS OPINION

I, Michael C. Dawson, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in the name of Dawn L. Delany, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. All Patent reservations as reserved in United States Patents recorded August 10, 1915 in Book 184 at page 20.
2. Right-of-Way conveyed to The Mountain States Telephone and Telegraph Company by J. H. Sanders in instrument recorded August 2, 1940 in Book 262 at page 163; and any and all assignments thereof or interests therein.
3. An undivided one-half interest in and to all oil and gas, coal and mineral rights, including the right of ingress and egress and reasonable use of the surface for the extraction of said oil and gas, coal and minerals as reserved in Warranty Deed to George Hervey recorded in Book 357 and page 428; and any and all assignments thereof or interests therein.
4. Any portion of the subject property which may lie within that land described in the deed from George Hervey to the Department of Highways, State of Colorado recorded April 6, 1966 in Book 386 at page 450.
5. Right-of-Way Easement granted to Gunnison County Electric Association, Inc., a Colorado cooperative electric association, its successors and assigns recorded October 19, 2001 as Reception No. 515201; and any and all assignments thereof or interests therein.
6. 16. Right-of-Way Easement granted to Gunnison County Electric Association, Inc., a Colorado cooperative electric association, its successors and assigns recorded March 4, 2005 as Reception No. 551471; and any and all assignments thereof or interests therein.
7. Taxes for the current year are due and payable in the following year.

Dated: _____, 2018.

_____
Michael C. Dawson, Esq., Reg. No. 27,249
O'HAYRE DAWSON, P.C.
120 North Taylor - P.O. Box 179
Gunnison, Colorado 81230
Telephone: 970-641-3326
www.guclaw.com

COMMENTS

1. The driveways within Nine Mile Ranches Subdivision are private driveways dedicated to the owners of the Lots served by such private driveways. Costs of improvement and maintenance of shared driveways shall be shared equally between the owners of the Lots that they access.

2. The owner of each Lot shall have a common right of usage of the utility easements to provide utility service to each Lot under rules and regulations as determined by the Nine Mile Ranches Subdivision Homeowners Association.

Plat Notes:

1. **Flood Note: This site is not in a Special Flood Hazard Area, according to FIRM, Gunnison County Colorado, Panel 1525 of 1975, Map Number 08051C1525D, Effective Date May 16, 2013.**

Pursuant to Section 11-103: F. 1: of the Gunnison County Land Use Resolution:

2. **All homeowners acknowledge that they are required to construct and maintain fencing in order to keep livestock off his/her property, as required by Colorado's "Fence Out" law, CRS § 35-46-101 et seq., and the Right-to-Ranch Policy adopted by Gunnison County, as may be amended.**

3. **All homeowners acknowledge that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.**

Compliance with Board of County Commissioners' Resolution

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No. _____ of the Records of the Clerk and Recorder of Gunnison County.

Gunnison County Planning Commission Approval

The Planning Commission of Gunnison County, Colorado, hereby recommends approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held this _____ day of _____, A.D. 2018.

_____
Chairperson

Board of County Commissioners' Approval

The within plat of the RESUBDIVISION OF NINE MILE RANCHES SUBDIVISION is approved this ____ day of _____, A.D. 2018, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snow plowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

Land Surveyor's Certificate

I, Frederick A. Ballard, do hereby cerify that I am a Professional Land Surveyor, licensed under the law of the State of Colorado, that this plat is a a true, correct and complete plat of RESUBDIVISION OF NINE MILE RANCHES SUBDIVISION as laid out, platted, dedicated and shown hereon, that such plat was made by me from an accurate survey of said property by me, and under my supervision and correctly shows the location and dimensions of the boundary and easements of said parcel as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

