AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: DRAFT BOCC Meeting Minutes; 20200107

Action Requested: Motion

Parties to the Agreement:

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

Summary:

The 1/7/2020 Regular Meeting minutes are attached for consideration.

Fiscal Impact:

Submitted by: Liz Mense **Submitter's Email Address:** EMense@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 1/30/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 1/30/2020 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 1/31/2020

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

Agenda Date: 2/4/2020

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
January 7, 2020

The January 7, 2020 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Jonathan Houck, Chairperson
John Messner, Vice-Chairperson
Roland Mason, Commissioner
Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:31 am.

Memorandum of Agreement; Gunnison River Valley Local Marketing District & Marble Crystal River Chamber of Commerce; 2020 Funding:
Moved by Commissioner Messner, seconded by Commissioner Mason to approve the Memorandum of Agreement between the Gunnison River Valley Local Marketing District & Marble Crystal River Chamber of Commerce for 2020 Funding. Motion carried.

ADJOURN: Moved by Commissioner Mason, seconded by Commissioner Messner to adjourn the meeting. The Gunnison River Valley Local Marketing District Special Meeting adjourned at 8:32 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:32 am.

AGENDA REVIEW: There were no changes to the agenda.

Gunnison County Board of County Commissioners (BOCC) Board Reorganization and Commissioner Appointments:

1. **Designate BOCC Chairperson and Vice Chairperson for 2020:** Jonathan Houck, Chairperson & John Messner, Vice-Chairperson
2. **Gunnison Valley Rural Transportation Authority Board (two voting members):** John Messner & Roland Mason
3. **Region 10 Board (one voting member):** Roland Mason
4. **Gunnison Basin Sage-Grouse Strategic Committee (one voting member, one alternate):** Jonathan Houck as the voting member, Roland Mason as the alternate.
5. **Early Childhood Council (one voting member):** John Messner
6. **Club 20:** Jonathan Houck
7. **Gunnison County Sick Leave Bank Board (one voting member):** Roland Mason

Moved by Commissioner Houck, seconded by Commissioner Messner to designate Jonathan Houck as BOCC Chairperson, John Messner as BOCC Vice-Chairperson, John Messner and Roland Mason to the Gunnison Valley Rural Transportation Board, Roland Mason to Region 10, Jonathan Houck as the voting member and Roland Mason as the alternate for the Gunnison Basin Sage-grouse Strategic Committee, John Messner to the Early Childhood Council, Jonathan Houck to Club 20 and Roland Mason to the Gunnison County Sick Leave Bank Board. Motion carried.

Appointments; Gunnison Valley Hospital Board of Trustees:
Moved by Commissioner Messner, seconded by Commissioner Mason to appoint Bruce Alpern and Monroe Spector to the Gunnison Valley Hospital Board of Trustees. Motion carried.
Appointment; Tenderfoot Child & Family Development Center Board of Directors; Kari Commerford:
Moved by Commissioner Messner, seconded by Commissioner Mason to appoint Kari Commerford to the Tenderfoot Child & Family Development Center Board of Directors. Motion carried.

MINUTES APPROVAL:

1. 12/10/19 Regular Meeting & Public Hearing
   Moved by Commissioner Messner, seconded by Commissioner Mason to approve the meeting minutes of 12/10/19 as presented. Motion carried.
2. 12/13/19 Special Meeting
   Moved by Commissioner Messner, seconded by Commissioner Mason to approve the meeting minutes of 12/13/19 as presented. Motion carried.
3. 12/17/19 Special Meeting
   Moved by Commissioner Mason, seconded by Commissioner Houck to approve the

meeting minutes of 12/17/19 as presented. Commissioner Messner abstained from voting. Motion carried.

4. 12/20/19 Special Meeting
   Moved by Commissioner Messner, seconded by Commissioner Mason to approve the meeting minutes of 12/20/19 as presented. Motion carried.

