



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 21 - 17

A RESOLUTION APPROVING COLORADO STATE UNIVERSITY WILSON SUBDIVISION
SOUTHWEST ¼, SECTION 25, TOWNSHIP 50 NORTH, RANGE 1 WEST N.M.P.M.,
1141 STATE HIGHWAY 135, GUNNISON COLORADO
LUC-20-00013

WHEREAS, Colorado State University (CSU) represented by Fred Haberecht, proposes to subdivide the existing Wilson Subdivision that is approximately 18.6 acres into two new parcels, located at 1141 State Highway 135. These parcels are indicated as Lot 1 (the southern lot) and Lot 2 on the Plat. One main entrance will provide access for both lots and will be located across State Highway 135 from Clark Blvd. Water supply will be by the existing central well and augmentation water from the Upper Gunnison River Water Conservancy District and sewer by connection to the North Gunnison Sewer line. The intent of Colorado State University, the applicant, is to retain Lot 2 (15.13 acres) for the purpose of relocating the Colorado State Forest Service office currently located at Western Colorado University. Current structures will remain and new uses include interior remodel of the existing single-family residence to office spaces. The Colorado State Forest Service is the lead state agency that approves Community Wildfire Protection Plans (CWPP's). CSU supports the development and implementation of CWPP'S with our local field experts and our Colorado Wildfire Risk Assessment data. A previously proposed greenhouse has been removed from the application.

WHEREAS, a joint public hearing was conducted by the Planning Commission and Board of County Commissioners on April 2, 2021. The Gunnison County Planning Commission approved a Recommendation of conditional approval of the *COLORADO STATE UNIVERSITY WILSON SUBDIVISION* on May 21, 2021, and forwarded said Recommendation to the Board of County Commissioners for their review; and

WHEREAS, the Board of Commissioners did, on July 6, 2021, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's May 21, 2021 Recommendation, with the following Findings and Conditions of Approval:

Findings:

The Board finds that:

1. The Planning Commission 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 and Use Resolution and Section 6-10: Standards of Approval for Minor Impact Projects*.
3. A Gunnison Sage-grouse Habitat Site Specific Analysis was completed July 1, 2020 by Aleshia Rummel, Gunnison Conservation District Wildlife Biologist. The analysis states that this proposal will not adversely impact the Gunnison Sage-grouse or their habitats.



4. The proposed two-lot subdivision is compatible with existing development in the neighborhood and will result in no significant net adverse impacts to the neighborhood. A greenhouse is not part of this project scope.
5. The property is within 400 feet of the North Gunnison Sewer line, and any uses requiring wastewater treatment shall connect to the North Gunnison Sewer line.
6. The applicant provided a copy of Well Permit No. 83157-F. This permit was issued on May 2, 2019 to use an existing well, constructed in 1966. The use of the well is limited to drinking and sanitary purposes in a commercial building and the irrigation of not more than 4,800 square feet of lawn and garden. The permit was approved on the condition that this well is operated in accordance with the Upper Gunnison River Water Conservancy District's Augmentation Plan.
7. A new entrance to access both lots 1 and 2 will be located across from Clark Boulevard on State Highway 135.
8. The applicant has been amenable to recommendations for future connectivity options. The applicant has expressed their support and willingness to allow for a future trail/recreation path on the subject parcel along the State Highway 135 frontage and an east-west access easement along the subdivision lot line.
9. A gap in title has been identified for a narrow strip of land outside the western property line and a quiet title action has been initiated to resolve the issue. No impacts to the current application are anticipated. The resolution of the quiet title action is not contemplated as part of this review to include a third legal, subdivided parcel.
10. This application is consistent with the standards and requirements of this *Resolution*.
11. 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.

Conditions of Approval:

1. A public access easement shall be granted along the utility easement that extends from the State Highway 135 entrance along the subdivision boundary line to the west side of the parcel. It is illustrated on the plat and shall be activated once need is demonstrated, funding is in place and engineered plans have been secured. An easement agreement titled, "Dedication of Public Access and Utility Easements" is in place and recorded at the Gunnison County Clerk and Recorder's office, Reception No. #682234.
2. A private utility easement agreement titled, "Dedication of Private Utility Easement" is in place and recorded at the Gunnison County Clerk and Recorder's office, Reception No. #682235.



3. A trail easement within the County 40-foot right of way, parallel to State Highway 135 shall be installed at a future time after securing funds and location specifications. This is not shown on the plat. A trail easement shall be overlaid on the existing County 40-foot right of way and shall be amended when the details of the trail are established.
4. A Land Use Change permit application shall be required to absorb the parcel of land that is part of the quiet title action to one or both of the subject parcels. In no case, shall the resolution of the quiet title result in an additional legal lot, as defined in the Gunnison County Land Use Resolution, at any point.
5. A Development Improvement Agreement (DIA) shall be executed prior to construction commencing pursuant to Section 16-118: *Development Improvement Agreement Required* and shall include the following:
 1. Roads- "Gunnison Hwy 135 Access Permit No 319030 Plan and Profile", dated March 12, 2019 by Kimley Horn.
 2. Sewer infrastructure- CSU ALTA Survey with sewer taps, dated July 27, 2018.
 3. Landscaping – Stamped "Drainage and Landscaping Plan" dated September 18, 2020 by CSU Facilities Management.
6. 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. The applicant shall ensure that the plat will contain required language addressing concerns with domestic animals, fencing and ditch maintenance, pursuant to Section 1-105. L.8.e. of the *Land Use Resolution*.
7. 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.
8. 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*.
9. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. 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.
11. 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.



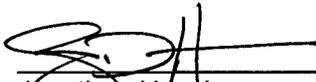
12. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, 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. 2021-00013 *COLORADO STATE UNIVERSITY WILSON SUBDIVISION*, is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

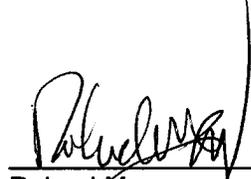
THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and passed on this 6th day of July, 2021.

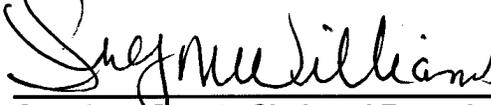
BOARD OF COUNTY COMMISSIONERS


Jonathan Houck,
Chairperson


Elizabeth Smith,
Commissioner


Roland Mason,
Commissioner

ATTEST:


Gunnison County Clerk and Recorder