_____
Frederick A. Ballard PLS37690

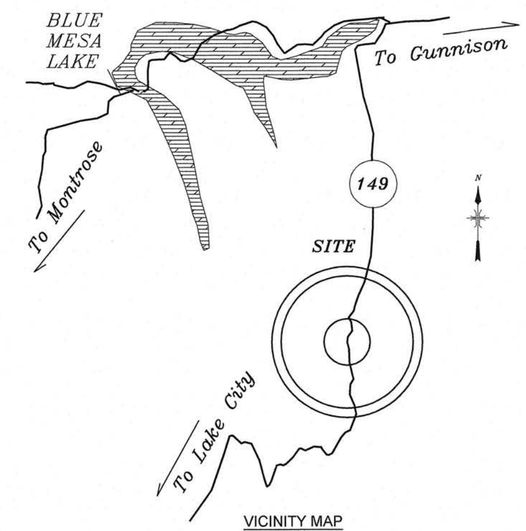
Gunnison County Clerk and Recorder's Acceptance

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado on

this _____ day of _____, A.D. 2018,

Reception Number _____, Time _____, Date
.

_____
Gunnison County Clerk and Recorder



VICINITY MAP
N.T.S.

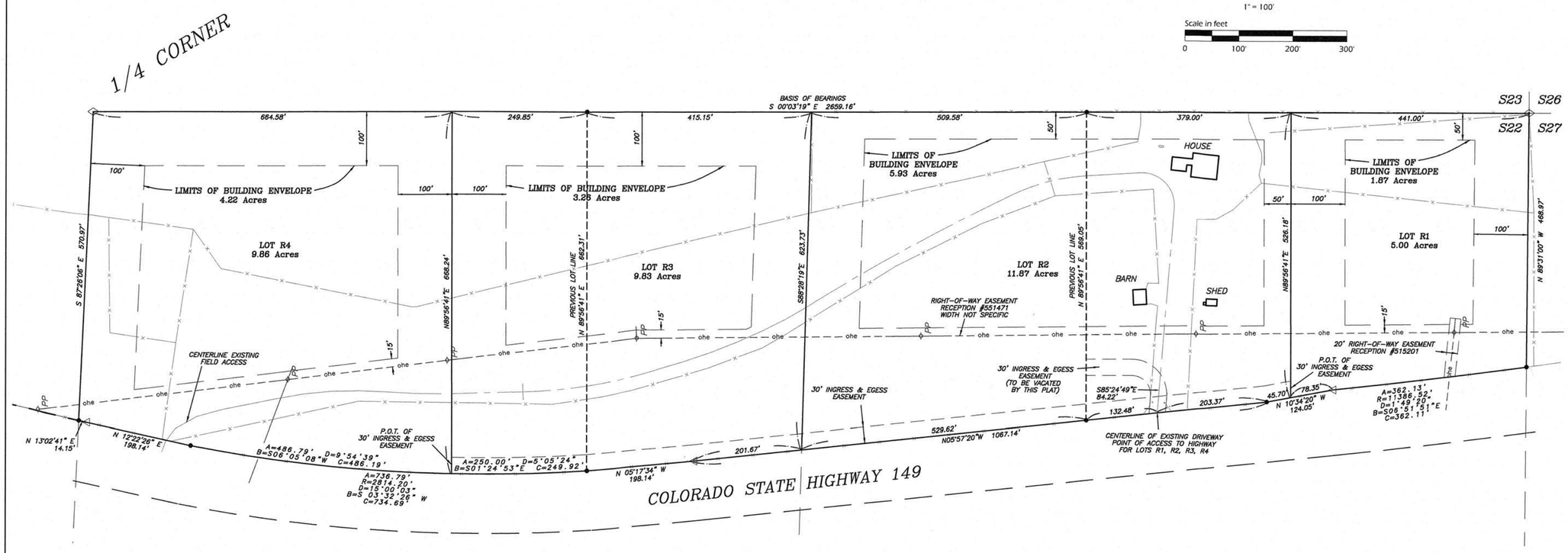
NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING
125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

FIELD BOOK: 817	DRAWN BY: F.A.B.	DATE: 16 AUG., 2018	TITLE: RESUBDIVISION OF NINE MILE RANCHES SUBDIVISION
SHEET: 1 of 2	FILE: 18095V_REPLAT-NEW	JOB NO.: 16027	CLIENT: DAWN DELANY
			ADDRESS & PHONE:
			TYPE: REPLAT