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

1. Grant Application; 2020 Emergency Management Performance Grant
2. Amendment to Contractor Agreement; Two Aspens Brief Therapy
3. Colorado Counties, Inc 2020 Voting Proxy Designation; Health & Human Services Director Joni Reynolds
4. Liquor License Renewal; Almont Resort, Inc dba Almont Resort; February 6, 2020 – February 6, 2021
5. Ratification of BOCC Chair Signature; Comments from Gunnison County Stockgrowers Association, Inc. & Gunnison County Re: Gunnison Sage-grouse Draft Recovery Plan
6. Ratification of County Manager Signature; Grant Application; Colorado Office of Children Youth & Families
7. Ratification of Proclamation; Ronda Connaway
8. Request for Approval; Extended Appeal Period for 2020
9. Contract Amendment No. 4; Colorado Department of Public Health & Environment; Healthy Communities
10. Letter of Amendment; Rocky Mountain Health Community Integration Agreement; Term Extension
11. Consulting Agreement; Cochran Fish & Wildlife
12. Special Event Liquor Permit; Crested Butte Mountain Educational Radio – KBUT; February 6, 2020 – February 7, 2020

SCHEDULING:

1. **Approval of 2020 Board of County Commissioners Regular Meeting and Work Session Schedule:**
   Moved by Commissioner Mason, seconded by Commissioner Messner to approve the 2020 Board of County Commissioners schedule as presented. Motion carried.
2. **2020 Board of County Commissioners Meeting Agenda Posting Locations:**
   Moved by Commissioner Messner, seconded by Commissioner Mason to designate the bulletin board outside of the Board of County Commissioners meeting room in the courthouse as the official 2020 posting location for BOCC agendas. Motion carried.

- The next Mayors & Managers meeting is 1/9/20. The Upper Gunnison River Water Conservancy District is hosting the meeting. County Manager Birnie, Commissioner Mason and Commissioner Houck are planning on attending.
- The City of Gunnison is hosting an open house on Wednesday, 1/15/19 regarding the 2030 Gunnison Comprehensive Plan. Commissioner Houck is planning on attending.
- The Gunnison Valley Climate Action Conference will be held on Monday, 1/13/20 in Crested Butte at the Crested Butte Centers for the Arts. An additional conference will be held on Friday, 1/17/20 at Western Colorado University. County Manager Birnie, Commissioner Messner and Commissioner Mason are planning to attend.
- Commissioner Messner is going to attend the 2/4/20 Crested Butte Town Council meeting. Commissioner Houck will attend the upcoming Gunnison City Council meeting. Commissioner Mason will attend the upcoming Mt Crested Butte Town Council meeting.

COUNTY MANAGER'S REPORT: County Manager Matthew Birnie was present for the discussion. CM Birnie noted for the record that Deputy County Manager Crosby will not be in attendance for this meeting.

- CM Birnie inquired whether or not the Board would like the 2020 Club 20 dues paid. Commissioner Houck will follow up at a later date.
- CM Birnie discussed a recent meeting he attended with the Library District. The Request for Qualifications for a Construction Manager / General Contractor submittals were reviewed. There were eight submittals. Commissioner Mason will sit in when interviews are conducted.
- CM Birnie is working on the 2010 COP refunding. It should be completed by the end of the month.
- CM Birnie noted the that valuation of building permits issued decreased nearly 8% between 2018-2019.

DEPUTY COUNTY MANAGER'S REPORT: Deputy County Manager Marlene Crosby was not present for the discussion. There was no report.

BREAK: The Board briefly recessed at 8:58 am. The meeting resumed at 9:09 am.

Subdivision Application; Hunter Ridge LLC:
Cathie Pagano, Community & Economic Development Director was present for the discussion. The applicant was also present. Director Pagano explained that the Planning Commission has recommended approval of LUC-19-0000 for Hunter Ridge, LLC for the development of 16 residential units on a parcel adjacent to the Town of Mt. Crested Butte. The Planning Commission has held three Joint Public hearings so far. The Board has the option to request an additional Public Hearing or take action on this item. The Board consensus was that an additional public hearing is not needed.
Moved by Commissioner Mason, seconded by Commissioner Messner to approve Resolution 2020-1; A Resolution Approving the Sketch Plan for LUC-19-0008 Hunter Ridge, LLC. Motion carried.

COMMISSIONER ITEMS:
Roland Mason-
1. Commissioner Mason and the Board briefly discussed constituent correspondence regarding Ballot Initiative 107.

Jonathan Houck-
1. Commissioner Houck noted that there is a 2020 Census meeting at Western Colorado University on Wednesday, 1/15/20.
2. Commissioner Houck noted that there is a small business development meeting on 1/14/20 at the IceLab.

Development Improvements Agreement & Resolutions; Roper Subdivision:
Moved by Commissioner Messner, seconded by Commissioner Mason to approve Resolution 2020-2; A Resolution Approving the Subdivision Application for LUC-19-00012 Albert and Angela Roper. Motion carried.
Moved by Commissioner Messner, seconded by Commissioner Mason to approve Resolution 2020-3; A Resolution Waiving Certain Provisions of the Gunnison County Standard Specifications for Road and Bridge Construction, Requested by Albert & Angela Roper for Roper Subdivision. Motion carried.
Moved by Commissioner Messner, seconded by Commissioner Mason to approve the Development Improvements Agreement for Roper Subdivision. Motion carried.

Memorandum of Understanding; Gunnison County & National Forest Foundation; Stewardship Coordinator Position:
Community & Economic Development Director Cathie Pagano was present for the discussion. Director Pagano explained that this is a Memorandum of Understanding between Gunnison County and the National Forest Foundation for the Stewardship Coordinator Position. The position is partially funded by the Great Outdoors Colorado (GOCO) Stewardship Impact Grant. The position is currently being advertised. Questions from the Board were welcomed and addressed.
Moved by Commissioner Messner, seconded by Commissioner Mason to approve the Memorandum of Understanding between Gunnison County and the National Forest Foundation for the Stewardship Coordinator Position. Motion carried.

COMMISSIONER ITEMS CONTINUED:
John Messner-
1. Commissioner Messner is planning on attending the Air Command meeting scheduled for 1/8/20.
2. Commissioner Messner is planning to attend the Gunnison Valley Rural Transportation Authority (RTA) meeting on Friday, 1/10/20.
3. Commissioner Messner was invited to attend the 2020 State of the State Speech on Thursday, 1/9/20.
4. Commissioner Messner was invited to attend the Gunnison Lodging group meeting on 1/15/20. Short term rentals will be discussed.
5. Commissioner Messner will be attending upcoming Colorado Counties, Inc. meetings. He nominated himself to serve as Chair of the Land Use & Natural Resources Steering Committee.

Jonathan Houck-
1. Commissioner Houck is planning on attending the Gunnison Public Lands Initiative meeting on Wednesday, 1/8/20.
2. Commissioner Houck will be attending upcoming Colorado Counties, Inc. meetings. Commissioner Houck nominated himself to serve as Chair of the Public Lands Steering Committee. He previously served as the Vice-Chair for the Tourism, Resorts & Economic Development Steering Committee.

UNSCHEDULED CITIZENS:
Tom Zieber made public comments regarding the Colorado Gray Wolf Reintroduction Initiative (Ballot Initiative 107). Mr. Zieber will send additional information to the Board via e-mail.

Possible Executive Session Pursuant to C.R.S. 24-6-402(4)(b); Update from County Attorney's Office on Legal Matters:
Moved by Commissioner Houck, seconded by Commissioner Mason to enter an executive session

Pursuant to C.R.S. 24-6-402 (4)(b) to receive an update from the County Attorney's office on legal matters. Motion carried.

The Board went into executive session at 10:21 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(2)(d.5)(II)(B) and C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____ _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b).

Date: _____ _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Commissioner Messner to come out of executive session. Motion carried unanimously**.** The Board came out of executive session at 11:52 am. Commissioner Houck confirmed that the discussion remained on-topic and that no decisions were made. Participants in the Executive Session included Commissioner Jonathan Houck, Commissioner John Messner, Commissioner Roland Mason, County Attorney David Baumgarten, Deputy County Attorney Matthew Hoyt and County Manager Matthew Birnie.