RESUBDIVISION OF
NINE MILE RANCHES SUBDIVISION

SITUATED IN E½SE¼ SECTION 22, TOWNSHIP 48 NORTH, RANGE 02 WEST,
COUNTY OF GUNNISON, STATE OF COLORADO



LEGEND

- ○ = FD. REBAR & CAP (L.S. AS NOTED)
- ● = FD. 5/8" REBAR W/ 1 1/2" ALUMINUM CAP (PLS20698)
- ◈ = FD. 6" X 6" CONC COLUMN W/ 3" BRASS DISK
- ◇ = FD. 1 1/2" METAL PIPE W/ 3 1/4" ALUMINUM CAP (RLS9476)
- ♠ = FD. 3/4" REBAR W/3 1/4" ALUMINUM CAP (PLS12766)
- ◆ = FD. 3/4" REBAR W/ 3 1/4" ALUMINUM CAP (PLS37690)
- △ = FD. 3 1/4" BRASS DISC IN CONC. HWY. R/W MARKER

BASIS OF BEARINGS:

The bearing between the found 1 1/2" metal pipe with 3 1/4" aluminum cap at the E1/4 corner of Section 22, Township 48 North, Range 02 West, N.M.P.M. and the found 6" X 6" concrete column with 3" brass disk at the SE corner of said Section, bears S.00°03'19"E (ASSUMED)

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

DMC DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING
125 Colorado Ave ▼ Montrose, CO 81401 ▼ (970) 249-2231 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

FIELD BOOK: 817	DRAWN BY: F.A.B.	DATE: 16 AUG. 2018	TITLE: RESUBDIVISION OF NINE MILE RANCHES SUBDIVISION
SHEET: 2 of 2	FILE: 18095V_REPLAT-NEW	JOB NO.: 18095	CLIENT: DAWN DELANY
			ADDRESS & PHONE: 27010 State Highway 149 Gunnison Colorado 81230
			TYPE: REPLAT

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

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. LUC-2018-00028
A LAND USE CHANGE PERMIT FOR DAWN DELANY
NINE MILE RANCHES SUBDIVISION - RESUBDIVISION
E1/2SE1/4 SECTION 22, TOWNSHIP 48 NORTH, RANGE 2 WEST, N.M.P.M.

WHEREAS, Dawn Delany, represented by Rose Foli, submitted a land use change application for the resubdivision of Nine Mile Ranches Subdivision, to add one additional lot to the existing subdivision. The single-family lots include: Lot R1 5.0-acres, Lot R2 11.87-acres (with existing residence), Lot R3 9.83-acres, and Lot R4 9.86-acres. The new residences will be served by well and septic. Access will be from Highway 149; 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 October 19, 2018, unanimously approve a Recommendation to the Board of County Commissioners, 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 addition of one lot to the approved 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. The applicant shall comply with the following conditions for the protection of Gunnison Sage-grouse and Sage-grouse habitat:

    1) Due to the proximity of Tier 1 Habitat, a Gunnison County Reclamation Permit will be required for any site disturbing activities on the proposed parcels. That permit should contain specific reclamation conditions. Disturbed areas need to be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.

2) For activities not requiring a Reclamation Permit, disturbed areas should be reseeded with an appropriate seed mix. Colorado Parks and Wildlife (CPW) and/or the Natural Resources Conservation Service (NRCS) are available to help identify an appropriate seed mix.

3) Woven wire fencing will not be allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing must be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication *Fencing with Wildlife in Mind.*

4) Property owners must control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: www.colorado.gov/pacific/agconservation/noxious-weed-species The Gunnison County Weed Management Program should be contacted (970- 641-4393) for additional information and technical assistance.

5) Per Section 11-106 G.3.d.1. of the *Gunnison County Land Use Resolution,* dogs and cats must be kept under appropriate control, by means which may include kenneling or other physically secure methods to ensure that negative effects to wildlife from pets do not occur. This includes construction workers' pets.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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. 2018-00028, Dawn Delany, Nine Mile Ranches Subdivision - Resubdivision, 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 _____, seconded by Commissioner _____, and passed on this 20th day of November, 2018.

BOARD OF COUNTY COMMISSIONERS

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

ATTEST:

_____

Gunnison County Clerk and Recorder