ADJOURN: Moved by Commissioner Messner, seconded by Commissioner Mason to adjourn the meeting. The meeting adjourned at 11:53 am.

_____
Jonathan Houck, Chairperson

_____
John Messner, Vice-Chairperson

_____
Roland Mason, Commissioner

Minutes Prepared By:

_____
Elizabeth Mense, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2020 - 1

A RESOLUTION APPROVING THE SKETCH PLAN FOR
LUC-19-00008
HUNTER RIDGE, LLC

WHEREAS, Hunter Ridge, LLC proposes the development of sixteen residential units on an approximately 10-acre parcel. Four triplex units (twelve units) and four single-family residential lots are proposed. The applicant proposes that the units will be served by the Mt. Crested Butte Water and Sanitation District for central water and sewer services.

Lot sizes range from 0.65 to 0.97 acres. Single family homes are proposed to be no greater than 8,500 sq. ft. Triplex buildings are proposed to be no greater than 8,500 sq. ft. Two of the triplex units are proposed to be deed restricted as workforce housing.

The subject parcel is at 45 Hunter Hill Road. It is adjacent to the Town of Mt. Crested Butte. The parcel is legally described as a parcel of land in the SW1/4SE1/4, Section 26, Township 13 South, Range 86 West, 6th p.m.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on September 6, 2019, October 18, 2019 and November 15, 2019; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on November 15, 2019 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts the Planning Commission's Recommendation, with these Findings:

1. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicant is unable to fulfill all of the requirements of this Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.

2. This application, by definition, is classified as a Major Impact.

3. Pursuant to Section 7-102:Standards of Approval for Major Impact Projects:

    a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution,* pursuant to Section 7-103, *i.e.*, compliance of the proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

    b. A determination of whether or not the proposed land use change would result in a significant adverse net effect to adjacent land uses can occur only after the applicant has designed mitigations in response to conflicts and general issues raised during this Sketch Plan review process. While the applicant has proffered conceptual mitigations to elements that have been raised as issues by the public and by the Planning Commission, determination of the effectiveness of those proposals requires additional information that engineered solutions might provide.

    c. Phasing has not been proposed by the applicant within this Sketch Plan submittal.

    d. All uses have been identified on lots within this proposed subdivision.

4. There appear to wetland plant species on the subject parcel and a wetlands delineation certified by the U.S. Army Corps of Engineers or documentation from a professional wetlands delineator that no wetlands exist shall be submitted as part of the Preliminary Plan application.

5. Colorado Parks and Wildlife identified recommendations for protection of wildlife and wildlife habitat in their comment letter which shall be integrated in the Preliminary Plan application.

6. Colorado State Forest Service included recommendations for mitigation of wildlife risk in their comment letter which shall be incorporated as part of the Preliminary Plan application.

7. Conflicts exist between the Town of Mt. Crested Butte's community plan and the County's standards. County standards shall apply where there are conflicts.

8. The proposed development and density is substantially similar to the neighborhood parcels.

9. The Mt. Crested Butte Water and Sanitation District has indicated a willingness to serve the proposed development.

10. The subject parcel is in an area of mapped geologic hazards. The applicant submitted a report from Lambert and Associates, dated December 27, 2018 titled, "Theoretical Slope Stability Analysis for the Proposed Hunter Ridge Subdivision, Crested Butte, Colorado."

11. Concerns related to traffic, access, and safety have been expressed by Gunnison County Public Works, the Town of Mt. Crested Butte, and the general public.

12. Concerns related to snow storage have been expressed by Gunnison County Public Works, the Town of Mt. Crested Butte, and the general public.

13. The following have been identified as significant issues related to this application during the Sketch Plan review process:

    a. Compatibility with neighborhood
    b. Access and safety
    c. Geologic hazards
    d. Traffic
    e. Safety of pedestrians and cyclists
    f. Potential failure of the proposed development due to development costs associated with geologic hazards
    g. Snow storage
    h. Service of water and sewer by the Mt. Crested Butte Water and Sanitation District
    i. Need for additional residential lots

14. Integration of the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review is required within the Preliminary Plan submittal. Issues that have been identified relative to compatibility include but are not limited to:

    a. Size of proposed units
    b. Safety of pedestrians and cyclists on Hunter Hill Road
    c. Aesthetics including road cuts, retaining walls
    d. Potential slope failures

15. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development department file relative to this application; including all exhibits, references and documents as included therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Hunter Ridge, LLC Sketch Plan need be conducted by the Board, and further, the Board hereby approves the Hunter Ridge, LLC Sketch Plan for LUC No. 2019-00008 as recommended by the Planning Commission, with the following conditions:

1. Pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan.

2. The Preliminary Plan application shall address how the application and proposed development will address the following issues identified during the Sketch Plan review process:

a. Compatibility with neighborhood
b. Access and safety
c. Geologic hazards
d. Traffic
e. Safety of pedestrians and cyclists
f. Potential failure of the proposed development due to development costs associated with geologic hazards
g. Snow storage
h. Service of water and sewer by the Mt. Crested Butte Water and Sanitation District
i. Need for additional residential lots

3. Demonstration of an adequate and physical legal supply of water shall be included as part of the Preliminary Plan application in compliance with Section 7-301: J. 12. *Water Supply Plan*.

4. Provisions for wastewater treatment shall be included as part of the Preliminary Plan application in compliance with Section 7-301: J. 13. *Sewage Disposal/Wastewater Treatment*.

5. A detailed road plan, traffic study and summary addressing compliance with the Town of Mt. Crested Butte's road standards shall be prepared by a Colorado-licensed engineer in compliance with Section 12-103: *Road System* and shall be included as part of the Preliminary Plan application.

6. Snow storage shall be included as part of the Preliminary Plan application and shall address concerns raised by the general public and Gunnison County Public Works. A narrative describing how snow storage may impact slope stability shall be prepared by a Colorado-licensed engineer.

7. The recommendations from Colorado Parks and Wildlife noted in Section 11-106: *Protection of Wildlife Habitat Areas* shall be integrated into the covenants and subdivision plan and included as part of the Preliminary Plan application.

8. A wetlands delineation, certified by the U.S. Army Corps of Engineers or documentation from a professional wetlands delineator that no wetlands exist shall be included as part of the Preliminary Plan application.

9. A detailed geotechnical analysis in compliance with the standards of the Gunnison County *Land Use Resolution* and addressing the recommendations of CGS shall be submitted as part of the Preliminary Plan application.

10. The Preliminary Plan application shall comply with the recommendations in the report prepared by Lambert and Associates, dated December 27, 2018 titled, "Theoretical Slope Stability Analysis for the Proposed Hunter Ridge Subdivision, Crested Butte, Colorado."

11. The Preliminary Plan application shall be submitted to the Colorado Geological Survey for review and comment.

12. A detailed avalanche analysis, in compliance with Section 11-104: G. 1. *Development in Avalanche Hazard Areas*, shall be prepared and submitted as part of the Preliminary Plan application. The analysis shall be prepared by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist, specializing in avalanche hazard area identification and analysis, and approved by the County.

13. Detailed protective covenants that address wildfire hazard, defensible space, and landscaping in accordance with Fire Wise guidelines shall be included as part of the Preliminary Plan application.

14. A landscaping plan integrating the recommendations of the Colorado State Forest Service shall be included as part of the Preliminary Plan application.

15. Draft covenants or restrictions for the proposed workforce housing units shall be submitted as part of the Preliminary Plan application. The applicant shall consult the Gunnison Valley Regional Housing Authority for guidance on drafting the covenants or restrictions.

16. A detailed plan, analysis, and visual rendering showing any proposed retaining walls shall be prepared by a Colorado-licensed engineer and included as part of the Preliminary Plan application.

17. The applicant shall explore utilization of access off of Castle Road for the proposed subdivision and provide evidence of such.

18. Residential building size limitations shall align with the Town of Mt. Crested Butte standards (i.e. floor area ratios).

19. A detailed snow storage plan that addresses the concerns of Gunnison County Public Works, the Town of Mt. Crested Butte and the general public shall be included as part of the Preliminary Plan application.

20. Integrating the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review, is required within the Preliminary Plan submittal. Mitigation must address:

    a. Size of proposed units
    b. Safety of pedestrians and cyclists on Hunter Hill Road
    c. Aesthetics including road cuts, retaining walls
    d. Potential slope failures

21. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.

22. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Per Section 7-202: Q. *Extension of Submittal Deadline*, the Board may extend the deadline to submit a Preliminary Plan application for no more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

23. This approval is founded on each individual requirement. Should the applicant successfully challenge, in a judicial proceeding, any such finding or requirement, this approval is null and void.

24. This Sketch Plan approval 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.

25. 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 application.

26. 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.

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 Messner, seconded by Commissioner Mason, and adopted on this 7th day of January, 2020.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Houck – yes; Messner – yes; Mason – yes.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2020 - 2

A RESOLUTION APPROVING THE SUBDIVISION APPLICATION FOR
LUC-19-00012
ALBERT AND ANGELA ROPER

WHEREAS, Albert and Angela Roper propose proposing the subdivision of four total lots on an approximately 189-acre parcel. The lots proposed are as follows:

Lot 1- 3.37 acres
Lot 2- 3.38 acres
Lot 3 – 8.22 acres
Lot 4- 174 acres (remainder of ranch)

The applicants propose that the subdivision lots be served by individual wells and on-site wastewater treatment systems. The applicant also proposed covenants on the lots that prohibit detached second residences, require membership in Lost Canyon Bridge Association, and agricultural language relative to fence out requirements and confinement of domestic animals.

The subject parcel is legally described as being located in Sections 28, 33, and 34, Township 51 North, Range 1 East, N.M.P.M., Gunnison County, Colorado. Generally, the property is located 8 miles northeast of the City of Gunnison; approx. ½ mile east of Highway 135, on the east side of the Gunnison River.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on September 6, 2019 and December 20, 2019; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on December 20, 2019 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts the Planning Commission's Recommendation, with these Findings:

1. This project is classified as a Minor Impact.

2. The load rating of the Lost Canyon bridge was completed by SEH, Inc. on January 24, 2008.

3. An updated load rating and analysis was completed by Robert L. Williams, P.E. of Williams Engineering on November 7, 2019.

4. A waiver of the Gunnison County Road and Bridge standards has been requested and is being processed by the Gunnison County Public Works Department.

5. The applicant has contracted with the Upper Gunnison River Water Conservancy District, in Contract numbers 19-228A, 19-229A, and 19-230A for the purchase of augmentation water for the proposed three subdivision lots; the remainder ranch parcel is not required to purchase augmentation water.

6. This application is consistent with the standards and requirements of this *Resolution*.

7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, approves the Roper Lane Subdivision for LUC No. 2019-00012 as recommended by the Planning Commission, with the following conditions:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the 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. In compliance with the recommendations from CPW, bear-proof trash containers shall be required on each of the lots of this development.

3. The proposed subdivision shall be located as defined in the revised Land Use Change Application from April 28, 2019. Specific building permits and development proposals will be reviewed on a case-by-case basis for impacts to Gunnison Sage-grouse habitat.

4. A Gunnison County Reclamation Permit shall be required for any site disturbing activities on this parcel greater than 10,000 square feet. That permit shall contain specific reclamation conditions.

Disturbed areas shall be reseeded with an approved seed mix. CPW and/or NRCS are available to help identify an appropriate seed mix.

5. For activities not requiring a Reclamation Permit, disturbed areas shall 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.

6. Per Section 11-106 G.3.h of the Gunnison County *Land Use Resolution*, no additional roads, routes, or trails may be constructed on the property without additional review by Gunnison County for impacts to Gunnison sage-grouse and their habitats.

7. Per Section 11-106: I of the Gunnison County *Land Use Resolution*, design of fences other than those with agricultural operations shall ensure they do not adversely impact wildlife. Woven wire fencing shall not be allowed for perimeter fencing or as interior cross fencing. Perimeter and cross fencing shall be built using specifications from the most recent edition of the Colorado Parks and Wildlife (CPW) publication Fencing with Wildlife.

8. 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.

9. 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.

10. Per Section 11-106 G. e. of the Gunnison County *Land Use Resolution*, unless pre-empted by Federal or State law, all non-indigenous gallinaceous game-birds (including but not limited to pheasants, chukar, and quail), shall be imported only from a source certified by the State of Colorado to be disease free. Prior to importation of any species of gallinaceous game-birds to this parcel, the person proposing such action shall submit a list of species, with numbers proposed, and a disease certification, with a listing of diseases certified, from the source proposed. No importation (movement onto the property) of any wild birds, as defined above, shall occur without written approval by Gunnison County.

11. To help protect Gunnison sage-grouse habitat, it is recommended that all undeveloped areas of the parcel remain in native vegetation. 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. A separate analysis will be required, which may include additional conditions, for any development not addressed in this site analysis.

12. A street sign shall be installed at Roper Lane.

13. The painting or spot paint of selected areas on the bridge shall be completed by December 31, 2029, as recommended in the letter from Robert L. Williams, P.E. dated November 7, 2019.

14. An inspection of the bridge with particular attention given to the wood decking and runners shall be completed annually with documentation of the inspection submitted to the Gunnison County Public Works Department.

15. A survey plat, prepared by a surveyor registered in the State of Colorado prepared in compliance with the standards of Section 6-105: K. *Specifications for Subdivision Plats* shall be submitted prior to review of this application by the Board of County Commissioners.

16. A Development Improvements Agreement is required for this subdivision. The following plans shall be part of the agreement and cost estimates for the improvements to the road shall be submitted:

    - Roper Lane Subdivision Plat, prepared by Del-Mont Consultants Inc.
    - Final Cost Estimates and site plan showing road turnouts, prepared by Albert and Angela Roper dated October 19, 2019

17. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

18. 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.

19. 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.

20. 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.

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 Messner, seconded by Commissioner Mason, and adopted on this 7th day of January, 2020.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Houck – yes; Messner – yes; Mason – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2020-3

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED BY ALBERT & ANGELA ROPER FOR ROPER SUBDIVISION

WHEREAS, a written petition by Albert & Angela Roper, was filed with the Board of County Commissioners of Gunnison County, Colorado, requesting a waiver of the Gunnison County Standard Specifications for Road and Bridge Construction ("Standards and Specifications") and

WHEREAS, the request is to waive the "Standards and Specifications" for Roper Lane from the intersection of Dragon Lane and Roper Lane to Lot #2 and Lot #3, from 22 feet wide to 16 feet wide.

WHEREAS, the Board has conducted a duly noticed public hearing regarding that petition.

THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO FINDS 'that Albert & Angela Roper for Roper Subdivision has established by clear and convincing evidence that:

1. The waiver is warranted by site specific conditions that make compliance with the Standards and Specifications technically unfeasible; and

2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic; and

3. The waiver will not adversely affect health and safety; and

4. The waiver will not cause substantial injury to the owner of occupant of adjacent land(s); and

5. The waiver will not cause substantial injury to the environment; and

6. The waiver will provide the functional equivalent of the "Standards and Specifications".

THEREFORE, the Board of County Commissioners of Gunnison County, Colorado resolves as follows:

1. Width of Roper Lane:

A 16' wide road from the intersection of Dragon Lane and Roper Lane to the emergency access turn-around at the end of Roper Lane serving Lot #2 and Lot #3 is approved.

INTRODUCED by Commissioner Messner, seconded by Commissioner Mason and adopted this 7th day of January, 2020.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Houck – yes; Messner – yes; Mason – yes.